

Adams County Legal Journal

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IN THIS ISSUE

BECKER VS. CZAPP ET AL

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-80 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

Vested by Deed, dated 10/31/96, given by Jeanne W. Bowser, widow to Gerhard Noerr and Janet V. Noerr, husband and wife, as tenants by the entireties and recorded 11/4/96 in Book: 1285 Page: 316.

Premises being: 404 Prince Street, Littlestown, PA 17340

Tax Parcel No. 5-30

SEIZED and taken into execution as the property of **Gerhard Noerr & Janet V. Noerr** 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 June 30, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/17, 25 & 5/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-960 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

(continued on page 2)

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

Tax Parcel: 5-0178

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

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 30, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/25, 5/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-93 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground situate in Straban Township, County of Adams, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of State Highway leading from Hunterstown to the Lincoln Highway, with an iron pin set back along the line; thence running by land now or formerly of George E. Little, North 71 3/4 degrees East, 179 feet to an iron pin; thence running by land of the same South 14 3/4 degrees

East, 125.5 feet to an iron pin; thence running by land now or formerly of Vernie Criswell South 72 1/4 degrees West, 195 feet to a point in the center line of said highway, with an iron pin set back along the line; thence running in the center of said highway North 10 degrees West, 126.5 feet to a point in the center of said highway, with an iron pin set back along the line; the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Cindy L. Edwards, single by Deed from James F. Brooks, Jr., and Priscilla A. Brooks, his wife dated 4/12/2002 and recorded 4/18/2002 in Record Book 2628, Page 89.

Premises being: 645 Coleman Road, Gettysburg, PA 17325

Tax Parcel No. H-11-12

SEIZED and taken into execution as the property of **Cindy L. Edwards** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/25, 5/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-134 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the

Borough of New Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, of a Declaration dated September 13, 1996 and recorded October 18, 1996 in Record Book 50 Page 41. (Together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such Declaration as Unit No. 41 as more fully bounded and described in such Declaration together with a proportionate undivided interest in the common elements as defined in such Declaration.

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

Parcel # 34-005-0184A

Being Premises: 9 Oxford Court, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Jeffrey L. Cox & Kathy L. Cox** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/25, 5/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-119 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be ex-

continued after opinion

BECKER VS. CZAPP ET AL

1. In a civil matter counsel shall not be competent or permitted to testify to confidential communications made to him by his client, nor shall the client be compelled to disclose the same, unless in either case this privilege is waived upon the trial by the client.

2. The burden to prove that the privilege is properly invoked is on the party asserting the privilege. Once the privilege is established, the party seeking to overcome the privilege has the burden to prove any applicable exception to the privilege.

3. Pennsylvania courts have recognized that the attorney-client privilege extends to handwritten notes that relate to confidential communications between attorney and client that were not created as business records or for the purpose of disclosure to third parties.

4. Notes taken during privileged communication are protected the same as discussions between attorney and client. Whether the note-taking was prompted by a need to organize the events discussed or to aid a less than perfect memory is of no moment. The notes taken during the privileged communication between the party and his counsel must be accorded the same protection as the discussions from which they were derived. Therefore, if the redacted portions of the notes are summaries of privileged discussions between client and counsel, they are protected from discovery.

5. Where there is a legitimate dispute as to whether a privilege applies, our Supreme Court has sanctioned the use of an *in camera* inspection of the documents at issue.

6. While it is true that our appellate courts have given absolute protection to medical and psychological records, our Supreme Court has not found such an absolute protection for issues arising under a claim of attorney-client privilege.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 00-S-1234, DAVID BECKER AND LISA BECKER VS. CZAPP & GRIFFITH AND J. F. WAYBRANT & SONS, INC.

Paul J. Bruder, Esq., for Plaintiff

Douglas B. Marcello, Esq., for Defendant Czapp & Griffith

Gary A. Hurwitz, Esq., for Defendant J. F. Waybrant & Sons, Inc.

George, J., September 30, 2002

MEMORANDUM OPINION

The Defendants, Czapp & Griffith, have filed a Motion to Compel the production of certain documents consisting of the un-redacted notes of one of the Plaintiffs, Lisa Becker. The Plaintiffs have objected to the production of these notes on the basis that the notes are protected from discovery due to the attorney-client privilege.¹

¹ Defendant's Motion claims that the Plaintiffs have objected on a basis of both attorney-client privilege and attorney-work product privilege. It appears that the Plaintiffs originally indicated that the records were protected by both privileges, however, they have subsequently withdrawn their claim that the records are protected by the attorney-work product privilege. Accordingly, this Opinion will address the only preserved objection.

The attorney-client privilege is codified in 42 PA. CONS. STAT. ANN. § 5928 (West 2000) which reads:

[i]n a civil matter counsel shall not be competent or permitted to testify to confidential communications made to him by his client, nor shall the client be compelled to disclose the same, unless in either case this privilege is waived upon the trial by the client.

42 PA. CONS. STAT. ANN. § 5928 (West 2000). The burden to prove that the privilege is properly invoked is on the party asserting the privilege. *Joe v. Prison Health Serv., Inc.*, 782 A.2d 24, 31 (Pa. Commw. Ct. 2001). Once the privilege is established, the party seeking to overcome the privilege has the burden to prove any applicable exception to the privilege. *Id.*; *Joyner v. Southeastern Pennsylvania Transp. Auth.*, 736 A.2d 35, 38 (Pa. Commw. Ct. 1999).

Instantly, the Plaintiffs assert that the redacted portions of Mrs. Becker's notes are privileged since they consist of summaries of various conversations that she had with her attorneys and concern the seeking of legal advice. The Defendants have not alleged that any exception to the privilege is applicable but rather claim that the redacted portions of the notes do not squarely fit within the parameters of the attorney-client privilege.

A number of Pennsylvania appellate courts have recognized that the attorney-client privilege extends to handwritten notes that relate to confidential communications between attorney and client that were not created as business records or for the purpose of disclosure to third parties. *In re Investigating Grand Jury*, 593 A.2d 402, 406 (Pa. 1991). *See also Gould v. City of Aliquippa*, 750 A.2d 934, 938 (Pa. Commw. Ct. 2000) (attorney-client privilege attaches to an interview between an attorney and a client in preparation for litigation even if the discussion concerns only factual events); *Commonwealth v. Bocelli*, 22 Pa. D. & C.4th 337, 344 (C.P. of Chester County 1994) (notes taken during privileged communication are protected the same as discussions between attorney and client). The Supreme Court stated:

Whether the note-taking was prompted by a need to organize the events discussed or to aid a less than perfect memory is of no moment. The notes taken during the privileged communications between the...[party] and his

counsel must be accorded the same protection as the discussions from which they were derived.

In re Investigating Grand Jury, 593 A.2d at 406. Therefore, if the redacted portions of the notes are summaries of privileged discussions between client and counsel, they are protected from discovery.

The Defendants, however, request this Court to conduct an *in camera* review of the documentation in question. Where there is a legitimate dispute as to whether a privilege applies, our Supreme Court has sanctioned the use of an *in camera* inspection of the documents at issue. *Commonwealth v. Stewart*, 690 A.2d 195 (Pa. 1997). Although the Plaintiffs cite *Wein v. Williamsport Hosp.*, 39 Pa. D. & C.4th 137 (C.P. of Lycoming County 1998) for the proposition that an *in camera* review is not permitted when the documents at issue are clearly protected by an absolute privilege, their application of that decision is overly broad. The *Wein* Court admits that an *in camera* review “is entirely proper when there is a valid question as to whether a privilege applies.” *Id.* at 145. While it is true that our appellate courts have given absolute protection to medical and psychological records, see *Commonwealth v. Kennedy*, 604 A.2d 1036 (Pa. Super. Ct. 1992) and *Commonwealth v. Kyle*, 533 A.2d 120 (Pa. Super. Ct. 1987), our Supreme Court has not found such an absolute protection for issues arising under a claim of attorney-client privilege. In fact, the Supreme Court has recognized that an *in camera* review of handwritten notes is an appropriate procedure where the notes are claimed to be protected by the attorney-client privilege. *In re Investigating Grand Jury*, 593 A.2d at 404.

For the foregoing reason, the attached Order is entered.

ORDER OF COURT

AND NOW, this 30th day of September, 2002, the Plaintiffs are hereby Ordered to produce an un-redacted copy of the handwritten notes identified in Exhibit A of Defendant Czapp & Griffith’s Motion to Compel Responses to Request for Production of Documents--Set III for *in camera* review by the Court. The un-redacted copy must be provided to the Court within twenty (20) days of the date of this Order. The final ruling on whether the attorney-client privilege protects the documents in question will be made following the Court’s inspection of the same. A determination of costs will be made at that time.

posed to Public Sale on Friday, the 6th day of June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate in Latimore Township, Adams County, Pennsylvania, according to a Final Plan of Major Subdivision for Stone Head Estates as prepared by Rodney Lee Decker and Associates, dated April 15, 1991 and recorded in Plat Book 60, Page 34 on April 4, 1992, in the Adams County Recorder's of Deeds Office. Said Lots being more fully bounded, limited and described as follows, to wit:

BEGINNING at a point on the center line right-of-way line for Mountain Road (SR4040) and on the division line between lands N/F of Galen G. Hall and the herein described Lot 25; thence along said lands N/F of Hall by a curve to the left having a radius of 30.00 feet, an arc length of 47.12 feet; thence continuing along said lands N/F of Hall, South 55 degrees 51 minutes 36 seconds East a distance of two hundred sixty feet (260.00) to a point; thence North 34 degrees 8 minutes 24 seconds East a distance of one hundred twenty-five and sixty-five hundredths feet (125.65) to a point on the division line between Lots 25 and 28; thence along Lot 28 South 71 degrees 53 minutes 44 seconds East a distance of three hundred and seventy hundredths feet (300.70) to a point on the division line between Lots 25 and 26; thence along Lot 26 South 31 degrees 3 minutes 33 seconds West a distance of seven hundred thirty-two and fifty-six hundredths feet (732.56) to a point at lands N/F of Melvin S. Worley; thence along said land N/F of Worley, North 59 degrees 41 minutes 21 seconds West a distance of six hundred seventy-four and forty-nine hundredths feet (674.49) to a point on the Eastern dedicated right-of-way line for Mountain Road; thence along the said dedicated right-of-way line for Mountain Road North 41 degrees 49 minutes 54 seconds East a distance of two hundred sixty-nine and seventy-nine hundredths feet (269.79) feet to a point on a curve to the left having a radius of one thousand seven hundred thirty-five and seventy-one hundredths feet (1,735.71), and arc length of two hundred thirty-three and one hundredth feet (233.01) to a point; thence continuing along the Eastern side of Mountain Road North 34 degrees 8 minutes 24 seconds East a distance of ninety-seven and thirty-two hundredths feet (97.32) to a point and place of BEGINNING.

CONTAINING 8.957 acres to the dedicated right-of-way line and being designated as Lot No. 25 on the aforementioned plan of subdivision.

TITLE TO SAID PREMISES IS VESTED IN Mark G. Harder and Connie M.

Harder, his wife by Deed from Vernon E. Anderson and Faye R. Anderson, his wife dated 12/13/96 and recorded 12/26/96 in Record Book 1307, Page 306.

Premises being: 1735 Mountain Road, York Springs, PA 17372

Tax Parcel No. I-1-33

SEIZED and taken into execution as the property of **Mark G. Harder & Connie M. Harder** 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 June 30, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/25, 5/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-46 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot or ground situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point in the center of Township Road No. T-478, designated the Hill Road, at the Northwestern corner of Lot No. 124 now or formerly owned by Rickey Lee Martin; thence by said Martin lot, South fifty-nine (59) degrees fifty-eight (58) minutes twenty-six (26) seconds East, two hundred thirty (230) feet; thence by other lands now or formerly of George A. Smith and Margaret H. Smith, South thirty (30) degrees one (01) minute thirty-four (34) seconds West, one hundred seventy-three and seventy-four hundredths (173.74) feet to a point at line of lands now or formerly of W. H. Meyers; and by said Meyers land, North fifty (50) degrees thirty-six (36) minutes twelve (12) seconds West, one hundred twenty-six and seventeen hundredths (126.17) feet; thence by same, North sixty-eight (68) degrees fifty-eight

(58) minutes five (05) seconds West, one hundred six and eighty-three hundredths (106.83) feet to a point in the center of said Township Road No. T-478; thence along the center of said Township Road No. T-478, North thirty (30) degrees one (01) minute thirty-four (34) seconds East, one hundred sixty-nine and ninety hundredths (169.90) feet to the point in the center of said Township Road No. T-478, the place of BEGINNING. CONTAINING 37,396 square feet.

The above description is taken from a draft of survey made May 25, 1973, by J. H. Rife, R.E., designated File No. C-580 (Section 2), revised July 3, 1973, on which said lot is designated as Lot No. 123, which draft was recorded as a Final Plan of Subdivision of George A. Smith in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 3 at page 12.

IT BEING the same tract of land which George A. Smith and Margaret H. Smith, husband and wife, by their deed dated October 11, 1977 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Deed Book 333, page 1108, granted and conveyed unto Julie A. Clabaugh, Julie A. Ripple, who joined by her husband Chester G. Ripple are Grantors herein.

Premises being: 105 Hill Road, Hanover, PA 17331

Tax Parcel No. J13-57J

SEIZED and taken into execution as the property of **David W. Hahn, Sr. a/k/a David W. Hahn & Sandra D. Hahn** 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 June 30, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/17, 25 & 5/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-24 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of May, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the

(continued on page 4)

Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an existing iron pin at the Western Edge of Legislative Route 01006, at corner of land now or formerly of Jack D. Showers; thence in said Legislative Route 01006, South 22 degrees 37 minutes 00 seconds East, 210.00 feet to a railroad spike in the Western half of Legislative Route 01006, at corner of land now or formerly of Bruce W. Smith and Clara S. Smith; thence by said land of Bruce W. Smith, et al, South 81 degrees 15 minutes West, 251.64 feet to a point on line of land now or formerly of Roy S. Hohenschildt; thence by land of Hohenschildt and land of Baumgardner, North 14 degrees 21 minutes 22 seconds West, 204.86 feet to an existing iron pin at corner of land now or formerly of Jack D. Showers, aforesaid; thence by said land of Jack D. Showers, North 81 degrees 15 minutes 00 seconds East, 221.32 feet to an existing iron pin at the Western edge of Legislative Route 01006, to the place of BEGINNING. CONTAINING 1.107 Acres.

The above description was taken from a draft of survey prepared by Boyer Surveys, dated April 23, 1979, which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 28 at Page 3.

SEIZED and taken into execution as the property of **Freeman G. Kuhn, Jr. & Sharon A. 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 June 16, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/17, 25 & 5/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-152 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 June, 2003, at 10:00 o'clock in the

forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

TITLE TO SAID PREMISES IS VESTED IN Collins R. Stiffler and Dianna L. Stiffler, his wife by Deed from Philip R. Garland t/d/b/a Garland Construction, Inc. dated 3/17/2000 and recorded 4/4/2000 in Record Book 2024, Page 339.

Premises being: 12 Fiddler Drive, New Oxford, PA 17350

Tax Parcel: 001-0052-006

SEIZED and taken into execution as the property of **COLLINS R. STIFFLER & DIANNA L. STIFFLER** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-999 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the center of the public highway leading from Fairfield to Orrtanna; thence in the center of the same, North 0 degrees 30 minutes East, 110 feet to another spike; thence by lands now or formerly of James H. Hammett and wife, South 89 degrees 30 minutes East, 167 feet to a stake at lands now or formerly of John O. Musselman; thence by the same, South 35 degrees 30 minutes East, 136 feet to a stake at lands now or formerly of Mike Shimcock; thence by said lands, North 89 degrees 30 minutes West, 247 feet to a spike, the place of BEGINNING.

TAKEN from a draft of survey prepared by LeRoy H. Winebrenner, C.S., dated April 19, 1961.

BEING No. 21 Carrolls Tract Road

Tax Parcel No. C-15

SEIZED and taken into execution as the property of **Donald R. Haines & Nancy C. Haines** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-141 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the

(continued on page 5)

Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying, and being in the Borough of New Oxford, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a steel pin (found) Eleven and Fifty-Seven Hundredths (11.57) feet from the curbline of a 50 foot wide public right-of-way known as Hanover Street at corner of lands now or formerly of Barry L. Baumgardner; thence along lands now or formerly of Barry L. Baumgardner, South Sixty (60) degrees Eight (08) minutes Thirty (30) seconds West, One Hundred Seventeen and Ninety-Nine Hundredths (117.99) feet to a steel pin (set) at corner of Lot No. 2 of the hereinafter referred to final plan of lots; thence along Lot No. 2, North Thirty (30) degrees, Zero (00) minutes Zero (00) seconds West, Eighty-one and Seventy-One Hundredths (81.71) feet to a steel pin (set) at corner of lands now or formerly of Jerome P. Smith; thence along lands now or formerly of Jerome P. Smith, North Seventy-Two (72) degrees Fifty-Five (55) minutes Fifty-Nine (59) seconds East, Seventy-Four and Fifty-One Hundredths (74.51) feet to a point; thence continuing along same, North Seventy-Two (72) degrees Twenty (20) minutes Fifty-Seven (57) seconds East, Forty-Six and Forty-Four Hundredths (46.44) feet to a point of Hanover Street, said point being Eleven and Fifty-Seven Hundredths (11.57) feet from the curbline thereof; thence continuing along said line of Hanover Street, being Eleven and Fifty-Seven Hundredths (11.57) feet from the curbline, South Thirty (30) degrees Zero (00) minutes Zero (00) seconds East, Fifty-Five and Thirty-Nine Hundredths (55.39) feet to a steel pin (found), the point and place of BEGINNING. Being known as Lot No. 1 of Final Plan of Rodney H. Weaver and Brenda K. Weaver prepared by Worley Surveying, dated April 19, 1994, and recorded June 7, 1994 in the Office of Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 64 at Page 88.

TITLE TO SAID PREMISES IS VESTED IN William S. Weaver and Patricia L. Weaver, husband and wife by Deed from Betty J. Topper and Patricia L. Weaver and William S. Weaver, husband and wife dated 5/13/1999 and recorded 5/18/1999 in Record Book 1833, Page 119.

Premises being: 111 Hanover Street, New Oxford, PA 17350

Tax Parcel No. 5-153A

SEIZED and taken into execution as the property of **William S. Weaver & Patricia L. Weaver** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-173 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those three tracts of land situate in Highland Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1

BEGINNING at a spike in the center of Pennsylvania Route No. 116; thence through an iron pin set 26.6 feet from said place of beginning and by land now or formerly of Raymond Shindledecker, South 2 degrees 30 minutes West, 200 feet to a stake at lands now or formerly of J.J. Spence; thence by same, South 81 degrees 31 minutes West, 100 feet to a stake; thence by same, North 2 degrees 30 minutes East, 200 feet to a spike in the center of said Pennsylvania Route No. 116; thence in the center of said Pennsylvania Route No. 116, North 81 degrees 31 minutes East, 100 feet to the place of BEGINNING. CONTAINING 72 perches and 31 square feet.

TRACT NO. 2

BEGINNING at a spike in the center of the State Highway Route No. 116 leading from Gettysburg to Fairfield at the north-west corner of land now or formerly of Raymond C. Shindledecker and wife; thence along other land of said Shindledeckers, through an iron pin set back 35 feet from said spike, South 3 degrees 21 minutes East, 200 feet to an iron pin; thence by other land now or formerly of Ruth J. Spence, South 75 degrees 30 minutes West, 10 feet to an iron pin; thence by other land now or formerly of Ruth J. Spence, North 3

degrees 21 minutes West, 200 feet through an iron pin set back 35 feet along the line to a point in the center of the aforementioned State Highway; thence in the center of the aforementioned State Highway, North 75 degrees 30 minutes East, 10 feet to a spike, the place of BEGINNING. CONTAINING 7 perches and 57 square feet of land.

TRACT NO. 3

BEGINNING at an iron pin at other land now or formerly of Kermit R. Shindledecker and wife; thence North 75 degrees 30 minutes East, 110 feet to an iron pin at other land now or formerly of Raymond Shindledecker, thence by said Shindledecker land, South 03 degrees 21 minutes East, 430.36 feet to an iron pin at land now or formerly of David Williams; thence by other land now or formerly of the Estate of Ruth J. Spence, North 18 degrees 28 minutes West, 423.16 feet to an iron pin, the place of BEGINNING. CONTAINING 85.3 perches and known as Lot No. 5-A on a draft of survey prepared on September 28, 1968 by Wilbur V. Redding, R.S.

The real estate above described being the same which Randall B. Inskip and Martha R. Inskip, his wife, by deed dated August 15, 1986, and intended to be recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania, conveyed unto Kenneth J. Ortman, being the same person as Kenneth J. Ortman, the Mortgagee herein.

SEIZED and taken into execution as the property of **Kenneth J. Ortman** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-884 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the

Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot fronting 35 feet, more or less, on the South side of West Middle Street in the Borough of Gettysburg, Adams County, Pennsylvania, and running in a Southerly direction for a depth of approximately 180 feet, and with a rear width of 35 feet, more or less; and bounded on the East by land now or formerly of Holbert I. Riley, on the South by a 12 foot public alley, and on the West by land now or formerly of Raymond Fair.

BEING KNOWN AS 210 West Middle Street, Gettysburg, PA 17325

PROPERTY ID NO.: 10-87

TITLE TO SAID PREMISES IS VESTED IN James G. Edge, a single man, by Deed from Dennis E. Bear and Peggy M. Bear, husband and wife, dated 05/26/95, recorded 05/30/95, in Deed Book 1035, Page 172.

SEIZED and taken into execution as the property of **James G. Edge** 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 July 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1308 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in Legislative Route No. 01001 running from Arendtsville to Wrenksville, at corner of land of Marlin Taylor; thence in said Legislative Route, South 15 degrees 5 minutes 40 seconds West 122.22 feet to another railroad spike in said Legislative Route; thence by land of Norman M.

Swartz and wife and running through an iron pin located 25.15 feet from the beginning of this line, North 58 degrees 47 minutes 20 seconds West 270 feet to an iron pin; thence by land now or formerly of Sterling McCauslin, North 25 degrees 23 minutes 40 seconds East 136.50 feet to an existing iron pin; thence by land of Marlin Taylor and running through an iron pin located 23.75 feet from the end of this line, South 54 degrees 35 minutes 20 seconds East 250.60 feet to a railroad spike in Legislative Route 01001, the place of BEGINNING.

CONTAINING 0.750 acre

THE foregoing description was obtained from a draft of a survey made by Gettysburg Engineering Co., Inc., dated March 8, 1968.

Tax Parcel No. D6-4

BEING known as 944 Brysonia-Wenksville Road, Biglerville, PA 17307

TITLE TO SAID PREMISES IS VESTED IN Robert C. Kimmel, Sr. and Sandra L. Kimmel, husband and wife by Deed from Earl L. Weaver and Velma L. Weaver, husband and wife dated 4/14/1989 and recorded 4/14/1989, in Record Book 519, Page 524.

SEIZED and taken into execution as the property of **Robert C. Kimmel, Sr. & Sandra L. Kimmel** 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 July 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that COTTON PATCH, INC. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Arthur J. Becker, Jr., Esq.
Attorney for Cotton Patch, Inc.

5/2

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—EQUITY
NO. 03-SU-124

PAUL M. METCALF, Plaintiff
vs.

KENNETH E. DOBSON AND
BARBARA A. DOBSON, husband
and wife, their heirs, administrators,
successors and assigns, Defendants

Action to Quiet Title

TO: Kenneth E. Dobson and
Barbara A. Dobson, husband and
wife, their heirs, administrators,
successors and assigns

TAKE NOTICE that on February 3, 2003, Paul M. Metcalf, filed a Complaint in Action to Quiet Title, against Kenneth E. Dobson and Barbara A. Dobson, husband and wife, their heirs, administrators, successors and assigns, averring that Paul M. Metcalf is the owner of the real property described herein. The Complaint requests the Court to extinguish any possible interest you may have in said real estate. The subject property is a tract of land situate in Carroll Valley Borough (formerly Liberty Township), Adams County, Pennsylvania, being Lot No. W-339, more particularly bounded and described as follows:

BEGINNING at a point in the center of Sky Lark Trail at Lot No. 340; thence by said lot South 28 degrees 4 minutes 40 seconds West 225 feet to Lot No. 306; thence by said lot North 61 degrees 55 minutes 20 seconds West 100 feet to Lot No. 338; thence by said lot North 28 degrees 4 minutes 40 seconds East 225 feet to a point in the center of said Sky Lark Trail; thence by said Sky Lark Trail South 61 degrees 55 minutes 20 seconds East, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section W, Chamita" dated January 3, 1970, prepared by Gordon L. Brown, R.S., and recorded in Adams County Plat Book No. 1 at page 66.

BEING THE SAME WHICH Chamita, Inc., a PA corporation, by a deed dated October 30, 1970 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 320 at page 574, sold and conveyed unto Kenneth E. Dobson and Barbara A. Dobson, husband and wife, the Defendants herein.

ALSO, BEING THE SAME WHICH Tax Claim Bureau of Adams County, Pennsylvania, as Trustee, by deed dated December 28, 1990, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 578 at page 315, sold and conveyed unto

(continued on page 8)

ESTATE NOTICES

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

FIRST PUBLICATION**ESTATE OF ARLENE L. BECKER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Jeffrey C. Becker, 302 Primrose Lane, Hanover, PA 17331; Doreen L. Rummel, 33 Lindsay Lane, Hanover, PA 17331

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

ESTATE OF JAY D. CARTER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Frances B. Peifer, 19 Bayview West, Selbyville, DE 19975

Attorney: Barbara Jo Entwistle, Esq., Pyle & Entwistle, 25 S. Washington St., Gettysburg, PA 17325

ESTATE OF MILDRED M. HOUCK, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Mona L. Lawver, 6580 Baltimore Pike, Littlestown, PA 17340

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

ESTATE OF JAMES T. MONCRIEF, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

James C. Moncrief, P.O. Box 500670, Marathon, FL 33050

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

ESTATE OF PATRICK MARK SEARS, DEC'D

Late of Freedom Township, Fairfield, Adams County, Pennsylvania

Executrix: Mary R. Sears, 2821 Fulton Street, Berkeley, CA 94705

Attorney: Matthew R. Battersby, Esq., P.O. Box 215, 20 West Main Street, Fairfield, PA 17320

ESTATE OF ALLWYN E. SYMINGTON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator: Patricia C. Symington, c/o Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION**ESTATE OF LORETTA S. BAKER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Fredric L. Baker, 707 N. Warfield Drive, Mt. Airy, MD 21771

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

ESTATE OF SEBASTIANO F. CARRABBA, DEC'D

Late of Gettysburg Borough, Adams County, Pennsylvania

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

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

ESTATE OF KENNETH F. DOUGHERTY, DEC'D

Late of Borough of Biglerville, Adams County, Pennsylvania

Co-Executors: Richard H. Dougherty, 1460 N. W. Orion Drive, Pullman, WA 99163; Paul F. Dougherty, P.O. Box 199, Biglerville, PA 17307

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

ESTATE OF BERNICE S. HOFFMAN, DEC'D

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

Executor: Charles R. Hoffman, 29 N. Duke St, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, P.C., 29 N. Duke St., York, PA 17401

ESTATE OF MOZINA L. JOHNSTONE, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Judy L. Jones, 405 Hedgerow Court, Hanover, PA 17331

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

ESTATE OF MERLE E. PLANK, JR., DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Cathy M. Plank, P.O. Box 683, Hanover, PA 17331

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325-2112

ESTATE OF DOROTHY E. REDDING, DEC'D

Late of Gettysburg Borough, Adams County, Pennsylvania

Co-Executors: Martin J. Redding, 15 Club Lane, Littleton, CO 80123; Margaret M. Kenworthy, 204 Ewell Avenue, Gettysburg, PA 17325

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

THIRD PUBLICATION**ESTATE OF ROSA K. ALTLAND, DEC'D**

Late of Berwick Township, Adams County, Pennsylvania

Co-Executors: Frederick H. Altland, 2360 Fairway Drive, York, PA 17404; Charles R. Altland, 549 Maple Grove Road, Abbottstown, PA 17301

Attorney: W.W. Hafer, Esq., 215 Baltimore St., Hanover, PA 17331

ESTATE OF MARIE GERTRUDE AULHOUSE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Paul Gary Aulhouse, 702 West Poplar Street, York, PA 17404; Samuel Jan Aulhouse, 4320 Walnut Grove Road, Taneytown, MD 21787

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

ESTATE OF EDNA L. BAIR, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Adams County National Bank, Attn: Gary R. Bennett, Sr., Vice President/Sr. Trust Officer, 2 Chambersburg St., Gettysburg, PA 17325

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

ESTATE OF MARY R. BARNHART, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executrices: Elizabeth C. Zinn, 129A Race Track Road, Hanover, PA 17331; Janet L. Wayne, 114 Greystone Road, York, PA 17402

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

(continued on page 8)

THIRD PUBLICATION (continued)

ESTATE OF LEANNA I. FORD, DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Donald R. Caskey, 4520 Chester Ave., Philadelphia, PA 19143

Attorney: Matthew R. Battersby, Esq., P.O. Box 215, 20 West Main Street, Fairfield, PA 17320

ESTATE OF ETHLYN C. HAINES, DEC'D
Late of Oxford Township, Adams County, Pennsylvania

Executrix: Faith T. Sylvester, 619 Plum Run Drive, West Chester, PA 19382

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325-2112

ESTATE OF DORIS M. LITTLE, DEC'D
Late of Oxford Township, Adams County, Pennsylvania

Executrix: Gail A. Bittle, 5522 Hayloft Court, Frederick, MD 21703

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

ESTATE OF RAYMOND F. LOSMAN a/k/a RAY F. LOSMAN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Susan M. Snyder, 2253 Dover Court, Mechanicsburg, PA 17055; Lester Bucher, Jr., 595 Berlin Road, New Oxford, PA 17350

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

ESTATE OF ROY E. NELSON, DEC'D
Late of Butler Township, Adams County, Pennsylvania

Executor: Frederick R. Nelson, Box 191, 105 Rice Ave., Biglerville, PA 17307

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

ESTATE OF MARGARET M. STOUGH, DEC'D

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

Executrix: Mary Ann Shriver, 757 Lingg Road, New Oxford, PA 17350

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

David A. Clopper and Steven L. Gills, ALSO, BEING THE SAME WHICH David A. Clopper and Barbara A. Clopper, his wife and Steven L. Gills and Susan D. Gills, his wife by a deed dated November 6, 2002 and recorded in the aforementioned Recorder's Office in Record Book 2904 at page 204 sold and conveyed unto Paul M. Metcalf, et al, the Plaintiff herein.

The Complaint requested the Court to enter a Decree and Order that the title of the property described above is in the

Plaintiff, and that the Defendants be forever barred from asserting any right, lien, title or interest in the said land inconsistent with the interests of the Plaintiff as set forth in their Complaint.

WHEREFORE, by Order dated April 17, 2003, the Court of Common Pleas of Adams County, Pennsylvania, has ordered that service of the Complaint be made on the above Defendants, their respective heirs, personal representatives, successors and assigns, by publication. Plaintiff will request the Court to enter a final judgment ordering that any possible legal interest the Defendant might have had in the property be extinguished.

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the Complaint filed in the Adams County Court of Common Pleas at No. 03-SU-124 and described hereinabove, you must take action within **twenty (20) days** after this publication by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for the relief requested by the Plaintiff. You may lose property or other rights important to you.

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

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

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

5/2

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 March 10, 2003.

The name of the corporation is DAYETT'S CLOCK REPAIRS, INC. The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

Dayett's Clock Repairs, Inc.
75 Study Road
Littlestown, PA 17340

5/2

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on April 2, 2003, pursuant to the Fictitious Names Act, setting forth that Robert A. Hess, 25 Oxford Drive, New Oxford, Pennsylvania 17350 is the only party owning or interested in a business, the character of which is landscape development and management services, style and designation under which said business is and will be conducted is CREATIVE OUTDOOR CO., and the location where said business is and will be located is 25 Oxford Drive, New Oxford, Pennsylvania 17350.

Andrew J. Miller, Esq.
Miller, Poole & Lord, LLP

5/2

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S.A. §311, that an Application to conduct business in Pennsylvania under the assumed or fictitious name, style or designation of GETTYSBURG LIBERTY was filed on March 27, 2003, with the Department of State, Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania. The business is located at 243 Steinwehr Avenue, Gettysburg, Adams County, Pennsylvania. The names and addresses of the parties to the registration are: K-Z STATION CORPORATION.

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

5/2

INCORPORATION NOTICE

NOTICES HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is THREE STAR STATION CORPORATION.

Robert L. McQuaide, Esq.
Attorney for the Corporation
Suite 204
18 Carlisle Street
Gettysburg, PA 17325

5/2

Adams County Legal Journal

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May 9, 2003

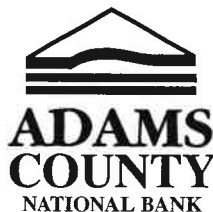
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IN THIS ISSUE

COMMONWEALTH VS. ATWELL

This opinion continues to next issue (5/16/2003)

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-93 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground situate in Straban Township, County of Adams, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of State Highway leading from Hunterstown to the Lincoln Highway, with an iron pin set back along the line; thence running by land now or formerly of George E. Little, North 71 3/4 degrees East, 179 feet to an iron pin; thence running by land of the same South 14 3/4 degrees East, 125.5 feet to an iron pin; thence running by land now or formerly of Vernie Criswell South 72 1/4 degrees West, 195 feet to a point in the center line of said highway, with an iron pin set back along the line; thence running in the center of said highway North 10 degrees West, 126.5 feet to a point in the center of said highway, with an iron pin set back along the line; the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Cindy L. Edwards, single by Deed from James F. Brooks, Jr., and Priscilla A. Brooks, his wife dated 4/12/2002 and recorded 4/18/2002 in Record Book 2628, Page 89.

Premises being: 645 Coleman Road, Gettysburg, PA 17325

Tax Parcel No. H-11-12

SEIZED and taken into execution as the property of **Cindy L. Edwards** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/25, 5/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-134 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the Borough of New Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, of a Declaration dated September 13, 1996 and recorded October 18, 1996 in Record Book 50 Page 41. (Together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such Declaration as Unit No. 41 as more fully bounded and described in such Declaration together with a proportionate undivided interest in the common elements as defined in such Declaration.

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

Parcel # 34-005-0184A

Being Premises: 9 Oxford Court, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Jeffrey L. Cox & Kathy L. Cox** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/25, 5/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-119 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate in Latimore Township, Adams County, Pennsylvania, according to a Final Plan of Major Subdivision for Stone Head Estates as prepared by Rodney Lee Decker and Associates, dated April 15, 1991 and recorded in Plat Book 60, Page 34 on April 4, 1992, in the Adams County Recorder's of Deeds Office. Said Lots being more fully bounded, limited and described as follows, to wit:

BEGINNING at a point on the center line right-of-way line for Mountain Road (SR4040) and on the division line between lands N/F of Galen G. Hall and the herein described Lot 25; thence along said lands N/F of Hall by a curve to the left having a radius of 30.00 feet, an arc length of 47.12 feet; thence continuing along said lands N/F of Hall, South 55 degrees 51 minutes 36 seconds East a distance of two hundred sixty feet (260.00) to a point; thence North 34 degrees 8 minutes 24 seconds East a distance of one hundred twenty-five and sixty-five hundredths feet (125.65) to a point on the division line between Lots 25 and 28; thence along Lot 28 South 71 degrees 53 minutes 44 seconds East a

continued after opinion

COMMONWEALTH VS. ATWELL

1. Where a defendant is to be re-tried and he is incarcerated, the trial must commence within 120 days of the date of the order granting a new trial. Where a new trial is required because a jury was unable to reach a verdict, the 120-day period is calculated from the date the jury is dismissed.

2. The Commonwealth Attorney's Act provides that the president judge of a judicial district may request the Attorney General to intervene in the prosecution of a case but the Attorney General may determine that the case is not a proper one for intervention. The discretion to accept or decline intervention lies solely with the Attorney General.

3. A prosecution is barred when an actual conflict of interest affecting the prosecutor exists but a mere allegation of a conflict or animosity is insufficient to have a district attorney replaced.

4. A defendant is entitled to explore whether a witness has been given or expects any leniency in return for his testimony against the defendant. Due process requires that any potential understanding between the prosecution and a witness be revealed to the jury.

5. Where a defendant files a motion to suppress, the Commonwealth has the burden to establish by a preponderance of the evidence that the challenged evidence is admissible.

6. The Fourth Amendment requires that a search warrant must specifically list the items to be seized, and describe such items with particularity. Pennsylvania is more stringent and requires that the description of the items must be "as particular as reasonably possible." This requirement of particularity makes general searches under warrants impossible and "prevents the seizure of one thing under a warrant describing another."

7. Objects falling in plain view of an officer who has a right to be in the position to have the view are subject to seizure and may be introduced in evidence. Under this "plain view" doctrine, an officer may seize items found while executing a search warrant naming other objects.

8. In order for an item not identified in the search warrant to be seized pursuant to the plain view doctrine, the police must come upon the evidence inadvertently, in a place where they have a legal right to be at the time of discovery, and it must be immediately apparent to them that the evidence is of incriminating character.

9. If a search is performed within permissible limits, the improper seizure of particular articles does not taint the search or the seizure of proper articles. Only those items improperly seized, or their poisoned fruit, are suppressible.

10. In order to establish a prima facie case of selective prosecution, Defendant must demonstrate first, that others similarly situated were not prosecuted for similar conduct, and second, that the Commonwealth's discriminatory prosecutorial selection was based on impermissible grounds such as race, religion, the exercise of some constitutional right, or any other such arbitrary classification.

11. Because of the doctrine of separation of powers, the courts will not lightly interfere with an executive's decision of whom to prosecute. Unequal application of the criminal laws alone does not amount to a constitutional violation. Defendant must establish that he was prosecuted for an incorrect reason, not that the Commonwealth failed to prosecute another guilty person.

12. Pa.R.Crim.P. 1120(f) requires a judge to poll the jury only where a party requests such action, and it is reversible error for a judge to refuse such a request. There is no rule requiring the members of a jury to agree unanimously that their deadlock is hopeless before a mistrial can be declared.

13. Retrial of charges on which a jury has been unable to agree is not barred unless the jury made findings on one or more other charges which must be interpreted as an acquittal of the offense for which the defendant is to be retried.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-362-99, COMMONWEALTH VS. GEOFFREY WILLARD ATWELL.

Brian Coffey, Esq., Asst. District Attorney, for Commonwealth
Roy A. Keefer, Esq., for Defendant
Kuhn, P.J., September 27, 2002

OPINION PURSUANT TO DEFENDANT'S PRE-TRIAL MOTIONS

Before the Court are a series of pre-trial motions filed by Defendant either through counsel or pro se. Hearings were held June 13, 2002, July 3, 2002, September 9, 2002, and September 16, 2002.

Background

On February 14, 1999, a criminal complaint was filed charging Defendant with Criminal Solicitation to Commit Murder and Solicitation to Retaliate against a witness where the alleged victims were Mary Wehler and Dwight Alcott. There is a long history in this matter, but suffice it to say that Defendant and Wehler had been involved in an intimate relationship that went sour in August 1997, and ended two months later. Alcott became involved with Wehler. Defendant reacted poorly to the breakup and engaged in conduct which was obsessive and vengeful.¹ The culmination of Defendant's

¹For example, in CC-245-98, Defendant was charged with Theft and Criminal Mischief for an incident occurring on February 17, 1998 when he stole a Christmas wreath from Ms. Wehler's home and scratched her car. On October 20, 1998, the undersigned found Defendant guilty of Criminal Mischief for placing crazy glue in the door locks of Ms. Wehler's car and residence on February 20, 1998. In CC-458-98, Defendant was charged with trying to injure Ms. Wehler with his car on May 16, 1998, in a parking lot across from her place of employment. In CC-754-98, Defendant was charged with making approximately 219 anonymous telephone calls to Ms. Wehler's residence on 42 different days between July 18-September 26, 1998. In CC-97-99, Defendant was charged with making approximately 50 anonymous telephone calls to Ms. Wehler's residence between October 2-8, 1998, while he was an inmate at the Adams County Prison.

behavior was his alleged solicitation of John Kennedy, a fellow inmate at the Adams County Prison, to kill Wehler and Alcott.

Eventually, these charges, along with those at CC-245-98, CC-458-98, CC-754-98, and CC-97-99, were consolidated for trial. A jury verdict was entered on February 22, 2000. In Counts II and IV of CC-362-99, the jury found Defendant not guilty of solicitation to murder Mr. Alcott and not guilty of soliciting retaliation against a witness with regard to Mr. Alcott. The jury was unable to reach a verdict in Count I, alleging solicitation to murder Ms. Wehler, and Count III, alleging solicitation to retaliate against a witness with regard to Ms. Wehler. Commonwealth is pursuing re-trial of the unresolved counts.

A. Motion to Dismiss for Failure to Comply with Pa. R.Crim.P. 1100, now Rule 600

As noted, the jury was unable to reach a verdict on February 22, 2000, as to Counts I and III of CC-362-99 alleging solicitation to kill Ms. Wehler and solicitation to retaliate against a witness with regard to Ms. Wehler. Former Pa. R.Crim.P. 1100 and current Rule 600 (collectively referred to hereafter for simplicity as Rule 600) provide that where a defendant is to be re-tried and he is incarcerated, the trial must commence within 120 days of the date of the order granting a new trial. Rule 600(D)(1). Where a new trial is required because a jury was unable to reach a verdict, the 120-day period is calculated from the date the jury is dismissed. *Commonwealth v. Hensley*, 441 A.2d 431 (Pa. Super. 1982).

Here, the re-trial should have occurred on or before June 21, 2000.² Trial is presently scheduled to commence during the trial term beginning September 23, 2002. Thus, 944 days have passed since February 22, 2000. Unless 824 days can be excluded, Defendant is entitled to dismissal.

The record reveals that Defendant moved or agreed to continuances totaling 858 days. Orders to that effect were entered April 24, 2000, May 22, 2000, June 12, 2000, July 17, 2000, September 25, 2000, November 16, 2000, February 26, 2001, March 19, 2001, April 23, 2001, June 18, 2001, October 15, 2001, January 7, 2002, March 18, 2002, April 22, 2002, June 13, 2002, and August 9, 2002. Thus,

²Year 2000 was a leap year.

only 86 days are attributable to Rule 600 because the Rule provides that any period for which the defendant requests a continuance is excluded from the calculations.

However, Defendant contends that the period October 15, 2001–January 7, 2002 (84 days) should not be excluded. Over the course of several years, former Assistant District Attorney Paul Dean had been prosecuting the cases against Defendant arising out of the termination of the Wehler relationship. On October 15, 2001, Defendant moved to disqualify Mr. Dean from prosecuting this case. Then District Attorney Michael George appeared on behalf of the Commonwealth and did not oppose the request. The Court³ directed that Mr. Dean be disqualified and that the District Attorney request the Attorney General to assume the prosecution. At the same time, Defendant moved to continue trial to the term beginning January 7, 2002.⁴

On October 24, 2001 Mr. George requested, in writing, that the Attorney General take over the case. In the meantime, in November 2001, Mr. George was elected to the bench. On November 14, 2001 the Attorney General declined to accept jurisdiction on the basis that another attorney in the District Attorney's Office could prosecute the case. On January 4, 2002 Mr. Dean was appointed as the District Attorney for Adams County to serve the balance of Mr. George's term. Therefore, on January 9, 2002 Mr. Dean requested that the Attorney General's Office accept the case because, as the supervisor of the office, he has ultimate responsibility for all cases and he had already been disqualified by Judge Spicer. Again, the Attorney General declined the request.⁵

Even though Defendant requested the continuance on October 15, 2001, he argues the motion was necessitated by a conflict within the District Attorney's Office for which he should not be held accountable. We disagree. Under the circumstances of this case, this Court finds that it would be improper to attribute any of the post October 15, 2001 period to the Commonwealth.

³ Then President Judge Oscar F. Spicer, now retired.

⁴ There were two criminal trial terms between October 15, 2001 and January 7, 2002, beginning November 5, 2001 and December 3, 2001.

⁵ January 28, 2002.

First, there were no findings entered by Judge Spicer, nor does the record reveal a clear reason for Defendant's request to have Mr. Dean disqualified. The undersigned, however, is aware that, at or about that time, Mr. Dean, out of an abundance of caution, thought it would be better for him to step away from any case involving Defendant. As noted, Mr. Dean had been the prosecuting attorney in the several cases involving Mr. Atwell arising out of the animosity following Wehler's termination of her relationship with Defendant. Each case was bitterly contested by Defendant. Defendant evidenced signs of having a persecution complex, and made wildly irresponsible accusations that several persons involved in his prosecution were pursuing it because they were having relations with Ms. Wehler. Defendant's actions, accusations and demeanor challenged the patience and objectivity of all involved. As a result, Mr. Dean was questioning whether it would be best to have another attorney prosecute the balance of Defendant's cases. Mr. Dean, to my knowledge, never indicated that he could not continue with the prosecution, only that a fresh face on the Commonwealth's side might be appropriate in order to eliminate any thoughts on Defendant's part that the prosecution was personally motivated or maintained.

Second, the Commonwealth Attorney's Act provides that the president judge of a judicial district may request the Attorney General to intervene in the prosecution of a case but the Attorney General may determine that the case is not a proper one for intervention. Here, both the request of Mr. George and Mr. Dean were declined by the Attorney General's Office. The discretion to accept or decline intervention lies solely with the Attorney General. *Commonwealth v. Lutz*, 505 A.2d 1356 (Pa.Cmwlt. 1986).

Third, the continuance was requested by Defendant who, at the time, did not make a request that the continuance be granted while reserving his rights to pursue the Rule 600 issue. It would be unfair to Commonwealth to accede to Defendant's request for disqualification and continuance without knowing that Defendant would claim that the postponement should be attributable to the Commonwealth for Rule 600 purposes. Commonwealth acted with due diligence in requesting intervention by the Attorney General and the delay caused by the request was minimal under the circumstances.

B. Disqualification of the District Attorney's Office

On June 13, 2002 Defendant again requested disqualification of Mr. Dean and his entire office from prosecuting this case. Defendant alleged personal animus between himself and Mr. Dean and that he had sued Mr. Dean civilly in his capacity as prosecuting attorney.⁶ It further mentioned that Defendant had threatened to kill Mr. Dean.

After the Attorney General's second rejection of the request to intervene, Mr. Dean assigned the case to Brian Coffey, an assistant district attorney in his office. Defendant argues that because Mr. Dean is Mr. Coffey's supervisor and has the ability to direct the prosecution of the case, that a conflict of interest exists which requires disqualification of the entire office. The undersigned must respectfully disagree.

The background of this issue was discussed above.

Although not exactly on point, this issue is resolved pursuant to the reasoning set forth in *Commonwealth v. Stafford*, 749 A.2d 489 (Pa.Super. 2000). There the defendant contended that he had sued the district attorney civilly for alleged claims arising from the instant prosecution and therefore the district attorney should be removed due to an impermissible conflict of interest. A request to the Attorney General to intervene was declined. The district attorney prosecuted the case himself. Interestingly, in *Stafford*, as here, the trial court made no finding of an actual conflict of interest before requesting intervention. Superior Court observed that a prosecution is barred when an actual conflict of interest affecting the prosecutor exists but that a mere allegation of a conflict or animosity is insufficient to have a district attorney replaced. 749 A.2d at 494-5. Both the trial court and Superior Court found no actual conflict of interest.

In the matter sub judice we find no actual conflict of interest. Unlike in *Stafford*, Mr. Dean has assigned the case to an assistant. There is nothing in this prosecution which indicates an improper prosecutorial motive or interest in pursuing the matter to trial. The

⁶Defendant alleges that on November 25, 1998 he filed a suit in federal court docketed at 1:CU-98-1911 which was dismissed in early 1999 and, on August 24, 1999 he filed a second suit at 1:CU-99-1533 which is currently on appeal with the Court of Appeals for the Third Circuit. Assistant District Attorney Brian Coffey responded that Mr. Dean has never been personally served so he is not aware of the allegations in the suit. Defendant was unable to demonstrate otherwise.

same charges were brought to trial in February 2000 and resulted in a hung jury. The charges are serious. There is no indication that the Commonwealth will be introducing evidence in this trial which was unknown or not used in the first trial.

The Court finds no basis to disqualify the Adams County District Attorney's Office from prosecuting this case.

Continued to next issue (5/16/2003)

distance of three hundred and seventy hundredths feet (300.70) to a point on the division line between Lots 25 and 26; thence along Lot 26 South 31 degrees 3 minutes 33 seconds West a distance of seven hundred thirty-two and fifty-six hundredths feet (732.56) to a point at lands N/F of Melvin S. Worley; thence along said land N/F of Worley, North 59 degrees 41 minutes 21 seconds West a distance of six hundred seventy-four and forty-nine hundredths feet (674.49) to a point on the Eastern dedicated right-of-way line for Mountain Road; thence along the said dedicated right-of-way line for Mountain Road North 41 degrees 49 minutes 54 seconds East a distance of two hundred sixty-nine and seventy-nine hundredths feet (269.79) feet to a point on a curve to the left having a radius of one thousand seven hundred thirty-five and seventy-one hundredths feet (1,735.71), and arc length of two hundred thirty-three and one hundredth feet (233.01) to a point; thence continuing along the Eastern side of Mountain Road North 34 degrees 8 minutes 24 seconds East a distance of ninety-seven and thirty-two hundredths feet (97.32) to a point and place of BEGINNING.

CONTAINING 8.957 acres to the dedicated right-of-way line and being designated as Lot No. 25 on the aforementioned plan of subdivision.

TITLE TO SAID PREMISES IS VESTED IN Mark G. Harder and Connie M. Harder, his wife by Deed from Vernon E. Anderson and Faye R. Anderson, his wife dated 12/13/96 and recorded 12/26/96 in Record Book 1307, Page 306.

Premises being: 1735 Mountain Road, York Springs, PA 17372

Tax Parcel No. I-1-33

SEIZED and taken into execution as the property of **Mark G. Harder & Connie M. Harder** 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 June 30, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/25, 5/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-152 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

TITLE TO SAID PREMISES IS VESTED IN Collins R. Stiffler and Dianna L. Stiffler, his wife by Deed from Philip R. Garland t/d/b/a Garland Construction, Inc. dated 3/17/2000 and recorded 4/4/2000 in Record Book 2024, Page 339.

Premises being: 12 Fiddler Drive, New Oxford, PA 17350

Tax Parcel: 001-0052-006

SEIZED and taken into execution as the property of **Collins R. Stiffler & Dianna L. Stiffler** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-999 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the center of the public highway leading from Fairfield to Orrtanna; thence in the center of the same, North 0 degrees 30 minutes East, 110 feet to another spike; thence by lands now or formerly of James H. Hammett and wife, South 89 degrees 30 minutes East, 167 feet to a stake at lands now or formerly of John O. Musselman; thence by the same, South 35 degrees 30 minutes East, 136 feet to a stake at lands now or formerly of Mike Shimcock; thence by said lands, North 89 degrees 30 minutes West, 247 feet to a spike, the place of BEGINNING.

TAKEN from a draft of survey prepared by LeRoy H. Winebrenner, C.S., dated April 19, 2001.

BEING No. 261 Carroll's Tract Road
Tax Parcel No. C-15-

SEIZED and taken into execution as the property of **Donald R. Haines & Nancy C. Haines** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-141 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying, and being in the Borough of New Oxford, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a steel pin (found) Eleven and Fifty-Seven Hundredths (11.57) feet from the curbline of a 50 foot wide public right-of-way known as Hanover Street at corner of lands now or formerly of Barry L. Baumgardner; thence along lands now or formerly of Barry L. Baumgardner, South Sixty (60) degrees Eight (08) minutes Thirty (30) seconds West, One Hundred Seventeen and Ninety-Nine Hundredths (117.99) feet to a steel pin (set) at corner of Lot No. 2 of the hereinafter referred to final plan of lots; thence along Lot No. 2, North Thirty (30) degrees, Zero (00) minutes Zero (00) seconds West, Eighty-one and Seventy-One Hundredths (81.71) feet to a steel pin (set) at corner of lands now or formerly of Jerome P. Smith; thence along lands now or formerly of Jerome P. Smith, North Seventy-Two (72) degrees Fifty-Five (55) minutes Fifty-Nine (59) seconds East, Seventy-Four and Fifty-One Hundredths (74.51) feet to a point; thence continuing along same, North Seventy-Two (72) degrees Twenty (20) minutes Fifty-Seven (57) seconds East, Forty-Six and Forty-Four Hundredths (46.44) feet to a point of Hanover Street, said point being Eleven and Fifty-Seven Hundredths (11.57) feet from the curbline thereof; thence continuing along said line of Hanover Street, being Eleven and Fifty-Seven Hundredths (11.57) feet from the curbline, South Thirty (30) degrees Zero (00) minutes Zero (00) seconds East, Fifty-Five and Thirty-Nine Hundredths (55.39) feet to a steel pin (found), the point and place of BEGINNING. Being known as Lot No. 1 of Final Plan of Rodney H. Weaver and Brenda K. Weaver prepared by Worley Surveying, dated April 19, 1994, and recorded June 7, 1994 in the Office of Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 64 at Page 88.

TITLE TO SAID PREMISES IS VESTED IN William S. Weaver and Patricia L. Weaver, husband and wife by Deed from Betty J. Topper and Patricia L. Weaver and William S. Weaver, husband and wife dated 5/13/1999 and recorded 5/18/1999 in Record Book 1833, Page 119.

Premises being: 111 Hanover Street, New Oxford, PA 17350

Tax Parcel No. 5-153A

SEIZED and taken into execution as the property of **William S. Weaver & Patricia L. Weaver** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-173 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those three tracts of land situate in Highland Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1

BEGINNING at a spike in the center of Pennsylvania Route No. 116; thence through an iron pin set 26.6 feet from said place of beginning and by land now or formerly of Raymond Shindledecker, South 2 degrees 30 minutes West, 200 feet to a stake at lands now or formerly of J.J. Spence; thence by same, South 81 degrees 31 minutes West, 100 feet to a stake; thence by same, North 2 degrees 30 minutes East, 200 feet to a spike in the center of said Pennsylvania Route No. 116; thence in the center of said Pennsylvania Route No. 116, North 81 degrees 31 minutes East, 100 feet to the place of BEGINNING. CONTAINING 72 perches and 31 square feet.

TRACT NO. 2

BEGINNING at a spike in the center of the State Highway Route No. 116 leading from Gettysburg to Fairfield at the northwest corner of land now or formerly of Raymond C. Shindledecker and wife; thence along other land of said

Shindledeckers, through an iron pin set back 35 feet from said spike, South 3 degrees 21 minutes East, 200 feet to an iron pin; thence by other land now or formerly of Ruth J. Spence, South 75 degrees 30 minutes West, 10 feet to a iron pin; thence by other land now or formerly of Ruth J. Spence, North 3 degrees 21 minutes West, 200 feet through an iron pin set back 35 feet along the line to a point in the center of the aforementioned State Highway; thence in the center of the aforementioned State Highway, North 75 degrees 30 minutes East, 10 feet to a spike, the place of BEGINNING. CONTAINING 7 perches and 57 square feet of land.

TRACT NO. 3

BEGINNING at an iron pin at other land now or formerly of Kermit R. Shindledecker and wife; thence North 75 degrees 30 minutes East, 110 feet to an iron pin at other land now or formerly of Raymond Shindledecker; thence by said Shindledecker land, South 03 degrees 21 minutes East, 430.36 feet to an iron pin at land now or formerly of David Williams; thence by other land now or formerly of the Estate of Ruth J. Spence, North 18 degrees 28 minutes West, 423.16 feet to an iron pin, the place of BEGINNING. CONTAINING 85.3 perches and known as Lot No. 5-A on a draft of survey prepared on September 28, 1968 by Wilbur V. Redding, R.S.

The real estate above described being the same which Randall B. Inskip and Martha R. Inskip, his wife, by deed dated August 15, 1986, and intended to be recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania, conveyed unto Kenneth J. Ortman, being the same person as Kenneth J. Ortman, the Mortgage herein.

SEIZED and taken into execution as the property of **Kenneth J. Ortman** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-884 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot fronting 35 feet, more or less, on the South side of West Middle Street in the Borough of Gettysburg, Adams County, Pennsylvania, and running in a Southerly direction for a depth of approximately 180 feet, and with a rear width of 35 feet, more or less; and bounded on the East by land now or formerly of Holbert I. Riley, on the South by a 12 foot public alley, and on the West by land now or formerly of Raymond Fair.

BEING KNOWN AS 210 West Middle Street, Gettysburg, PA 17325

PROPERTY ID NO.: 10-87

TITLE TO SAID PREMISES IS VESTED IN James G. Edge, a single man, by Deed from Dennis E. Bear and Peggy M. Bear, husband and wife, dated 05/26/95, recorded 05/30/95, in Deed Book 1035, Page 172.

SEIZED and taken into execution as the property of James G. Edge 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 July 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1308 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in Legislative Route No. 01001 running from Arendtsville to Wenksville, at corner of land of Marlin Taylor; thence in said Legislative Route, South 15 degrees 5 minutes 40 seconds West 122.22 feet to another railroad spike in said Legislative Route; thence by land of Norman M. Swartz and wife and running through an iron pin located 25.15 feet from the beginning of this line, North 58 degrees 47 minutes 20 seconds West 270 feet to an iron pin; thence by land now or formerly of Sterling McCauslin, North 25 degrees 23 minutes 40 seconds East 136 50 feet to an existing iron pin; thence by land of Marlin Taylor and running through an iron pin located 23.75 feet from the end of this line, South 54 degrees 35 minutes 20 seconds East 250.60 feet to a railroad spike in Legislative Route 01001, the place of BEGINNING.

CONTAINING 0.750 acre

THE foregoing description was obtained from a draft of a survey made by Gettysburg Engineering Co., Inc., dated March 8, 1968.

Tax Parcel No. D6-4

BEING known as 944 Brysonia-Wenksville Road, Biglerville, PA 17307

TITLE TO SAID PREMISES IS VESTED IN Robert C. Kimmel, Sr. and Sandra L. Kimmel, husband and wife by Deed from Earl L. Weaver and Velma L. Weaver, husband and wife dated 4/14/1989 and recorded 4/14/1989, in Record Book 519, Page 524.

SEIZED and taken into execution as the property of Robert C. Kimmel, Sr. & Sandra L. Kimmel 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 July 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

NOTICE

NOTICE IS GIVEN that the Board of Reading Township Municipal Authority (the "Authority"), a Pennsylvania municipality authority having its registered office at the 5500 Carlisle Pike, New Oxford, Pennsylvania 17350, has adopted a resolution proposing an amendment to its Articles of Incorporation, as amended; the Authority has submitted the proposed amendment to the Board of Supervisors of the Township of Reading, in Adams County, Pennsylvania, the governing authority of the municipality composing the Authority; said municipality by resolution duly adopted has adopted and approved the amendment to the Authority's Articles of Incorporation, as amended; the Authority intends to file Articles of Amendment to its Articles of Incorporation, as amended, with the Secretary of the Commonwealth of Pennsylvania on May 30, 2003; such Articles of Amendment are to be filed under provisions of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S. Ch. 56, as amended and supplemented; and the nature and character of such proposed amendment is to amend the Authority's Articles of Incorporation, as amended, by the addition thereto of the following paragraph:

"Reading Township Municipal Authority shall hereby add water services to its existing sewer authority and thereby create a multi-purpose authority".

Reading Township Municipal Authority

5/9

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW NO. 03-S-238

Notice of Action in Mortgage Foreclosure

WELLS FARGO BANK MINNESOTA, N.A., AS TRUSTEE FOR DELTA FUNDING HOME EQUITY LOAN TRUST 1998-3, Plaintiff

vs.

WILLIAM H. REINDOLLAR and GLADYS P. WALKER, LAST RECORD OWNER, Defendants

COMPLAINT IN MORTGAGE FORECLOSURE

TO: GLADYS P. WALKER, LAST RECORD OWNER AND UNKNOWN HEIRS OF GLADYS P. WALKER, LAST RECORD OWNER, Defendant(s), whose last known address is 76 Brickyard Road, New Oxford, PA 17350

YOU ARE HEREBY NOTIFIED that Plaintiff, WELLS FARGO BANK MINNESOTA, N.A., AS TRUSTEE FOR

(continued on page 6)

DELTA FUNDING HOME EQUITY LOAN TRUST 1998-3, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Adams County, Pennsylvania, docketed to NO. 03-S-238, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 76 Brickyard Road, New Oxford, PA 17350, whereupon your property would be sold by the Sheriff of Adams County.

NOTICE

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

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

LAWYERS REFERRAL SERVICE

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

Mark J. Udren
Attorney for Plaintiff
Mark J. Udren & Associates
1040 N. Kings Highway
Cherry Hill, NJ 08034
(856) 482-6900

5/9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-960 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin at the inter-

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

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

Tax Parcel: 5-0178

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

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 30, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/25, 5/2 & 9

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 Thursday, May 22, 2003, at 9:00 o'clock a.m.

SMITH—Orphans' Court Action Number OC-24-03. The First and Final Account of Thomas B. Redding, Jr., Executor of the Estate of B. Guy Smith a/k/a Benedict Guy Smith a/k/a John

Smith, deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania.

STAVELY—Orphans' Court Action Number OC-27-03. The First and Final Account of Nannette E. Bankert., Executrix of the Last Will and Testament of Catherine G. Stavely, deceased, late of Straban Township, Adams County, Pennsylvania.

NARY—Orphans' Court Action Number OC-30-03. The First and Final Account of G. Edward Hughes and Clayton R. Wilcox, Co-Executors of the Estate of Mildred E. Nary, deceased, late of Straban Township, Adams County, Pennsylvania.

STAUB—Orphans' Court Action Number OC-32-03. The First and Final Account of Marla R. Weaver, Surviving Executrix of the Estate of Blanche A. Staub a/k/a Blanche E. Staub, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

WAGNER—Orphans' Court Action Number OC-39-03. The First and Final Account of Carolyn W. Sponseller and Rebecca W. Straub, Co-Executrices of the Estate of Anna J. Wagner, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

GUTHRIE—Orphans' Court Action Number OC-41-03. The First and Final Account of PNC Bank, National Association, Executor of the Will of Mabel W. Guthrie, deceased, late of Oxford Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

5/9 & 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 March 21, 2003 for the incorporation of TAT BUILDERS, INC. under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of construction and home improvement, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 27 West Hanover Street, Gettysburg, Pennsylvania 17325.

Kathleen M. Kotula, Esq.
Hartman & Yannetti
Solicitors

5/9

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 ANN L. CLEVELAND, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Gary L. Cleveland, 4 Elm Avenue, New Oxford, PA 17350

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325-2112

ESTATE OF DONALD R. HORTON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Garry W. Horton, 1307 Acacia Court, Roseville, CA 95661

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF JACOB WILLIAM MENGES, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Patricia A. Menges & Norma J. Stambaugh, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF JOHN THOMAS PEIFFER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Administrator: Thomas C. Peiffer, c/o 42 North Duke Street, York, PA 17401

Attorney: Bruce C. Bankenstein, Esq., 42 North Duke Street, York, PA 17401

ESTATE OF DONALD E. SCHRIVER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Nickolis A. Schriver, 1992 Hunterstown-Hampton Road, New Oxford, PA 17350; Gladys R. Metz, 353 West High Street, Gettysburg, PA 17325

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

ESTATE OF MARY W. SENFT, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executors: Larry V. Senft, 2179 Grandview Road, Hanover, PA 17331; Jeffrey L. Senft, 6675 Manor Drive, Hanover, PA 17331

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

ESTATE OF ELSIE G. TRESSLER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Co-Executrices: Kathryn E. Davis, 357 Old Waynesboro Pike, Fairfield, PA 17320; Susan R. Hersh, Box 342, Codorus, PA 17311

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

SECOND PUBLICATION

ESTATE OF ARLENE L. BECKER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Jeffrey C. Becker, 302 Primrose Lane, Hanover, PA 17331; Doreen L. Rummel, 33 Lindsay Lane, Hanover, PA 17331

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

ESTATE OF JAY D. CARTER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Frances B. Peifer, 19 Bayview West, Selbyville, DE 19975

Attorney: Barbara Jo Entwistle, Esq., Pyle & Entwistle, 25 S. Washington St., Gettysburg, PA 17325

ESTATE OF MILDRED M. HOUCK, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Mona L. Lawver, 6580 Baltimore Pike, Littlestown, PA 17340

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

ESTATE OF JAMES T. MONCRIEF, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

James C. Moncrief, P.O. Box 500670, Marathon, FL 33050

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

ESTATE OF PATRICK MARK SEARS, DEC'D

Late of Freedom Township, Fairfield, Adams County, Pennsylvania

Executrix: Mary R. Sears, 2821 Fulton Street, Berkeley, CA 94705

Attorney: Matthew R. Battersby, Esq., P.O. Box 215, 20 West Main Street, Fairfield, PA 17320

ESTATE OF ALLWYN E. SYMINGTON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator: Patricia C. Symington, c/o Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF LORETTA S. BAKER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Fredric L. Baker, 707 N. Warfield Drive, Mt. Airy, MD 21771

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

ESTATE OF SEBASTIANO F. CARRABBA, DEC'D

Late of Gettysburg Borough, Adams County, Pennsylvania

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

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

ESTATE OF KENNETH F. DOUGHERTY, DEC'D

Late of Borough of Biglerville, Adams County, Pennsylvania

Co-Executors: Richard H. Dougherty, 1460 N. W. Orion Drive, Pullman, WA 99163; Paul F. Dougherty, P.O. Box 199, Biglerville, PA 17307

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

ESTATE OF BERNICE S. HOFFMAN, DEC'D

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

Executor: Charles R. Hoffman, 29 N. Duke St., York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 N. Duke St., York, PA 17401

(continued on page 8)

THIRD PUBLICATION (continued)

ESTATE OF MOZINA L. JOHNSTONE, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Judy L. Jones, 405 Hedgerow Court, Hanover, PA 17331

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

ESTATE OF MERLE E. PLANK, JR., DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Cathy M. Plank, P.O. Box 683, Hanover, PA 17331

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325-2112

ESTATE OF DOROTHY E. REDDING, DEC'D

Late of Gettysburg Borough, Adams County, Pennsylvania

Co-Executors: Martin J. Redding, 15 Club Lane, Littleton, CO 80123; Margaret M. Kenworthy, 204 Ewell Avenue, Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-499 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Straban Township, Adams County, Pennsylvania, being more particularly described as (Lot No. 416) 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 in Miscellaneous Volume 4 at page 427, and subject to all legal highways, easements, right of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN George H. Simeone and Jodi F. Simeone, husband and wife by Deed from Fred M. Fowler and Carolyn N. Fowler, husband and wife dated 9/30/98 and recorded 10/8/98 in Record Book 1677, Page 231.

Premises being: 416 Heritage Drive, Gettysburg, PA 17325

Tax Parcel No. 4-26

SEIZED and taken into execution as the property of **George H. Simeone & Jodi F. Simeone** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/9, 16 & 23

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 311 of the Act of December 16, 1982, P.L. 1309, No. 295, codified as amended (54 Pa. C.S.A. §311), there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on March 14, 2003, an Application for Registration of Fictitious Name of **RACERS USED PARTS WAREHOUSE**, the address of the principal place of business being 1701 Heidlersburg Road, Aspers, Pennsylvania 17304. The name and address of the person who is a party to said registration is: Daniel W. Dietrich, Jr., of 1701 Heidlersburg Road, Aspers, Pennsylvania 17304.

Puhl, Eastman & Thrasher Attorneys

5/9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1152 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two lots of ground situate, lying and being in Tyrone Township, Adams County, Pennsylvania, which are bounded and described as follows:

LOT NO. 1

BEGINNING at a post at the side of the Bendersville Public Road; thence by the side of said road South 57-1/2 degrees West 50 feet to a post at the side of said road; thence by Lot #7 South 32-1/2 degrees East 160 feet to a post at

a 14 foot alley; thence by said alley North 57-1/2 degrees East 50 feet to a post; thence by Lot #5 North 32-1/2 degrees West 160 feet to a post, the place of BEGINNING. Said lot contains 800] square feet of land and is known as Lot #6 on the South side of the Bendersville Public Road.

LOT NO. 2

BEGINNING at a post at the side of the Bendersville Public Road; thence by the side of said road South 57-1/2 degrees West 50 feet to a post at the side of said road; thence by Lot #6 South 32-1/2 degrees East 160 feet to a post at a 14 foot alley; thence by said alley North 57-1/2 degrees East 50 feet to a post; thence by Lot #4 North 32-1/2 degrees West 160 feet to the place of BEGINNING. Said lot contains 8000 square feet of land and is known as Lot #5 on the South side of the Bendersville Road.

BEING the same premises which Ruth E. Motter, by Deed dated December 20, 1995 and recorded in the Office of the Recorder of Deeds of Adams County on December 21, 1995, in Deed Book Volume 1125, Page 225, granted and conveyed unto Christopher R. Strawsburg and Tammy L. Strawsburg, Husband and Wife.

GRENEB & BIRSIC, P.C.
Kristine M. Anthon, Esq.
Attorneys for Plaintiff
One Gateway Center, Nine West
Pittsburgh, PA 15222
(412) 281-7650

Parcel No.: (40) G04-0066

SEIZED and taken into execution as the property of **Christopher R. Strawsburg & Tammy L. Strawsburg** 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 July 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/9, 16 & 23

Adams County Legal Journal

Vol. 44

May 16, 2003

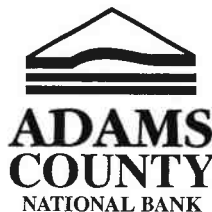
No. 51, pp. 283-290

IN THIS ISSUE

COMMONWEALTH VS. ATWELL

*This opinion continued from last issue (5/9/2003)
and is continued to next issue (5/23/2003)*

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-201 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, bounded, limited and described as follows:

BEGINNING for a point at the Northeastern side of Bonnie Field Circle and Lot No. 62; thence along Lot No. 62, North 41 degrees 15 minutes 00 seconds East, 100 feet to a point at lands now or formerly of John E. and Reba F. Biemiller; thence along said lands, South 48 degrees 45 minutes 00 seconds East, 75 feet to a point; thence continuing along the same, South 41 degrees 15 minutes 00 seconds West, 100 feet to a point at the aforementioned Bonnie Field Circle; thence along Bonnie Field Circle, North 48 degrees 45 minutes 00 seconds West, 75 feet to the point and place of BEGINNING. Containing 7,500 square feet and identified as Lot No. 63 on a plan of lots known as Bonnie Field prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9, Page 24.

TITLE TO SAID PREMISES IS VESTED IN Kimberly L. Leedy by Deed from Steven P. Brady and Kimberly L. Leedy dated 5/7/1999 and recorded 5/13/1999 in Record Book 1830, Page 177.

Premises being: 37 Bonnie Field Circle, Gettysburg, PA 17325

Tax Parcel No.: Map #9 and Parcel #77

SEIZED and taken into execution as the property of **Kimberly L. Leedy** 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 July 14, 2003, and distribution will be made in accordance

with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-152 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

TITLE TO SAID PREMISES IS VESTED IN Collins R. Stiffler and Dianna L. Stiffler, his wife by Deed from Philip R. Garland t/d/b/a Garland Construction, Inc. dated 3/17/2000 and recorded 4/4/2000 in Record Book 2024, Page 339.

Premises being: 12 Fiddler Drive, New Oxford, PA 17350

Tax Parcel: 001-0052-006

SEIZED and taken into execution as the property of **Collins R. Stiffler & Dianna L. Stiffler** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 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 March 24, 2003, for the purpose of obtaining a Certificate of Incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

The name of the corporation is **STONEY POINT, INC.**

The purpose for which the corporation has been organized is: The corporation shall have unlimited power to engage in and do any law act concerning any or all lawful business for which corporations may be organized under the Pennsylvania Business Corporation Law.

STONEY POINT, INC.
900B Frederick Pike
Littlestown, PA 17340

5/16

COMMONWEALTH VS. ATWELL

Continued from last issue (5/9/2003)

C. The Admissibility of John Kennedy's Prison Misconduct Records

The primary witness against Defendant is John Kennedy, a fellow inmate at the Adams County Prison. Defendant contends he is entitled to introduce Kennedy's prison misconduct record to demonstrate that Kennedy was given, or at least was seeking, leniency in exchange for his testimony against Defendant.

Information presently provided to the Court indicates the following sequence of events:

- a. July 26, 1998 Kennedy misconduct for obscene language
- b. August 1, 1998 Kennedy misconduct for disobeying an order
- c. August 16, 1998 Kennedy misconduct for bartering with another inmate
- d. August 25, 1998 Kennedy misconduct for disorderly conduct in throwing wet toilet paper
- e. August 28, 1998 Kennedy misconduct for obscene language
- f. August 29, 1998 Kennedy misconduct for fighting
- g. September 4, 1998 Kennedy misconduct for talking to segregated inmates
- h. October 6, 1998 Kennedy sentenced in CC-781-96 to 24 months of Intermediate Punishment with 3-1/2 months in Phase I (partial confinement) and 3-1/2 months in Phase II (house arrest) effective June 23, 1998
- i. October 7, 1998 Kennedy misconduct for removing picture from his ID badge
- j. October 10, 1998 Kennedy misconduct for yelling at two female prison visitors
- k. November 25, 1998 Kennedy misconduct for threatening another inmate
- l. December 1, 1998 Kennedy entered a plea of guilty and was sentenced in CC-513-98 on a charge of Retail Theft (Felony – Third Degree) to 30 months of Intermediate Punishment with 3 months in Phase I

- effective December 1, 1998. Standard Guidelines were RS-6.
- m. January 5, 1999 Kennedy reports to prison officials and Pennsylvania State Police that Defendant is soliciting him to murder Wehler.
 - n. January 24, 1999 Kennedy misconduct for having unauthorized food in his cell.
 - o. March 1, 1999 Kennedy released from Adams County Prison on CC-781-96 after serving 1 month 8 days beyond the minimum and on CC-531-98 after serving the minimum period of incarceration.
 - p. April 19, 1999 Kennedy writes to District Attorney George (CX 5) seeking intervention with the Probation Office concerning his ability to get to his scheduled appointments and intervention with District Justice Carr regarding a payment plan on fines and costs.
 - q. April 27, 1999 District Attorney writes to Kennedy declining his request (CX 6)

The law is clear that a defendant is entitled to explore whether a witness has been given or expects any leniency in return for his testimony against the defendant. The Pennsylvania Supreme Court has held, “due process requires that any potential understanding between the prosecution and a witness be revealed to the jury.” *Commonwealth v. Strong*, 761 A.2d 1167,1172, citing *U.S. v. Giglio*, 405 U.S. 150 (1972).

The jury’s estimate of the truthfulness and reliability of a given witness may well be determinative of guilt or innocence, and it is upon such subtle factors as the possible interest of the witness in testifying that a defendant’s life or liberty may depend... Any implication, promise or understanding that the government would extend leniency in exchange for a witness’ testimony is relevant to the witness’ credibility.

Comm. v. Strong, 761 A.2d at 1171 (citations omitted).

In the present case, Mr. Kennedy is a primary witness against Defendant, and his credibility is therefore of great importance. It is for the jury to decide whether Mr. Kennedy's prison misconduct record, when viewed in light of his sentences, indicates that he was offered or expected leniency in exchange for his testimony against Defendant. The jury can then make an informed decision with regard to Mr. Kennedy's credibility. Defendant is therefore entitled to introduce Mr. Kennedy's prison misconduct record.

D. Suppression of Evidence

Defendant filed a pro se Omnibus Pretrial Motion on July 3, 2002. Therein he alleged that evidence was illegally seized by the Pennsylvania State Police. There are three searches at issue.

1. Search of Defendant's Residence

On November 16, 1998, Trooper Nicholas Bloschichak applied for and was issued a search warrant (CX 1) to search Defendant's residence located at 239 Miller Road, Akron, Lancaster County, Pennsylvania. The warrant identified items to be seized as a) certain credit card account bills, receipts and correspondence, b) certain telephone and cellular records, a typewriter ribbon, cartridge, paper and correspondence and c) correspondence pertaining to Ms. Wehler.

The search was conducted by Troopers Bloschichak and Graham the same day the warrant was issued. Items seized were set forth in the inventory. Except for a typewriter and three credit cards, all other items were quantified as "miscellaneous", as in miscellaneous credit card, phone account and billing records, miscellaneous correspondence, documents and letters, and miscellaneous photographs and cards pertaining to Ms. Wehler.

Defendant contends that photographs, retirement account records and credit card records for accounts not specifically listed on the warrant must be suppressed. Trooper Bloschichak testified that photographs of Defendant and Ms. Wehler were taken as "correspondence pertaining to Ms. Wehler." Defendant's retirement account records were taken, according to the trooper, as evidence of fraud in that the records indicated Defendant had substantial assets and was, at the same time, being represented by the Public Defender's Office. The reason for taking records of credit card accounts not listed on the warrant was not elicited.

2. Search of Joy Jones Residence

On August 15, 1999, at the request of Trooper Bloschichak, Trooper Michelle Swantner of the Pennsylvania State Police had contact with Joy Jones, a friend of Defendant with whom he had frequently corresponded while at the Adams County Prison.⁷ Trooper Swantner ascertained that Ms. Jones was given Defendant's power of attorney and that she had a box of miscellaneous documents belonging to Defendant in her possession. Following Ms. Jones' request to speak to her attorney, the interview ended.

On August 26, 1999, Trooper Swantner again interviewed Ms. Jones but in the presence of her attorney. The trooper learned that Ms. Jones had letters from Defendant wherein he admitted being upset with Ms. Wehler and that he or someone else was "going to get" Ms. Wehler. She also learned that in 1984 Defendant and Ms. Jones purchased two .38 caliber revolvers, one of which was in her residence and the other being in a storage shed in Akron. Defendant had reportedly requested Ms. Jones to move the latter weapon to her residence. In addition, Ms. Jones related that on October 14, 1998, Defendant had \$9,800.00 transferred from an account in Maryland to an account in Downingtown.

On August 26, 1999, Trooper Swantner was advised by Trooper Bloschichak that on January 14, 1999, Kennedy reported Defendant advised that he had a .38 caliber pistol to use in the crime, that he would wire money from one account to another to pay Kennedy, and, that he would provide Kennedy with a car at Ms. Jones' residence.

On August 27, 1999, Trooper Swantner applied for and was issued a warrant (CX 3) to search Ms. Jones' residence. The items to be seized included all correspondence between Defendant and Ms. Jones, financial records belonging to Defendant and Ms. Jones, and any .38 caliber handguns. The search was conducted the same day. During the course of the search, Ms. Jones mentioned having a box of documents in her car. After speaking to her attorney, Ms. Jones executed a Consent to Search form (CX 4) allowing the trooper to seize the box in her car.

Trooper Swantner also seized a .38 caliber pistol, 5 live rounds, miscellaneous bank statements, financial papers, letters, credit card

⁷Ms. Jones resides in Downingtown, Chester County, Pennsylvania.

bills, telephone bills and a Sony cassette recorder from Ms. Jones' residence. The cassette recorder was allegedly seized because it had a tape of what appeared to be a court proceeding, and she wanted to determine if there were any wiretap violations. Apparently another trooper pushed the play button.

3. Search of Defendant's Storage Shed

On August 30, 1999, Trooper Bloschichak applied for and was granted a warrant to search public storage unit No. 4 and 6 located at 204 Miller Road, Akron, Lancaster County. The scope of the warrant was to locate and seize any .38 caliber revolvers and any correspondence between Defendant and Ms. Jones between February, 1998 and August 30, 1999 pertaining to Ms. Wehler, Mr. Alcott or any attempt by Defendant to escape from prison.

The search was conducted the same date. The trooper recovered a .38 caliber revolver and several boxes of .38 caliber ammunition.

Where a defendant files a motion to suppress, the Commonwealth has the burden to establish by a preponderance of the evidence that the challenged evidence is admissible. *Commonwealth v. Smith*, 784 A.2d 182, 186 (Pa.Super. 2001). The Fourth Amendment requires that a search warrant must specifically list the items to be seized, and describe such items with particularity. *Commonwealth v. Bagley*, 596 A.2d 811, 814 (Pa.Super. 1991). The Pennsylvania Constitution is more stringent and requires that the description of the items must be "as particular as is reasonably possible." *Commonwealth v. Iannelli*, 634 A.2d 1120, 1129 (Pa.Super. 1993), citing *Commonwealth v. Reese*, 549 A.2d 909, 910 (Pa. 1988). This requirement of particularity makes general searches under warrants impossible and "prevents the seizure of one thing under a warrant describing another." *Com. v. Iannelli*, 634 A.2d at 1129. The United States Supreme Court has stated, "as to what is to be taken nothing is left to the discretion of the officer executing the warrant." *Id.*, citing *Marion v. United States*, 275 U.S. 192, 196. A search may not go beyond the scope of the warrant with regard to the place to be searched and/or the items to be seized. *Com. v. Bagley*, 596 A.2d at 814.

There are, however, certain instances in which officers may seize items not specifically enumerated in the search warrant. For example, "objects falling in the plain view of an officer who has a right to be in the position to have the view are subject to seizure and may be

introduced in evidence.” *Commonwealth v. Land*, 23 Pa.D.&C.3d 341, 353 (Pa.Com.Pl. 1981), citing *Harris v. United States*, 390 U.S. 234, 236 (1969). The Pennsylvania Superior Court has held that, under this “plain view” doctrine, an officer may seize items found while executing a search warrant naming other objects. See *Commonwealth v. Stewart*, 495 A.2d 584 (1985), and *Commonwealth v. Millard*, 417 A.2d 1171 (1979). In order for an item not identified in the search warrant to be seized pursuant to the plain view doctrine,

the police must come upon the evidence inadvertently, in a place where they have a legal right to be at the time of discovery, and it must be immediately apparent to them that the evidence is of incriminating character. *Com. v. Stewart*, 495 A.2d at 589.

In the present case, Defendant contends that the seizure of items not specifically enumerated in the search warrants was improper and that such items should be suppressed. All of these items were obtained by an officer who came upon them inadvertently, in a place where that officer had a legal right to be at the time of discovery. In each case, the officer had a valid search warrant for the location in which the items were found. The more difficult question is whether it was immediately apparent to the officers that the items were of incriminating character.

With regard to the photographs, retirement account records, records of credit card accounts and telephone bills, this Court must have the opportunity to view those items in order to determine whether it would have been apparent to the officer executing the warrant that the items were incriminating. For example, Defendant has distorted some photographs in a manner which evidences his hatred of Ms. Wehler. If the photographs taken from Defendant’s residence are of such a nature, it may very well have been apparent to Trooper Bloschichak that the photographs were incriminating.

Trooper Bloschichak testified that he took the retirement account records from Defendant’s home as evidence of fraud in that the records indicated Defendant had substantial assets but was nevertheless being represented by the Public Defender’s Office. Seizure of the records would not have been justified on that basis. It has been alleged, however, that Defendant offered to pay Mr. Kennedy to kill

Ms. Wehler. If the retirement account records evidence access to funds which Defendant could have used to pay Mr. Kennedy, the records could have been seized based on the plain view doctrine.

It has also been alleged that Defendant opened and used credit cards in Ms. Wehler's name. Therefore, the records of credit card accounts taken from Defendant's residence could be incriminating if the credit cards were issued in Ms. Wehler's name.

Finally, at certain times, Defendant was prohibited from having any contact with Ms. Wehler. The records or credit card accounts taken from Defendant's home and the telephone bills taken from Joy Jones' residence could be incriminating if they show that Defendant made calls to Ms. Wehler.

Trooper Swantner testified that she seized the cassette recorder and tape from Joy Jones' residence because the tape appeared to contain a recording of a court proceeding, and she wanted to determine whether there were any wiretap violations. She further testified that another trooper had pushed the play button. Trooper Swantner could therefore not have relied on the plain view doctrine to seize the recorder and tape because it was not immediately apparent to her that the items were incriminating. Accordingly, the recorder and tape are suppressed.

Those items which do not possess immediately apparent incriminating characteristics are inadmissible. Nevertheless, the fact that items outside the scope of the warrant were taken does not necessitate suppression of those items which were legally seized. In *Com. v. Stewart*, 495 A.2d 584, the appellant argued that all of the items seized during the search of his home should have been suppressed because the police seized not only items described in the warrant, but also items which were not described. As in the present case, the warrant in *Stewart* described the property to be seized with sufficient particularity and appellant did not challenge the descriptions in the warrant. Therefore, the Court was not presented with a question concerning the validity of the warrant itself, but rather the execution of the search warrant. *Id.* at 589 FN5. The suppression court found in *Stewart* that four of the items seized which were not described in the warrant did not possess immediately apparent incriminating characteristics. *Id.* at 589. Nevertheless, the Superior Court held,

even if these items were illegally seized, this would only affect their admissibility and would not invalidate the entire search. The fact that items outside the warrant were taken does not necessitate suppressing those items which were legally seized. If a search is performed, "within permissible limits, the improper seizure of particular articles does not taint the search or the seizure of proper articles. 'Only those items improperly seized, or their poisoned fruit, are suppressible, since they are the only items with respect to which the defendants' Fourth Amendment rights were violated.'"... "[W]hile the police may not now make evidentiary use of the articles improperly seized, they may still introduce into evidence those things found on the premises which were legally seized"... Even if the four items in the instant case which were not described in the warrant were not properly seized pursuant to the plain view doctrine, they were never introduced into evidence at trial by the Commonwealth. Thus, appellant suffered no prejudice and we find his arguments without merit. *Id.* at 589-90 (citations omitted).

Thus, with the exception of the cassette recorder, we must await trial to see what the Commonwealth intends to offer as evidence. At that time, Defendant may challenge specific items.

Continued to next issue (5/23/2003)

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-141 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying, and being in the Borough of New Oxford, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a steel pin (found) Eleven and Fifty-Seven Hundredths (11.57) feet from the curbline of a 50 foot wide public right-of-way known as Hanover Street at corner of lands now or formerly of Barry L. Baumgardner; thence along lands now or formerly of Barry L. Baumgardner, South Sixty (60) degrees Eight (08) minutes Thirty (30) seconds West, One Hundred Seventeen and Ninety-Nine Hundredths (117.99) feet to a steel pin (set) at corner of Lot No. 2 of the hereinafter referred to final plan of lots; thence along Lot No. 2, North Thirty (30) degrees, Zero (00) minutes Zero (00) seconds West, Eighty-One and Seventy-One Hundredths (81.71) feet to a steel pin (set) at corner of lands now or formerly of Jerome P. Smith; thence along lands now or formerly of Jerome P. Smith, North Seventy-Two (72) degrees Fifty-Five (55) minutes Fifty-Nine (59) seconds East, Seventy-Four and Fifty-One Hundredths (74.51) feet to a point; thence continuing along same, North Seventy-Two (72) degrees Twenty (20) minutes Fifty-Seven (57) seconds East, Forty-Six and Forty-Four Hundredths (46.44) feet to a point of Hanover Street, said point being Eleven and Fifty-Seven Hundredths (11.57) feet from the curbline thereof; thence continuing along said line of Hanover Street, being Eleven and Fifty-Seven Hundredths (11.57) feet from the curbline, South Thirty (30) degrees Zero (00) minutes Zero (00) seconds East, Fifty-Five and Thirty-Nine Hundredths (55.39) feet to a steel pin (found), the point and place of BEGINNING. Being known as Lot No. 1 of Final Plan of Rodney H. Weaver and Brenda K. Weaver prepared by Worley Surveying, dated April 19, 1994, and recorded June 7, 1994 in the Office of Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 64 at Page 88.

TITLE TO SAID PREMISES IS VESTED IN William S. Weaver and Patricia L. Weaver, husband and wife by Deed from Betty J. Topper and Patricia L. Weaver and William S. Weaver, husband and wife dated 5/13/1999 and recorded 5/18/1999 in Record Book 1833, Page 119.

Premises being: 111 Hanover Street, New Oxford, PA 17350

Tax Parcel No. 5-153A

SEIZED and taken into execution as the property of **William S. Weaver & Patricia L. Weaver** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-173 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those three tracts of land situate in Highland Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1

BEGINNING at a spike in the center of Pennsylvania Route No. 116; thence through an iron pin set 26.6 feet from said place of beginning and by land now or formerly of Raymond Shindledecker, South 2 degrees 30 minutes West, 200 feet to a stake at lands now or formerly of J.J. Spence; thence by same, South 81 degrees 31 minutes West, 100 feet to a stake; thence by same, North 2 degrees 30 minutes East, 200 feet to a spike in the center of said Pennsylvania Route No. 116; thence in the center of said Pennsylvania Route No. 116, North 81 degrees 31 minutes East, 100 feet to the place of BEGINNING. CONTAINING 72 perches and 31 square feet.

TRACT NO. 2

BEGINNING at a spike in the center of the State Highway Route No. 116 leading from Gettysburg to Fairfield at the north-west corner of land now or formerly of Raymond C. Shindledecker and wife; thence along other land of said

Shindledeckers, through an iron pin set back 35 feet from said spike, South 3 degrees 21 minutes East, 200 feet to an iron pin; thence by other land now or formerly of Ruth J. Spence, South 75 degrees 30 minutes West, 10 feet to an iron pin; thence by other land now or formerly of Ruth J. Spence, North 3 degrees 21 minutes West, 200 feet through an iron pin set back 35 feet along the line to a point in the center of the aforementioned State Highway; thence in the center of the aforementioned State Highway, North 75 degrees 30 minutes East, 10 feet to a spike, the place of BEGINNING. CONTAINING 7 perches and 57 square feet of land.

TRACT NO. 3

BEGINNING at an iron pin at other land now or formerly of Kermit R. Shindledecker and wife; thence North 75 degrees 30 minutes East, 110 feet to an iron pin at other land now or formerly of Raymond Shindledecker; thence by said Shindledecker land, South 03 degrees 21 minutes East, 430.36 feet to an iron pin at land now or formerly of David Williams; thence by other land now or formerly of the Estate of Ruth J. Spence, North 18 degrees 28 minutes West, 423.16 feet to an iron pin, the place of BEGINNING. CONTAINING 85.3 perches and known as Lot No. 5-A on a draft of survey prepared on September 28, 1968 by Wilbur V. Redding, R.S.

The real estate above described being the same which Randall B. Inskip and Martha R. Inskip, his wife, by deed dated August 15, 1986, and intended to be recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania, conveyed unto Kenneth J. Ortman, being the same person as Kenneth J. Ortman, the Mortgagor herein.

SEIZED and taken into execution as the property of **Kenneth J. Ortman** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1308 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in Legislative Route No. 01001 running from Arendtsville to Wenksville, at corner of land of Marlin Taylor; thence in said Legislative Route, South 15 degrees 5 minutes 40 seconds West 122.22 feet to another railroad spike in said Legislative Route; thence by land of Norman M. Swartz and wife and running through an iron pin located 25.15 feet from the beginning of this line, North 58 degrees 47 minutes 20 seconds West 270 feet to an iron pin; thence by land now or formerly of Sterling McCauslin, North 25 degrees 23 minutes 40 seconds East 136.50 feet to an existing iron pin; thence by land of Marlin Taylor and running through an iron pin located 23.75 feet from the end of this line, South 54 degrees 35 minutes 20 seconds East 250.60 feet to a railroad spike in Legislative Route 01001, the place of BEGINNING.

CONTAINING 0.750 acre

THE foregoing description was obtained from a draft of a survey made by Gettysburg Engineering Co., Inc., dated March 8, 1968.

Tax Parcel No. D6-4

BEING known as 944 Brysonia-Wenksville Road, Biglerville, PA 17307

TITLE TO SAID PREMISES IS VESTED IN Robert C. Kimmel, Sr. and Sandra L. Kimmel, husband and wife by Deed from Earl L. Weaver and Velma L. Weaver, husband and wife dated 4/14/1989 and recorded 4/14/1989, in Record Book 519, Page 524.

SEIZED and taken into execution as the property of Robert C. Kimmel, Sr. & Sandra L. Kimmel 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 July 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-999 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the center of the public highway leading from Fairfield to Orttanna; thence in the center of the same, North 0 degrees 30 minutes East, 110 feet to another spike; thence by lands now or formerly of James H. Hammett and wife, South 89 degrees 30 minutes East, 167 feet to a stake at lands now or formerly of John O. Musselman; thence by the same, South 35 degrees 30 minutes East, 136 feet to a stake at lands now or formerly of Mike Shimcock; thence by said lands, North 89 degrees 30 minutes West, 247 feet to a spike, the place of BEGINNING.

TAKEN from a draft of survey prepared by LeRoy H. Winebrenner, C.S., dated April 19, 1961.

BEING No. 21 Carrolls Tract Road

Tax Parcel No. C-15-

SEIZED and taken into execution as the property of Donald R. Haines & Nancy C. Haines 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-338 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Carroll Valley (formerly Liberty Township), Adams County, Pennsylvania, being Lot No. 169 in Section P, bounded and described as follows:

BEGINNING at a point in the center of Ringneck Trail at Lot No. 168; thence by said lot North 33 degrees 57 minutes 21 seconds East, 165.03 feet to Lot No. 170; thence by said lot South 45 degrees 40 minutes East, 260.88 feet to a point in the center of Finch Trail; thence in said Finch Trail South 44 degrees 20 minutes West, 120 feet to a point in the intersection of Finch Trail and Ringneck Trail; thence in said Ringneck Trail North 56 degrees 2 minutes 39 seconds West, 253 feet to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN David Bawgus and Lisa M. Bawgus, husband and wife by Deed from Allen W. Beckett, trading and doing business as Allen Beckett Construction dated 6/26/2000, recorded 7/5/2000, in Record Book 2082, page 57.

Tax Parcel: 35-127

Premises being: 23 Ringneck Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of David Bawgus & Lisa M. Bawgus 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1152 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two lots of ground situate, lying and being in Tyrone Township, Adams County, Pennsylvania, which are bounded and described as follows:

LOT NO. 1

BEGINNING at a post at the side of the Bendersville Public Road; thence by the side of said road South 57-1/2 degrees West 50 feet to a post at the side of said road; thence by Lot #7 South 32-1/2 degrees East 160 feet to a post at a 14 foot alley; thence by said alley North 57-1/2 degrees East 50 feet to a post; thence by Lot #5 North 32-1/2 degrees West 160 feet to a post, the place of BEGINNING. Said lot contains 8000 square feet of land and is known as Lot #6 on the South side of the Bendersville Public Road.

LOT NO. 2

BEGINNING at a post at the side of the Bendersville Public Road; thence by the side of said road South 57-1/2 degrees West 50 feet to a post at the side of said road; thence by Lot #6 South 32-1/2 degrees East 160 feet to a post at a 14 foot alley; thence by said alley North 57-1/2 degrees East 50 feet to a post; thence by Lot #4 North 32-1/2 degrees West 160 feet to the place of BEGINNING. Said lot contains 8000 square feet of land and is known as Lot #5 on the South side of the Bendersville Road.

BEING the same premises which Ruth E. Motter, by Deed dated December 20, 1995 and recorded in the Office of the Recorder of Deeds of Adams County on December 21, 1995, in Deed Book Volume 1125, Page 225, granted and conveyed unto Christopher R. Strawsburg and Tammy L. Strawsburg, Husband and Wife.

GRENEN & BIRSIC, P.C.

Kristine M. Anthou, Esq.

Attorneys for Plaintiff

One Gateway Center, Nine West

Pittsburgh, PA 15222

(412) 281-7650

Parcel No.: (40) G04-0066

SEIZED and taken into execution as the property of **Christopher R. Strawsburg & Tammy L. Strawsburg** 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 July 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-243 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described tract of land situate, lying and being in Mount Pleasant Township, Adams County, Pennsylvania, bounded, as follows, to wit:

BEGINNING at a point in the center line of Pennsylvania Department of Transportation Legislative Route 116 at a corner of lands now or formerly of Cyril N. McMaster; thence along said lands now or formerly of Cyril N. McMaster and through an iron pin set back twenty-five (25) feet from the said point of beginning North forty-eight (48) degrees forty-five (45) minutes zero (0) seconds East four hundred thirty-three and three one-hundredths (433.03) feet to an iron pin at a corner of lands now or formerly of Richard J. Miller; thence along said lands now or formerly of Richard J. Miller South forty-eight (48) degrees twenty (20) minutes thirty-six (36) seconds East two hundred sixty-two and forty-four one-hundredths (262.44) feet to an iron pin and a corner of lands now or formerly of Rodney E. Ernst; thence along said lands now or formerly of Rodney E. Ernst, South twenty-eight (28) degrees thirty-seven (37) minutes forty-seven (47) seconds West one hundred ninety-nine and twenty-six one-hundredths (199.26) feet to a point in the center line of Pennsylvania Department of Transportation Legislative Route 116, the said last course passing through an iron pin located North twenty-eight (28) degrees thirty-seven (37) minutes forty-seven (47) seconds East feet from the terminus of the said course; thence in, along, and through the center line of said Pennsylvania Department of Transportation Legislative Route 116

North eighty-one (81) degrees twenty-nine (29) minutes zero (0) seconds West four hundred thirty and ninety-three one-hundredths (430.93) feet to a point and place of BEGINNING.

CONTAINING 2.220 acres

ALSO excepting thereout and therefrom that portion of subject premises conveyed to Steven Henschke in Deed Book 307, Page 137, 1.22 acres.

TITLE TO SAID PREMISES IS VESTED IN David L. Rider and Nancy E. Rider, His Wife by Deed from Francis S. Dayhoff and Helen I. Dayhoff, his wife dated 10/11/1972 and recorded 10/18/1972 in Deed Book 303, Page 277.

Premises being: 2310 Hanover Road, Gettysburg, PA 17325

Tax Parcel No.: H14-2A

SEIZED and taken into execution as the property of **David L. Rider a/k/a David Rider & Nancy E. Rider a/k/a Nancy Rider** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

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 March 5, 2003 for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of 1988, 15 Pa. C.S. Section 1101. The name of the corporation is D'OEGEE INC.

The purpose for which the corporation is organized is the sales and trading of surplus industrial equipment.

5/16

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 Thursday, May 22, 2003, at 9:00 o'clock a.m.

SMITH—Orphans' Court Action Number OC-24-03. The First and Final Account of Thomas B. Redding, Jr., Executor of the Estate of B. Guy Smith a/k/a Benedict Guy Smith a/k/a John Smith, deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania.

STAVELY—Orphans' Court Action Number OC-27-03. The First and Final Account of Nannette E. Bankert, Executrix of the Last Will and Testament of Catherine G. Stavely, deceased, late of Straban Township, Adams County, Pennsylvania.

NARY—Orphans' Court Action Number OC-30-03. The First and Final Account of G. Edward Hughes and Clayton R. Wilcox, Co-Executors of the Estate of Mildred E. Nary, deceased, late of Straban Township, Adams County, Pennsylvania.

STAUB—Orphans' Court Action Number OC-32-03. The First and Final Account of Marla R. Weaver, Surviving Executrix of the Estate of Blanche A. Staub a/k/a Blanche E. Staub, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

WAGNER—Orphans' Court Action Number OC-39-03. The First and Final Account of Carolyn W. Sponseller and Rebecca W. Straub, Co-Executrices of the Estate of Anna J. Wagner, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

GUTHRIE—Orphans' Court Action Number OC-41-03. The First and Final Account of PNC Bank, National Association, Executor of the Will of Mabel W. Guthrie, deceased, late of Oxford Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-499 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Straban Township, Adams County, Pennsylvania, being more particularly described as (Lot No. 416) 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 in Miscellaneous Volume 4 at page 427, and subject to all legal highways, easements, right of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN George H. Simeone and Jodi F. Simeone, husband and wife by Deed from Fred M. Fowler and Carolyn N. Fowler, husband and wife dated 9/30/98 and recorded 10/8/98 in Record Book 1677, Page 231.

Premises being: 416 Heritage Drive, Gettysburg, PA 17325

Tax Parcel No. 4-26

SEIZED and taken into execution as the property of **George H. Simeone & Jodi F. Simeone** 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-884 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot fronting 35 feet, more or less, on the South side of West Middle Street in the Borough of Gettysburg, Adams County, Pennsylvania, and running in a Southerly direction for a depth of approximately 180 feet, and with a rear width of 35 feet, more or less; and bounded on the East by land now or formerly of Holbert I. Riley, on the South by a 12 foot public alley, and on the West by land now or formerly of Raymond Fair.

BEING KNOWN AS 210 West Middle Street, Gettysburg, PA 17325

PROPERTY ID NO.: 10-87

TITLE TO SAID PREMISES IS VESTED IN James G. Edge, a single man, by Deed from Dennis E. Bear and Peggy M. Bear, husband and wife, dated 05/26/95, recorded 05/30/95, in Deed Book 1035, Page 172.

SEIZED and taken into execution as the property of **James G. Edge** 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 July 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/2, 9 & 16

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 JOSEPH J. BALEK, II, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania
 Administrator: Anthony J. Balek, c/o 29 North Duke Street, York, PA 17401
 Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF ELIZABETH JANE BALTZLEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
 Executor: F. Thomas Baltzley, 3938 Brookridge Drive, Mechanicsburg, PA 17050
 Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF BARBARA SCHAEFFER BOWSER a/k/a BARBARA S. BOWSER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: PNC Bank, Attn: Linda J. Lundberg, P.O. Box 308, Camp Hill, PA 17011
 Attorney: Robert E. Campbell, Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF FLOYD W. CHAPMAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
 Executrix: Betty K. Chapman, 1005 Biglerville Rd., Gettysburg, PA 17325
 Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325-2112

ESTATE OF CLAUDINE A. SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Executrix: Linda M. Thomassy, 1261 Beck Mill Road, Hanover, PA 17331
 Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF ANN L. CLEVELAND, DEC'D
 Late of Straban Township, Adams County, Pennsylvania

Executor: Gary L. Cleveland, 4 Elm Avenue, New Oxford, PA 17350
 Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325-2112

ESTATE OF DONALD R. HORTON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
 Executor: Garry W. Horton, 1307 Acacia Court, Roseville, CA 95661
 Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF JACOB WILLIAM MENGES, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Co-Executors: Patricia A. Menges & Norma J. Stambaugh, c/o 29 North Duke Street, York, PA 17401
 Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF JOHN THOMAS PEIFFER, DEC'D

Late of Union Township, Adams County, Pennsylvania
 Administrator: Thomas C. Peiffer, c/o 42 North Duke St., York, PA 17401
 Attorney: Bruce C. Bankenstein, Esq., 42 North Duke St., York, PA 17401

ESTATE OF DONALD E. SCHRIVER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Nickolis A. Schriver, 1992 Hunterstown-Hampton Road, New Oxford, PA 17350; Gladys R. Metz, 353 West High Street, Gettysburg, PA 17325
 Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARY W. SENFT, DEC'D

Late of Berwick Township, Adams County, Pennsylvania
 Executors: Larry V. Senft, 2179 Grandview Road, Hanover, PA 17331; Jeffrey L. Senft, 6675 Manor Drive, Hanover, PA 17331
 Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

ESTATE OF ELSIE G. TRESSLER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Co-Executrices: Kathryn E. Davis, 357 Old Waynesboro Pike, Fairfield, PA 17320; Susan R. Hersh, Box 342, Codorus, PA 17311

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

THIRD PUBLICATION

ESTATE OF ARLENE L. BECKER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Co-Executors: Jeffrey C. Becker, 302 Primrose Lane, Hanover, PA 17331; Doreen L. Rummel, 33 Lindsay Lane, Hanover, PA 17331
 Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF JAY D. CARTER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania
 Executrix: Frances B. Peifer, 19 Bayview West, Selbyville, DE 19975
 Attorney: Barbara Jo Entwistle, Esq., Pyle & Entwistle, 25 S. Washington St., Gettysburg, PA 17325

ESTATE OF MILDRED M. HOUCK, DEC'D

Late of Freedom Township, Adams County, Pennsylvania
 Mona L. Lawver, 6580 Baltimore Pike, Littlestown, PA 17340
 Attorney: Clayton R. Wilcox, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF JAMES T. MONCRIEF, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania
 James C. Moncrief, P.O. Box 500670, Marathon, FL 33050
 Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF PATRICK MARK SEARS, DEC'D

Late of Freedom Township, Fairfield, Adams County, Pennsylvania
 Executrix: Mary R. Sears, 2821 Fulton Street, Berkeley, CA 94705
 Attorney: Matthew R. Battersby, Esq., P.O. Box 215, 20 West Main Street, Fairfield, PA 17320

ESTATE OF ALLWYN E. SYMINGTON, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Administrator: Patricia C. Symington, c/o Henry O. Heiser, III, Esq., 104 Baltimore St., Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-230 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land located in Reading Township, Adams County, Pennsylvania, shown as Tract No. 2 on the final subdivision plan prepared for Edward C. Wallen, Sr. dated December 29, 1998, and about to be recorded in the Adams County, Pennsylvania, Recorder of Deeds Office and shown as Lot No. 2 on said plan, more particularly bounded and described as follows:

BEGINNING at a steel pin set located at the Eastern corner of Lot No. 1 as shown on said plan; thence along Lot No. 1 South 40 degrees 19 minutes 42 seconds West 160.00 feet to a steel pin set located at lands now or formerly of Gene H. Shenberger; thence by said lands of Shenberger South 49 degrees 40 minutes 18 seconds East 306.54 feet to an existing iron pipe at lands now or formerly of David W. Diehl; thence by lands of David W. Diehl North 22 degrees 54 minutes 02 seconds East 167.70 feet to an existing iron pipe at other lands of the grantors herein; thence by same North 49 degrees 40 minutes 18 seconds West 256.31 feet to a steel pin set, the point and place of BEGINNING.

CONTAINING 1.034 acres

TOGETHER with the right to use the stone driveway as it is extended across Lot No. 1 as shown on the aforesaid subdivision plan. The rights and responsibilities related to the use and maintenance of the driveway as between owners of Lots 1 and 2 are set forth in a Declaration of Right-of-Way and Responsibilities previously recorded in the aforesaid Recorder of Deeds Office.

TITLE TO SAID PREMISES IS VESTED IN Lori Sue Wallen, widow by reason of the following

BEING THE SAME PREMISES which Edward C. Wallen, Sr and Darlene K. Wallen, his wife by Deed dated 4/22/1999 and recorded on 6/9/1999 in the County of Adams in Record Book 1849, Page 20 conveyed unto Edward C. Wallen, Jr. and Lori Sue Wallen, his wife.

AND THE SAID Edward C. Wallen, Jr. died on 9/30/2001 whereby title to said premises became vested in Lori Sue Wallen by operation of law and right of survivorship.

Premises being: 22 Miller Road, New Oxford, PA 17350

Tax Parcel: MAP#J7 PARCEL#69

SEIZED and taken into execution as the property of **Lori Sue Wallen a/k/a Lori S. Toomey** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-926 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in the Lake Heritage Subdivision in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described in the Deed prior hereto as follows:

Lot No. 152 on a Plan of Lots of Lake Heritage Subdivision, duly recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Docket 4, at Page 233 (234), subject to all legal highways, easements, rights of way, and restrictions of record, the description of which lot on said Plan of Lots is incorporated herein by reference.

BEING No.: 152 Jackson Road

Tax Parcel Number 8-8

SEIZED and taken into execution as the property of **Victor M. Alvarez & Marcelina A. Alvarez** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

NOTICE

TAKE NOTICE, that on September, 2000, David Lease submitted a subdivision plan for a development known as Alwine Meadows (ACPC 190-00) plan to Hamilton Township for review and for approval. To date, the Township has failed to comply with the requirements of the Pennsylvania Municipalities Planning Code, specifically sec. 508 and sec. 508(2), in that there was a letter dated June 7, 2001 advising the applicant that the subdivision plan was denied, but that letter does not comply with sec. 508 of the MPC relating to the time period for a decision of the municipality, and the letter failed to specify the defects found in the application, failed to describe the requirements which have not been met and failed to cite to the provisions of the statute or ordinance relied upon. As such, the applicant declares that the subdivision is hereby deemed to have been approved and he shall begin taking steps to proceed with his plans as submitted and amended.

John Ogden for Applicant
Holt & Ogden, LLP
34 North Queen Street
York, PA 17403

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Adams County Legal Journal

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May 23, 2003

No. 52, pp. 291-296

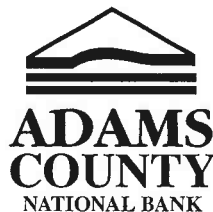
IN THIS ISSUE

COMMONWEALTH VS. ATWELL

Conclusion of opinion continued from last issue (5/16/2003)

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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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1152 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two lots of ground situate, lying and being in Tyrone Township, Adams County, Pennsylvania, which are bounded and described as follows:

LOT NO. 1

BEGINNING at a post at the side of the Bendersville Public Road; thence by the side of said road South 57-1/2 degrees West 50 feet to a post at the side of said road; thence by Lot #7 South 32-1/2 degrees East 160 feet to a post at a 14 foot alley; thence by said alley North 57-1/2 degrees East 50 feet to a post; thence by Lot #5 North 32-1/2 degrees West 160 feet to a post, the place of BEGINNING. Said lot contains 8000 square feet of land and is known as Lot #6 on the South side of the Bendersville Public Road.

LOT NO. 2

BEGINNING at a post at the side of the Bendersville Public Road; thence by the side of said road South 57-1/2 degrees West 50 feet to a post at the side of said road; thence by Lot #6 South 32-1/2 degrees East 160 feet to a post at a 14 foot alley; thence by said alley North 57-1/2 degrees East 50 feet to a post; thence by Lot #4 North 32-1/2 degrees West 160 feet to the place of BEGINNING. Said lot contains 8000 square feet of land and is known as Lot #5 on the South side of the Bendersville Road.

BEING the same premises which Ruth E. Motter, by Deed dated December 20, 1995 and recorded in the Office of the Recorder of Deeds of Adams County on December 21, 1995, in Deed Book Volume 1125, Page 225, granted and conveyed unto Christopher R. Strawsburg and Tammy L. Strawsburg, Husband and Wife.

GRENEB & BIRSIC, P.C.
Kristine M. Anthon, Esq.
Attorneys for Plaintiff
One Gateway Center, Nine West
Pittsburg, PA 15222
(412) 281-7650

Parcel No.: (40) G04-0066

SEIZED and taken into execution as the property of **Christopher R. Strawsburg & Tammy L. Strawsburg** 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 July 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-338 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Carroll Valley (formerly Liberty Township), Adams County, Pennsylvania, being Lot No. 169 in Section P, bounded and described as follows:

BEGINNING at a point in the center of Ringneck Trail at Lot No. 168; thence by said lot North 33 degrees 57 minutes 21 seconds East, 165.03 feet to Lot No. 170; thence by said lot South 45 degrees 40 minutes East, 260.88 feet to a point in the center of Finch Trail; thence in said Finch Trail South 44 degrees 20 minutes West, 120 feet to a point in the intersection of Finch Trail and Ringneck Trail; thence in said Ringneck Trail North 56 degrees 2 minutes 39 seconds West, 253 feet to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN David Bawgus and Lisa M.

Bawgus, husband and wife by Deed from Allen W. Beckett, trading and doing business as Allen Beckett Construction dated 6/26/2000, recorded 7/5/2000, in Record Book 2082, page 57.

Tax Parcel: 35-127

Premises being: 23 Ringneck Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of **David Bawgus & Lisa M. Bawgus** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN of the filing with the Department of State of the Commonwealth of Pennsylvania, on March 27, 2003, under the Fictitious Name Act, of an Application for the registration of the fictitious name JASPER'S JUICE WORKS with its principal office or place of business at 51 Chambersburg Street, Gettysburg, Pennsylvania 17325. The name and address of the entity who is party to the registration is: R. P. Chiacchierini & Associates, LLC, 15825 Shady Grove Road, Rockville, Maryland 20850.

Pyle and Entwistle
25 South Washington Street
Gettysburg, PA 17325

5/23

COMMONWEALTH VS. ATWELL

Continued from last issue (5/16/2003)

E. Change of Venue or Venire

In his July 3, 2002 pro se Motion, Defendant requested a change of venue or venire. He limited the scope of the request to the accusation that he could not receive a fair trial because use of “51st Judicial District courts and prosecution would be a conflict of interest exhibiting bias and prejudice.” This request is denied.

Specifically, Defendant alleges a conflict because former District Attorney George is now a Judge of the 51st Judicial District. This issue has no merit. Judge George has not and will not have any involvement with this case. The undersigned has been assigned to all of Defendant’s cases to date and will preside over the trial in this matter.

Second, Defendant contends that Mr. Dean’s involvement creates a conflict of interest because of his alleged bias toward Defendant. This issue has been addressed earlier in this Opinion and will not be repeated.

F. Quash Witnesses

In his July 3, 2002 pro se Motion, Defendant contends that Thomas Duran, Brian Clark, Travis Gardner, Bruce Cluck and Curtis Whitmoyer should not be permitted to testify against him. In this regard, he argues that these witnesses lack credibility because they are biased against him. Defendant states this bias arises out of him suing and attempting to criminally charge these persons. This base allegation fails to constitute a valid reason to deny the Commonwealth the right to call these persons as witnesses to the extent they have relevant testimony. Bias and prejudice can be explored by Defendant at trial.

G. Selective Prosecution

In his July 3, 2002 pro se Motion, Defendant contends that he is the victim of selective prosecution. Specifically, he alleges that the Commonwealth is vigorously prosecuting him while ignoring his allegations of illegal conduct committed by Mr. Alcott and Ms. Wehler. The Court finds no merit to Defendant’s allegations.

Defendant claims that the Commonwealth failed to properly charge and pursue the prosecution of Mr. Alcott for allegedly pulling a gun on Defendant and threatening to kill him on May 20, 1998. However, Defendant’s Motion acknowledges that the East Berlin

Borough Police Department charged Mr. Alcott in the incident and he was found guilty of disorderly conduct by a district justice. Defendant has offered no other information surrounding the incident or regarding how the District Attorney's Office acted improperly.

Defendant also contends that Ms. Wehler committed various crimes which the District Attorney failed to pursue. For example, he claims that Ms. Wehler committed welfare fraud, income tax evasion and subsidized housing violations. However, Defendant fails to demonstrate a factual or legal basis for the Adams County District Attorney's Office to become involved in such matters. Defendant also claims that Ms. Wehler solicited Mr. Alcott to kill him. He alleges having provided Mr. Dean with this allegation in his office verbally in July 1998. Again, he fails to provide any more specifics.

In order to establish a prima facie case of selective prosecution, Defendant must demonstrate,

first, that others similarly situated were not prosecuted for similar conduct, and, second, that the Commonwealth's discriminatory prosecutorial selection was based on impermissible grounds such as race, religion, the exercise of some constitutional right, or any other such arbitrary classification.

Commonwealth v. Childress, 799 A.2d 805, 811 (Pa.Super. 2002).

The burden is on the defense to establish the claim, and that burden should not be shifted to the prosecution to establish or refute the claim. *Commonwealth v. Murphy*, 759 A.2d 997 (Pa.Super. 2002). Furthermore, "because of the doctrine of separation of powers, the courts will not lightly interfere with an executive's decision of whom to prosecute." *Id.* at 1000.

The Pennsylvania Superior Court has held, "[u]nequal application of the criminal laws alone does not amount to a constitutional violation." *Commonwealth v. Wells*, 657 A.2d 507, 510 (Pa.Super. 1995), citing *United States v. Cinemette Corp. of America*, 687 F.Supp. 976, 983 (W.D.Pa. 1988). Defendant must establish that he was prosecuted for an incorrect reason, not that the Commonwealth failed to prosecute another guilty person. *Com. v. Childress*, 799 A.2d at 811.

Defendant has not demonstrated that he was a victim of arbitrary classification. He has merely alleged unequal application of the law,

which, as noted above, does not amount to a constitutional violation. Furthermore, Defendant has not offered adequate support for his allegations that the District Attorney's Office acted improperly. This Court should not, and will not, interfere with the District Attorney's decisions regarding whom to prosecute simply based on Defendant's unsubstantiated allegations. It is not the Commonwealth's burden to demonstrate that it acted properly in this regard. Rather, the burden is on Defendant, and he has failed to establish a prima facie case of selective prosecution.

H. Double Jeopardy

Defendant argues that pursuing the charges of Solicitation in this matter constitutes a violation of Double Jeopardy.⁸ Essentially, Defendant contends that the Commonwealth's case is based upon one solicitation with regard to both Mr. Alcott and Ms. Wehler. When the jury entered a not guilty verdict as to the charges of solicitation with regard to Mr. Alcott, according to Defendant, the jury was concluding that the Commonwealth had not proven beyond a reasonable doubt that Defendant solicited Mr. Kennedy to kill or to retaliate against either Mr. Alcott or Ms. Wehler. Therefore, the issue of solicitation has been decided, and pursuing charges involving the same interaction with Mr. Kennedy would be twice placing Defendant in jeopardy for that conduct.

Defendant also alleges that the Court should have taken more steps to ascertain from the jury whether verdicts could have been reached regarding the charges of solicitation to kill Ms. Wehler and solicitation to retaliate against Ms. Wehler.

On February 22, 2000, the jury retired to deliberate at 12:05 p.m. They returned to the courtroom with questions at 2:20 p.m., 3:45 p.m. and 5:43 p.m. At 7:41 p.m. the jury indicated it was deadlocked on the two charges involving Ms. Wehler. The Court urged the jury to further explore the possibility of reaching a verdict [N.T. 554-7]. Nevertheless, at 8:00 p.m. the jury returned with verdicts in all matters except the aforementioned solicitation charges.

⁸ As noted above, the jury was unable to reach a verdict in Counts I and III of CC-362-99 alleging solicitation to murder Ms. Wehler and solicitation to retaliate against a witness with regard to Ms. Wehler. Commonwealth is pursuing these unresolved solicitation charges.

Pa.R.Crim.P. 1120(f) states:

Before a verdict, whether oral or sealed, is recorded, the jury shall be polled at the request of any party. Except where the verdict is sealed, if upon such poll there is no concurrence, the jury shall be directed to retire for further deliberations.

The Pennsylvania Superior Court has held that Pa.R.Crim.P. 1120(f) requires a judge to poll the jury only where a party requests such action, and it is reversible error for a judge to refuse such a request. *Commonwealth v. McCord*, 700 A.2d 938, 942 (1997). The Superior Court has further stated, “there is no rule requiring the members of a jury to agree unanimously that their deadlock is hopeless before a mistrial can be declared.” *Commonwealth v. Ketner*, 450 A.2d 653, 654 (1982). In the present case, the undersigned urged the jury to further explore the possibility of reaching a verdict after they had indicated they were deadlocked on the two charges involving Ms. Wehler. Furthermore, at no time did the Commonwealth or Defense request that the jury be polled. This Court was therefore not required to take further steps to ascertain whether verdicts could have been reached regarding the charges of solicitation to kill and solicitation to retaliate against Ms. Wehler.

The Pennsylvania Superior Court has held,

retrial of charges on which a jury has been unable to agree is not barred unless the jury made findings on one or more other charges which must be interpreted as an acquittal of the offense for which the defendant is to be retried. *Com. v. McCord*, 700 A.2d at 946.

After reviewing the transcript from the jury trial held in February, 2000, it appears the jury could reasonably have concluded that, although there was insufficient evidence to find Defendant guilty of solicitation to kill Mr. Alcott and solicitation to retaliate against Mr. Alcott, there may have been sufficient evidence for at least one of the jurors to have found Defendant guilty of the same charges with regard to Ms. Wehler. Mr. Kennedy’s testimony does not indicate with any degree of specificity that there was only one solicitation. In fact, Mr. Kennedy provided very little information regarding his discussions with Defendant about Mr. Alcott. Mr. Kennedy stated that he had more than one conversation with Defendant about Ms. Wehler

and Mr. Alcott; however, he did not indicate whether the discussions regarding Ms. Wehler were separate from the discussions regarding Mr. Alcott. N.T. 258. Mr. Kennedy's testimony suggests that the initial conversations between himself and Defendant were about Ms. Wehler. For example, he states,

It first started off with him talking about his girlfriend, about how he still did like her but then he talked about his new girlfriend. Then it was just I thought a lot him get ticked off and then after that it sounded more seriously... First he was just saying about how he hates her and then he'd go back to think he likes her and then he hates her. N.T. 256-257.

When asked whether there was a plan discussed between himself and Defendant, Mr. Kennedy first stated that there was a plan discussed for Ms. Wehler. N.T. 259. Mr. Kennedy later stated that the plan involved Ms. Wehler and Mr. Alcott. Mr. Kennedy was asked to describe the plan that he had discussed with Defendant concerning Mr. Wehler and Mr. Alcott. Mr. Kennedy stated,

The plan was to drive my 77 Mustang down to the restaurant called the Hofbrauhaus... I would take the .38 that he would provide and kill Mary there and because she would be a waitress there. I don't remember exactly how Mr. Alcott got involved, but I do remember he was supposed to be involved. N.T. 259.

Mr. Kennedy was then asked how Mr. Alcott was involved. He answered, "after I got done supposedly kill Mary, I supposedly kill Dwight. I don't remember how exactly" N.T. 260. Mr. Kennedy later stated with regard to the plan to kill Mr. Alcott,

At the time I knew how and where. At this time right now...I don't remember how it was planned out. N.T. 284.

The only specific information Mr. Kennedy provided regarding his conversations with Defendant about Mr. Alcott was that Defendant had asked Mr. Kennedy to make an anonymous phone call stating that Mr. Alcott was selling crack cocaine. N.T. 288.

A jury could therefore have reasonably concluded that there were separate solicitations and plans, and possibly separate discussions between Defendant and Mr. Kennedy, with regard to Ms. Wehler and

Mr. Alcott. Consequently, it is possible that the jury could have failed to reach a decision regarding the solicitation charges concerning Ms. Wehler, but determine that the Commonwealth had not proven those charges beyond a reasonable doubt with regard to Mr. Alcott. The Commonwealth's pursuit of the Solicitation charges does not constitute a violation of Double Jeopardy.

ORDER OF COURT

AND NOW, this 27th day of September, 2002, the Court disposes of Defendant's pre-trial motions as follows:

1. The Motion to Dismiss for alleged failure to comply with Pa.R.Crim.P. 1100, now Rule 600, is denied.
2. The Motion to Disqualify the Adams County District Attorney's Office from prosecuting the case is denied.
3. Defendant's request to introduce John Kennedy's prison misconduct records at trial is granted.
4. Regarding Defendant's motion to suppress evidence seized in the search of his residence, Joy Jones' residence and two public storage units, only seizure of the cassette recorder from Ms. Jones' residence is suppressed. A decision regarding any other item seized must await until Commonwealth proffers the item at trial.
5. Defendant's motion for change of venue and venire is denied.
6. Defendant's motion to quash the testimony of Commonwealth witnesses is denied.
7. Defendant's motion to dismiss the charges against him on the basis of selective prosecution is denied.
8. Defendant's motion to dismiss the charges on the basis of double jeopardy is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-243 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described tract of land situate, lying and being in Mount Pleasant Township, Adams County, Pennsylvania, bounded, as follows, to wit:

BEGINNING at a point in the center line of Pennsylvania Department of Transportation Legislative Route 116 at a corner of lands now or formerly of Cyril N. McMaster; thence along said lands now or formerly of Cyril N. McMaster and through an iron pin set back twenty-five (25) feet from the said point of beginning North forty-eight (48) degrees forty-five (45) minutes zero (0) seconds East four hundred thirty-three and three one-hundredths (433.03) feet to an iron pin at a corner of lands now or formerly of Richard J. Miller; thence along said lands now or formerly of Richard J. Miller South forty-eight (48) degrees twenty (20) minutes thirty-six (36) seconds East two hundred sixty-two and forty-four one-hundredths (262.44) feet to an iron pin and a corner of lands now or formerly of Rodney E. Ernst; thence along said lands now or formerly of Rodney E. Ernst, South twenty-eight (28) degrees thirty-seven (37) minutes forty-seven (47) seconds West one hundred ninety-nine and twenty-six one-hundredths (199.26) feet to a point in the center line of Pennsylvania Department of Transportation Legislative Route 116, the said last course passing through an iron pin located North twenty-eight (28) degrees thirty-seven (37) minutes forty-seven (47) seconds East feet from the terminus of the said course; thence in, along, and through the center line of said Pennsylvania Department of Transportation Legislative Route 116 North eighty-one (81) degrees twenty-nine (29) minutes zero (0) seconds West four hundred thirty and ninety-three one-hundredths (430.93) feet to a point and place of BEGINNING.

CONTAINING 2.220 acres

ALSO excepting thereout and therefrom that portion of subject premises conveyed to Steven Henschke in Deed Book 307, Page 137, 1.22 acres.

TITLE TO SAID PREMISES IS VESTED IN David L. Rider and Nancy E. Rider, His Wife by Deed from Francis S. Dayhoff and Helen I. Dayhoff, his wife dated 10/11/1972 and recorded 10/18/1972 in Deed Book 303, Page 277.

Premises being: 2310 Hanover Road, Gettysburg, PA 17325

Tax Parcel No.: H14-2A

SEIZED and taken into execution as the property of **David L. Rider a/k/a David Rider & Nancy E. Rider a/k/a Nancy Rider** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-230 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land located in Reading Township, Adams County, Pennsylvania, shown as Tract No. 2 on the final subdivision plan prepared for Edward C. Wallen, Sr. dated December 29, 1998, and about to be recorded in the Adams County, Pennsylvania, Recorder of Deeds Office and shown as Lot No. 2 on said plan, more particularly bounded and described as follows:

BEGINNING at a steel pin set located at the Eastern corner of Lot No. 1 as shown on said plan; thence along Lot No. 1 South 40 degrees 19 minutes 42 seconds West 160.00 feet to a steel pin set located at lands now or formerly of Gene H. Shenberger; thence by said lands of Shenberger South 49 degrees 40 minutes 18 seconds East 306.54 feet to an existing iron pipe at lands now or formerly of David W. Diehl; thence by lands of David W. Diehl North 22 degrees 54 minutes 02 seconds East 167.70 feet to an existing iron pipe at other lands of the grantors herein; thence by same North 49 degrees 40 minutes 18 seconds West 256.31 feet to a steel pin set, the point and place of BEGINNING.

CONTAINING 1,034 acres

TOGETHER with the right to use the stone driveway as it is extended across Lot No. 1 as shown on the aforesaid subdivision plan. The rights and responsibilities related to the use and maintenance of the driveway as between owners of Lots 1 and 2 are set forth in a Declaration of Right-of-Way and Responsibilities previously recorded in the aforesaid Recorder of Deeds Office.

TITLE TO SAID PREMISES IS VESTED IN Lori Sue Wallen, widow by reason of the following

BEING THE SAME PREMISES which Edward C. Wallen, Sr. and Darlene K. Wallen, his wife by Deed dated 4/22/1999 and recorded on 6/9/1999 in the County of Adams in Record Book 1849, Page 20 conveyed unto Edward C. Wallen, Jr. and Lori Sue Wallen, his wife.

AND THE SAID Edward C. Wallen, Jr. died on 9/30/2001 whereby title to said premises became vested in Lori Sue Wallen by operation of law and right of survivorship.

Premises being: 22 Miller Road, New Oxford, PA 17350

Tax Parcel: MAP#J7 PARCEL#69

SEIZED and taken into execution as the property of **Lori Sue Wallen a/k/a Lori S. Toomey** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-926 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in the Lake Heritage Subdivision in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described in the Deed prior hereto as follows:

Lot No. 152 on a Plan of Lots of Lake Heritage Subdivision, duly recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Docket 4, at Page 233 (234), subject to all legal highways, easements, rights of way, and restrictions of record, the description of which lot on said Plan of Lots is incorporated herein by reference.

BEING No.: 152 Jackson Road
Tax Parcel Number 8-8

SEIZED and taken into execution as the property of **Victor M. Alvarez & Marcelina A. Alvarez** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-176 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, together with the improvements thereon erected, situate, lying and being in the Borough of McSherrystown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the Northern side of North Street at the Southwestern corner of lot now or formerly of Thomas B. Redding, designated as 53 North Street; thence along the Northern side of North Street, South sixty-six (66) degrees West, seventy (70) feet to a point on the Northern side of North Street, thence by lands now or formerly of Lewis S. Smith and Alma C. Smith, husband and wife, North twenty-four (24) degrees West, one hundred twenty-five and no one-hundredths (125.00) feet; thence by lands of same, North sixty-six (66) degrees East, seventy-three and forty-six one-hundredths (73.46) feet; thence by said lot now or formerly of Thomas D. Redding, South twenty-two (22) degrees twenty-five (25) minutes East, one hundred twenty-five and five one-hundredths (125.05) feet to the point on the North side of North Street, the place of BEGINNING. CONTAINING 0.206 acres. Known as 49 North Street.

The above description is taken from a draft made by Joe B. O'Brien, Registered Surveyor, on April 18, 1969.

BEING Tax Map 2, Parcel 213.

BEING the same premises which George D. Hartman and Mary H. Hartman, husband and wife, by Deed dated December 29, 1989 and recorded in the Office of the Recorder of Deeds in and for Adams County in Deed Book 543, Page 484, granted and conveyed unto Robert W. Myers and Eva F. Myers, husband and wife.

SEIZED and taken into execution as the property of **Robert W. Myers & Eva F. Myers** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-223 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the

Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a mark on the North side of curb on the North side of Breckenridge Street in the Borough of Gettysburg at corner of lot now or formerly of Jacob Weikert; thence along lot now or formerly of Jacob Weikert, North 4 degrees 15 minutes East, 126.0 feet passing through a garage wall to spike on the South side of a 12 foot public alley; thence along the South side of public alley, South 85 degrees East, 30.0 feet to a spike at corner of lot now or formerly of Lester Bower; thence along lot now or formerly of Lester Bower, South 4 degrees 15 minutes West, 126.0 feet to a mark on the north side of curb on the North side of Breckenridge Street; thence along the north side of curb, North 85 degrees West, 30.0 feet to a mark, the place of BEGINNING.

The above description was taken from draft of survey of "Property of Russell D. Shetter" prepared by LeRoy H. Winebrenner, C.S. on May 9, 1963.

HAVING ERRECTED THEREON a dwelling known as 35 Breckenridge Street, Gettysburg, Pennsylvania.

BEING THE SAME PREMISES WHICH Adams County Housing Authority by Deed dated October 2, 1992 and recorded October 5, 1992 in Adams County Deed Book 642, Page 1121, granted and conveyed unto Marcus P. Pringle and Judy L. Pringle.

SEIZED IN EXECUTION AS THE PROPERTY OF JUDY L. PRINGLE AND MARCUS P. PRINGLE UNDER ADAMS COUNTY JUDGMENT NO. 03-S-223.

MAP & PARCEL #16-10-266

SEIZED and taken into execution as the property of **Judy L. Pringle & Marcus P. Pringle** 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 August 4, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-201 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, bounded, limited and described as follows:

BEGINNING for a point at the Northeastern side of Bonnie Field Circle and Lot No. 62; thence along Lot No. 62, North 41 degrees 15 minutes 00 seconds East, 100 feet to a point at lands now or formerly of John E. and Reba F. Biemiller; thence along said lands, South 48 degrees 45 minutes 00 seconds East, 75 feet to a point; thence continuing along the same, South 41 degrees 15 minutes 00 seconds West, 100 feet to a point at the aforementioned Bonnie Field Circle; thence along Bonnie Field Circle, North 48 degrees 45 minutes 00 seconds West, 75 feet to the point and place of BEGINNING. Containing 7,500 square feet and identified as Lot No. 63 on a plan of lots known as Bonnie Field prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9, Page 24.

TITLE TO SAID PREMISES IS VESTED IN Kimberly L. Leedy by Deed from Steven P. Brady and Kimberly L. Leedy dated 5/7/1999 and recorded 5/13/1999 in Record Book 1830, Page 177.

Premises being: 37 Bonnie Field Circle, Gettysburg, PA 17325

Tax Parcel No.: Map #9 and Parcel #77

SEIZED and taken into execution as the property of **Kimberly L. Leedy** 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 July 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

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

5/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-289 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center line of Lincoln Highway (U.S. Route 30) on line of land now or formerly of C.W. Johnson; thence running in the center of said Lincoln Highway North 39 degrees 39 minutes West, 150 feet to a point in the center of said highway, at corner of land now or formerly of Charles H. Drum; thence along said Drum lands North 28 degrees 21 minutes East 300 feet to a point; thence continuing by the same South 39 degrees 39 minutes East, 150 feet to an iron pin; thence by land now or formerly of C.W. Johnson aforesaid, South 28 degrees 21 minutes West 300 feet to the above described place of BEGINNING.

CONTAINING 1 Acre, more or less.

TITLE TO SAID PREMISES IS VESTED IN Randy L. Kroft by Deed from Paul E. Blough and Barbara A. Fissel, dated 8/31/2001 and recorded 9/18/2001 in Record Book 2406, Page 224.

Premises being: 2865 Chambersburg Road, Biglerville, PA 17307

Tax Parcel No. D11-18

SEIZED and taken into execution as the property of **Randy L. Kroft** 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 August 11, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-327 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

SMOKEHOUSE Court at a corner of an access drive; thence along the Southern edge of Smokehouse Court on a curve having a radius of 50.00 feet, an arc length of 36.39 feet and a chord bearing South 30 degrees 27 minutes 57 seconds West, 35.59 feet to a point at a corner of Lot No. 14; thence along Lot No. 14, North 80 degrees 22 minutes 53 seconds East, 127.33 feet to a point at lands now or formerly of Littlestown Little League; thence along the same and across Marvin Street, North 22 degrees 36 minutes 52 seconds East, 53.63 feet to a point at Applier, Phase II-Section A; thence along the same, North 66 degrees 50 minutes 22 seconds West, 128.12 feet to a point at a corner of an access drive thence along said access drive, South 27 degrees 09 minutes 00 seconds West, 101.71 feet to a point along the Southern edge of Smokehouse Court, the place of BEGINNING.

CONTAINING 12,190 square feet

BEING Lot No. 15 on a final plan of Applier, Phase II-Section C prepared by Group Hanover, Inc., dated 5/6/1998, Project No. 951879, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 75, Page 25-C.

TITLE TO SAID PREMISES IS VESTED IN Matthew G. Schatz by Deed from Garland Construction, Inc. dated 7/11/2000 and recorded 8/11/2000 in Record Book 2104, Page 301.

Premises being: 25 Smokehouse Court, Littlestown, PA 17340

Tax Parcel No. 154 Map #7

SEIZED and taken into execution as the property of **Matthew G. Schatz** 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 August 11, 2003,

(continued on page 6)

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.

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-319 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the westerly right of way line of Abbotts Drive in the Borough of Abbottstown, Adams County, Pennsylvania, known and numbered as Lot No. 50 and for Adams County, PA in Subdivision Plan Book 76, Page 99, more fully bounded and described as follows, to wit

BEGINNING at a point on the westerly right of way line of Abbotts Drive, at a corner of Lot No. 51 on said plan; thence extending along the said right of way line South 47 degrees 16 minutes 34 seconds East 85 feet to a point at corner of Lot No. 49 on said plan; thence extending along Lot No. 49 South 41 degrees 58 minutes 10 seconds West 278.28 feet to a point; thence extending along Lot No. 55E on a plan of lots for Abbotts Manor Phase II, Plan Book 73, Page 43 North 25 degrees 36 minutes 53 seconds West 95.40 feet to a point; thence North 42 degrees 43 minutes 26 seconds East 243.04 feet to the point and place of BEGINNING.

CONTAINING 22,600 square feet

TITLE TO SAID PREMISES IS VESTED IN Daniel J. Furman by Deed from Garland Construction, Inc. dated 11/3/2000 and recorded 1/31/2001 in Record Book 2205, Page 134.

Premises being: 51 Abbotts Drive, Abbottstown, PA 17301

Tax Parcel No. 40, Map #5

SEIZED and taken into execution as the property of Daniel J. Furman 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 August 11, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-395 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in the Village of McKnightstown, Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin along the southern edge of the Lincoln Highway at corner of lands now or formerly of May B. Sterner; thence along the southern edge of the Lincoln Highway, South 59-1/2 degrees East 60 feet to an iron pin along the southern edge of the Lincoln Highway; thence along a 10 ft. alley adjoining lands formerly owned by Dr. Elderdice, South 30-1/2 degrees West 218 feet to an iron pin; thence along a 20 ft. alley, North 53-1/4 degrees West 63 feet to a post; thence along lands now or formerly of May B. Sterner, North 31-1/4 degrees East 211.4 feet to an iron pin along the southern edge of the Lincoln Highway, the place of BEGINNING.

The above description was obtained from a draft of a survey dated December 14, 1939, prepared by LeRoy H. Winebrenner, Surveyor.

IT BEING THAT same tract of land which Daniel J. Rudisill, single, by his Deed dated June 12, 1995 and recorded in the Recorder of Deeds of Adams County in Record Book 1041 at Page 65, sold and conveyed unto Pamela J. Howery, Grantor herein.

SEIZED IN EXECUTION as the property of Pamela J. Howery, h/w, on Judgment No. 02-S-395.

SEIZED and taken into execution as the property of Pamela J. Howery 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 August 11, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

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 NANCY RUTH BEALL, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: Wayne D. Beall, 3918 Susanna Road, Randallstown, MD 21133

ESTATE OF MARY B. DEARDORFF, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Madeline M. Deardorff, 529 Prince Street, Littlestown, PA 17340

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

ESTATE OF CATHERINE V. MESSINGER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Barry D. Messinger, 35 Locust Drive, Littlestown, PA 17340

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

ESTATE OF ANNA M. NATALE, DEC'D

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

Executrix: Diane D. Fetters, 1289 Gabler Road, Gardners, PA 17324

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

ESTATE OF RUTH S. SUMMERS, a/k/a RUTH J. SUMMERS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Jeanne C. Myers, 4998 April Day Garth, Columbia, MD 21044

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

SECOND PUBLICATION

ESTATE OF JOSEPH J. BALEK, II, DEC'D

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

Administrator: Anthony J. Balek, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF ELIZABETH JANE BALTZLEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: F. Thomas Baltzley, 3938 Brookridge Drive, Mechanicsburg, PA 17050

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

ESTATE OF BARBARA SCHAEFFER BOWSER a/k/a BARBARA S. BOWSER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: PNC Bank, Attn: Linda J. Lundberg, P.O. Box 308, Camp Hill, PA 17011

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

ESTATE OF FLOYD W. CHAPMAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Betty K. Chapman, 1005 Biglerville Rd., Gettysburg, PA 17325

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325-2112

ESTATE OF CLAUDINE A. SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Linda M. Thomassy, 1261 Beck Mill Road, Hanover, PA 17331

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

THIRD PUBLICATION

ESTATE OF ANN L. CLEVELAND, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Gary L. Cleveland, 4 Elm Avenue, New Oxford, PA 17350

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325-2112

ESTATE OF DONALD R. HORTON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Garry W. Horton, 1307 Acacia Court, Roseville, CA 95661

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF JACOB WILLIAM MENGES, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Patricia A. Menges & Norma J. Stambaugh, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF JOHN THOMAS PEIFFER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Administrator: Thomas C. Peiffer, c/o 42 North Duke St., York, PA 17401

Attorney: Bruce C. Bankenstein, Esq., 42 North Duke St., York, PA 17401

ESTATE OF DONALD E. SCHRIVER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Nickolis A. Schriver, 1992 Hunterstown-Hampton Road, New Oxford, PA 17350; Gladys R. Metz, 353 West High Street, Gettysburg, PA 17325

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

ESTATE OF MARY W. SENFT, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executors: Larry V. Senft, 2179 Grandview Road, Hanover, PA 17331; Jeffrey L. Senft, 6675 Manor Drive, Hanover, PA 17331

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

ESTATE OF ELSIE G. TRESSLER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Co-Executrices: Kathryn E. Davis, 357 Old Waynesboro Pike, Fairfield, PA 17320; Susan R. Hersh, Box 342, Codorus, PA 17311

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-140 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Southwestern edge of a 50 foot wide right of way, and the Northernmost corner of Lot No. 16 on the hereinafter referred to draft of survey; thence by said Lot No. 16, South 32 degrees 10 minutes 27 seconds West, 354.89 feet to a point on line of land now or formerly of Francis B. Moore; thence by said land now or formerly of Francis B. Moore, North 41 degrees 57 minutes 03 seconds West, 129.73 feet to a point at corner of Lot No. 18; thence by said Lot No. 18 North 33 degrees 01 minute 49 seconds East, 321.03 feet to a point on the Southwestern edge of a 50 foot wide right of way aforesaid; thence along said Southwestern edge of 50 foot wide right of way, South 56 degrees 58 minutes 11 seconds East, 93.68 feet to a point; thence along same, on a curve to the left, having a radius of 1,761.53 feet, an arc distance of 26.32 feet, and a bearing and chord distance of South 57 degrees 23 minutes 52 seconds East, 26.32 feet to a point, the place of BEGINNING. CONTAINING 41,395 Square Feet.

THE above description was taken from a draft of survey prepared by Donald E. Worley, R.S., dated June 24, 1977, recorded in Adams County Plat Book 16, page 43, designating the above as Lot No. 17.

TITLE TO SAID PREMISES IS VESTED IN Lisa A. Smith by Deed from James P. Smith and Lisa A. Smith, his wife dated 8/24/1995 and recorded 9/12/1995 in Record Book 1085, Page 221.

Premises being: 85 Grott Drive, New Oxford, PA 17350

Tax Parcel No. J12-135

SEIZED and taken into execution as the property of James P. Smith & Lisa A. Smith 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 August 11, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-207 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner of James Avenue and proposed Roberta Jean Street, thence westerly along said proposed Roberta Jean Street one hundred fifty feet to a stake; thence northerly fifty feet to a stake at a corner of Lot No. 107-A, thence easterly along said Lot No. 107-A one hundred fifty feet to James Avenue thence southerly along said James Avenue fifty feet to proposed Roberta Jean Street, the place of BEGINNING.

The above and foregoing parcel of land being Lot Nos. 108 and 108A according to the plan and resurvey made in November, 1935, by Leroy Winebrenner, County Surveyor, for T.C. McSherry and Marie McSherry, First Addition to Littlestown Borough, Adams County, Pennsylvania, and known as "McSherry Park".

SEIZED and taken into execution as the property of Mary E. Tidman 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 August 4, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-499 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Straban Township, Adams County, Pennsylvania, being more particularly described as (Lot No. 416) 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 in Miscellaneous Volume 4 at page 427, and subject to all legal highways, easements, right of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN George H. Simeone and Jodi F. Simeone, husband and wife by Deed from Fred M. Fowler and Carolyn N. Fowler, husband and wife dated 9/30/98 and recorded 10/8/98 in Record Book 1677, Page 231.

Premises being: 416 Heritage Drive, Gettysburg, PA 17325

Tax Parcel No. 4-26

SEIZED and taken into execution as the property of George H. Simeone & Jodi F. Simeone 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 July 7, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/9, 16 & 23

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-243 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described tract of land situate, lying and being in Mount Pleasant Township, Adams County, Pennsylvania, bounded, as follows, to wit:

BEGINNING at a point in the center line of Pennsylvania Department of Transportation Legislative Route 116 at a corner of lands now or formerly of Cyril N. McMaster; thence along said lands now or formerly of Cyril N. McMaster and through an iron pin set back twenty-five (25) feet from the said point of beginning North forty-eight (48) degrees forty-five (45) minutes zero (0) seconds East four hundred thirty-three and three one-hundredths (433.03) feet to an iron pin at a corner of lands now or formerly of Richard J. Miller; thence along said lands now or formerly of Richard J. Miller South forty-eight (48) degrees twenty (20) minutes thirty-six (36) seconds East two hundred sixty-two and forty-four one-hundredths (262.44) feet to an iron pin

and a corner of lands now or formerly of Rodney E. Ernst; thence along said lands now or formerly of Rodney E. Ernst, South twenty-eight (28) degrees thirty-seven (37) minutes forty-seven (47) seconds West one hundred ninety-nine and twenty-six one-hundredths (199.26) feet to a point in the center line of Pennsylvania Department of Transportation Legislative Route 116, the said last course passing through an iron pin located North twenty-eight (28) degrees thirty-seven (37) minutes forty-seven (47) seconds East feet from the terminus of the said course; thence in, along, and through the center line of said Pennsylvania Department of Transportation Legislative Route 116 North eighty-one (81) degrees twenty-nine (29) minutes zero (0) seconds West four hundred thirty and ninety-three one-hundredths (430.93) feet to a point and place of BEGINNING.

CONTAINING 2.220 acres

ALSO excepting thereout and therefrom that portion of subject premises conveyed to Steven Henschke in Deed Book 307, Page 137, 1.22 acres.

TITLE TO SAID PREMISES IS VESTED IN David L. Rider and Nancy E. Rider, His Wife by Deed from Francis S. Dayhoff and Helen I. Dayhoff, his wife dated 10/11/1972 and recorded 10/18/1972 in Deed Book 303, Page 277.

Premises being: 2310 Hanover Road, Gettysburg, PA 17325

Tax Parcel No.: H14-2A

SEIZED and taken into execution as the property of **David L. Rider a/k/a David Rider & Nancy E. Rider a/k/a Nancy Rider** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

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-230 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land located in Reading Township, Adams County, Pennsylvania, shown as Tract No. 2 on the final subdivision plan prepared for Edward C. Wallen, Sr. dated December 29, 1998, and about to be recorded in the Adams County, Pennsylvania, Recorder of Deeds Office and shown as Lot No. 2 on said plan, more particularly bounded and described as follows:

BEGINNING at a steel pin set located at the Eastern corner of Lot No. 1 as shown on said plan; thence along Lot No. 1 South 40 degrees 19 minutes 42 seconds West 160.00 feet to a steel pin set located at lands now or formerly of Gene H. Shenberger; thence by said lands of Shenberger South 49 degrees 40 minutes 18 seconds East 306.54 feet to an existing iron pipe at lands now or formerly of David W. Diehl; thence by lands of David W. Diehl North 22 degrees 54 minutes 02 seconds East 167.70 feet to an existing iron pipe at other lands of the grantors herein; thence by same North 49 degrees 40 minutes 18 seconds West 256.31 feet to a steel pin set, the point and place of BEGINNING.

CONTAINING 1.034 acres

TOGETHER with the right to use the stone driveway as it is extended across Lot No. 1 as shown on the aforesaid subdivision plan. The rights and responsibilities related to the use and maintenance of the driveway as between owners of Lots 1 and 2 are set forth in a Declaration of Right-of-Way and Responsibilities previously recorded in the aforesaid Recorder of Deeds Office.

TITLE TO SAID PREMISES IS VESTED IN Lori Sue Wallen, widow by reason of the following

BEING THE SAME PREMISES which Edward C. Wallen, Sr. and Darlene K. Wallen, his wife by Deed dated

4/22/1999 and recorded on 6/9/1999 in the County of Adams in Record Book 1849, Page 20 conveyed unto Edward C. Wallen, Jr. and Lori Sue Wallen, his wife.

AND THE SAID Edward C. Wallen, Jr. died on 9/30/2001 whereby title to said premises became vested in Lori Sue Wallen by operation of law and right of survivorship.

Premises being: 22 Miller Road, New Oxford, PA 17350

Tax Parcel: MAP#J7 PARCEL#69

SEIZED and taken into execution as the property of **Lori Sue Wallen a/k/a Lori S. Toomey** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1035 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

FRONTING 57 feet 9 inches on the East side of the Gettysburg-Arendtsville State Highway; thence from its Northwestern corner along lands formerly of Allen B. Hartman, now or formerly of Florence Wilson, in an East-

Northeasterly direction, to a 20 foot alley in the rear; thence by the Western side of said alley in a South-Southeasterly direction, 57 feet 9 inches to the corner of another lot now or formerly of Florence Wilson; thence by said last mentioned lot in a West-Southwesterly direction to the Gettysburg-Arendtsville State Highway aforesaid; thence as aforesaid in or along said State Highway in a North-Northwesterly direction 57 feet 9 inches to the Northwest corner of said lot.

BEING known as 2515 Mummsburg Road, Gettysburg, PA 17325

Property ID No.: MAP E10, Parcel 46

TITLE TO SAID PREMISES IS VESTED IN Kevin W. Fuller and Sinead T. Fuller, husband and wife, as tenants of an estate by the entireties, by Deed from Stephen P. Coldsmith and Sheila M. Coldsmith, formerly known as Sheila M. Abell, his wife, dated 3/31/92, recorded 4/1/92, in Deed Book 620, Page 623.

SEIZED and taken into execution as the property of **Kevin W. Fuller & Sinead T. Fuller** 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 August 18, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/30, 6/6 & 13

BANGE ET AL VS. MT. PLEASANT TWP.

1. At any time after the filing of a Complaint in Mandamus, the Court may enter judgment if the right of the Plaintiff thereto is clear. In determining whether to grant a Motion for Peremptory Judgment pursuant to Rule 1098, a Court is to be guided by the standards governing dispositions of motions for summary judgment. A Motion for Peremptory Judgment should be granted only in the clearest of cases where there is not the slightest doubt as to the absence of an issue of material fact. In determining whether an issue of material fact exists, the record must be examined in the light most favorable to the non-moving party.

2. The Pennsylvania Municipalities Planning Code essentially allows a property owner five (5) years to complete their project without fear of changes in regulations affecting their development. The protection is lost, however, if completion of the development is not acted upon within the specific time period.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 01-S-1145, JAY S. BANGE, JANE A. ZEISET, AND JASON J. BANGE, AS ATTORNEY-IN-FACT FOR JAY S. BANGE AND JANE A. ZEISET, VS. MT. PLEASANT TOWNSHIP BOARD OF SUPERVISORS.

Matthew R. Battersby, Esq., for Plaintiffs

Mark T. Riley, Esq., for Defendant

George, J., October 2, 2002

OPINION

The Plaintiffs have filed an Action in Mandamus¹ seeking the Court to compel Mt. Pleasant Township to issue building permits and seeking damages in the amount of \$53,962.00. They have filed a Motion for Peremptory Judgment which is now before the Court.

Before addressing the factual background of the Plaintiffs' claim, I will briefly review the legal principles applicable to the Plaintiffs' Petition.

At any time after the filing of a Complaint in Mandamus, the Court may enter judgment if the right of the Plaintiff thereto is clear. PA. R. CIV. P. 1098. In determining whether to grant a Motion for Peremptory Judgment pursuant to Rule 1098, a Court is to be guided by the standards governing dispositions of motions for summary

¹Mandamus is an extraordinary common-law writ which lies to compel the official performance of a ministerial act or mandatory duty where there is a clear legal right in the plaintiff, a corresponding duty in the defendant, and in lack of any other appropriate and adequate remedy. *Camiel v. Thornburgh*, 489 A.2d 1360 n.2. (Pa. 1985); *York-Green Assocs. v. Bd. of Supervisors of S. Hanover Township*, 486 A.2d 561, 563 (Pa. Commw. Ct. 1985).

judgment. *Commonwealth v. Mifflin County School Bd.*, 399 A.2d 421 (Pa. Commw. Ct. 1977). A Motion for Peremptory Judgment should be granted only in the clearest of cases where there is not the slightest doubt as to the absence of an issue of material fact. *Wolgemuth v. Kleinfelter*, 437 A.2d 1329, 1331 (Pa. Commw. Ct. 1981). In determining whether an issue of material fact exists, the record must be examined in the light most favorable to the non-moving party. *Giannini v. Carden*, 429 A.2d 24, 26 (Pa. Super. Ct. 1981).

Plaintiffs argue that the following background, which is admitted by the Mt. Pleasant Township Board of Supervisors, allows peremptory judgment in their favor. The Mt. Pleasant Township Board of Supervisors granted subdivision approval for two subdivision plans submitted by the Plaintiffs on June 6, 1984, and September 7, 1988, respectively. Both plans, as approved, required that the road within the subdivision be maintained by the residents. Although the approved plans allowed for nine lots, only four lots have been built upon. On October 11, 2000, the Plaintiffs applied for building permits to build upon one of the remaining undeveloped lots. In the meantime, Mt. Pleasant Township passed amendments to their subdivision ordinance in 1990 which requires all dwellings in subdivisions to front public roads. Plaintiffs' lots do not currently front such roads. By letter dated October 17, 2000, the Township gave notice to the Plaintiffs that their permit had been denied. Pl.'s Compl. at Ex. B.²

Plaintiffs rest their argument for peremptory judgment on three bases:

- 1) a municipality cannot require new standards for a subdivision after approval has been granted;
- 2) a municipality cannot deny building permits on the basis of restrictive covenants; and

²In their New Matter to Plaintiffs' Complaint, Defendants raise a number of issues including the failure of the Plaintiffs to exhaust administrative remedies alleging that the Plaintiffs did not properly appeal the denial of the sewage permit on October 17, 2000. Relief by mandamus is unavailable where the petitioner has not exhausted ordinary avenues of appeal. *Lizzi v. Commonwealth, Unemployment Compensation Bd. of Review*, 353 A.2d 440, 441 (Pa. 1976). That issue, however, is not currently before the Court. Additionally, resolution of whether the Defendants' pleading of this potential defense precludes peremptory judgment is not necessary in light of the disposition contained in this Opinion.

- 3) a township may not require or regulate the maintenance of private roads by virtue of the general powers to secure the health, safety and welfare of township residents.

Although the Plaintiffs' arguments may have merit in limited circumstances, they are misplaced under the circumstances of this particular case. For instance, although a township may not deny permits on the basis of restrictive covenants, *Calvanese v. Zoning Bd. of Adjustment*, 414 A.2d 406 (Pa. Commw. Ct. 1980), this particular case involves conditions placed upon the subdivision approval and not restrictive covenants between private parties.

Plaintiffs' arguments also ignore what may be the controlling issue in this case. Specifically, must the Plaintiffs comply with current zoning ordinances when seeking building permits pursuant to a subdivision approved thirteen to fifteen years earlier? Both statutory and case law indicate that the answer to this question is yes.

PA. STAT. ANN. tit. 53, § 10508(4)(ii) (West 2002) states:

When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

PA. STAT. ANN. tit. 53, § 10508(4)(ii) (West 2002). This section essentially allows a property owner five (5) years to complete their project without fear of changes in regulations affecting their development. That protection is lost, however, if approval of the development is not acted upon within the specific time period.

The case of *Altland v. Sprenkle*, 427 A.2d 275 (Pa. Commw. Ct. 1981) is instructive in considering this issue. In *Altland*, the landowners alleged that they had a vested right in obtaining building permits due to a subdivision approval in 1959. The landowners did not attempt to obtain permits until 1978 and 1979. In the interim, the municipality within which the property lay adopted a zoning ordinance in 1977. The building permits were denied because the previously subdivided lots did not conform to the requirements of the new

zoning ordinance. The Commonwealth Court held that the municipality properly denied the permits. In so holding, the Commonwealth Court quoted *Friendship Builders, Inc. v. W. Brandywine Township Zoning Hearing Bd.*, 271 A.2d 511 (Pa. Commw. Ct. 1970):

[I]t is highly desirable in the zoning process that pre-existing land subdivisions should conform to later zoning laws. Otherwise, subdivisions in their infancy could perpetuate for years the problems zoning was designed to eliminate.

Altland, 427 A.2d at 276-77, quoting *Id.* at 515. See also *York-Green Assocs.*, 486 A.2d 561; *In re Appeal of Sterners Mill Assocs.*, 430 A.2d 371, 373 (Pa. Commw. Ct. 1981).

Instantly, building permits have not been issued for five (5) of the nine (9) lots which were approved for subdivision over a decade ago. Under these circumstances, Plaintiffs' claim of a vested right to the permits is not supported by the record. Plaintiffs have not established that their right to judgment is clear. Although peremptory judgment may be appropriate in this case, it is not appropriate in the Plaintiffs' favor. Since this case is solely before the Court on the Plaintiffs' Motion for Peremptory Judgment, that Motion will be denied.

ORDER OF COURT

AND NOW, this 2nd day of October, 2002, the Plaintiffs' Motion for Peremptory Judgment is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-926 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in the Lake Heritage Subdivision in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described in the Deed prior hereto as follows:

Lot No. 152 on a Plan of Lots of Lake Heritage Subdivision, duly recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Docket 4, at Page 233 (234), subject to all legal highways, easements, rights of way, and restrictions of record, the description of which lot on said Plan of Lots is incorporated herein by reference.

BEING No.: 152 Jackson Road

Tax Parcel Number 8-8

SEIZED and taken into execution as the property of **Victor M. Alvarez & Marcelina A. Alvarez** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-176 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, together with the improvements thereon erected, situate, lying and being in the Borough of McSherrystown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the Northern side of North Street at the Southwestern corner of lot now or formerly of Thomas B. Redding, designated as 53 North Street; thence along the Northern side of North Street, South sixty-six (66) degrees West, seventy (70) feet to a point on the Northern side of North Street, thence by lands now or formerly of Lewis S. Smith and Alma C. Smith, husband and wife, North twenty-four (24) degrees West, one hundred twenty-five and no one-hundredths (125.00) feet; thence by lands of same, North sixty-six (66) degrees East, seventy-three and forty-six one-hundredths (73.46) feet; thence by said lot now or formerly of Thomas D. Redding, South twenty-two (22) degrees twenty-five (25) minutes East, one hundred twenty-five and five one-hundredths (125.05) feet to the point on the North side of North Street, the place of BEGINNING. CONTAINING 0.206 acres. Known as 49 North Street.

The above description is taken from a draft made by Joe B. O'Brien, Registered Surveyor, on April 18, 1969.

BEING Tax Map 2, Parcel 213.

BEING the same premises which George D. Hartman and Mary H. Hartman, husband and wife, by Deed dated December 29, 1989 and recorded in the Office of the Recorder of Deeds in and for Adams County in Deed Book 543, Page 484, granted and conveyed unto Robert W. Myers and Eva F. Myers, husband and wife.

SEIZED and taken into execution as the property of **Robert W. Myers & Eva F. Myers** 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 July 21, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-223 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the

Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a mark on the North side of curb on the North side of Breckenridge Street in the Borough of Gettysburg at corner of lot now or formerly of Jacob Weikert; thence along lot now or formerly of Jacob Weikert, North 4 degrees 15 minutes East, 126.0 feet passing through a garage wall to spike on the South side of a 12 foot public alley; thence along the South side of public alley, South 85 degrees East, 30.0 feet to a spike at corner of lot now or formerly of Lester Bower; thence along lot now or formerly of Lester Bower, South 4 degrees 15 minutes West, 126.0 feet to a mark on the north side of curb on the North side of Breckenridge Street; thence along the north side of curb, North 85 degrees West, 30.0 feet to a mark, the place of BEGINNING.

The above description was taken from draft of survey of "Property of Russell D. Shetter" prepared by LeRoy H. Winebrenner, C.S. on May 9, 1963.

HAVING ERECTED THEREON a dwelling known as 35 Breckenridge Street, Gettysburg, Pennsylvania.

BEING THE SAME PREMISES WHICH Adams County Housing Authority by Deed dated October 2, 1992 and recorded October 5, 1992 in Adams County Deed Book 642, Page 1121, granted and conveyed unto Marcus P. Pringle and Judy L. Pringle.

SEIZED IN EXECUTION AS THE PROPERTY OF JUDY L. PRINGLE AND MARCUS P. PRINGLE UNDER ADAMS COUNTY JUDGMENT NO. 03-S-223.

MAP & PARCEL #16-10-266

SEIZED and taken into execution as the property of **Judy L. Pringle & Marcus P. Pringle** 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 August 4, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-140 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Southwestern edge of a 50 foot wide right of way, and the Northernmost corner of Lot No. 16 on the hereinafter referred to draft of survey; thence by said Lot No. 16, South 32 degrees 10 minutes 27 seconds West, 354.89 feet to a point on line of land now or formerly of Francis B. Moore; thence by said land now or formerly of Francis B. Moore, North 41 degrees 57 minutes 03 seconds West, 129.73 feet to a point at corner of Lot No. 18; thence by said Lot No. 18 North 33 degrees 01 minute 49 seconds East, 321.03 feet to a point on the Southwestern edge of a 50 foot wide right of way aforesaid; thence along said Southwestern edge of 50 foot wide right of way, South 56 degrees 58 minutes 11 seconds East, 93.68 feet to a point; thence along same, on a curve to the left, having a radius of 1,761.53 feet, an arc distance of 26.32 feet, and a bearing and chord distance of South 57 degrees 23 minutes 52 seconds East, 26.32 feet to a point, the place of BEGINNING. CONTAINING 41,395 Square Feet.

THE above description was taken from a draft of survey prepared by Donald E. Worley, R.S., dated June 24, 1977, recorded in Adams County Plat Book 16, page 43, designating the above as Lot No. 17.

TITLE TO SAID PREMISES IS VESTED IN Lisa A. Smith by Deed from James P. Smith and Lisa A. Smith, his wife dated 8/24/1995 and recorded 9/12/1995 in Record Book 1085, Page 221.

Premises being: 85 Groft Drive, New Oxford, PA 17350

Tax Parcel No. J12-135

SEIZED and taken into execution as the property of **James P. Smith & Lisa A. Smith** 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 August 11, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-28 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground, together with the improvements thereon erected, situate along the state highway formerly known as the Mill Road in Conewago Township, Adams County, Pennsylvania, which is bounded and described as follows:

BEGINNING at a point in the center of the Mill Road, aforesaid at lands now or formerly of Peter James Hockensmith; thence by said lands, Northeast 200 feet to a stake at lands now or formerly of Harry W. Wolfe; thence by said lands, South 7 degrees 50 minutes West, 106.25 feet to a stake at an 18 foot wide public alley; thence by said alley, South 78 degrees 10 minutes West, 200 feet to a point in the center of the Mill Road aforesaid; thence by same, North 7 degrees 50 minutes East, 106.25 feet to a point, the place of BEGINNING.

Said lot of ground being the same which Wilbur Francis Smith and Ruthetta N. Smith, his wife, by their deed dated July 10, 1948, and recorded July 15, 1948, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, granted and conveyed unto Wilbur Francis Smith and Ruthetta N. Smith, husband and wife. And the said Wilbur Francis Smith subsequently died, leaving to survive him his said wife, Ruthetta N. Smith, Grantor herein, to whom and in whom vested title to the hereinabove described tract of land under and by virtue of the laws of the Commonwealth of Pennsylvania relating to tenancy by the entireties.

SUBJECT, NEVERTHELESS, to following restriction: That the building line on the lot hereby conveyed is 40 feet back from the center line of said Mill Road, and that no building of any character shall hereafter be erected in front of said building line.

SEIZED and taken into execution as the property of **Trevor A. Nace** 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 August 18, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/30, 6/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-201 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, bounded, limited and described as follows:

BEGINNING for a point at the Northeastern side of Bonnie Field Circle and Lot No. 62; thence along Lot No. 62, North 41 degrees 15 minutes 00 seconds East, 100 feet to a point at lands now or formerly of John E. and Reba F. Biemiller; thence along said lands, South 48 degrees 45 minutes 00 seconds East, 75 feet to a point; thence continuing along the same, South 41 degrees 15 minutes 00 seconds West, 100 feet to a point at the aforementioned Bonnie Field Circle; thence along Bonnie Field Circle, North 48 degrees 45 minutes 00 seconds West, 75 feet to the point and place of BEGINNING. Containing 7,500 square feet and identified as Lot No. 63 on a plan of lots known as Bonnie Field prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9, Page 24.

TITLE TO SAID PREMISES IS VESTED IN Kimberly L. Leedy by Deed from Steven P. Brady and Kimberly L. Leedy dated 5/7/1999 and recorded 5/13/1999 in Record Book 1830, Page 177.

Premises being: 37 Bonnie Field Circle, Gettysburg, PA 17325

Tax Parcel No.: Map #9 and Parcel #77

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

(continued on page 5)

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 July 14, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-327 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

SMOKEHOUSE Court at a corner of an access drive; thence along the Southern edge of Smokehouse Court on a curve having a radius of 50.00 feet, an arc length of 36.39 feet and a chord bearing South 30 degrees 27 minutes 57 seconds West, 35.59 feet to a point at a corner of Lot No. 14; thence along Lot No. 14, North 80 degrees 22 minutes 53 seconds East, 127.33 feet to a point at lands now or formerly of Littlestown Little League; thence along the same and across Marvin Street, North 22 degrees 36 minutes 52 seconds East, 53.63 feet to a point at Appller, Phase II-Section A; thence along the same, North 66 degrees 50 minutes 22 seconds West, 128.12 feet to a point at a corner of an access drive thence along said access drive, South 27 degrees 09 minutes 00 seconds West, 101.71 feet to a point along the Southern edge of Smokehouse Court, the place of BEGINNING.

CONTAINING 12,190 square feet

BEING Lot No. 15 on a final plan of Appller, Phase II-Section C prepared by Group Hanover, Inc., dated 5/6/1998, Project No. 951879, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 75, Page 25-C.

TITLE TO SAID PREMISES IS VESTED IN Matthew G. Schatz by Deed from Garland Construction, Inc. dated 7/11/2000 and recorded 8/11/2000 in Record Book 2104, Page 301.

Premises being: 25 Smokehouse Court, Littlestown, PA 17340

Tax Parcel No. 154 Map #7

SEIZED and taken into execution as the property of **Matthew G. Schatz** 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 August 11, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-289 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center line of Lincoln Highway (U.S. Route 30) on line of land now or formerly of C.W. Johnson; thence running in the center of said Lincoln Highway North 39 degrees 39 minutes West, 150 feet to a point in the center of said highway, at corner of land now or formerly of Charles H. Drum; thence along said Drum lands North 28 degrees 21 minutes East 300 feet to a point; thence continuing by the same South 39 degrees 39 minutes East, 150 feet to an iron pin; thence by land now or formerly of C.W. Johnson aforesaid, South 28 degrees 21 minutes West 300 feet to the above described place of BEGINNING.

CONTAINING 1 Acre, more or less.

TITLE TO SAID PREMISES IS VESTED IN Randy L. Kroft by Deed from Paul E. Blough and Barbara A. Fissel, dated 8/31/2001 and recorded 9/18/2001 in Record Book 2406, Page 224.

Premises being: 2865 Chambersburg Road, Biglerville, PA 17307

Tax Parcel No. D11-18

SEIZED and taken into execution as the property of **Randy L. Kroft** 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 August 11, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-319 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the westerly right of way line of Abbots Drive in the Borough of Abbottstown, Adams County, Pennsylvania, known and numbered as Lot No. 50 and for Adams County, PA in Subdivision Plan Book 76, Page 99, more fully bounded and described as follows, to wit:

BEGINNING at a point on the westerly right of way line of Abbots Drive, at a corner of Lot No. 51 on said plan; thence extending along the said right of way line South 47 degrees 16 minutes 34 seconds East 85 feet to a point at corner of Lot No. 49 on said plan; thence extending along Lot No. 49 South 41 degrees 58 minutes 10 seconds West 278.28 feet to a point; thence extending along Lot No. 55E on a plan of lots for Abbots Manor Phase II, Plan Book 73, Page 43 North 25 degrees 36 minutes 53 seconds West 95.40 feet to a point; thence North 42 degrees 43 minutes 26 seconds East 243.04 feet to the point and place of BEGINNING.

CONTAINING 22,600 square feet

TITLE TO SAID PREMISES IS VESTED IN Daniel J. Furman by Deed from Garland Construction, Inc. dated 11/3/2000 and recorded 1/31/2001 in Record Book 2205, Page 134.

(continued on page 6)

Premises being: 51 Abbots Drive, Abbotstown, PA 17301

Tax Parcel No. 40, Map #5

SEIZED and taken into execution as the property of Daniel J. Furman 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 August 11, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-207 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner of James Avenue and proposed Roberta Jean Street, thence westerly along said proposed Roberta Jean Street one hundred fifty feet to a stake; thence northerly fifty feet to a stake at a corner of Lot No. 107-A, thence easterly along said Lot No. 107-A one hundred fifty feet to James Avenue thence southerly along said James Avenue fifty feet to proposed Roberta Jean Street, the place of BEGINNING.

The above and foregoing parcel of land being Lot Nos. 108 and 108A according to the plan and resurvey made in November, 1935, by Leroy Winebrenner, County Surveyor, for T.C. McSherry and Marie McSherry, First Addition to Littlestown Borough, Adams County, Pennsylvania, and known as "McSherry Park".

SEIZED and taken into execution as the property of Mary E. Tidman 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 August 4, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-338 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 June, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Carroll Valley (formerly Liberty Township), Adams County, Pennsylvania, being Lot No. 169 in Section P, bounded and described as follows:

BEGINNING at a point in the center of Ringneck Trail at Lot No. 168; thence by said lot North 33 degrees 57 minutes 21 seconds East, 165.03 feet to Lot No. 170; thence by said lot South 45 degrees 40 minutes East, 260.88 feet to a point in the center of Finch Trail; thence in said Finch Trail South 44 degrees 20 minutes West, 120 feet to a point in the intersection of Finch Trail and Ringneck Trail; thence in said Ringneck Trail North 56 degrees 2 minutes 39 seconds West, 253 feet to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN David Bawgus and Lisa M. Bawgus, husband and wife by Deed from Allen W. Beckett, trading and doing business as Allen Beckett Construction dated 6/26/2000, recorded 7/5/2000, in Record Book 2082, page 57.

Tax Parcel: 35-127

Premises being: 23 Ringneck Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of David Bawgus & Lisa M. Bawgus 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 July 21, 2003, and distribution will be made in accordance

with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/16, 23 & 30

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.C. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately March 27, 2003, a certificate for the conduct for a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of CUSTOM CAR LIGHTING, with its principal place of business at 3A Bonnielfield Circle, Gettysburg, PA 17325. The names and addresses of the persons owning or interested in said business are William E. Whewell III & Robert R. Henning, Jr., residing at 3A Bonnielfield Circle, Gettysburg, PA 17325 & 1111 Cox Place, Pittsburgh, PA 15207. The character or nature of the business is Car lighting, Audio & Video.

5/30

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on April 2, 2003, for the purpose of obtaining a Certificate of incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177. The name of the corporation is BI-LO FURNITURE BARN, INC. The purpose for which the corporation has been organized is: The corporation shall have unlimited power to engage in and do any law act concerning any or all lawful business for which corporations may be organized under the Pennsylvania Business Corporation Law.

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ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF PAUL R. BLACK, DEC'D
Late of Huntingdon Township, Adams County, Pennsylvania
Co-Executors: Stephen E. Black, 1010 South 2nd St., Clearfield, PA 16830; Gary L. Black, 11 Ridgeway Drive, Mechanicsburg, PA 17050; Dennis P. Black, 765 Clayton Dr., Aurora, OH 44202
Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF NANCY S. BUFFINGTON, a/k/a NANCY CATHERINE SLONAKER, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Teresa E. Slonaker, 107 Ridge Avenue, Gettysburg, PA 17325
Attorney: Walton V. Davis, 63 West High Street, Gettysburg, PA 17325

ESTATE OF MARY L. MESSINGER, DEC'D
Late of the Borough of Littlestown, Adams County, Pennsylvania
Co-Executors: Darlene L. Moore Parlette, 4744 Baltimore Pike, Littlestown, PA 17340; Ricky H. Messinger, 730 Pine Grove Road, Hanover, PA 17331; Benjamin F. Messinger, 63 James Avenue, Littlestown, PA 17340
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF NANCY RUTH BEALL, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Executor: Wayne D. Beall, 3918 Susanna Road, Randallstown, MD 21133

ESTATE OF MARY B. DEARDORFF, DEC'D
Late of the Borough of Littlestown, Adams County, Pennsylvania
Executrix: Madeline M. Deardorff, 529 Prince Street, Littlestown, PA 17340
Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CATHERINE V. MESSINGER, DEC'D
Late of Germany Township, Adams County, Pennsylvania
Executor: Barry D. Messinger, 35 Locust Drive, Littlestown, PA 17340
Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

ESTATE OF ANNA M. NATALE, DEC'D
Late of the Borough of York Springs, Adams County, Pennsylvania
Executrix: Diane D. Fetters, 1289 Gabler Road, Gardners, PA 17324
Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF RUTH S. SUMMERS, a/k/a RUTH J. SUMMERS, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executrix: Jeanne C. Myers, 4998 April Day Garth, Columbia, MD 21044
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF JOSEPH J. BALEK, II, DEC'D
Late of the Borough of East Berlin, Adams County, Pennsylvania
Administrator: Anthony J. Balek, c/o 29 North Duke Street, York, PA 17401
Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF ELIZABETH JANE BALTZLEY, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executor: F. Thomas Baltzley, 3938 Brookridge Drive, Mechanicsburg, PA 17050
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF BARBARA SCHAEFFER BOWSER a/k/a BARBARA S. BOWSER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executor: PNC Bank, Attn: Linda J. Lundberg, P.O. Box 308, Camp Hill, PA 17011
Attorney: Robert E. Campbell, Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF FLOYD W. CHAPMAN, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Betty K. Chapman, 1005 Biglerville Rd., Gettysburg, PA 17325
Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325-2112

ESTATE OF CLAUDINE A. SMITH, DEC'D
Late of Conewago Township, Adams County, Pennsylvania
Executrix: Linda M. Thomassy, 1261 Beck Mill Road, Hanover, PA 17331
Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

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 May 21, 2003, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of CSA PERFORMANCE, with its principal place of business at 88 East Berlin Road, York Springs, PA 17372. The name and address of the person owning or interested in said business is Clifford K. Staub, residing at 88 East Berlin Road, York Springs, PA 17372. The character or nature of the business is transportation of motor vehicles and other auto specialties.

5/30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-180 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Hamiltonban Township, now being Carroll Valley Borough, Adams County, Pennsylvania, being Lot No. 202 in Section J, bounded and described as follows:

BEGINNING at a point in the cul-de-sac of Field Trail as Lot No. 201; thence in the cul-de-sac and by said Lot North 3 degrees 11 minutes 40 seconds West, 200 feet to Lot No. 187; thence by said Lot and by Lot No. 186 South 87 degrees 23 minutes 40 seconds East, 231.11 feet to lands of George C. Steinberger; thence by said lands South 23 degrees 45 minutes West, 213.34 feet to Lot No. 203; thence by said Lot in the cul-de-sac of said Field Trail, North 87 degrees 23 minutes 40 seconds West, 133.94 feet to the place of BEGINNING.

HAVING erected thereon a dwelling known as 15 Field Trail, and being Tax I.D. No. 2-141

BEING the same premises which United Companies Lending Corporation, by its Attorney-in-Fact, Federal National Mortgage Association, by Deed dated September 29, 1998 and recorded in the Office of the Recorder of Deeds of Adams County on October 2, 1998, in Deed Book Volume 1672, Page 246, granted and conveyed unto Neil E. Shriner and Stacey R. Shriner.

GRENN & BIRSIC, P.C.
Kristine M. Anthon, Esq.
Attorneys for Plaintiff
One Gateway Center, Nine West
Pittsburgh, PA 15222
(412) 281-7650

SEIZED and taken into execution as the property of **Neil E. Shriner & Stacey R. Shriner** 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 August 11, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/30, 6/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-395 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of July, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in the Village of McKnightstown, Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin along the southern edge of the Lincoln Highway at corner of lands now or formerly of May B. Sterner; thence along the southern edge of the Lincoln Highway, South 59-1/2 degrees East 60 feet to an iron pin along the southern edge of the Lincoln Highway; thence along a 10 ft. alley adjoining lands formerly owned by Dr. Elderdice, South 30-1/2 degrees West 218 feet to an iron pin; thence along a 20 ft. alley, North 53-1/4 degrees West 63 feet to a post; thence along lands now or formerly of May B. Sterner, North 31-1/4 degrees East 211.4 feet to an iron pin along the southern edge of the Lincoln Highway, the place of BEGINNING.

The above description was obtained from a draft of a survey dated December 14, 1939, prepared by LeRoy H. Winebrenner, Surveyor.

IT BEING THAT same tract of land which Daniel J. Rudisill, single, by his

Deed dated June 12, 1995 and recorded in the Recorder of Deeds of Adams County in Record Book 1041 at Page 65, sold and conveyed unto Pamela J. Howery, Grantor herein.

SEIZED IN EXECUTION as the property of Pamela J. Howery, h/w, on Judgment No. 02-S-395.

SEIZED and taken into execution as the property of **Pamela J. Howery** 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 August 11, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/23, 30 & 6/6