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Legal Journal

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IN THIS ISSUE

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Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336

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INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation - Domestic Nonprofit Corporation, were filed by CAMP HOPE OF EAST BERLIN, PA, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, under the provisions of 15 Pa. C.S. Section 5306, on June 13, 2001. The corporation is incorporated under the nonprofit corporation law of 1988 for the purpose of religious experiences in a camping environment.

Thomas R. Nell, Esq.
340 Nell Road
East Berlin, PA 17316

7/20, 27 & 8/3

INCORPORATION NOTICE

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

8/3

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Fictitious Name Act, Act 1982-295, approved December 16, 1982, as amended, 54 Pa. C.S.A. §301 et seq., that on July 3, 2001, an Application for Registration of a Fictitious Name YOUR BUSINESS ASSOCIATES was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania. The principal place of said business is 966 Johnson Drive, Gettysburg, PA 17325. The names and addresses of the persons interested in said business are Bonnie S. Walters, 966 Johnson Drive, Gettysburg, PA 17325 and Yvonne L. Myers, 2707 Meadow Drive, Gettysburg, PA 17325.

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

8/3

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 Wednesday, August 8, 2001, at 9:00 o'clock a.m.

INSKIP—Orphans' Court Action Number OC-64-01. The First and Final Account of Anita Inskip Schulze, Personal Representative of the Estate of Irene E. Inskip, deceased, late of Hamiltonban Township, Adams County, Pennsylvania.

MOTTER—Orphans' Court Action Number OC-80-01. The First and Final Account of Kenneth C. Motter, Executor of the Estate of Lewis U. Motter, deceased, late of Cumberland Township, Adams County, Pennsylvania.

REYNOLD—Orphans' Court Action Number OC-108-00. The First and Final Account of Larry G. Reynold and Deborah A. Reynold Breighner, Co-Executors of the Estate of Gladys I. Reynold, deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania.

TRUMP—Orphans' Court Action Number OC-83-01. The First and Final Account of Arlene M. Smith, Executrix of the Will of Elizabeth K. Trump a/k/a Elizabeth H. Trump, deceased, late of Butler Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

7/27 & 8/3

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 the 19th day of July, 2001, for the purpose of incorporating a nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988, as amended and suplemented. The name of the corporation is FIRST BAPTIST CHURCH OF LITTLESTOWN. It has been organized to operate a church.

CGA Law Firm
Countess Gilbert Andrews
By: Joseph P. Clark, II, Esq.
Solicitors

8/3

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 July 13, 2001, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of E & J SNACKS, with its principal place of business at 374 Bullfrog Rd., Gettysburg, PA 17325. The names and addresses of the persons owning or interested in said business are John Bentzen, residing at 374 Bullfrog Rd., Gettysburg, PA 17325. The character or nature of the business is vending machines.

8/3

DIETRICK VS. STITELER

1. An order of the court striking a judgment annuls the original judgment and the parties are left as if no judgment had been entered.

2. When deciding if there are fatal defects on the face of the record for the purposes of a petition to strike a judgment, a court may only look at what was in the record when the judgment was entered.

3. Without valid service, a court lacks personal jurisdiction of a defendant and is powerless to enter a judgment against him or her.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 92-S-470, DANIEL W. DIETRICK, JR. VS. CHAD ROSS STITELER.

Michael B. Scheib, Esq., for Plaintiff
Gregory Hollinger, Esq., for Defendant
Kuhn, J., October 20, 2000.

MEMORANDUM OPINION ON DEFENDANT'S PETITION TO STRIKE OFF DEFAULT JUDGMENT FOR IMPROPER SERVICE OF REINSTATED COMPLAINT PURSUANT TO PA. R.C.P. 404, 403 AND 405(C) AND APPLICATION FOR STAY OF MOTOR VEHICLE JUDGMENT LIEN AND LICENSE SUSPENSION

On July 6, 2000, Defendant filed a petition seeking to strike off a default judgment on the basis of defective service. A hearing on the petition was held August 31, 2000. From the record of this case, we ascertain the following background:

1. On August 10, 1991, the vehicles being driven by Plaintiff, Daniel W. Dietrick, Jr. and Defendant, Chad Ross Stiteler, were involved in a vehicular accident on State Route 234 in Adams County.

2. On May 22, 1992, Plaintiff filed a Complaint alleging Defendant's negligence in causing the accident. Plaintiff demanded recovery for property damage, personal injury and medical expenses in an amount not to exceed $20,000.

3. At the time of the filing of the Complaint, Plaintiff believed Defendant's mailing address to be P.O. Box 3296, Gettysburg, Pennsylvania and his residence to be at 1429 Hanover Road, Gettysburg, Pennsylvania.

4. Sometime between May 27 and June 3, 1992, the Adams County Sheriff's Office attempted to serve the Complaint upon

Defendant at the 1429 Hanover Road address but was advised by Defendant's mother, Joy R. Knipple, that he did not live there.

5. On April 30, 1993, Plaintiff's counsel took Mrs. Knipple's deposition and was advised that she had not seen Defendant since February 1992, when he began traveling across the country and that although he occasionally called her by telephone she had no information regarding his whereabouts.

6. On August 17, 1993, Plaintiff filed a motion with the Court alleging that Defendant's whereabouts was unknown and requested permission to serve the Complaint by alternative means.

7. On August 18, 1993, President Judge Oscar F. Spicer requested Plaintiff's counsel to supply another affidavit describing additional efforts made to locate Defendant.

8. On September 10, 1993, Plaintiff filed a praecipe to reinstate the Complaint.

9. On October 12, 1993, Plaintiff's counsel advised President Judge Spicer that a search of the records of the Pennsylvania Department of Transportation revealed that Defendant had an address at 14269 South Coast Highway, South Beach, Oregon 97366.

10. On October 15, 1993, Plaintiff filed a second praecipe to reinstate the Complaint.

11. On October 21, 1993, Plaintiff filed a Certificate of Service with the Prothonotary, stating that he forwarded the second praecipe to reinstate as well as the Complaint to Defendant at the South Beach address "by United States Mail."

12. On November 9, 1993, Plaintiff forwarded a Notice of Intention to Enter Default Judgment to Defendant at the South Beach address.

13. On November 24, 1993, Plaintiff requested the Prothonotary to enter judgment against Defendant in the amount of $12,268.00. Notice of the entry of judgment was sent to Defendant at the South Beach address.

14. Defendant admitted learning of the judgment in late 1997 when he attempted to secure a merchant marine license from the Coast Guard.

15. On March 24, 1998, Defendant retained counsel to assist him regarding the judgment.

16. On July 6, 2000, Defendant filed the instant petition.

17. Not until August 29, 2000, did Plaintiff file an Affidavit of Service, setting forth a certified mail receipt card addressed to Defendant at the South Beach address which was executed by "Sue Kidwell" on or about October 25, 1993.

18. Mrs. Kidwell was an adult in 1993 and one of the owners of the home located at the South Beach address.

19. Defendant testified that in October, 1993, he was working as a professional fisherman off the coast of Alaska.

20. Defendant used the Kidwells' address for mailing purposes and in order to obtain an Oregon driver's license but spent very little time there.

21. Defendant claims that he never authorized Mrs. Kidwell to act as his agent to receive certified mail or legal documents and that he never received the Complaint.

It is clear from this record that Defendant is entitled to the relief requested. For guidance on the issue sub judice, we look to *Cintas Corp. v. Lee's Cleaning Services, Inc.*, 700 A.2d 915 (Pa. 1997). There, the defendant filed a petition to strike a default judgment on the basis of defective service under Pa. R.C.P. 424 and because of a defective affidavit of service under Pa. R.C.P. 405. First, the Court set forth the standard to be applied as follows:

> A petition to strike a judgment is a common law proceeding which operates as a demurrer to the record. A petition to strike a judgment may be granted only for a fatal defect or irregularity appearing on the face of the record . . . An order of the court striking a judgment annuls the original judgment and the parties are left as if no judgment had been entered.
>
> Id. at 106, 683 A.2d at 273 (citations omitted). When deciding if there are fatal defects on the face of the record for the purposes of a petition to strike a judgment, a court may only look at what was in the record when the judgment was entered.
>
> 700 A.2d at 917.

Here, Defendant is challenging the record as it relates to service. Again, as noted in *Cintas*,

> Service of process is a mechanism by which a court obtains jurisdiction of a defendant, and therefore, the rules concerning service of process must be strictly followed . . . Without valid service, a court lacks personal jurisdiction of a defendant and is powerless to enter a judgment against him or her . . . Thus, improper service is not merely a procedural defect that can be ignored when a defendant subsequently learns of the action against him or her . . . However, the absence of or a defect in a return of service does not necessarily divest a court of jurisdiction of a defendant who was properly served.
>
> 700 A.2d at 917-8 (citations omitted).

In *Cintas* the affidavit of service contained all the relevant information to demonstrate on the record that service had been made upon the defendant even though the affidavit itself was completed by someone other than the server of process.

The rules in 1992 provided that original process could be served outside the Commonwealth by any form of mail requiring a receipt signed by the defendant or his "authorized agent". Pa. R.C.P. 404(2) and 403. Here, the record, as it existed on November 24, 1993, when judgment was entered, only contained the Certificate of Service filed October 21, 1993, indicating that the reinstated complaint was sent to Defendant at the South Beach address "by United States mail". The record at that time failed to indicate that service was made by certified or registered mail. Therefore, there was no evidence of record that Defendant was properly served when the judgment was entered. Not until nearly seven years after the filing of the default judgment did Plaintiff file the Affidavit of Service containing the certified receipt card signed by Mrs. Kidwell.

Even if we would consider the Affidavit of Service filed recently, it is clear that the receipt was not signed by Defendant. Furthermore, there is no indication on the receipt that Mrs. Kidwell was Defendant's "authorized agent". In fact, she signed the receipt on the signature line designated for "Addressee" rather than the line designated for "Agent".

Thus, there is no evidence on the face of this record that Defendant was properly served when the judgment was entered and, as a result, his petition to strike must be granted.

Because the judgment will be stricken, there is no basis upon which to impose a lien or suspension upon his license. Accordingly, the attached order is entered.[1]

ORDER OF COURT

AND NOW, this 20th day of October, 2000, in accordance with the reasoning set forth in the attached Memorandum Opinion, the Petition to Strike Off Default Judgment for Improper Service of Reinstated Complaint Pursuant to Pa. R.C.P. 404, 403 and 405(c) and Application for Stay of Motor Vehicle Judgment Lien and License Suspension, filed by Defendant on July 6, 2000, is granted.

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[1] This Opinion is only addressing Defendant's right to have the default judgment stricken. We are intentionally making no comments regarding what steps Plaintiff must now take to effectuate service nor whether he is time barred from pursuing service.

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 ELIZABETH C. BIXLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Elizabeth F. Heckman, c/o Rodman M. Rosenberger, Esq., One Summit Street, Philadelphia, PA 19118

Attorney: Rodman M. Rosenberger, Esq., Barber, Sharpe & Rosenberger, One Summit Street, Philadelphia, PA 19118

ESTATE OF DONALD H. HERSHEY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF MAXINE C. SCHUMACHER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Ruth Ann Burns, 1389 Staff Row, Atlanta, GA 30310

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

ESTATE OF LAWRENCE M. WRIGHT, JR., DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executors: Joan L. Wright, P.O. Box 132, 191 Park Street, Bendersville, PA 17306; Donald L. Wright, 1401 Raven Hill Road, Mechanicsburg, PA 17055

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

ESTATE OF LLEWELLYN E. ZARTMAN, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executors: Bradley L. Zartman, 251 South Royal Street, York, PA 17402; Criselda A. Pfaff, 2 Summer Drive, Gettysburg, PA 17325; Lori A. Moul, 45 Sandy Court, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF ROBERT S. CICALA, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Victoria Cicala, 1317 East Street, Apt. 621, New Britain, CT 06053

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF LYDIA M. KRESSLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Terry L. Wright, c/o 29 North Duke Street, York, PA 17401

Attorney: Ronald Perry, Esq., CGA Law Firm, Countess Gilbert Andrews

THIRD PUBLICATION

ESTATE OF KENDALL GRANT BRUMGARD, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Co-Administrators: Rose Marie Brumgard, 2667 York Road, Gettysburg, PA 17325; Gerald L. Brumgard, 2667 York Road, Gettysburg, PA 17325

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

ESTATE OF PAUL R. KNOX, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Sally Ann Raymond, 5819 Hanna Road, Eldersburg, MD 21784

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

ESTATE OF WILLIAM L. LARCAMP, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Diane M. Larcamp, 125 Ridgewood Drive, Gettysburg, PA 17325

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

ESTATE OF SHAWN M. McCLOSKEY, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Administrators: William McCloskey, 4599 Chambersburg Road, Biglerville, PA 17307; Vickie McCloskey, 4599 Chambersburg Road, Biglerville, PA 17307

ESTATE OF HELEN L. SEGRAVES, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Alfred Segraves, 224 N. Stevens Place, Hanover, PA 17331

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

ESTATE OF GLENN E. SHEFFER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Betty Maser, 105 Station Avenue, Haddon Heights, NJ 08035; Ann Wickes, 106 South Jackson Street, Woodbury, NJ 08096

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

ESTATE OF C. AGNES SNEERINGER a/k/a CECELIA AGNES SNEERINGER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Antoinette M. Geiselman, 206 S. Franklin Street, Gettysburg, PA 17325

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

ESTATE OF E. BURNELL WARNER a/k/a ELMER BURNELL WARNER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Lydia F. Warner, 631 South Street, McSherrystown, PA 17344

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

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IN THIS ISSUE

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IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL DIVISION
NO. 00-S-748

PROVIDENT BANK, assignee of LL FUNDING CORPORATION, Plaintiff,

vs.

PHILIP A. ATLAND, JR., Defendant.

NOTICE

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

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

Pennsylvania Bar Association
PO Box 186
Harrisburg, PA 17108
800-692-7375

8/10

FICTITIOUS NAME NOTICE

NOTICE IS GIVEN THAT an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on July 24, 2001, pursuant to the Fictitious Name Act, setting forth that Rick A. Yealy, Jennifer L. Yealy, both of 25 Thomas Drive, McSherrystown, Pennsylvania 17344, Ronald L. Jones and Melinda C. Jones, both of 495 Basehoar School Road, Littlestown, Pennsylvania 17340, are the only persons owning or interested in a business, the character of which is purchase, sale, lease, renovation and development of real estate and that the name, style and designation under which said business is and will be conducted is ELITE INVESTMENTS and the location where said business is and will be conducted is 495 Basehoar School Road, Littlestown, Pennsylvania 17340.

Guthrie, Nonemaker, Guthrie & Yingst
Solicitor

8/10

SULLIVAN VS. CORNERSTONE COUNSELING ET AL

1. A plaintiff has the burden of filing a complaint which supports her cause of action, even though the facts are known to the defendant. The proper procedure for a plaintiff to obtain the information necessary for the preparation of an adequate complaint is to commence her action by filing a praecipe for a writ.

2. While we understand that sometimes disclosure of a patient's treatment records to the patient may not be therapeutic, it is unreasonable to deny a patient access to her own information.

3. We believe the right to claim a privilege is a personal one belonging to the individual protected by the statute. A patient should not have to engage in legal proceedings in her quest for copies of her own treatment records.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 00-S-775, RITA SULLIVAN VS. CORNERSTONE COUNSELING, INC. AND MIKE HANSON.

Anthony Miley, Esq., for Plaintiff
Tim McMahon, Esq., for Defendant

Spicer, P.J., November 7, 2000.

OPINION ON DEFENDANTS' MOTION FOR PROTECTIVE ORDER

On July 28, 2000, plaintiff filed a writ of summons against defendants. On August 10, 2000, plaintiff, a former client of defendants, requested copies of her treatment records for the purpose of preparing her complaint. Defendants move for a protective order to preclude plaintiff from seeking the discovery. They argue she is not entitled to pre-complaint production of documents and the records are confidential. Argument was scheduled and heard on October 20, 2000.

Defendants have cited Rule 4001(c)[1] of the Pennsylvania Rules of Civil Procedure in support of their argument that plaintiff's discovery request is not appropriate at this stage of the proceeding. Defendants argue that since "production of documents" is not specifically referenced in the rule, it is not an appropriate method of discovery for the preparation of pleadings. Although plaintiff also refers

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[1] Rule 4001. Scope. Definitions

(c) Subject to the provisions of this chapter, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery, or for preparation of pleadings, or for preparation or trial of a case, or for use at a hearing upon petition, motion or rule, or for any combination of the foregoing purposes.

to Rule 4001(d)[2] we find Rule 4009.11 most instructive. The rule provides:

> Rule 4009.11 Request Upon A Party For Production of Documents and Things
>
> (a) The request may be served without leave of court upon the plaintiff after commencement of the action and upon any other party with or after service of the original process upon that party.

A plaintiff has the burden of filing a complaint which supports her cause of action, even though the facts are known to the defendant. *Gross v. United Engineers and Constructors, Inc.*, 224 Pa. Super. 233, 302 A.2d 370 (1973). The proper procedure for a plaintiff to obtain the information necessary for the preparation of an adequate complaint is to commence her action by filing a praecipe for a writ. *Id.* In the case before us, original process was filed by writ of summons on July 28, 2000 and served upon defendants on August 10, 2000. Plaintiff's discovery request was served on defendants August 15, 2000.

The remaining issue raised by defendants requires us to consider whether a patient has access to her own confidential drug and alcohol treatment records. Defendants have referred to two federal statutes[3] and one state statute[4] as supporting their motion for protective order and proposition that plaintiff's records should not be disclosed to her.[5] In response, plaintiff has cited numerous cases involving disclosure of mental health records.

We will first review the federal law concerning confidentiality of alcohol and drug abuse patient records. Statutory authority for

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[2] (d) Subject to the provisions of this chapter, any party may obtain discovery by one or more of the following methods: depositions upon oral examination (Rule 4007.1) or written interrogatories (Rule 4004); written interrogatories to a party (Rule 4005); production of documents and things and entry for inspection and other purposes (Rule 4009); physical and mental examinations (Rule 4010); and requests for admission (Rule 4014).

[3] 42 U.S.C. §§ 290(ee-3)(f) and (dd-3)(f); 42 C.F.R. §§ 2.3, 2.4.

[4] 71 P.S. § 1690.108.

[5] Defendants have not raised any issues of redaction in their motion or brief. However, during argument counsel indicated plaintiff could not have unfettered access to records and would also need to show that a complaint could not be prepared without the requested discovery.

confidentiality of alcohol abuse patient records is codified at 42 U.S.C. 290dd-3. It provides that records may be disclosed only with the consent of the patient, or in the absence of consent, only in accordance with specified procedures. The scope of protections are found in 42 CFR, part 2. Absent within the statute, but present in the regulations is a section entitled "Patient access and restrictions on use." 42 CFR § 2.23. This section provides:

> (a) *Patient access not prohibited.* These regulations do not prohibit a program from giving a patient access to his or her own records, including the opportunity to inspect and copy any records that the program maintains about the patient. The program is not required to obtain a patient's written consent or other authorization under these regulations in order to provide such access to the patient.

Confidentiality of patient records is addressed by the Pennsylvania legislature in 71 P.S. § 1690.108.[6] Like its federal counterpart, the Pennsylvania statute permits disclosure only with the patient's consent or without consent in emergency situations. In

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[6] P.S. 71 § 1690.108. Confidentiality of records

(a) A complete medical, social, occupational, and family history shall be obtained as part of the diagnosis, classification and treatment of a patient pursuant to this act. Copies of all pertinent records from other agencies, practitioners, institutions, and medical facilities shall be obtained in order to develop a complete and permanent confidential personal history for purposes of the patient's treatment.

(b) All patient records (including all records relating to any commitment proceeding) prepared or obtained pursuant to this act, and all information contained therein, shall remain confidential, and may be disclosed only with the patient's consent and only (i) to medical personnel exclusively for purposes of diagnosis and treatment of the patient or (ii) to government or other officials exclusively for the purpose of obtaining benefits due the patient as a result of his drug or alcohol abuse or drug or alcohol dependence except that in emergency medical situations where the patient's life is in immediate jeopardy, patient records may be released without the patient's consent to proper medical authorities solely for the purpose of providing medical treatment to the patient. Disclosure may be made for purposes unrelated to such treatment or benefits only upon an order of a court of common pleas after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure

ascertaining legislative intent, courts are to presume that the General Assembly did not intend an unreasonable result. 1 Pa. C.S. § 1922 (i). While we understand that sometimes disclosure of a patient's treatment records to the patient may not be therapeutic, it is unreasonable to deny a patient access to her own information. The purpose of the privilege is to encourage diagnosis and treatment.[7] We believe the right to claim a privilege is a personal one belonging to the individual protected by the statute. A patient should not have to engage in legal proceedings in her quest for copies of her own treatment records.

Accordingly, the attached order is entered.

ORDER

AND NOW, this 7th day of November, 2000, Defendants' motion for protective order is denied and they are directed to provide Plaintiff with the requested documents.

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to the person to whom such information pertains, the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate or substantiate criminal charges against a patient under any circumstances.

(c) All patient records and all information contained therein relating to drug or alcohol abuse or drug or alcohol dependence prepared or obtained by a private practitioner, hospital, clinic, drug rehabilitation or drug treatment center shall remain confidential and may be disclosed only with the patient's consent and only (i) to medical personnel exclusively for purposes of diagnosis and treatment of the patient or (ii) to government or other officials exclusively for the purpose of obtaining benefits due the patient as a result of his drug or alcohol abuse or drug or alcohol dependence except that in emergency medical situations where the patient's life is in immediate jeopardy, patient records may be released without the patient's consent to proper medical authorities solely for the purpose of providing medical treatment to the patient.

1972, April 14, P.L. 221, No. 63, § 8.

[7] For further discussion of the privilege see Terrence M. Slaven, *Who Holds The Key? Lawyers Access to Drug and Alcohol Abuse Treatment Records*, 23 Ariz. B.J. 8 (1988).

LEGAL NOTICE
ADAMS COUNTY TAX CLAIM BUREAU

Pursuant to Court Orders 01-S-591 through 01-S-614 and including 01-S-675, the following real property will be offered for sale Friday, September 28, 2001 at 1:00 p.m. E.D.S.T., at the Adams County Courthouse, 111-117 Baltimore Street, 4th floor, Gettysburg, Pennsylvania. The purpose of this sale is to dispose at public sale the following parcels of real estate:

SALE NO.	OWNERS OR REPUTED OWNERS	TOWNSHIP/ BOROUGH	MAP NO., PARCEL NO., LOT NO. OR PROPERTY DESCRIPTION
23	Ryan Godfriaux	Berwick	L10-40-312, E12-82-51 1989 Urban MH
160A	Carole S. Roberson	East Berlin	4-115
172	Jeffrey Gilland	Franklin	C11-52
198	Arthur F. Shank	Franklin	B8-13-43, 1953 Alma MH
224	Richard Gonsalves & John F. Golden, III	Freedom	F18-14-3, Cottage #6
332	BSB Bank & Trust	Huntington	G03-122-8, 1969 Skyline MH
372	Michael K. Quinn	Liberty	QQ-9
451	Contimortgage Corp.	Menallen	F 4-24
553	Merrill A. & Barbara A. Mummert	Mt. Pleasant	5-97A
561	Oxford Manor LTD Part. II	New Oxford	001-0011
598	Robert D. Wagner	Oxford	K12-35
610	Hampton Plains, Inc.	Reading	J8-119 & 119B, L7-5-18
643	Guy I. & Lori Brown	Reading	K8-2F
678	Howard Uber	Straban	G12-125-A, G12-124-42 1965 Marlette MH
683	Michael Mahalage	Straban	G10-13-1, G12-125-K 1970 Pride Estate MH
756	Thomas W. Helmke	Carroll Valley	46-111, RC 105
811	Charles F. & Jean A. Tokarski	Carroll Valley	006-0001
821	T. J. Jr. & Rita M. Gibbons	Carroll Valley	46-102, RC 137

TERMS OF SALE: Cash in the form of currency of the United States if the purchase price is $50.00 or less. For properties selling for more than $50.00, $50.00 in the form of currency of the United States and a check or other satisfactory payment of the balance. All properties shall be paid for at the time the property is struck down. The purchaser(s) shall be required to pay, in addition to the bid price, the fees for preparing and recording a deed, and any applicable transfer taxes due (the assessed value x 2.60% x 2).

The above properties were previously advertised for sale in the *Adams County Legal Journal* and *The Gettysburg Times* and in *The Hanover Evening Sun* on August 4, 2001.

ADAMS COUNTY TAX CLAIM BUREAU
NOTICE OF PUBLIC TAX SALE

TO OWNERS OF PROPERTIES DESCRIBED IN THIS NOTICE AND TO ALL PERSONS HAVING LIENS, JUDGMENTS OR MUNICIPAL OR OTHER CLAIMS AGAINST SUCH PROPERTIES.

Notice is hereby given by the Tax Claim Bureau in and for the County of Adams under the Act of 1947, P.L. 1368, as amended, that the Bureau will expose at public sale in the Adams County Courthouse, fourth floor, Jury Assembly Room, 111-117 Baltimore Street, in the Borough of Gettysburg, Pennsylvania at 9:00 a.m. E.D.S.T. on September 28, 2001, or any date to which the sale may be adjourned, re-adjourned or continued, for the purpose of collecting unpaid 1999 and any prior real estate taxes, prior liens, municipal, and all costs thereto, the following described set forth.

The sale of the property may, at the option of the Bureau, be stayed if the owner thereof or any lien creditor of the owner, on or before the date of the sale enters into an agreement with the Bureau to pay the taxes, claims, and all costs in installments in the manner provided by said Act, and the agreement be entered into.

There will be no Redemption Period after the date of the sale, but these taxes and costs can be paid up to the date of the sale, September 28, 2001.

It is strongly urged that the prospective purchasers have an examination made of the title of any property in which they may be interested. Every reasonable effort has been made to keep the proceedings free from error. However, in every case the Tax Claim Bureau is selling the taxable interest and the property is offered for sale by the Tax Claim Bureau without guarantee or warranty whatsoever.

The property so struck down will be settled for before the next property is offered for sale. Deeds for the premises will be prepared by the Tax Claim Bureau and recorded. Buyer(s) will be required to pay, in addition to their bid, at the time the property is struck down to them, the basic sum for preparing and recording the deed, and the costs of such realty transfer stamps as required (assessed value x 2.60 % X 2). The Recorder of Deeds will mail the deeds to the address given by the purchaser.

A property will not be sold if the delinquent taxes and all costs are paid prior to the sale and it is suggested that this be done as soon as possible before the sale, as the earlier this is done, the more saving there will be in the amount of costs etc.

It is repeated that there is no redemption after the property is sold and all sales will be final. No adjustments will be made after the property is struck down.

NOTICE TO PROSPECTIVE TAX SALE BIDDERS

IN ACCORDANCE WITH ACT NO. 133 P.L. 1368, NO. 542, PROSPECTIVE PURCHASERS AT ALL TAX SALES ARE NOW REQUIRED TO CERTIFY TO THE TAX CLAIM BUREAU AS FOLLOWS:

1. A SUCCESSFUL BIDDER SHALL BE REQUIRED TO PROVIDE CERTIFICATION TO THE BUREAU THAT, WITHIN THE MUNICIPAL JURISDICTION, SUCH PERSON IS NOT DELINQUENT IN PAYING REAL ESTATE TAXES OWED TO TAXING BODIES WITHIN ADAMS COUNTY, AND

2. A SUCCESSFUL BIDDER SHALL BE REQUIRED TO PROVIDE CERTIFICATION TO THE BUREAU THAT, WITHIN THE MUNICIPAL JURISDICTION, SUCH PERSON IS NOT DELINQUENT IN PAYING MUNICIPAL UTILITY BILLS OWED TO MUNICIPALITIES WITHIN ADAMS COUNTY.

TERMS OF SALE: In the case of all properties selling for one hundred dollars ($100.00) or less, cash in the form of currency of the United States must be paid in full at the time the property is struck down. In the case of properties for which more than one hundred dollars ($100.00) has been bid, the sum of one hundred dollars ($100.00) cash in the form of currency of the United States must be paid in full when the property is struck down and a check on a bank or other satisfactory payment for the balance must be paid at the same time. If the balance of the purchase price is not paid for any reason (for example, if a check is not paid), the one hundred dollars ($100.00) cash paid shall be forfeited as liquidated damages.

David K. James, III
Solicitor, Tax Claim Bureau

Danielle Asper
Director, Tax Claim Bureau

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
	ABBOTTSTOWN BOROUGH	
Gladfelter, John R. & Carolyn A.	4-0074	$8,901.53
Speelman, Joseph & Myra	L10-40-136, Skyline	$3,034.62
Adams, James & Martha	L10-0040-118, 1990 Skyline	$484.83
Walters, James H. & Suvilla D.	3-0023	$873.23
Garcia, Elsa Lua	4-126	$2,771.88
Sosna, Robert & Sajal	4-138	$2,579.64
Banda, Esteban	5-0011	$4,882.68
Langkam, John L., IV	3-105	$1,024.77
Garland Construction Inc.	3-90-28, 583 Sutton Road, Lot 28	$4,170.65
Delpielago, Armando G. & Aida	5-51	$1,940.80
Thompson, Matthew & Carol	4-0097	$2,188.13
Sweeney, Steve A., Jr. & Rebecca L.	3-90-28, 583 Sutton Road, Lot 28	$4,170.65
	BENDERSVILLE BOROUGH	
Cramer, Jeffrey E.	3-28	$8,022.85
Devaugh, Thomas W.	7-9	$621.82
	BERWICK TOWNSHIP	
Edwards, Cindy	L10-0040-306, 1982 Commodore	$503.82
Lawrence, Joseph A. & Wanda J.	L11-0078A	$18,605.26
Luckenbaugh, Albert Lee, Sr. & Vivian	L12-0094	$5,223.42
McAbee, Curtis R. & Little, Linda	L10-0040-247, 1979 Dupont	$560.98
Wentz, Dennis E. & Null, Rosella	K11-0155	$4,695.51
Bankert, Alvin F. & Theresa I.	K11-48	$747.66
Turner, Gale G.	K10-0086, 57 Bair	$6,766.40
Voss, Steve	L10-0040-309, 1997 Skyline	$546.37
Wolf, Stephen L. & Hope M.	L12-0065, 335 Greensprings Rd.	$610.02
Hollinger, Diane M.	L10-0040-429, 1981 Commodore	$744.81
Buchanan-Senft, Robin L.	L10-0040-289, 1983 Commodore	$314.91
Reichart, Earl G. & Cook, Stephanie J.	L10-0040-314, Jefri By Skyline	$459.99
M & N Partnership	K11-0023	$5,977.45
Holmes, Dennis J. & Catherine G.	L10-0029A	$3,276.02
Miller, Jeffrey P. & Shirley A.	L10-40-230, 1988 Fleetwood Mobile Home	$1,557.64
Wells, Thomas	L10-40-504, 1997 Skyline Mobile Home	$2,138.79
	BIGLERVILLE BOROUGH	
Petrosky, David A. & Angela K.	3-0097	$3,618.70
Moskowitz, Joel A.	4-0018	$1,176.79
Moskowitz, Joel A.	3-0058	$637.07
	BONNEAUVILLE BOROUGH	
Eckard, Kathy L.	8-0076	$4,374.71
Sentz, Ronald H.	8-0009	$4,584.80

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Walls, William Jr.	9-0088	$1,032.26
	BUTLER TOWNSHIP	
Carroll, Michael & Lisa	F10-0038-84, 1992 Imperial	$2,093.12
Gorse, George E. & Carol	E08-0026B	$10,652.70
Lener, Phyllis J.	F10-0038-74, 1989 Windgate 14X72	$2,056.84
Harding, Blaine	F10-0038-36, 1973 Hall	$355.87
Houck, John	G08-0050-1, 1970 New Moon	$576.66
Kauffman, David & Debbie	F09-0039-1, 1968 Swiss Chalet Mobile 12X60	$186.06
Loubier, John R. & Donna	F09-0092-0	$20,847.68
Irwin, Carl J. & Cynthia M.	F10-0038-10, 1982 Derose	$730.19
Stapleton, Sharon & Meyers, Wendy	F10-0038-48, 1989 Windgate	$1,908.93
Rinehart, Catherine	F09-0013-0	$2,979.54
Shultz, Kenneth W. & Lisa D.	F08-56-0	$2,175.30
Taylor, Woodrow III & Tammy	F10-0038-62, 1994 Redman	$1,680.36
Miller, George & Rose	F10-0038-13A, 1993 Colony	$2,203.81
Taylor, Woodrow	F10-0038-65, 1991 Fleetwood	$2,086.33
Carmichael, William L.	F09-0079-0	$20,609.94
Conseco Finance Cons Dis	F10-0038-44, 1985 Heritage	$1,368.46
Greentree	F10-38-63, 1999 Interim / 1980 Liberty	$637.30
Cameron, Shirley & Brown, Jerry	F10-0038-5, 1995 Skyline	$2,091.33
Glacken, Brandy	F10-0038-42, 1989 Imperial	$2,056.84
Carey, Martha L.	F10-0038-53, 1989 Fleetwood	$2,005.21
Sprenkle, Michael L.	F09-0026-0	$4,483.51
Gormley, William G.	E08-0051-0, 1202 Arendtsville Road	$282.08
Gormley, William G.	E08-0051-1, 1963 Richardson	$204.02
Rex, Kathy	F07-0030-1, 1968 Rembrandt	$219.35
Lady, Bradley E. & Pamela T.	F07-0037A-0	$4,555.07
Burke, Ruth E. ETAL	G08-0005-0	$3,914.51
Gorsuch, Catherine J.	G08-0023-1, 1977 Newport, 1197 Rentzel Rd.	$539.62
Arnold, Cristopher	F10-0038-77, 1985 Fleetwood	$1,179.84
Gettysburg Area Industrial	F08-0001-0, 380 University Drive	$1,859.11
Gettysburg Area Industrial	F08-0075-0, Snyder Farm	$3,723.41
	CARROLL VALLEY BOROUGH	
Boothe, Louise M.	22-0119-0, 8 High Trail	$734.32
Gach, Robert J. & Patricia R.	7-0010-0, 6 Summer Tr.	$7,424.50
Gageby, John D. & Mary C.	24-0001-0, 5 Cross Trail	$472.77
IMC Home Equity Loan Trust	5-0057-0, J-90	$6,810.27
Virostek, Geraldine A.	18-0017-0, 3 Roadside Trail	$803.06
Wachter, Edward Ray	35-0113-0, 6395 Fairfield Rd.	$7,054.19
Wachter, Edward Ray	35-0090-0, 47 Swallow Trail	$683.93
Cottrell, Joseph & Philomena	27-0139-0, 2 Collen Tr.	$843.60
Gageby, John D. & Mary C.	24-0003-0, A-0023CR	$10,820.45
Miller, William & Verlena	16-0073-0, WA-102	$211.00
Gillespie, Alan V. & Sherry	34-0172-0, P-0150	$8,534.82
Dunaway, Paul & Kenneth	19-0028-0, 18 Ultra Trail	$1,115.34
Dunaway, Paul & Kenneth	24-0080-0, 546 Country Club Tr.	$909.99
Dunaway, Paul & Kenneth	35-0104-0, 6495 Fairfield Rd.	$651.81
Orndorff, Claude H. Jr.	29-0126-0, 38 Meadowlark Trail	$595.23
Curtis, Joan L. & Banks, Lucille	22-0155-0, W-0147A	$250.15
Fritz, Louis E., Jr.	23-0152-0, 15 Alice Tr.	$425.20
Grana, Judith M.	6-0035-0, 17 Black Bass Trail	$7,352.98
Myers, Wayne R.	21-0001-0, 32 Diane Trail	$449.53
Cornelius, William E. & Julia P.	35-0180-0, 19 Partridge Tr.	$226.26
Jester, Robert S. & Mary Ellen	3-0055-0, K-0307	$6,578.85
Bost, M. Allen	45-0013-0, 25 Ranch Trail	$244.57
Brown, Ineeter	28-0094-0, 17 Polly Trail	$708.61
Hoffman, Elwood & Margaret	19-0026-0, 22 Ultra Tr.	$359.10
Hoffman, Elwood F. & Margaret	34-0129-0, 8 Valley Tr.	$261.29

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Neiman, Meredith E. & Charlotte	27-0123-0, 7 Arlene Trail	$715.61
Ramage, Harry L. & Krulac, David A.	45-0058-0, 8141 Miller Road	$280.99
Baker, Jason H. & Harris, Barbara A.	41-0066-0, RI 219	$1,048.57
Bussink, Robert F. & Bertha A.	47-0042-0, 14 Wheatfield Tr.	$646.22
Gillespie, Alan V. & Sherry K.	34-0171-0, 4 Winter Trail	$646.22
LPG Limited Trustee	19-0022-0, 45 Eagles Tr.	$399.15
Lucas, Andrew & Fritz, Louis E., Jr.	35-0084-0, 54 Swallow Trail	$337.94
Peare, Kenneth A. & Cheryl A.	30-0068-0, B-0211	$6,189.42
Pinner, Zadah S.	29-0064-0, 42 Robin Trail	$248.44
Snurr, Gordon R. II	47-0065-0, 16 Pinto Trail	$201.51
Thompson, Charles A. & Nannie B.	28-0023-0, 38 Shirley Trail	$255.29
McClellan, John	19-63, 10 Buffalo Trail	$441.09
Didio, Dennis M.	34-146, E 25, 26, 27, 28, 29 & P 133	$5,364.18
	CONEWAGO TOWNSHIP	
Frederick, Matthew A. & Cynthia	8-0167-0	$3,064.29
Potter, Chris L.	8-0239-0, 518 Third St., #3 & #4	$3,760.50
Mallette, Terry L. & Brenda M.	K14-0236-0, 137 Conewago Dr. #12	$6,651.74
Potter, Chris L.	9-0049-0, 5 Madison St.	$4,357.32
Phillips Est., Lizzie B.	K15-0028-0	$3,622.18
Moyer, Michael A. & Vanduzer, Patti L.	12-0008-0	$1,881.55
Marks, Shawn L. & Rider, Yvonne	8-0134-0	$4,324.88
Mathis, Gregory & Heather	33-46	$1,085.12
	CUMBERLAND TOWNSHIP	
Rodriquez, Christina M.	E12-0082-38, 1989 Astro	$1,794.94
Eckert, Duane D.	F14-0023-0	$6,736.17
Hankey, Randal Lee	F12-0068-0	$375.01
Martin, Colleen	E13-0025A-0, 1895 Herrs Ridge Road	$5,399.19
Haulsee, Michael W.	E12-82-60, 1973 Vindale	$346.33
Fissel, Betty S. & Curtis W. II	E16-0058-0	$4,746.64
Jersild, Sandra Sue	E17-0066E-0	$1,823.68
Nell, Ray A. & Carol A.	F17-0036-0	$7,463.46
Walters, James H. & Suvilla D. S.	E12-0090-0	$1,159.18
Kiess, Stephanie L. & Emerson	E12-0082-307, 1986 Skyline	$1,246.10
Alloway Group	E16-0053A, Cunningham Road	$1,878.83
Hegglin, Amy J.	E12-82-364, 1987 Redman	$1,428.05
Demarest, Edward, Jr.	F15-0065-23, 91 Skyline	$1,213.23
Hess, Carl E.	F11-0080D-0	$626.72
Kerm, Kenny	F15-0065-19, Ritzcraft	$360.01
Rebello, Geraldine	F15-0065-20, 77 Starcraft	$493.62
Aguilar, Warren B.	F12-0001I-0	$800.51
	EAST BERLIN BOROUGH	
Hull, Donald A.	4-0129-0	$3,062.58
Lardarello, Anthony & Jill	7-74-0	$257.82
	FRANKLIN TOWNSHIP	
Brett, Martha Elizabeth	C10-0101-0, 1544 Old Rt. 30	$1,533.71
Chase, Daniel R. & Jennifer L.	B09-0080-0	$4,092.67
Coene, Charles & Hoff, Karen	2-0099-0, 35 Hemlock Trail	$896.79
Davis, E. Warren	C10-0142-0, 951 Old Rt. 30	$1,475.09
Gough, Nat L. & Lori E.	2-0001-0, 90 Mountain Drive M-23	$263.65
Heyser, Carol	B09-0024A-1, 1977 Liberty	$454.54
Miller, Joseph D. & Dorris P.	C10-0010A-0	$4,048.89
Naugle, Mary C.	D12-0015A-0, 465 Seven Stars Road	$924.42
Pritt, William C. & Pamela J.	C09-0054-0, 86 Robbins Lane	$3,352.46
Rodriquez, Monica S.	C10-0027A-0, 2114 Hilltown Rd, Lot 2	$1,008.00
Slusser, Thomas E. & Doris J.	E10-0039A-0	$6,394.34
Swayzer, Fred L. & Estella M.	C11-0047-0	$328.13
Wherley, Daniel C. & Susan A.	D12-0017-0	$867.82
Witmer, Terry	B08-0013-15, 1964 Marlette	$172.66

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Jones, Theodore W. & Barbara A.	C10-0197-0, 95 Orrtanna Rd.	$4,837.34
Cullison, Ethel M.	D12-0016-0	$781.58
Reynolds, Brian W., Sr. & Debra L.	B09-0022B-0	$9,535.51
Slee, John A. & Carol S.	A09-0047-0, 6924 Chambersburg Rd.	$19,854.38
Gilbert, Doug & Diane	B07-0001-69, 1950 MH	$1,083.80
Sharar, Thomas L. & Joann S.	B09-0146-0	$2,443.06
Brown, Elizabeth M.	B08-0013-22, 1971 Mobile Home	$342.66
O'Shea, James P. & Henrietta C.	C10-0163-0, 1146 Old Rte. 30	$4,832.68
Shafer, Steven T.	B08-0051-0	$2,622.87
Bittinger, Ronald J. & Elaine L.	D11-0029-0, 2525 Chambersburg Road	$5,758.47
Cassatt, Merle M. & Linda, Jr.	C11-0034-1, 1967 Patriot	$342.66
Cassatt, Merle M., Jr.	C11-0034B-0	$672.94
Stahl, John F. & Patricia B.	A10-0044-0, Lots 12, 13 5 Wagner 20 Greenwalt	$424.66
White Cloud, Jay C.	B09-0102-0	$893.10
Reaver, Stephan H. & Cindy L.	D11-0095A-0	$7,410.36
Green Tree Consumer Discount	C09-61-1, 1998 Skyline 4585A Chambersbur	$2,179.37
Shelleman, John	C10-13-1, 1992 Redman	$867.69
Frank, Robert H. & Jeanette R.	D10-0018D-0	$6,770.27
Wood, Thomas M. & Pennington, Karen L.	B08-0029-0	$3,146.90
Wright, Richard A. & Katrina M.	A09-0014-0	$2,510.59
	FREEDOM TOWNSHIP	
Keckler, Bonnie J.	E17-33	$3,310.63
Larmer, James & Sandra	D16-0020-0, 2020 Bullfrog Road	$476.26
	GERMANY TOWNSHIP	
Wilson, Nancy W.	I18-0085-0	$2,911.24
Edwards, Gary J. & Nancy A.	I18-0075-0, 147 Georgetown Road	$6,826.31
Deluca, Tony, Jr.	I17-0153-0	$856.76
King, Loy L. & Julia C.	I17-0077B-0, 421 St. Johns Road	$4,191.90
	GETTYSBURG BOROUGH	
Ivey, Katherine E.	10-0325-0	$921.17
Jones, William H. & Cindy R.	10-0346-0	$2,900.76
Hartman, James M., Jr.	7-0312-0	$1,332.13
Bowden, Linda A.	6-0006-0	$9,545.03
Chandon, Salvatore & Joan A.	7-0269-0, 148 Chbg St.	$9,409.43
White, John, Jr. & Karen A.	6-0009-0, 321 Buford Ave.	$2,644.04
Keefer, Mazie E.	8-0098-0, Duplex @ 20 & 18 N. 4th Str.	$11,983.54
Keefer, Mazie N.	8-0103-0, Duplex @ 96 & 98 N. Fifth St.	$9,765.89
Rinehart, Steve	10-0072-0	$6,999.56
Trostle, Edmond & Janet	14-0012-0, 851 Highland Ave.	$12,666.44
Bigham, Andrew K.	8-0052A-0	$3,050.77
	HAMILTON TOWNSHIP	
Ness, John B. & Eleanor H.	K11-0012-0, 6170 York Rd. (Auto Sales)	$18,985.44
Dellinger, Carol Ann, Ernest Gene, Molly & Mark	J10-0037-0, 879 Oxford Rd.	$2,172.63
R. R. J. C. Partnership & Dell, Richard & Carolyn S.	K10-0057-0, Lot #4 (Pixie Motel & Rest.)	$31,678.69
Starner, Mark L.	K10-0013-0	$5,291.03
Sullivan, Randall & Ruth	1-11, Lot #35	$7,328.59
	HAMILTONBAN TOWNSHIP	
Fitzgerald, David B. & Kathleen	B17-0104-0	$7,871.88
Kauffman, Ronald D.	A12-0006-0	$2,975.06
Kimball, Bruce A.	A17-0012-0	$2,851.47
Kline, Ralph R. & Smith, Dianne M.	C12-0130-0, Mt. Carmel Road	$1,741.74
Bull, Walter & Joyce	B17-0060-0, 91 Harbaugh Valley Road	$8,526.42
Nicholas, George W. & Mary A.	B16-0061A-0	$428.43
Nicholas, George W. & Mary A.	B16-0061-0, 1604 Iron Springs Rd.	$5,780.82
Sites, Judith E.	B16-0015-0	$2,339.43
Funk, Steven & Melissa	BB0-0036-0	$1,005.21
Gladhill, Richard	B17-0001-1, 1983 Brigadier	$568.23
Johnson, John H. & Barbara L.	C15-0038-0	$2,579.96

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Andrew, Mitchell A. & Lavada M.	BB0-0141-0	$6,075.44
Strausbaugh, Harry A. & Angela	B16-0097-1, 1973 MH	$269.54
Riley, Rodney E. & Sheila E.	A17-0074-0	$3,451.85
1/2 Interest Only/Owners May Be Heirs of Spence Estate	C13-0001-0, 1875 Cold Springs Rd.	$713.34
White, John & Betty	C14-0017A-0	$340.39
	HIGHLAND TOWNSHIP	
Harris, Richard A. & Ronda L.	D13-0075-0	$15,867.62
Wolfe, Keller C.	D12-0001C-0, 820 Railroad Lane	$1,229.71
Ortman, Kenneth John	D14-0049-0	$2,569.43
Clear Shot Management Inc.	D14-0020E-1, 1160 Coldspring Road	$1,565.74
Ruch, Blakley & Terry L.	D13-65	$3,454.97
Trostle, Rondale A. & Karen S.	E12-121	$4,294.88
	HUNTINGTON TOWNSHIP	
Armolt, Gary L. & Theresa L.	G03-0107-1, 1981 Halmark @ 134 Labor Camp	$526.30
Strudwick, Stephen A. & Ann M.	J05-0035A-0	$2,912.40
Wolf, Larry M. & Linda M.	G03-0067-0	$2,880.46
Fogle, Ronald & Lisa	G03-0122-10, 1971 Statesman	$311.51
Friedline, Luke I.	I05-18, Prop. Loc: 390 S. Ridge Road	$5,788.11
Altice, David E.	H06-0031-0	$4,590.30
Barth, Wilbur R. & Virginia M.	H06-0033A-0, Titan	$1,132.46
Crum, Joey L. & Cara L.	H04-0012-12, 1969 Villa	$276.25
Inman, Chester, Jr.	H04-0012-5, 1984 MH	$820.20
Barrick, Melissa	H04-12-15, 1999 Forest Manor By Colony	$2,325.09
Clear Shot Communications Inc.	I04-80-1, 2466 Cranberry Road	$4,064.41
Engelhardt, Linda M.	G03-122-114, 326 Labor Camp Rd/ 83 Ritscraf	$593.49
Bahn, Terry A.	H04-12-9, 6292 Oxford Road/1975 Eagle MH	$411.60
	LATIMORE TOWNSHIP	
Decker, Joy E.	I02-0074-3, 1972 Buddy @ 975 Mountain Rd.	$306.74
Reem, Arlene I. & Sweigart, Alan	I01-0031C-0, Lot #19, Land	$1,647.79
Benner, Hayes E. & Tory M.	I02-0006-0, Lot #1	$4,687.53
Huffman, Alice F.	J04-0045-0, 2317 Lake Meade Rd.	$1,636.63
Ohrum, Donald R. & Daisy S.	I04-0008J-0, 194 Old Harrisburg Rd.	$1,736.95
	LIBERTY TOWNSHIP	
Gladhill, Richard L. & Deborah	A18-0044-0	$6,176.23
Kauffman, Brian K. & Sandra G.	D18-0076-0	$506.10
Kauffman, Brian K. & Sandra G.	D18-0077-0	$2,837.27
Sheldon, William Robert & Cheryl Ann	OO0-0064-0, 109 Apache Trail	$469.31
Sheldon, William Robert & Cheryl Ann	OO0-0061-0, 79 Apache Trail	$532.98
Supchak, Leonard Paul	C18-0013B-0	$3,637.16
Justice, Phillip E.	D16-0014A-0, 1431 Water St.	$4,921.78
Briggs, Bonnye C.	OO0-0070-0	$322.05
Adams, Robert L.	AA0-0188-0, 50 Rist Trail	$338.20
Zimmerman, Thomas W. & Deborah	AB0-0048-0, 12 James Trail	$8,958.16
Aylor, Jean Miller & JRB	AA0-0033-0, 41 Rist Trail	$399.80
Dunaway, Paul & Kenneth	AA0-0181-0, 32 Rist Trail	$440.57
Lease, Thomas S.	B17-0072-0	$1,886.24
Zimmerman, Thomas & Deborah	AB0-0047-0, 9 Flenner Trail	$381.04
Woolley, Frances S.	QQ0-0012-0, 115 Airedale Trail	$314.27
Brenner, Glenn L. & Lillian V.	AA0-0176-0, 53 Snyder Trail	$433.66
Head, George E.	AA0-0211-0, 12 Lindsay Trail	$427.21
Head, George E.	AA0-0231-0, 15 Goetz Trail	$427.21
Hoffman, Elwood F.	AB0-0063-0, 25 James Trail	$426.66
Bauer, Gary John & Bishop, Alan T. & Jill A.	AA0-0219-0, 30 Snyder Trail	$409.13
Shinkle, Albert D. & Betty L.	QQ0-0030-0, 10 Airdale Trail	$193.44
	LITTLESTOWN BOROUGH	
Ogburn, Ronald L. & Barbara J.	5-0052-0	$3,770.37
Birtic, Jr., Edward L. & Isabella, & Beynon, Martin	12-0007-0, S. Queen	$4,887.98

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Dennis, Edward F., June E.	6-0011-0	$9,685.96
Morgan, Suzanne E.	11-0070-0	$3,376.19
Sipes, Heather M. & Sawson, Brian E.	4-54-0, Lot #404, Appler Development	$1,387.65
Woodie, James R. & James S.	4-56-0, Lot #406	$1,387.65
Cook, Edward A. & Roxanne L.	4-96-0	$1,724.18
Foltz Architectural Millwork	8-364	$21,310.85
	MCSHERRYSTOWN BOROUGH	
Furlong, Mary C.	5-0018-0	$2,285.36
Lawrence, Tamara A. & David J.	2-0026-0	$2,476.84
	MENALLEN TOWNSHIP	
Harris, Tom & Kathy	E07-0033-3, 1979 Sylran Mobile Home	$663.79
Musgrave, Robert S. & Susan G.	B05-0003-0, Kenwood	$1,154.67
McCauslin, Tim	D05-0039-1, 1971 Derose Mobile Home	$476.52
Rice, Wallace C.	C06-0036O-0, 141 Amity Rd	$4,494.73
Wileman, William E. & Patricia	E06-0025-0	$5,576.60
Altland, Philip A.	C06-0040T-0	$2,604.76
Nowack, James K. & Stevens, Vicky	B05-0054-0, 2630 I Shippensburg Rd.	$386.69
Perea, Edward & Renada	F05-110-1, 1973 Shaffer	$301.35
Hostetter, Mark L. & Kelly P.	C05-0020-0, 250 Norris Road	$4,022.19
McGuirk, Janet M.	D05-0062A-0	$1,373.96
Archambeau, Mary	E04-0018A-0, 35 Back Road	$754.72
Carbaugh, Anthony M. & Newberry, Joann	1-0028-0	$880.54
Crum, Martin	E07-0015-0	$1,812.28
Laughman, Lee	F06-0012A-1, 1981 Oakwood	$602.10
Schaler, Otto G. J.	E05-0072-0	$975.68
Ease, Michael E.	E05-0015C-0, 85 Maryland Avenue	$493.11
Taylor, Kurt M.	D07-0058-0, 165 Fairground Road	$1,212.42
Tanner, Margaret & Raymond, Jr.	E05-0100Q-0, Timber Lane	$1,588.06
Weidner, Ronnie E.	G05-0003B-0	$4,290.36
Wetzel, Paul Wendell & Judith	F05-0058B-0, Carlisle Road	$248.47
	MT. JOY TOWNSHIP	
Nell, Stephanie L. & Brown, Robert G., Jr.	G14-0041B-0	$5,357.08
Burns, Frederick K. & Kathy M.	G15-0009-0, 2202 Baltimore Pike	$9,169.02
Higgs, Gilbert & Mary C.	G14-0011-2, 1972 Flamingo MH 12X60	$290.96
Lightner, Terry A. & Kathryn M.	G17-0003-0	$4,215.47
Racine, Laura	G14-0017B-0, New Moon	$2,725.79
Wantz, Kevin G. & Susan L.	G14-0039-0	$2,864.36
Rockafellow, John W.	H18-0029B-0	$6,902.04
	MT. PLEASANT TOWNSHIP	
Wisebaler, Mark A., Sr.	J12-0061-109, 1988 Skyline	$2,059.57
Cyryca, Jeffrey & Ania J.	I14-0052-0	$7,447.90
Bopp, Cynthia & Jacobs, Richard	J12-0061-143, 1981 Liberty	$780.52
Fuhrman, Mike & Bullock, Crystal	J12-0061-144, 1982 Derose	$408.47
Laughman, Leo T., Jr.	J12-0061-70, 1985 Liberty	$967.27
Mullin, Richard P. & Michael S.	J11-0006A-0	$3,828.57
Picard, Elaine	J11-0052-49, 1989 Derose MH	$1,505.47
Williams, Kevin L. & Roomsburg, Troy	J12-0061-173, 1990 Holly Park	$1,651.96
Smith, Roger & Jane	J12-0061-60, 1985 Liberty	$969.41
Staub, Gary J., Sr. & Helen D.	J12-0061-94, 1988 Imperial	$2,382.37
Smith, Edward D. & Joy Lynn	J12-0061-96, 1982 Liberty @ 96 Sherri	$894.01
Wray, Steven C. & Bonna	J12-0061-163, 1992 Fleetwood	$1,406.42
Yingling, Wendell & Mary	J12-0061-124	$465.19
Beach, Carl L.	J12-0061-141, 1981 Derose	$772.94
Grothe, Stephen A.	J12-0061-14, 1994 White Rose	$1,921.52
Mills, Dwayne A. & Teresa A.	2-0063-0	$6,537.88
Groft, Gerald J., Jr. & Gitt, Jean E.	I15-0037-1	$407.56
Banda, Hipolito	J11-0052-60, 1986 Scott	$297.75
Redifer, Mary	J11-0052-94, 1998 Commodore	$2,569.01

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Wetzel, Charlotte J.	J11-0052-73, 1983 Derose	$268.40
Coffelt, Keith S. & Jacqueline	H13-0029-4, 1978 Skyline	$378.31
Stonesifer, Tamara	J11-52-59, 1996 Fleetwood	$1,563.94
DeGroft, Derrick	J12-0061-40, 1996 Fleetwood	$1,740.03
Tidman, Mary E.	H14-0032-34, 1991 New Moon	$1,617.12
Buehrle, Cynthia	J11-0052-34, 1986 Scott	$314.74
Ramsey, Linda M.	H14-0032-31, 1992 Redman	$1,178.26
Wagaman, Jeffrey & Agnes	J12-0061-66, 1987 Liberty	$1,467.68
Jones, Charles R. & Marilyn J.	7-0005-0	$1,659.63
Reed, Ronnie & Sharon K.	J14-0014-0	$1,947.68
Rosado, Angel R. & Gerardita J.	H14-0032-14, 1991 Redhav/New Moon	$1,701.67
Stambaugh, Heather	J11-0052-84, 1979 Hillcrest	$390.84
VP Mortgage Inc.	I11-0060-0, Little Teasers	$26,254.56
Smith, James E. & Darling, Jennifer	J11-52-68, Trailer @ Lot #68	$1,256.19
National City Corporation	H14-0032-26, TP-0026/Redman,Lakeside	$1,575.28
Moreno, Jesus, Jr.	J12-61-73, 1987 Skyline Mobile Home	$1,523.01
	NEW OXFORD BOROUGH	
Brock, Roy L. & Sandra L.	5-0172-0, 111 E. High Street	$3,019.19
Hempfing, Richard L. & Sarah J.	5-0090-0	$2,817.54
Harman, Audrey	5-0024-0, 10 Center Square	$3,921.53
Wolf, Sonja M.	7-0076-0	$3,632.07
Belcher, Russel & Brenda	7-95, Lot 20, 21 Oxwood Circle	$2,437.24
Garland Construction	5-0184A-2, 29 Oxford Court Building 4	$1,856.76
Rocky Road Inc.	4-0011-0, W. Golden Lane	$2,633.88
	OXFORD TOWNSHIP	
Kamot, Sana E.	J11-0131M-0, Hollywood Court	$1,369.00
Little, George F. & Connie E.	J12-0051-0	$4,352.44
Neiderer, Steven A.	J13-0027-0	$2,422.57
Rodriguez, Irene	K11-0105F-28, Claremont	$1,578.98
Stoneridge, Heidi	K11-0105F-12, 73 Titan, 1365 Red Hill	$320.09
Robertson, Charles E. & Theodora F.	J13-0017-0	$6,731.85
Harris, Donald	K11-0105F-6, 1977 Liberty	$462.18
Clark, Luella	J13-0007J-1, 1995 Imperial	$2,988.78
McDowell, Kevin	K11-0105F-25, 1982 Commodore Nova	$734.45
Smith, David & Marian	1-0014-0	$4,574.12
Kessel, Gregory E. & Debbie K.	J12-0111-0	$5,164.73
Baumgardner, Dennis & Patricia	K11-0026C-6, 97 Southern Energy	$2,547.68
Good, Joyce M. (1/2 Interest)	K12-0110-0	$6,222.32
Elkins, W. Scott & Beth A.	1-52-21	$3,623.30
Kidwell, John A.	1-52-4	$2,676.16
Garland Construction	1-52-6, 12 Fiddler Drive Unit 6	$745.53
McCoy, Heather & Melvin	K11-0026C-35, 1998 Fleetwood	$2,809.64
Robinson's Home Inc.	J12-0026-0	$29,546.10
Robinson's Home Inc.	J12-0027-0	$4,799.61
Robinson's Homes Inc.	J12-0031G-0	$1,278.56
Shultz, Larry	K11-0103D-1	$271.95
Balderas, Amy J.	1-0052-16	$2,299.84
Laughman, Steve	K11-0105F-17, Schult	$299.98
Nicholson, Elaine M.	9-0004-0	$2,755.98
Nieves, Vincent III & Nitza	1-0052-1, Unit 1	$1,969.23
Strausbaugh, Tony L. & Diane L.	1-0019-0	$1,352.04
Ketterman, Barry & Barbara	K11-0026C-13, 1997 Liberty Mobile Home	$2,245.45
	READING TOWNSHIP	
Altland, Karelene A.	J08-0045-105, 1979 Liberty Mobile	$561.97
Guevara, Everardo	L07-0005-11, 1969 Parkway	$1,250.63
Barbour, Susan E. & Leon J.	K08-0014-0	$5,328.05
Crone, Denise	J08-0045-135, 1979 Hillcrest	$561.97
Eichelberger, David M. & Susan	10-0100-0, 449 Lake Meade Drive	$667.79

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Groft, Michael & Brown, Hilda	J08-0045-32, 1991 Skyline	$1,755.98
Miller, Charles M. & Belinda L.	1-0038-0	$1,511.61
Myers, Steven A.	J08-0045-106, 1977 Hillcrest	$367.20
Reese, Steven	J08-0045-108, 1992 Skyline	$1,755.98
Slothour, Wayne	L07-0046-0	$882.63
Smith, Gregory E.	K06-0046-0	$4,335.95
Stevens, Barry L.	L08-0039-0	$1,305.76
Sullivan, Ronald W.	J09-0070F-0	$3,674.27
Wildasin, Christine A.	K07-0038-0	$3,243.99
Mehring, Scott & Topper, Wendy	L07-0005-25, 1991 Skyline	$883.40
Spangler, Matthew W. & Alma	L07-0005-34, 1990 Commodore	$1,762.98
Slothour, Wayne E.	L07-45, 183 Conewago Park Drive	$1,624.41
Berdette, Jack & Dorothy	L07-0005-40, Claremont By Fleetwood	$1,405.57
Cook, Donald W. & Marcia A.	J08-0045-40, 1983 Pineview	$574.23
Glacken, Paul Jr., & Ann	J08-0045-122, 1979 Hillcrest	$389.13
Stambaugh, Jenette G.	J08-0120D, 16 Hampton Drive Unit 69-4	$3,916.23
Gearhart, Patricia	10-0043-0	$4,674.84
Jones, Jeffrey L. & Sherry L.	L08-0029-0	$271.14
Howe, Danny T. & Pamela M.	13-0003-0	$5,516.55
Rhodes, Charles E.	L08-0045-0	$2,573.90
Rogers, Teri L.	5-0074-0	$5,091.24
Checkerboard Inn Inc.	J06-0029-0	$7,505.89
Hall, Chuck	J08-0045-10, Skyline	$836.54
Anderson, Jack W. & Barbara E.	K06-0043-0, 105 Old Log House Rd.	$3,239.24
Ness, Dennis & Ann Marie	K08-0057-0	$1,505.59
Mahaney, John	J08-0045-3, Hillcrest	$367.89
Ruppert, Matthew & Anna	J08-0045-129, Claremont	$1,143.08
Sebring, Roger W. & Kathy M.	2-0038A-0, 20 Sherman Dr.	$4,795.78
	STRABAN TOWNSHIP	
Chapman, Samuel	G12-0124-25, 1977 Homette	$397.93
Dubbs, Donald L., Sr.	H12-0095B-0	$1,841.25
Harris, Richard A. & Ronda L.	1-0079-0	$1,138.27
Saylor, Christopher & Michelle	G10-0016B-3, 1971 Clarion	$321.27
Junkins, Timothy	G12-0124-124, 1974 Kirkwood MH	$400.00
Kyle, Timothy H.	G12-0124-83, 1995 Colony	$2,174.68
Klinefelter, James & Dawn	H10-0017-102, 1985 Skyline MH	$1,318.63
Nowak, Johann & Mary	H10-0017-153, 1993 Skyline MH	$1,715.79
Plank, Donna J.	H12-0021-4, 1974 Redman MH	$340.35
Group, Nancy	H10-0017-130, 1986 Skyline MH	$1,341.85
Henry, Richard L. & Sherry L.	I10-0015D-0	$13,731.98
Bevard, David L. & Bertha A.	H10-0017-149, 1993 Sunliner	$2,823.26
Zartman, Gerald J.	H11-0014-1, 1975 Newport	$366.54
Boone, Ronald	G12-0124-27, 1971 Hillcrest	$347.35
Walls, Thomas L., Sr. & Dorothy E.	I11-0023-0, 3524 York Rd.	$4,471.11
Ayers, Bobby	G10-13-5, 1982 Fun Time	$354.10
Riley, George E., III	H10-0017-146, 1987 Skyline	$1,634.37
Scott, Karen	H10-0017-141, 1986 Sunliner	$1,534.48
Gillespie, Richard F.	H10-105-1, 1982 Liberty	$829.84
Weverink, Heinz J. & Debra R. L.	G09-0016-0	$4,129.75
Stewart, Joe & Irene	H10-0017-142, 1989 Fleetwood	$1,792.77
Simpson, Edward W. & Patricia A.	G10-0028C-0	$7,772.06
Reams, Linda K.	1-0006-0, H-0428	$8,632.61
Gettysburg Park Associates	G12-124-84, 1977 Classic Mobile Home	$502.98
Orner, James & Bucher, Deborah	H10-17-138, 1995 Fleetwood Mobile Home	$2,736.67
Sadler, Ronald	H10-17-143, 1987 Derose Mobile Home	$1282.79
	TYRONE TOWNSHIP	
Smith, Willie J. & Klick, Melissa	H06-0111-0, Lot #50	$976.64
Baugher, Lisa & Smith, Dennis	H06-0024A-1, 1986 Liberty	$1,454.43

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Green Point Finance	H07-75-8, Southern Energy	$3,493.56
Kiefer, Judy M.	H07-75-15, 1996 Liberty	$1,867.51
Laughman, Daniel L. & Kathy S.	H07-75-11, 1996 Liberty	$2,221.51
McDannell, Kamela & Brian	H07-75-62, 1996 Fleetwood	$2,466.63
Miller, Dan W.	H07-75-103, 1996 Fleetwood	$2,347.57
Harman, Alda M.	H05-0030-0, 890 Cranberry Rd.	$4,382.19
Phillips, Lisa M. & Novitski, Paul	H07-75-14, 1996 Liberty	$1,772.71
Anderson, Alfred & Frederick & Shriner, Ann, & Baumiller, Deborah	H07-75-117, T-Nova By Commodore	$3,339.65
Bobo, Jeffrey L.	H07-75-68, Liberty	$1,494.41
Johnson, James C. & Sandra L.	H06-0024C-0	$6,478.65
Woodson, William & Wanda	H07-75-93, 1996 Imperial	$3,706.55
Martz, Gregory	H07-0075-70	$1,399.54
Miller, Dave H. & Stacy L. Forney	H07-75-115, Nova	$3,332.65
Chesney, Samuel R. & Ann Marie	H07-75-155, Walnut Grove/Kernington	$3,043.85
Greegor, Frank Jr., & Betty	H07-75-60, Fleetwood @Walnut Grove #60	$2,001.79
Stambaugh, Denise	H07-75-148, Walnut Grove/Suncrest	$1,264.20
TAMMAC	H07-75-151, Suncrest/Fleet	$964.56
Eyler, Francis & Melissa K.	H7-75-99, 1996 Fleetwood Mobile Home	$1,807.84
	UNION TOWNSHIP	
Rast, Gregory M. & Maura A.	K17-0137-0, Lot #13	$10,217.99
King, Steven L.	K18-0042-0, 1343 Pine Grove Road	$1,839.99
Barrick, Marilyn R.	J15-37	$5,115.55
Kauffman, Carl R. III	K17-89	$3,049.76
Weidner, Charles W., Jr. & Wagaman, Tina M.	K18-0016A-0	$2,555.93
	YORK SPRINGS BOROUGH	
Harter, Forrest J.	5-0040-0, Harrisburg St.	$1,514.45

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 RUTH L. BEFORD, DEC'D

Late of Littlestown Borough, Adams County, Pennsylvania

Executor: Albert H. Snyder, 1461 Deerfield Drive, Hummelstown, PA 17036

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

ESTATE OF BEATRICE A. BLACK, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Administrators c.t.a.: Terry W. Black, Jeffrey L. Black, c/o Jeffrey L. Black, 970 Belmont Road, Gettysburg, PA 17325

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

ESTATE OF FRED W. BREAM, DEC'D

Late of Borough of Biglerville, Adams County, Pennsylvania

Jeanne L. Motter, 100 Reservoir Road, Gardners, PA 17324; Kenneth I. Bream, 408 S. Washington Street, Gettysburg, PA 17325

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

ESTATE OF ROSARIO F. DRAGO, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Philip John Drago, 34A Chicopee Drive, Princeton, NJ 08540

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

ESTATE OF IRENE E. NICHOLSON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Bette N. Rinehart, 28 Twin Lakes Drive, Gettysburg, PA 17325

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

ESTATE OF ELSIE B. SUMNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

PNC Bank, N.A., c/o Linda Lundberg, P.O. Box 308, Camp Hill, PA 17001

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

ESTATE OF MARY E. WARDWELL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Rose V. Fye, P.O. Box 3967, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF ELIZABETH C. BIXLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Elizabeth F. Heckman, c/o Rodman M. Rosenberger, Esq., One Summit Street, Philadelphia, PA 19118

Attorney: Rodman M. Rosenberger, Esq., Barber, Sharpe & Rosenberger, One Summit Street, Philadelphia, PA 19118

ESTATE OF DONALD H. HERSHEY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF MAXINE C. SCHUMACHER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Ruth Ann Burns, 1389 Staff Row, Atlanta, GA 30310

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

ESTATE OF LAWRENCE M. WRIGHT, JR., DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executors: Joan L. Wright, P.O. Box 132, 191 Park Street, Bendersville, PA 17306; Donald L. Wright, 1401 Raven Hill Road, Mechanicsburg, PA 17055

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

ESTATE OF LLEWELLYN E. ZARTMAN, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executors: Bradley L. Zartman, 251 South Royal Street, York, PA 17402; Criselda A. Pfaff, 2 Summer Drive, Gettysburg, PA 17325; Lori A. Moul, 45 Sandy Court, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF ROBERT S. CICALA, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Victoria Cicala, 1317 East Street, Apt. 621, New Britain, CT 06053

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF LYDIA M. KRESSLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Terry L. Wright, c/o 29 North Duke Street, York, PA 17401

Attorney: Ronald Perry, Esq., CGA Law Firm, Countess Gilbert Andrews

Adams County
Legal Journal

Vol. 43 August 17, 2001 No. 12, pp. 80–84

IN THIS ISSUE

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-231 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Street Address: 14 Black Bass Trail, Carroll Valley, PA, 17320

Tax Map 6, Parcel 47

ALL that certain tract of land situate, lying and being in Carroll Valley Borough, formerly Hamiltonban Township, Adams County, Pennsylvania, being Lot No. 76 in Section K, bounded and described as follows:

BEGINNING at a point in the center of Black Bass Trail at Lot No. 77; thence by said lot, North 68 degrees 23 minutes 24 seconds East, 225 feet to other lands of the grantor, designated as Recreation Area on the draft hereinafter identified; thence by said lands, South 21 degrees 36 minutes 36 seconds East, 100 feet to Lot No. 75; thence by said lot, South 68 degrees 23 minutes 24 seconds West, 225 feet to a point in the center of said Black Bass Trail; thence in said Black Bass Trail, North 21 degrees 36 minutes 36 seconds West, 100 feet to the place of BEGINNING. (The foregoing description was taken from a plan of lots labeled "Section K, Charnita" dated March 3, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1, at page 42.)

IT BEING the same premises which William A. Mecca, Jr., single, and Lynn A. Marra, single, by their deed dated April 15, 1999, and recorded April 26, 1999, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1816, page 123, granted and conveyed to John P. O'Donnell and Dolores J. O'Donnell, his wife.

SEIZED and taken into execution as the property of **John P. O'Donnell & Delores J. O'Donnell** 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 October 9, 2001, 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.

8/17, 24 & 31

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, 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: TWIN SPRINGS FRUIT FARM, INC.

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

8/17

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on July 25, 2001 with the Department of State, Commonwealth of Pennsylvania for the purpose of incorporating a non-profit corporation under the Pennsylvania Non-Profit Corporation Law of 1988. The name of the corporation is REAL COMMITMENT and its initial registered address is 755 A Old Harrisburg Road, Gettysburg, PA 17325.

Name of Incorporator: Robert B. Karsteter, Secretary and Treasurer, Real Commitment.

Real Commitment
755 A Old Harrisburg Road
Gettysburg, PA 17325

8/17

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization – Domestic Limited Liability Company was filed with the Commonwealth of Pennsylvania, Department of State, in Harrisburg, Pennsylvania, on July 27, 2001, under the provisions of the Pennsylvania Limited Liability Company Law of 1994 as amended.

The name of the Limited Liability Company is TECHNICAL ADVANTAGE POOLS & SPAS, LLC.

Technical Advantage Pools & Spas, LLC has as its purpose the engaging in all lawful business for which limited liability companies may be organized.

Arthur J. Becker, Jr., Esq.
Attorney for Technical Advantage
Pools & Spas, LLC

8/17

1. We conclude that a subcontractor may not maintain a cause of action against the prime contractor's surety for bad faith (pursuant to 42 Pa. C.S.A.§8371) and, as a result, the motion to compel must be dismissed.

2. First and primary, §8371 specifically applies to an action "arising under an insurance policy." A surety, however, is generally not considered insurance. A surety agreement by contract is a tripartite relationship between the principal obligor, the party secured and the surety in the nature of a commercial guarantee. There is no direct contractual relationship between the surety and a protected party or a promise of prompt payment when a claim is made.

3. A surety may assert any defense available to its principal and its liability is not greater than that of its principal.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 98-S-1237, TREVDAN BUILDING SUPPLY VS. ERNEST BOCK & SONS, INC., ST. JOSEPH'S VILLAGE CORPORATION, AND GENERAL ACCIDENT INSURANCE COMPANY OF AMERICA.

Larry L. Miller, Esq., for Plaintiff
Karen F. Angelucci, Esq., for Defendants
Kuhn, J., November 9, 2000.

OPINION ON PLAINTIFF'S MOTION TO COMPEL DISCOVERY AGAINST GENERAL ACCIDENT INSURANCE COMPANY OF AMERICA

Some procedural background is necessary in order to appreciate the issue before the Court. This action was instituted by writ on December 21, 1998. After some intervening maneuvers, Plaintiff filed an Amended Complaint on March 10, 1999. Therein Plaintiff alleged that in October, 1997, Defendant, Ernest Bock & Sons, Inc. (hereinafter "Bock") requested Plaintiff to furnish materials for a construction project known as St. Joseph's Village Home. Some of the materials were to be delivered directly to Bock and others to its subcontractor, D.E. Mica, Inc. Plaintiff asserts that it supplied the materials on the basis of a Joint Check Agreement dated October 17, 1997, whereby Bock agreed to pay for the materials with a check made payable jointly to Plaintiff and Mica. Plaintiff claims that in excess of $33,000 is due and owing from Bock.

Bock and Defendant, General Accident Insurance Company of America (hereinafter "GAICA") entered into a Performance

Payment Bond on July 29, 1997.[1] Count VI of the Amended Complaint is a bad faith claim against GAICA wherein Plaintiff alleges that despite notice GAICA has willfully and in bad faith refused to investigate Plaintiff's claim or to pay the same.

On May 17, 2000, Plaintiff filed a motion to compel discovery against GAICA. A Rule was entered pursuant to Pa. R.C.P. 206.7 and Local Rule 206. Answers were due 20 days after service but none were filed. The Court and counsel discussed the motion on June 26, 2000, and it was agreed that the parties would simply forward authority to the Court in support of their respective positions.

The motion to compel indicated that on or about March 2, 2000, Plaintiff served Interrogatories (second set) containing 17 interrogatories and a Request for Production of Documents (second set) containing 16 requests upon GAICA. The primary focus of these inquiries was to uncover other instances of alleged bad faith on the part of GAICA generally since July 28, 1997, and specifically as surety on payment bonds for Bock since January 1, 1995. With slight exception GAICA objected to each request. Plaintiff finds the responses lacking and seeks the court's assistance.

GAICA has objected to the discovery on several bases related to relevancy. GAICA alleges that it could not be liable on a bad faith claim when the first notice of the underlying claim for payment was received upon service of the original complaint. Second, it contends that a surety cannot be liable on a bad faith claim. Finally, it argues that other allegations of bad faith are irrelevant unless and until there is evidence of bad faith in this matter. For reasons discussed below, we will only address the second argument raised by GAICA.

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[1] The bond provided that Bock was the principal, GAICA the surety and, Saint Joseph Village Corporation (owner) and the Secretary of Housing and Urban Development the dual obligees. The bond further provided, in pertinent part, that,

> And Whereas, HUD has agreed to lend to Owner a sum...to be used in making payment under said contract, and desires protection as its interest may appear, in the event of default by Principal under said contract, said protection to be subject to the performance of the Obligees, or either of them, of the obligations to Principal in connection with said Contract. Now Therefore, if the Principal shall well, truly and faithfully perform its duties...of said contract...and if he shall satisfy all claims and demands incurred under such contract...and shall promptly make payment to all...subcontractors...furnishing materials...provided for in such contract...then this obligation shall be void; otherwise to remain in full force and effect.

Plaintiff is pursuing its bad faith claim (Count VI) pursuant to statutory authority set forth at 42 Pa. C.S.A. §8371. That legislation was enacted in 1990 in response to the decision in *D'Ambrosio v. Pennsylvania National Mutual Casualty Inc. Co.*, 494 Pa. 501, 431 A.2d 966 (1981)[2] and provides,

> In an action arising under an insurance policy, if the court finds that the insurer has acted in bad faith toward the insured, the court may take all of the following actions:
>
> (1) Award interest . . .
>
> (2) Award punitive damages . . .
>
> (3) Assess court costs and attorney fees . . .

In determining whether information is discoverable we must ascertain whether it is relevant to the cause of action. In this case, if Plaintiff has a right to pursue a cause of action for bad faith against the surety, then the information being sought is discoverable, now or subsequently. If Plaintiff is legally not entitled to maintain such an action none of the requests are relevant. For reasons set forth below, we conclude that a subcontractor may not maintain a cause of action against the prime contractor's surety for bad faith and, as a result, the motion to compel must be dismissed.[3]

We specifically are not addressing the issue whether an insurer's refusal to investigate a claim or to pay the same cannot be the basis for a bad faith claim. It has been recently held that §8371 was designed to address and remedy all instances of bad faith by an insurer whether it occurs before, during or after litigation, including the insurer's investigative practices. *O'Donnell v. Allstate Insurance Company*, 734 A.2d 901, 906 (Pa. Super. 1999).

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[2] *D'Ambrosio* refused to recognize a common law cause of action for bad faith conduct by insurance carriers finding that provisions of the Uniform Insurance Practices Act (UIPA), enforced by the Pennsylvania Insurance Commissioner were sufficient to deter bad faith conduct.

[3] One could argue that any discussion of the viability of Plaintiff's bad faith claim is dictum and of no precedential value because that issue was disposed of in Plaintiff's favor in the July 16, 1999 Opinion and Order on preliminary objections filed by Bock and GAICA. In point of fact, this Court never squarely addressed this issue at that time. Furthermore, our attention has been invited to a decision issued October 4, 1999 by the District Court for the Eastern District of Pennsylvania, which we find well reasoned and dispositive.

The most recent Pennsylvania case on the right of a subcontractor to sue the surety for bad faith is *Superior Precast, Inc. v. Safeco Insurance Co. of America*, 71 F. Supp.2d 438 (E.D. Pa. 1999). There, Chief Judge Giles concluded that no such cause of action could be maintained under §8371. His conclusion was based upon several factors. First, and primarily, §8371 specifically applies to an action "arising under an insurance policy." The term "insurance policy" is not defined in the legislation, therefore, the court looked to the ordinary meaning of that term. The court noted that insurance is a bilateral contractual agreement that the insurer will compensate the insured for a specified loss upon proper proof of a claim. A surety, however, is generally not considered insurance. A surety agreement by contrast is a tripartite relationship between the principal obligor, the party secured and the surety in the nature of a commercial guarantee. There is no direct contractual relationship between the surety and a protected party or a promise of prompt payment when a claim is made. Because of the differences between insurance and surety, the court concluded that a surety agreement is not the same as an "insurance policy" under §8371.

Additionally, the court rejected the argument that §8371 and the UIPA are in pari materia and therefore the UIPA's definition of "insurance policy" which includes any contract of suretyship, should be the definition used for that term under §8371. Following statutory rules of construction, the court reasoned that the act of giving a broad definition to "insurance policy" in the UIPA and not defining the term in §8371 was intentional and therefore the special definition in the UIPA is limited to that statute and not applicable to §8371.

Furthermore, a surety may assert any defense available to its principal and its liability is not greater than that of its principal. Here, Bock asserts that it made payment for all debt owed to Plaintiff therefore, GAICA may raise that same defense. Plaintiff cannot legally recover punitive damages from Bock but if allowed to proceed under §8371 Plaintiff could recover such damages against GAICA, contrary to the limits of surety liability. To grant such relief to Plaintiff would expose GAICA to greater liability than might be owed by Bock.

The conclusion reached in *Superior Precast* is supported by two unpublished opinions from the Western District of Pennsylvania,

Allegheny Valley Joint Sewage Authority v. The American Insurance Co., No. 94-2105, (W.D. Pa. August 17, 1995), and *Pullman Power Products Corp. v. Fidelity and Guaranty Insurance Co.*, No. 96-636 (W.D. Pa. February 21, 1997).

Plaintiff has cited *Reading Tube Corp. v. Employers Insurance of Wausau*, 944 F. Supp. 398 (E.D. Pa. 1996), *Turner Construction Co. v. First Indemnity of America Insurance Co.*, 829 F. Supp. 752 (E.D. Pa. 1993) and *Pennsy Supply, Inc. v. Mountbatten Surety Company*, 117 Dauphin 343 (1997) as suggesting it has the right to maintain its bad faith claim under §8371 against GAICA. However, as noted in *Superior Precast*, the parties in *Turner* did not question whether the cause of action could be maintained and *Reading Tube* simply cited *Turner Construction* without further analysis. Thus, *Superior Precast* is the latest and only cited case from the Eastern District to thoroughly analyze the issue. *Pennsy Supply* is of little value because the issue there was whether the plaintiff should be allowed to amend its complaint to add a claim under §8371. That court was aware of *Reading Tube, Turner Construction, Pullman Power* and *Allegheny Valley*. Judge Turgeon recognized the limitations in the Eastern District cases and noted the thorough analysis done by the Western District cases which relied upon *Collier Development Co. v. Jeffco Construction Co.*, 143 P.L.J. 385 (Allegheny Co. 1995). The amendment was allowed because "there does not exist positive rule of law which would prohibit the proposed amendment."

Because we conclude that Plaintiff will not be able to maintain a cause of action against GAICA under §8371, we will deny Plaintiff the opportunity to pursue its discovery requests related to that issue.

Accordingly, we enter the attached Order.

ORDER OF COURT

AND NOW, this 9th day of November, 2000, the Motion of Trevdan Building Supply to Compel Discovery Against General Accident Insurance Company of America, filed May 17, 2000, is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-377 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

TRACT A 1-4

ALL the following four tracts of land lying and being in the Township of Oxford, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1 - BEGINNING at a stake at the corner of the road leading to Irishtown and land now or formerly of John Kaiser; thence in a Westerly direction along the same and land now or formerly of Augustus F. Robinson, two hundred eighty-five (285) feet to a stake at other lands now or formerly of the aforesaid Augustus F. Robinson; thence in a Northerly direction along said land seventy-one (71) feet to a stake at other lands now or formerly of John Kaiser at the aforementioned Irishtown Road; thence in a Southerly direction along said road eighty-two (82) feet to a stake at lands now or formerly of John Kaiser, the place of BEGINNING.

TRACT NO. 2 - BEGINNING at an iron pin in the center of the road leading from New Oxford to Littlestown and known as Irishtown Road at corner of lands now or formerly owned by Pius J. Robinson and Sarah E. Robinson; thence along line in center of said road South fifty (50) degrees East twenty-eight (28) feet to a point at corner of other lands of Robinson's Home, Inc.; thence along the same South forty-one and one-fourth (41 1/4) degrees West two hundred eighty-five (285) feet to the corner of lands now or formerly of A. W. Heishman; thence North fifty (50) degrees West thirty-seven (37) feet to an iron pin at corner of lands now or formerly of Pius J. Robinson and Sarah E. Robinson; thence along the same North forty-one and one-fourth (41 1/4) degrees East two hundred eighty-five (285) feet to the place of BEGINNING.

TRACT NO. 3 - BEGINNING at an existing pipe on the north side of a small ditch at corner of other lands of Robinson's Home, Inc. where it intersects with lands now or formerly of Regina C. Staub; thence along the north side of said ditch and other lands of Regina C. Staub, South forty-four (44) degrees nineteen (19) minutes forty (40) seconds West, three hundred ninety-three and eighty-two one hundredths (393.82) feet to a pipe at the edge of such ditch at lands now or formerly of Conway T. Smith; thence by land of Conway T. Smith North fifty (50) degrees fifty-seven (57) minutes twenty (20) seconds West one hundred forty-three and twenty-one one hundredths (143.21) feet to a thirty-six (36) inch white oak at land now or formerly of Raymond Herman; thence by lands of the same North forty (40) degrees twenty-two (22) minutes thirty (30) seconds East, three hundred ninety-three and forty-nine one hundredths (393.49) feet to an existing pipe at property now or formerly of Norma Jean Smith; thence by lands now or formerly of Norma Jean Smith South fifty (50) degrees forty-three (43) minutes zero (00) seconds East, sixty-six (66) feet to an existing pipe at other lands of Robinson's Home, Inc.; thence by other lands of Robinson's Home, Inc. South fifty (50) degrees twenty-five (25) minutes forty (40) seconds East, one hundred four and thirty-four one hundredths (104.34) feet to an existing pipe, the place of BEGINNING.

TRACT NO. 4 - BEGINNING at a stone in the center of Irishtown Road; thence along line in the center of said road South fifty (50) degrees East sixty-six (66) feet to an iron pin; thence along other lands of the Grantors South forty-one and one-fourth (41 1/4) degrees West two hundred eighty-five (285) feet to lands now or formerly of A. W. Heishman; thence along the same North fifty (50) degrees West sixty-six (66) feet to an iron pin; thence North forty-one and one-quarter (41 1/4) degrees East two hundred eighty-five (285) feet to a stone in the center of the aforesaid Irishtown Road, the place of BEGINNING.

BEING THE SAME PREMISES which Ryland J. Robinson and Lorraine E. Robinson, his wife, by deed dated January 2, 1990, and recorded December 27, 1990, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 576-597, granted and conveyed unto Robinson's Home, Inc., Mortgagor herein.

TRACT B

ALL THAT CERTAIN plot of ground with improvements situate thereon, if any, located in the Township of Oxford, Adams County, Pennsylvania, being Lot No. 2 of a Final Plan Subdivision for C. Raymond Herman, dated May 21, 1987, prepared by Group Hanover Consulting Engineers, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 47 at page 90, bounded and described as follows:

BEGINNING at a steel pin at corner of other lands now or formerly of C. Raymond Herman, being Lot No. 1 on aforesaid Final Plan, and other lands now or formerly of Robinson's Home, Inc.; thence along said other lands of Robinson's Home, Inc. South 46 degrees 00 minutes 19 seconds West, 285.12 feet to an iron pipe; thence along same, South 45 degrees 27 minutes 53 seconds West, 392.08 feet to an oak tree at lands now or formerly of Steve Spicer; thence along said lands of Steve Spicer, North 45 degrees 46 minutes 36 seconds West, 626.27 feet to a steel pin and a locust tree at lands now or formerly of E. Wayne Wallen; thence along said lands of E. Wayne Wallen, North 59 degrees 27 minutes 25 seconds East, 413.16 feet to a rebar; thence along same and crossing over Sun Oil Pipeline, North 62 degrees 14 minutes 10 seconds East, 341.09 feet to a rebar at Lot No. 1 aforementioned; thence along said Lot No. 1 and crossing over Sun Oil Pipeline and also a right-of-way line set back 25.13 feet from the terminus of this course, South 39 degrees 39 minutes 34 seconds East, 432.06 feet to a steel pin, the point and place of BEGINNING.

BEING THE SAME PREMISES which C. Raymond Herman, widower, Ryland J. Robinson and Lorraine E. Robinson, his wife, by deed dated and recorded November 3, 1992, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 649-34, granted and conveyed unto Robinson's Home, Inc., Mortgagor herein.

TRACT C

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

BEGINNING at a point in the center of Township Road No. T-498 at the western corner of land now or formerly of Clair H. Auchey and Deborah M. Auchey; thence in and along said road, North 52 degrees 33 minutes West 236 feet to a point along the western edge of said road at the curb; thence in and along said road, North 39 degrees 2 minutes East 350.74 feet to a point in the center of said road at line of lands now or formerly of Kathrine E. Lingg; thence along said lands of Kathrine E. Lingg through a steel pin set 25 feet from the beginning of this course, South 51 degrees 0 minutes East 252.60 feet to a steel pin at the northern corner of lands now or formerly of Clair H. Auchey and Deborah M. Auchey aforesaid; thence by said lands now or formerly of Clair H. Auchey and Deborah M. Auchey, South 41 degrees 49 minutes West 172.38 feet to a steel pin; thence by said lands and through a steel pin set 25 feet from the end of this course, South 41 degrees 49 minutes West 172.39 feet to a point in the center of Township Road No. T-498, the place of BEGINNING.

BEING THE SAME PREMISES which Joseph R. Robinson and Grace M. Robinson, his wife, by deed dated January 2, 1990, and recorded December 27, 1990, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 576-602, granted and conveyed unto Robinson's Home, Inc.

SEIZED and taken into execution as the property of **Robinson's Home Inc.** and to be sold by me

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

(continued on page 4)

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 October 9, 2001, 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.

8/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-N-780 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

TRACT NO. 1:

BEGINNING at a stone in the public road; thence along the center of said road, South eighty-seven and one-half degrees West, eighteen perches and three-tenths to a stone; thence by land now or formerly of Charles Austin North five and one-half degrees West, sixteen perches and six-tenths to a point in Conewago Creek; thence West eighteen perches to a point in said Creek; thence North fifty degrees West, eighteen perches to a point in the said Creek, thence in said Creek North forty-four and three-fourths degrees West, twenty-four perches to a point in Creek; thence North forty-three and three-fourths degrees West, five and seven-tenths perches to a point in Creek; thence North nineteen and one-fourth degrees West, four and three-tenths perches to a point in Creek; thence by land of H. A. Shultz, North eighty-three and three-fourths degrees West, (with center of road) forty-two and eight-tenths perches to a stone at the crossing of said road of the G.H.R.R.; thence by land of the said H. A. Shultz, South nine degrees East, thirty-nine perches to a stone; thence South twenty-seven and one-half degrees West, twenty-five and eight-tenths perches to a point in the center of the R.R. track; thence along said Railroad track with line of land of said H. A. Shultz South thirty-nine and seven-eighths degrees West, eighty and eight-tenths perches to a stone (erroneously referred to in prior deeds as eight and eight-tenth perches); thence by land of Frank Dellinger South thirty-four and one-fourth degrees East, forty-four and nine-tenths perches to stones; thence along private road North sixty-one degrees East, sixteen perches to a stone; thence South twenty-seven degrees East, twenty-six perches to a stone; thence by land of Peters (now or formerly) North fifty-one and one-half degrees East, twenty-eight and two-tenths perches to a stone; thence North fifty-four degrees East, twenty-eight and five-tenths perches to a stone; thence North forty degrees East, 21.5 perches to stones; thence North one and three-fourths degrees West, five perches to stones in the private road aforesaid; thence along the said private road by land of the same, and now or formerly of Mrs. Jane Epley North sixty-four and three-quarters degrees East, fifty-five and five-tenths perches to stone in the public road first above mentioned; thence along said public road with line of land now or formerly of the said Lottie Alice Walter, North twelve degrees East, fifty-four and two-tenths perches to the place of BEGINNING. CONTAINING one hundred and one Acres and one hundred and six perches (101 Acres and 106 Perches) neat measure.

LESS, HOWEVER, the following two tracts of land, sold by Chester S. Cashman and Vallie S. Cashman, husband and wife, to their son-in-law and daughter, Irvin P. Plattenburg, Jr. and Shirley V. Plattenburg, husband and wife, the first one dated March 14, 1959, and recorded the same date in Deed Book 224, at page 298, for a lot 125 feet by 150 feet; the second one dated August 15, 1968 and recorded August 20, 1968 in Deed Book 268, page 1121, for a lot 38 feet by 125 feet.

LESS, HOWEVER, a tract of land conveyed from Robert A. Keller and Arlene E. Keller to Chester S. Cashman and Vallie S. Cashman by deed dated April 7, 1972 and recorded in Deed Book 299 at Page 513, and LESS, HOWEVER, a small strip conveyed by Robert A. Keller and Arlene E. Keller to William D. Wilkinson and Helen E. Wilkinson to resolve a boundary dispute, which document was dated April 7, 1997, and recorded in Record Book 1353 at Page 343.

TRACT NO. 2:

BEGINNING at a spike in the center of the Reading Railroad right-of-way leading from Biglerville to Gettysburg on line of lands of Calvin Manahan; thence in said right-of-way North twenty-five (25) degrees fifty-eight (58) minutes East, two hundred seventeen and nine-tenth (217.9) feet to a point; thence continuing in same North thirty-four (34) degrees six (6) minutes East, two hundred twenty and six tenth (220.6) feet to a spike; thence continuing in same North thirty-six (36) degrees thirty-one (31) minutes East, two thousand three hundred fifty-six and nine-tenth (2,356.9) feet to a spike; thence along other lands now or formerly of Chester Cashman South thirty-eight (38) degrees eighteen (18) minutes East, seven hundred fifty and two-tenth (750.2) feet to a stake; thence continuing along same North forty-nine (49) degrees twenty (20) minutes East, two hundred sixty-eight and five-tenth (268.5) feet to a stake; thence continuing along same and lands of John Welker (now or formerly) South thirty (30) degrees, thirty-one (31) minutes East six hundred eighteen and nine-tenth (618.9) feet to a post; thence along lands of Harry Shultz, Wilmer Hankey and Calvin Manahan (now or formerly) South sixty-three (63) degrees West, two thousand nine hundred twenty-two and nine-tenth (2,922.9) feet to the spike, the place of BEGINNING. CONTAINING forty-four (44) acres and one hundred fifty-eight (158) perches.

BEING THE SAME TWO TRACTS OF LAND which Robert A. Keller and Arlene E. Keller, husband and wife, by deed dated December 16, 1999, which deed is about to be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, sold and conveyed unto Robert H. Kirk and Elizabeth L. Kirk, husband and wife, the MORTGAGORS herein.

Tax Map F9, Parcel 62.

SEIZED and taken into execution as the property of **Robert H. Kirk & Elizabeth L. Kirk** 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 October 9, 2001, 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.

8/17, 24 & 31

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 THERON M. BAIR, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Dale E. Bair, c/o Prudential Preferred Financial Services, 150 Corporate Center Drive, Suite 105, Camp Hill, PA 17011

Attorney: Horace A. Johnson, Esq., Johnson, Duffie, Stewart & Weidner, 301 Market St., P.O. Box 109, Lemoyne, PA 17043-0109

ESTATE OF DOROTHY C. CLINE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: PNC Bank, NA, Attention: Linda J. Lundberg, Ass't Vice President, P.O. Box 308, Camp Hill, PA 17001-0308

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

ESTATE OF EDGAR E. FELIX, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Robert E. Felix, 2268 Emmitsburg Road, Gettysburg, PA 17325

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

ESTATE OF ANNE KEET HANSON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

PNC Bank, N.A., Attn: Linda Lundberg, P.O. Box 308, Camp Hill, PA 17001

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

ESTATE OF MILDRED S. KARSNITZ, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Lynne L. Fiorentino, 265 Waynesboro Pike, Fairfield, PA 17320

Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARLENE H. KAY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Al Long, 100 Hill Drive, Gettysburg, PA 17325; Charlene Rohrbaugh, 1528 Willow Avenue, Willow Grove, PA 19090

ESTATE OF OTTIS D. LIVINGSTON, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Betty L. Livingston, 32 Protectory Road, Abbottstown, PA 17301

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

ESTATE OF CHESTER A. PUGH, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Roger Hannah, Sr., 2145 Mt. Hope Road, Fairfield, PA 17320

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

ESTATE OF DORIS N. SMITH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Suzanne A. Kaiser, 899 Forrest Drive, Abbottstown, PA 17301

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

ESTATE OF RUTH T. STRINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Beth K. Scearce, 9783 Whiskey Run, Laurel, MD 20723

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

ESTATE OF LOUISE WEBB, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Ruth Medlin, 606 Hanover Pike, Littlestown, PA 17340; Scott L. Kelley, Esq., 209 Broadway, Hanover, PA 17331

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

SECOND PUBLICATION

ESTATE OF RUTH L. BEFORD, DEC'D

Late of Littlestown Borough, Adams County, Pennsylvania

Executor: Albert H. Snyder, 1461 Deerfield Drive, Hummelstown, PA 17036

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

ESTATE OF BEATRICE A. BLACK, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Administrators c.t.a.: Terry W. Black, Jeffrey L. Black, c/o Jeffrey L. Black, 970 Belmont Road, Gettysburg, PA 17325

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

ESTATE OF FRED W. BREAM, DEC'D

Late of Borough of Biglerville, Adams County, Pennsylvania

Jeanne L. Motter, 100 Reservoir Road, Gardners, PA 17324; Kenneth I. Bream, 408 S. Washington Street, Gettysburg, PA 17325

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

ESTATE OF ROSARIO F. DRAGO, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Philip John Drago, 34A Chicopee Drive, Princeton, NJ 08540

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

ESTATE OF IRENE E. NICHOLSON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Bette N. Rinehart, 28 Twin Lakes Drive, Gettysburg, PA 17325

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

ESTATE OF ELSIE B. SUMNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

PNC Bank, N.A., c/o Linda Lundberg, P.O. Box 308, Camp Hill, PA 17001

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

ESTATE OF MARY E. WARDWELL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Rose V. Fye, P.O. Box 3967, Gettysburg, PA 17325

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

(continued on page 6)

THIRD PUBLICATION

ESTATE OF ELIZABETH C. BIXLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Elizabeth F. Heckman, c/o Rodman M. Rosenberger, Esq., One Summit Street, Philadelphia, PA 19118

Attorney: Rodman M. Rosenberger, Esq., Barber, Sharpe & Rosenberger, One Summit Street, Philadelphia, PA 19118

ESTATE OF DONALD H. HERSHEY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF MAXINE C. SCHUMACHER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Ruth Ann Burns, 1389 Staff Row, Atlanta, GA 30310

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

ESTATE OF LAWRENCE M. WRIGHT, JR., DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executors: Joan L. Wright, P.O. Box 132, 191 Park Street, Bendersville, PA 17306; Donald L. Wright, 1401 Raven Hill Road, Mechanicsburg, PA 17055

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

ESTATE OF LLEWELLYN E. ZARTMAN, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executors: Bradley L. Zartman, 251 South Royal Street, York, PA 17402; Criselda A. Pfaff, 2 Summer Drive, Gettysburg, PA 17325; Lori A. Moul, 45 Sandy Court, Hanover, PA 17331

Adams County Legal Journal

Vol. 43 August 24, 2001 No. 13, pp. 85–88

IN THIS ISSUE

BARNHART VS. IDM ET AL

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-421 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT certain tract of land situate in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a post at side of public road, South fifty-two and one-half degrees East, thirty-six and six tenths perches to a post at lands of Mrs. Shorfy and P. D. Swisher; thence by land of said Swisher, North thirty-eight degrees East, three tenths of a perch to a post; thence by same South fifty-seven degrees East, one and two tenths perches to a post; thence by same course four and three tenths perches to a corner; thence by lands of Sabina Patterson North thirty and one-fourth degrees East, sixty-four and nine tenths perches to a stone near a rock; thence by same, North twenty-four and three fourths degrees West, twenty-one and two tenths perches to a stake; thence by land of Mrs. D. B. Young North seventy-seven and three fourths degrees West, thirty-two and eight tenths perches to a stone; thence by lands of Mrs. Raphael Shorfy, South twenty-three degrees West, sixty-five perches to the place of BEGINNING. CONTAINING twenty acres of land, neat measure.

LESS, HOWEVER, those four (04) tracts of land previously conveyed by Richard C. Hankey and Mary C. Hankey as follows:

1. Being the same premises which the parties of the first part by their deed dated December 8, 1941, and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 197, page 47, granted and conveyed unto William H. Horner and Helen E. Horner.

2. Being the same premises which the parties of the first part by their deed dated April 4, 1953, and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 202, page 92, containing 4 acres 151 perches, granted and conveyed unto Harry Thomas and Grace Thomas.

3. Being the same premises which the parties of the first part by their deed dated September 18, 1954 and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 207, page 503 containing 32 perches more or less, granted and conveyed unto Harold D. Hankey and Delores M. Hankey.

4. Being the same premises which the parties of the first part by their deed dated September 10, 1955 and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 211, page 49, containing 12 acres 65 perches, granted and conveyed unto Robert G. McGlaughlin and Frances E. McGlaughlin.

HAVING ERECTED THEREON a dwelling known as 85 Blacksmith Shop Road, Gettysburg, Pennsylvania.

BEING THE SAME PREMISES WHICH Betty Louise Plank, Charles F. Tressler and Phyllis June Heintzelman, Co-Executors under the Last Will and Testament of A. Idella Tressler, by their Deed dated March 30, 1999 and recorded April 5, 1999 in Adams County Deed Book 1801, Page 216, granted and conveyed unto Christopher J. Wotjkowiak.

SEIZED IN EXECUTION AS THE PROPERTY OF CHRISTOPHER J. WOTJKOWIAK UNDER ADAMS COUNTY JUDGMENT NO. 01-S-421.

MAP & PARCEL #F 15-21.

SEIZED and taken into execution as the property of **Christopher J. Wotjkowiak** 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 October 15, 2001, 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.

8/24, 31 & 9/7

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-231 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Street Address: 14 Black Bass Trail, Carroll Valley, PA, 17320

Tax Map 6, Parcel 47

ALL that certain tract of land situate, lying and being in Carroll Valley Borough, formerly Hamiltonban Township, Adams County, Pennsylvania, being Lot No. 76 in Section K, bounded and described as follows:

BEGINNING at a point in the center of Black Bass Trail at Lot No. 77; thence by said lot, North 68 degrees 23 minutes 24 seconds East, 225 feet to other lands of the grantor, designated as Recreation Area on the draft hereinafter identified; thence by said lands, South 21 degrees 36 minutes 36 seconds East, 100 feet to Lot No. 75; thence by said lot, South 68 degrees 23 minutes 24 seconds West, 225 feet to a point in the center of said Black Bass Trail; thence in said Black Bass Trail, North 21 degrees 36 minutes 36 seconds West, 100 feet to the place of BEGINNING. (The foregoing description was taken from a plan of lots labeled "Section K, Charnita" dated March 3, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1, at page 42.)

IT BEING the same premises which William A. Mecca, Jr., single, and Lynn A. Marra, single, by their deed dated April 15, 1999, and recorded April 26, 1999, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1816, page 123, granted and conveyed to John P. O'Donnell and Dolores J. O'Donnell, his wife.

SEIZED and taken into execution as the property of **John P. O'Donnell & Delores J. O'Donnell** 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 October 9, 2001, 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.

8/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-371 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2001, 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 parcel of land situate in Huntington Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of Township Route 502 (Fickes School Road) at land of Richard P. Fallinger; thence in the center of the Fickes School Road North 30 degrees 54 minutes 20 seconds East, passing under an existing R.E.A. over electric line utility easement, 272.05 feet to a point at other land of Charles S. Scott et. ux.; thence along land of Charles S. Scott et. ux. South 59 degrees 30 minutes 00 seconds East, passing through a set concrete monument 25.00 feet from the beginning of this course, 210.00 feet to a set concrete monument; thence along other land of Charles S. Scott et. ux., South 30 degrees 54 minutes 20 seconds West, passing under the aforesaid R.E.A. easement, 272.05 feet to a set steel pin at land of Richard P. Fallinger; thence along land of Richard P. Fallinger, North 59 degrees 30 minutes 00 seconds West, passing through a found steel pin 20.93 feet from the end of this course, 210.00 feet to a point in the center of the Fickes School Road, the place of BEGINNING.

CONTAINING 1.3153 acres.

THE above description was taken from draft of survey prepared by Theodore A. Docker, Professional Land Surveyor, dated 10-16-05 plat of which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 42, at page 142.

HAVING erected thereon a dwelling known as 267 Fickes School Road, York Springs, PA 17372.

Parcel # I6-32.

BEING the same premises which, Charles S. Scott and Permelia E. Scott, husband and wife by deed dated December 13, 1985 and recorded on December 13, 1985 in Adams County, Pennsylvania, in the Recorder of Deeds Office in Deed Book Volume 415, page 550, granted and conveyed unto Daniel J. Price and Beatrice M. Price, husband and wife as tenant of an estate by the entirety.

SEIZED and taken into execution as the property of **Beatrice M. Price** 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 October 22, 2001, 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.

8/24, 31 & 9/7

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 in Harrisburg, Pennsylvania, on April 26, 2001, pursuant to the Fictitious Name Act, setting forth that Julie M. Wrights, Joanne R. Higgins, and Trina M. Beckner are the parties interested in a business, the character of which is full service flower shop, and that the name, style, and designation under which said business is and will be conducted is ON ANGEL'S WINGS FLORIST, and the location where said business is and will be conducted is Rear 358 Main Street, McSherrystown, Pennsylvania 17344.

Elinor Albright Rebert, Esq.
Solicitor

8/24

BARNHART VS. IDM ET AL

1. Guaranty contracts are subject to the same rules of interpretation as other contracts. As in any other contract action, plaintiff must plead a legally enforceable offer, acceptance, and consideration.

2. In another area of the law, dealing with revival of debts barred by statutes of limitation, courts have held that acknowledgments and promises must be clear, unequivocal and unconditional.

3. It has been held that a guaranty does not become a binding contract until acceptance of the guaranty and until notice of that acceptance is communicated to the guarantor.

4. A contract of guaranty, like other contracts is not enforceable unless based on a legal consideration, and such consideration is not found in a mere promise to pay the existing debt of another. Forbearance can be sufficient consideration if the defendant should reasonably expect the promise to induce forbearance of a substantial nature. However, an agreement to forebear for an uncertain time so as not to stand in the way of a suit at any time is not sufficient.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 00-S-777, DOUGLAS BARNHART D/B/A BARNHART ELECTRIC VS. IDM CONVERTING, INC. AND BRUCE H. MALINOWSKI.

Thomas E. Miller, Esq., for Plaintiff
Amy E. W. Ehrhart, Esq., for Defendant
Spicer, P.J., December 12, 2000.

OPINION ON DEFENDANTS' PRELIMINARY OBJECTION IN NATURE OF DEMURRER

By his complaint filed on July 31, 2000, Plaintiff sues for the contract price of electrical services provided in Maryland to IDM Converting, Inc. a Maryland corporation. Plaintiff asserts personal liability on the part of Bruce Malinowski, an incorporator, director and vice-president of the corporation. The corporation's objections to the jurisdiction of this court have been withdrawn, leaving Mr. Malinowski's demurrer for determination.

For convenience, we will refer to Mr. Malinowski as "defendant."

Plaintiff does not seek to pierce IDM's corporate veil. Instead, he premises liability on a letter written by defendant, arguing that its legal effect was an assumption of the corporate debt by defendant.

The letter, dated November 15, 1999, stated the following: "My partner Steve Gonder informed me that he is no longer interested in being involved with the company. As a result of this, the state of IDM Converting and its finances are in limbo. My personal plan is

to dissolve IDM Converting and reincorporate immediately. I want you to know that I have every intention of paying you for services rendered, however, given the circumstances the payments may be made in installments. I would like to use your services in the future so please bear with me during this transitional phase."

Our legislature has provided:

> No action shall be brought whereby to charge any executor or administrator, upon any promise to answer damages out of his own estate, or whereby to charge the defendant, upon any special promise, to answer for the debt or default of another, unless the agreement upon which the action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith or some other person by him authorized.
>
> 33 P.S. §3

The issue is whether defendant's letter fulfills the requirements of this section of the Statute of Frauds. Since this is a legal question, and involves a document set forth in the complaint, it is properly raised by demurrer.

Guaranty contracts are subject to the same rules of interpretation as other contracts. *Meeting House Lane, Ltd. v. Melso*, 427 Pa. Super. 118, 628 A.2d 854 (1993). *alloc. dn.* 537 Pa. 633, 642 A.2d 486 (1994). "The paramount goal of contractual interpretation is to ascertain and give effect to the intent of the parties. In determining the intent of the parties to the written agreement, the court looks to what they have clearly expressed, for the law does not assume that the language of the contract was chosen carelessly." *Id.* at 126, 857. As in any other contract action, plaintiff must plead a legally enforceable offer, acceptance, and consideration.

Offer: Does the language in the letter amount to an offer to answer for the corporate debt in return for some requested consideration? See, *38 Am Jur 2d* §5. It certainly expresses an assurance that defendant had "every intention of paying for the services," but that statement must be read in context. Defendant spoke of other intentions or plans; he meant to dissolve one corporation and begin another. He wanted to use plaintiff's services in the future. We read the letter as merely an expression of a wish or plan, an expression of

hope for another arrangement in the future. We see no promise and, even if there were one, it was conditioned on other things occurring.

In another area of the law, dealing with revival of debts barred by statutes of limitation, courts have held that acknowledgements and promises must be clear, unequivocal and unconditional. *The Garland Company, Inc. v. J.L. Miller & Sons, Inc.* 395 Pa. Super. 532, 577 A.2d 917 (1990). *Receiver of Anthracite Trust Co. v. Loughran*, 341 Pa. 142, 19 A.2d 61 (1941). See also, *Restatement (Second) of Contracts §82*. We see no reason not to apply the same rule in the case before us.

Acceptance: Even assuming that the letter amounted to a binding offer, the complaint makes it clear that plaintiff did not accept it. Plaintiff did not convey an acceptance, and no action or inaction can serve as an acceptance. It has been held that a guaranty does not become a binding contract until acceptance of the guaranty and until notice of that acceptance is communicated to the guarantor. *Evans v. McCormick*, 167 Pa. 247, 31 A. 563 (1895). Assuming that defendant's request that plaintiff "bear with me during this transitional stage" amounted to a request that plaintiff forebear from suing, plaintiff has not foreborne during the transitional stage that was requested.

Consideration: "A contract of guaranty, like other contracts, is not enforceable unless based on a legal consideration, and such consideration is not found in a mere promise to pay the existing debt of another." *Harr v. Perkins,* 335 Pa. 186, 189, 6 A.2d 534, 536 (1939). Forebearance can be sufficient consideration if the defendant should reasonably expect the promise to induce forebearance of a substantial nature. *Restatement (2d) Contracts*, §71, 88; *17A Am Jur 2d* §149. However, an agreement to forebear for an uncertain time so as not to stand in the way of a suit at any time is not sufficient. *Id.* §158.

We find the letter's language too vague and conditional to support a reasonable expectation of substantial forebearance. The offer was not accepted in writing and no clarification has occurred. This suit is proof enough that plaintiff was not induced to forebear at all, much less substantially. Even so, plaintiff argues that legislation specifically found in 33 P.S. §6 governs and that no consideration is needed. The act, which apparently duplicates Pennsylvania's sealed instrument rule, provides that a writing will not be invalid if it "contains additional express language, in any form of language, that the

signer intends to be legally bound." The letter merely expresses a vague intention that either defendant or a new corporation will make payment sometime in the future, if certain changes occur. It cannot be reasonably read to comport with the statute's requirements.

In short, we find that the complaint does not state a cause of action in contract against defendant. We will dismiss the complaint as to him and allow the suit to proceed against the corporation.

The attached order shall be entered.

ORDER

AND NOW, this 12th day of December, 2000, the complaint is dismissed against Bruce Malinowski and suit will proceed against the corporation.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-377 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

TRACT A 1-4

ALL the following four tracts of land lying and being in the Township of Oxford, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1 - BEGINNING at a stake at the corner of the road leading to Irishtown and land now or formerly of John Kaiser; thence in a Westerly direction along the same and land now or formerly of Augustus F. Robinson, two hundred eighty-five (285) feet to a stake at other lands now or formerly of the aforesaid Augustus F. Robinson; thence in a Northerly direction along said land seventy-one (71) feet to a stake at other lands now or formerly of John Kaiser at the aforementioned Irishtown Road; thence in a Southerly direction along said road eighty-two (82) feet to a stake at lands now or formerly of John Kaiser, the place of BEGINNING.

TRACT NO. 2 - BEGINNING at an iron pin in the center of the road leading from New Oxford to Littlestown and known as Irishtown Road at corner of lands now or formerly owned by Pius J. Robinson and Sarah E. Robinson; thence along line in center of said road South fifty (50) degrees East twenty-eight (28) feet to a point at corner of other lands of Robinson's Home, Inc.; thence along the same South forty-one and one-fourth (41 1/4) degrees West two hundred eighty-five (285) feet to the corner of lands now or formerly of A. W. Heishman; thence North fifty (50) degrees West thirty-seven (37) feet to an iron pin at corner of lands now or formerly of Pius J. Robinson and Sarah E. Robinson; thence along the same North forty-one and one-fourth (41 1/4) degrees East two hundred eighty-five (285) feet to the place of BEGINNING.

TRACT NO. 3 - BEGINNING at an existing pipe on the north side of a small ditch at corner of other lands of Robinson's Home, Inc. where it intersects with lands now or formerly of Regina C. Staub; thence along the north side of said ditch and other lands of Regina C. Staub, South forty-four (44) degrees nineteen (19) minutes forty (40) seconds West, three hundred ninety-three and eighty-two one hundredths (393.82) feet to a pipe at the edge of such ditch at lands now or formerly of Conway T. Smith; thence by land of Conway T. Smith North fifty (50) degrees fifty-seven (57) minutes twenty (20) seconds West one hundred forty-three and twenty-one one hundredths (143.21) feet to a thirty-six (36) inch white oak at land now or formerly of Raymond Herman; thence by lands of the same North forty (40) degrees twenty-two (22) minutes thirty (30) seconds East, three hundred ninety-three and forty-nine one hundredths (393.49) feet to an existing pipe at property now or formerly of Norma Jean Smith; thence by lands now or formerly of Norma Jean Smith South fifty (50) degrees forty-three (43) minutes zero (00) seconds East, sixty-six (66) feet to an existing pipe at other lands of Robinson's Home, Inc.; thence by other lands of Robinson's Home, Inc. South fifty (50) degrees twenty-five (25) minutes forty (40) seconds East, one hundred four and thirty-four one hundredths (104.34) feet to an existing pipe, the place of BEGINNING.

TRACT NO. 4 - BEGINNING at a stone in the center of Irishtown Road; thence along line in the center of said road South fifty (50) degrees East sixty-six (66) feet to an iron pin; thence along other lands of the Grantors South forty-one and one-fourth (41 1/4) degrees West two hundred eighty-five (285) feet to lands now or formerly of A. W. Heishman; thence along the same North fifty (50) degrees West sixty-six (66) feet to an iron pin; thence North forty-one and one-quarter (41 1/4) degrees East two hundred eighty-five (285) feet to a stone in the center of the aforesaid Irishtown Road, the place of BEGINNING.

BEING THE SAME PREMISES which Ryland J. Robinson and Lorraine E. Robinson, his wife, by deed dated January 2, 1990, and recorded December 27, 1990, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 576-597, granted and conveyed unto Robinson's Home, Inc., Mortgagor herein.

TRACT B

ALL THAT CERTAIN plot of ground with improvements situate thereon, if any, located in the Township of Oxford, Adams County, Pennsylvania, being Lot No. 2 of a Final Plan Subdivision for C. Raymond Herman, dated May 21, 1987, prepared by Group Hanover Consulting Engineers, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 47 at page 90, bounded and described as follows:

BEGINNING at a steel pin at corner of other lands now or formerly of C. Raymond Herman, being Lot No. 1 on aforesaid Final Plan, and other lands now or formerly of Robinson's Home, Inc.; thence along said other lands of Robinson's Home, Inc. South 46 degrees 00 minutes 19 seconds West, 285.12 feet to an iron pipe; thence along same, South 45 degrees 27 minutes 53 seconds West, 392.08 feet to an oak tree at lands now or formerly of Steve Spicer; thence along said lands of Steve Spicer, North 45 degrees 46 minutes 36 seconds West, 626.27 feet to a steel pin and a locust tree at lands now or formerly of E. Wayne Wallen; thence along said lands of E. Wayne Wallen, North 59 degrees 27 minutes 25 seconds East, 413.16 feet to a rebar; thence along same and crossing over Sun Oil Pipeline, North 62 degrees 14 minutes 10 seconds East, 341.09 feet to a rebar at Lot No. 1 aforementioned; thence along said Lot No. 1 and crossing over Sun Oil Pipeline and also a right-of-way line set back 25.13 feet from the terminus of this course, South 39 degrees 39 minutes 34 seconds East, 432.06 feet to a steel pin, the point and place of BEGINNING.

BEING THE SAME PREMISES which C. Raymond Herman, widower, Ryland J. Robinson and Lorraine E. Robinson, his wife, by deed dated and recorded November 3, 1992, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 649-34, granted and conveyed unto Robinson's Home, Inc., Mortgagor herein.

TRACT C

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

BEGINNING at a point in the center of Township Road No. T-498 at the western corner of land now or formerly of Clair H. Auchey and Deborah M. Auchey; thence in and along said road, North 52 degrees 33 minutes West 236 feet to a point along the western edge of said road at the curb; thence in and along said road, North 39 degrees 2 minutes East 350.74 feet to a point in the center of said road at line of lands now or formerly of Kathrine E. Lingg; thence along said lands of Kathrine E. Lingg through a steel pin set 25 feet from the beginning of this course, South 51 degrees 0 minutes East 252.60 feet to a steel pin at the northern corner of lands now or formerly of Clair H. Auchey and Deborah M. Auchey aforesaid; thence by said lands now or formerly of Clair H. Auchey and Deborah M. Auchey, South 41 degrees 49 minutes West 172.38 feet to a steel pin; thence by said lands and through a steel pin set 25 feet from the end of this course, South 41 degrees 49 minutes West 172.39 feet to a point in the center of Township Road No. T-498, the place of BEGINNING.

BEING THE SAME PREMISES which Joseph R. Robinson and Grace M. Robinson, his wife, by deed dated January 2, 1990, and recorded December 27, 1990, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 576-602, granted and conveyed unto Robinson's Home, Inc.

SEIZED and taken into execution as the property of **Robinson's Home Inc.** and to be sold by me

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

(continued on page 4)

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 October 9, 2001, 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.

8/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-N-780 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

TRACT NO. 1:

BEGINNING at a stone in the public road; thence along the center of said road, South eighty-seven and one-half degrees West, eighteen perches and three-tenths to a stone; thence by land now or formerly of Charles Austin North five and one-half degrees West, sixteen perches and six-tenths to a point in Conewago Creek; thence West eighteen perches to a point in said Creek; thence North fifty degrees West, eighteen perches to a point in the said Creek, thence in said Creek North forty-four and three-fourths degrees West, twenty-four perches to a point in Creek; thence North forty-three and three-fourths degrees West, five and seven-tenths perches to a point in Creek; thence North nineteen and one-fourth degrees West, four and three-tenths perches to a point in Creek; thence by land of H. A. Shultz, North eighty-three and three-fourths degrees West, (with center of road) forty-two and eight-tenths perches to a stone at the crossing of said road of the G.H.R.R.; thence by land of the said H. A. Shultz, South nine degrees East, thirty-nine perches to a stone; thence South twenty-seven and one-half degrees West, twenty-five and eight-tenths perches to a point in the center of the R.R. track; thence along said Railroad track with line of land of said H. A. Shultz South thirty-nine and seven-eighths degrees West, eighty and eight-tenths perches to a stone (erroneously referred to in prior deeds as eight and eight-tenth perches); thence by land of Frank Dellinger South thirty-four and one-fourth degrees East, forty-four and nine-tenths perches to stones; thence along private road North sixty-one degrees East, sixteen perches to a stone; thence South twenty-seven degrees East, twenty-six perches to a stone; thence by land of Peters (now or formerly) North fifty-one and one-half degrees East, twenty-eight and two-tenths perches to a stone; thence North fifty-four degrees East, twenty-eight and five-tenths perches to a stone; thence North forty degrees East, 21.5 perches to stones; thence North one and three-fourths degrees West, five perches to stones in the private road aforesaid; thence along the said private road by land of the same, and now or formerly of Mrs. Jane Epley North sixty-four and three-quarters degrees East, fifty-five and five-tenths perches to stone in the public road first above mentioned; thence along said public road with line of land now or formerly of the said Lottie Alice Walter, North twelve degrees East, fifty-four and two-tenths perches to the place of BEGINNING. CONTAINING one hundred and one Acres and one hundred and six perches (101 Acres and 106 Perches) neat measure.

LESS, HOWEVER, the following two tracts of land, sold by Chester S. Cashman and Vallie S. Cashman, husband and wife, to their son-in-law and daughter, Irvin P. Plattenburg, Jr. and Shirley V. Plattenburg, husband and wife, the first one dated March 14, 1959, and recorded the same date in Deed Book 224, at page 298, for a lot 125 feet by 150 feet; the second one dated August 15, 1968 and recorded August 20, 1968 in Deed Book 268, page 1121, for a lot 38 feet by 125 feet.

LESS, HOWEVER, a tract of land conveyed from Robert A. Keller and Arlene E. Keller to Chester S. Cashman and Vallie S. Cashman by deed dated April 7, 1972 and recorded in Deed Book 299 at Page 513, and LESS, HOWEVER, a small strip conveyed by Robert A. Keller and Arlene E. Keller to William D. Wilkinson and Helen E. Wilkinson to resolve a boundary dispute, which document was dated April 7, 1997, and recorded in Record Book 1353 at Page 343.

TRACT NO. 2:

BEGINNING at a spike in the center of the Reading Railroad right-of-way leading from Biglerville to Gettysburg on line of lands of Calvin Manahan; thence in said right-of-way North twenty-five (25) degrees fifty-eight (58) minutes East, two hundred seventeen and nine-tenth (217.9) feet to a point; thence continuing in same North thirty-four (34) degrees six (6) minutes East, two hundred twenty and six tenth (220.6) feet to a spike; thence continuing in same North thirty-six (36) degrees thirty-one (31) minutes East, two thousand three hundred fifty-six and nine-tenth (2,356.9) feet to a spike; thence along other lands now or formerly of Chester Cashman South thirty-eight (38) degrees eighteen (18) minutes East, seven hundred fifty and two-tenth (750.2) feet to a stake; thence continuing along same North forty-nine (49) degrees twenty (20) minutes East, two hundred sixty-eight and five-tenth (268.5) feet to a stake; thence continuing along same and lands of John Welker (now or formerly) South thirty (30) degrees, thirty-one (31) minutes East six hundred eighteen and nine-tenth (618.9) feet to a post; thence along lands of Harry Shultz, Wilmer Hankey and Calvin Manahan (now or formerly) South sixty-three (63) degrees West, two thousand nine hundred twenty-two and nine-tenth (2,922.9) feet to the spike, the place of BEGINNING. CONTAINING forty-four (44) acres and one hundred fifty-eight (158) perches.

BEING THE SAME TWO TRACTS OF LAND which Robert A. Keller and Arlene E. Keller, husband and wife, by deed dated December 16, 1999, which deed is about to be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, sold and conveyed unto Robert H. Kirk and Elizabeth L. Kirk, husband and wife, the MORTGAGORS herein.

Tax Map F9, Parcel 62.

SEIZED and taken into execution as the property of **Robert H. Kirk & Elizabeth L. Kirk** 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 October 9, 2001, 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.

8/17, 24 & 31

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 GRACE G. ESHLEMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Leon I. Butler, 200 East Market Street, York, PA 17403

Attorney: Terence J. Barna, Esq., P.O. Box 5185, 135 North George Street, Suite 303, York, PA 17405-5185

ESTATE OF PAUL J. FORSYTHE, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: Melburn K. Forsythe, 94 Meadow View Road, York Springs, PA 17372

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

ESTATE OF PAUL B. LEGORE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Richard P. Legore, 18 North Main Street, Spring Grove, PA 17362; Robert C. Legore, 355 Third Street, Hanover, PA 17331; Anthony J. Legore, 1 Caribou Street, Hanover, PA 17331

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

ESTATE OF BETTY L. MEGONNELL, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Teena L. Megonnell, aka Teena L. Hoff, 112 Stoney Point Road, New Oxford, PA 17350

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

ESTATE OF BERNICE R. MILLER, DEC'D

Late of the Borough of Hanover, York County, Pennsylvania

Executrices: Linda S. Mowrer, 307 Fulton Street, Hanover, PA 17331; Susan E. Meckley, 565 Carlisle Street, Hanover, PA 17331

Attorney: Lynn G. Peterson, Esq., Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

ESTATE OF LINDA T. MILLER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Karen E. Lopez, 603 Huntover Lane, Frederick, MD 21703; James T. Yingst, Esq., 40 York St., Hanover, PA 17331

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

ESTATE OF WILLIAM L. POIST, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Grace Krumrine Marrero, P.O. Box 459, Thomasville, PA 17304

Attorney: Neil W. Yahn, Esq., James, Smith, Durkin & Connelly, LLP, 134 Sipe Avenue, Hummelstown, PA 17036

ESTATE OF PAMELA SUE RHOADES, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Administrator: Clyde W. Vedder, c/o Mark David Frankel, Esq., P.O. Box 1389, York, PA 17405-1389

Attorney: Mark David Frankel, Esq., P.O. Box 1389, York, PA 17405-1389

ESTATE OF CLAIR J. STAUB, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Kim M. Staub, P.O. Box 1389, York, PA 17405

Attorney: Mark David Frankel, Esq., P.O. Box 1389, York, PA 17405-1389

SECOND PUBLICATION

ESTATE OF THERON M. BAIR, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Dale E. Bair, c/o Prudential Preferred Financial Services, 150 Corporate Center Drive, Suite 105, Camp Hill, PA 17011

Attorney: Horace A. Johnson, Esq., Johnson, Duffie, Stewart & Weidner, 301 Market St., P.O. Box 109, Lemoyne, PA 17043-0109

ESTATE OF DOROTHY C. CLINE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: PNC Bank, NA, Attention: Linda J. Lundberg, Ass't Vice President, P.O. Box 308, Camp Hill, PA 17001-0308

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

ESTATE OF EDGAR E. FELIX, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Robert E. Felix, 2268 Emmitsburg Road, Gettysburg, PA 17325

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

ESTATE OF ANNE KEET HANSON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

PNC Bank, N.A., Attn: Linda Lundberg, P.O. Box 308, Camp Hill, PA 17001

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

ESTATE OF MILDRED S. KARSNITZ, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Lynne L. Fiorentino, 265 Waynesboro Pike, Fairfield, PA 17320

Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARLENE H. KAY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Al Long, 100 Hill Drive, Gettysburg, PA 17325; Charlene Rohrbaugh, 1528 Willow Avenue, Willow Grove, PA 19090

ESTATE OF OTTIS D. LIVINGSTON, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Betty L. Livingston, 32 Protectory Rd., Abbottstown, PA 17301

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

ESTATE OF CHESTER A. PUGH, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Roger Hannah, Sr., 2145 Mt. Hope Road, Fairfield, PA 17320

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

ESTATE OF DORIS N. SMITH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Suzanne A. Kaiser, 899 Forrest Drive, Abbottstown, PA 17301

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

ESTATE OF RUTH T. STRINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Beth K. Scearce, 9783 Whiskey Run, Laurel, MD 20723

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

ESTATE OF LOUISE WEBB, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Ruth Medlin, 606 Hanover Pike, Littlestown, PA 17340; Scott L. Kelley, Esq., 209 Broadway, Hanover, PA 17331

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

(continued on page 6)

THIRD PUBLICATION

ESTATE OF RUTH L. BEFORD, DEC'D

Late of Littlestown Borough, Adams County, Pennsylvania

Executor: Albert H. Snyder, 1461 Deerfield Drive, Hummelstown, PA 17036

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

ESTATE OF BEATRICE A. BLACK, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Administrators c.t.a.: Terry W. Black, Jeffrey L. Black, c/o Jeffrey L. Black, 970 Belmont Road, Gettysburg, PA 17325

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

ESTATE OF FRED W. BREAM, DEC'D

Late of Borough of Biglerville, Adams County, Pennsylvania

Jeanne L. Motter, 100 Reservoir Road, Gardners, PA 17324; Kenneth I. Bream, 408 S. Washington Street, Gettysburg, PA 17325

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

ESTATE OF ROSARIO F. DRAGO, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Philip John Drago, 34A Chicopee Drive, Princeton, NJ 08540

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

ESTATE OF IRENE E. NICHOLSON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Bette N. Rinehart, 28 Twin Lakes Drive, Gettysburg, PA 17325

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

ESTATE OF ELSIE B. SUMNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

PNC Bank, N.A., c/o Linda Lundberg, P.O. Box 308, Camp Hill, PA 17001

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

ESTATE OF MARY E. WARDWELL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Rose V. Fye, P.O. Box 3967, Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-506 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of September, 2001, 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 two (2) tracts of land, with the improvements thereon erected, situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

TRACT NO. 1: BEGINNING for a corner at an iron pin at the Northwest corner of lands now or formerly of Lester G. Mummert and Julia L. A. Mummert, his wife; thence along said lands, South twenty (20) degrees twenty-five (25) minutes East, sixty-three and five-tenths (63.5) feet to an iron pin at a corner of lands now or formerly of Mummert and lands now or formerly of Robert F. Hoover and Stella M. Hoover, his wife; thence along said Hoover's land, South seventy (70) degrees West, two hundred eighty-seven and two one-hundredths (287.02) feet to an iron pin at lands now or formerly of Howard Wetzel; thence along said Wetzel's land, North nineteen (19) degrees West, forty-nine and five-tenths (49.5) feet to an iron pin at lands now or formerly of Edna F. Krug, of which this tract was a part; thence along said Krug's land, North sixty-seven (67) degrees thirty-three (33) minutes East, two hundred eighty-five and five-tenths (285.5) feet to an iron pin, the place of BEGINNING. (The above description, courses and distances were taken from a survey made by Donald W. Resh, Registered Surveyor, bearing date June 9, 1956.)

TRACT NO. 2: BEGINNING for a corner at a steel pin set on the Southern line of other lands now or formerly of Walter S. Helwig and Mary E. Helwig, his wife, at the western end of an eighteen (18) feet right of way as herein extended; thence along lands now or formerly of Robert F. Hoover and Stella M. Hoover, his wife, South seventeen (17) degrees East, twenty-four and five one-hundredths (24.05) feet to a steel pin at lands now or formerly of Raymond Kline; thence along said Kline's land, South seventy-seven (77) degrees fifteen (15) minutes West, one hundred ninety-three and three one-hundredths (193.03) feet to a steel pin at lands now or formerly of Howard Wetzel; thence along other lands now or formerly of Walter S. Helwig and Mary E. Helwig, his wife, North seventy (70) degrees East, one hundred ninety-two and eight-tenths (192.8) feet to a steel pin and the place of BEGINNING. (The above description, courses and distances were taken from a survey made by J. H. Rife, Registered Engineer, bearing date November 15, 1958.)

TITLE TO SAID PREMISES IS VESTED IN Thomas E. McDaniels, Jr. by Deed from Joseph E. Gichner, unmarried and Grace E. Gichner, unmarried dated 7/26/1988, recorded 7/29/1988, in Record Book 496, Page 29.

Premises being: 1320 Carlisle Pike, Hanover, PA 17331

Tax Parcel No. #L-13-53

SEIZED and taken into execution as the property of **Thomas E. McDaniels, Jr.** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 15, 2001, 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.

8/24, 31 & 9/7

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Pennsylvania's "Fictitious Names Act", 54 Pa. C.S.A. §§ 301 et seq., of the filing of an Application for Registration of Fictitious Name under the said Act. The fictitious name is THE AMERICANA HERITAGE WORKSHOP. The address of the principal office or place of business to be carried on under or through the fictitious name is 563 Funt Road, Aspers, Adams County, Pennsylvania 17304. The names and addresses of the persons who are parties to the registration are Thomas P. Warcholak and Deborah A. Warcholak of 563 Funt Road, Aspers, Adams County, Pennsylvania 17304. An application for registration under the Fictitious Names Act of the said fictitious name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on June 6, 2001.

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

8/24

Adams County Legal Journal

Vol. 43 August 31, 2001 No. 14, pp. 89–94

IN THIS ISSUE

NOTICE TO ALL ATTORNEYS PRACTICING BEFORE THE COURT OF COMMON PLEAS OF ADAMS COUNTY

The Court is changing the procedure for arguments, bench trials, and motions for summary judgment. Local Rules of Court No. 210 and 212 have been rewritten, and Local Rule of Court No. 1035.3 is being deleted. Some of the major changes include, but are not limited to, the following:

A. Under Rule 210, Argument Court Days will no longer be listed in the Court Calendar. Instead, oral argument will be scheduled when appropriate by the Judge to whom the issue or case is assigned. The manner of judicial assignment, the location of the argument list, and the praecipe requirements and its inclusions are spelled out in the revised Rule.

B. Rule 212 sets forth the requirements for pre-trial, the method of assignment of bench trials to Judges, the manner and maintenance of the pre-trial conference schedule by the Prothonotary, the general authority of the conference Judge, the contents necessary for the pre-trial memorandum and the manner of priority and listing for the trial schedule.

C. Rule 1035.3 is being deleted because experience has shown that treating motions for summary judgment the same as preliminary objections may lead to confusion.

BAR MEMBERS CAN VIEW THE FULL TEXT OF THESE RULE CHANGES AT THE PROTHONOTARY'S OFFICE. THE RULES WILL BECOME EFFECTIVE 30 DAYS AFTER PUBLICATION IN *THE PENNSYLVANIA DIGEST*.

8/31

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation for RABBIT TRUCKING, INC., were filed with the Department of State of the Commonwealth of Pennsylvania on July 27, 2001, under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444.

Guthrie, Nonemaker,
Guthrie & Yingst
Solicitor

8/31

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 Sept. 1, 2001, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of TERRY CONSULTANTS, with its principal place of business at 1049 Ridge Rd., Gettysburg, PA 17325. The names and addresses of the persons owning or interested in said business are Bradlee Terry (Sole Proprietor), residing at 1049 Ridge Rd., Gettysburg, PA 17325. The character or nature of the business is Computer Consulting and Systems Analysis.

8/31

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published every Friday by Adams County Bar Association, John W. Phillips, Esq., Editor and Business Manager.

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 111 Baltimore Street, Room 305, Gettysburg, PA 17325.

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336

Periodicals postage paid at Gettysburg, PA 17325.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-231 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Street Address: 14 Black Bass Trail, Carroll Valley, PA, 17320

Tax Map 6, Parcel 47

ALL that certain tract of land situate, lying and being in Carroll Valley Borough, formerly Hamiltonban Township, Adams County, Pennsylvania, being Lot No. 76 in Section K, bounded and described as follows:

BEGINNING at a point in the center of Black Bass Trail at Lot No. 77; thence by said lot, North 68 degrees 23 minutes 24 seconds East, 225 feet to other lands of the grantor, designated as Recreation Area on the draft hereinafter identified; thence by said lands, South 21 degrees 36 minutes 36 seconds East, 100 feet to Lot No. 75; thence by said lot, South 68 degrees 23 minutes 24 seconds West, 225 feet to a point in the center of said Black Bass Trail; thence in said Black Bass Trail, North 21 degrees 36 minutes 36 seconds West, 100 feet to the place of BEGINNING. (The foregoing description was taken from a plan of lots labeled "Section K, Charnita" dated March 3, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1, at page 42.)

IT BEING the same premises which William A. Mecca, Jr., single, and Lynn A. Marra, single, by their deed dated April 15, 1999, and recorded April 26, 1999, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1816, page 123, granted and conveyed to John P. O'Donnell and Dolores J. O'Donnell, his wife.

SEIZED and taken into execution as the property of **John P. O'Donnell & Dolores J. O'Donnell** 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 October 9, 2001, 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.

8/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-371 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2001, 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 parcel of land situate in Huntington Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of Township Route 502 (Fickes School Road) at land of Richard P. Fallinger; thence in the center of the Fickes School Road North 30 degrees 54 minutes 20 seconds East, passing under an existing R.E.A. over electric line utility easement, 272.05 feet to a point at other land of Charles S. Scott et. ux.; thence along land of Charles S. Scott et. ux. South 59 degrees 30 minutes 00 seconds East, passing through a set concrete monument 25.00 feet from the beginning of this course, 210.00 feet to a set concrete monument; thence along other land of Charles S. Scott et. ux., South 30 degrees 54 minutes 20 seconds West, passing under the aforesaid R.E.A. easement, 272.05 feet to a set steel pin at land of Richard P. Fallinger; thence along land of Richard P. Fallinger, North 59 degrees 30 minutes 00 seconds West, passing through a found steel pin 20.93 feet from the end of this course, 210.00 feet to a point in the center of the Fickes School Road, the place of BEGINNING.

CONTAINING 1.3153 acres.

THE above description was taken from draft of survey prepared by Theodore A. Docker, Professional Land Surveyor, dated 10-16-05 plat of which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 42, at page 142.

HAVING erected thereon a dwelling known as 267 Fickes School Road, York Springs, PA 17372.

Parcel # I6-32.

BEING the same premises which, Charles S. Scott and Permelia E. Scott, husband and wife by deed dated December 13, 1985 and recorded on December 13, 1985 in Adams County, Pennsylvania, in the Recorder of Deeds Office in Deed Book Volume 415, page 550, granted and conveyed unto Daniel J. Price and Beatrice M. Price, husband and wife as tenant of an estate by the entirety.

SEIZED and taken into execution as the property of **Beatrice M. Price** 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 October 22, 2001, 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.

8/24, 31 & 9/7

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 August 8, 2001 for the incorporation of WAREHIME, INC. under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of automotive repair, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 781 Company Farm Road, Aspers, Pennsylvania 17304.

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

8/31

COMMONWEALTH VS. SKIPPER

1. Violation of (former) Rule 140(f)(1) does not require automatic discharge of a defendant....the purpose of a preliminary hearing is to protect one's right against unlawful detention.

2. Because compliance is not always possible, then Rule 142 (now Rule 141(E)) authorized the district justice to grant a continuance for cause shown. Although the continued hearing need not be re-scheduled within 3-10 days, it must be done as speedily as practical to prevent prolonged custody pending determination of probable cause.

3. More than the mere failure of a witness to appear is required for sufficient cause to grant a continuance under Rule 142 (now Rule 141(E)). Likewise....more than a request for further preparation time was required to demonstrate good cause.

4. Where a preliminary hearing has not been held within the time required by [former] Pa. R.Crim.P. 140(d)(1) and there has been no good cause shown for continuing the hearing beyond that time, an accused is entitled to be released from custody until the preliminary hearing has been held.

5. We believe that if a preliminary hearing must be re-scheduled more than 30 days in advance that the defendant should be released on unsecured bail unless he has agreed to or requested the extension. Once re-scheduled, a party who needs an additional continuance may so request by demonstrating good cause.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. MC-20-00, Sec. 82, COMMONWEALTH VS. MICHAEL THOMAS SKIPPER.

Paul Dean, Esq., Assistant District Attorney
Steve Rice, Esq., for Defendant.

Kuhn, J., December 20, 2000.

MEMORANDUM OPINION

The background of this matter, as gleaned from the record and hearing held December 15, 2000, appears as follows.

On November 28, 2000, Defendant was arrested on a charge of Theft by Receiving, as a felony of the third degree, and preliminarily arraigned by District Justice Zepp, who was the on-duty magistrate. Bail was set at $20,000 with percentage (10%) bail being available to Defendant. The preliminary hearing was set for December 6, 2000, before District Justice Carr who had jurisdiction over the case.

On November 29, 2000, the office of District Justice Carr received the documentation generated the previous day. District Justice Carr was unavailable on December 6, 2000, because of a previously scheduled preliminary hearing ("the Pappas case") which was scheduled

for the entire day.[1] Melissa Masenheimer, staff person in charge of scheduling criminal matters, immediately determined the next available hearing date on District Justice Carr's schedule. She then contacted the Pennsylvania State Police scheduling officer to determine the arresting officer's work schedule. It was determined that the first date available for both the magistrate's schedule and the officer's work schedule was January 17, 2001.

On December 5, 2000, Defendant filed the instant Motion for Writ of Habeas Corpus wherein he seeks "release" of Defendant from custody because of alleged violation of Pa. R.Crim.P. 141(E). While acknowledging that the original preliminary hearing was scheduled timely, he contends that a delay of 49 days from the time the magistrate's office became aware of the need to continue (November 29, 2000) until the date of the re-scheduled hearing (January 17, 2001) is too extreme while he remains incarcerated.

We begin our analysis by reviewing *Commonwealth v. DeCosey*, 371 A.2d 905 (Pa. Super. 1977). There, the defendant was preliminarily arraigned on September 9, 1975, and posted bail. His preliminary hearing was set for September 23, 1975. On that date, the defendant requested and was granted a continuance. Several more delays followed. When the preliminary hearing was finally held on December 30, 1975, the defendant moved for dismissal because the hearing was not originally scheduled within 3-10 days as required by then Rule 140(f)(1). That motion was denied, however, subsequently, the trial court granted defendant's motion to quash the information and discharged him for violation of the rule.

Superior Court noted that violation of then Rule 140(f)(1) does not require automatic discharge of a defendant. ...Because the purpose of a preliminary hearing is to protect one's right against unlawful detention where, as here, the defendant had been released on bail and had demonstrated no other prejudice the slight delay (4 days) in scheduling the original preliminary hearing was insufficient to mandate discharge of the defendant.

Three months later, the Superior Court addressed a similar issue in *Commonwealth v. Wansley*, 375 A.2d 73 (Pa. Super. 1977), which is relied upon the Defendant. There, Wansley was arrested on May 28, 1976, and incarcerated in lieu of bail. The preliminary hearing

[1] The Court is aware that the Pappas hearing took several days to complete.

was scheduled for June 2, 1976, but continued to June 11 at Wansley's request so his attorney could be present. That hearing was continued because of the unavailability of Commonwealth witnesses. The hearing was not rescheduled to a date certain. The District Justice was subsequently advised that a Commonwealth witness was injured in an automobile accident. The District Justice again continued the hearing without fixing a hearing date but reduced the defendant's bail by 25%. Nevertheless, Wansley remained incarcerated. Wansley filed a writ of habeas corpus seeking discharge or to be released on his own recognizance, which the trial court denied. On August 3, the District Justice re-scheduled the preliminary hearing for August 10, 1976.

Superior Court again noted that the function of a preliminary hearing is to protect an individual from unlawful arrest and detention and that Rule 140(f)(1) (now Rule 140(e)(i)) required the scheduling of a preliminary hearing within 3-10 days after the preliminary arraignment in order to prevent prolonged custody of an accused and undue delays in disposition of the case. Because compliance is not always possible, then Rule 142 (now Rule 141(E)) authorized the district justice to grant a continuance for cause shown.[2] Although the continued hearing need not be re-scheduled within 3-10 days, it must be done as speedily as practical to prevent prolonged custody pending determination of probable cause. There, because the District Justice's docket did not note the reason for the continuance which resulted from the injured witness, (as required by then Rule 142, now Rule 141(E)(1)), and because the defendant (unlike the defendant in *DeCosey*) remained incarcerated pending the delay of 60 days between the June 11 hearing and the actual preliminary hearing, Superior Court held that he "was entitled to a writ releasing him from custody" and to be "discharged". Thus, the Superior Court determined that the reasoning used in *DeCosey* was equally applicable where a defendant seeks a discharge because of a delay in re-scheduling a continued preliminary hearing.

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[2] "Good cause" has been found 1) to procure the attendance of material witnesses, *Commonwealth v. Wansley, Id.* at p. 75, 2) to obtain court appointed counsel for the defendant, *Commonwealth v. Barnett*, 384 A.2d 965 (Pa. Super. 1978), and 3) because a snowstorm closed the district justice's office, *Commonwealth v. Maute*, 485 A.2d 1138 (Pa. Super. 1984).

A Superior Court panel again had the opportunity to address the issue confronting this Court in *Commonwealth v. Bernhardt*, 519 A.2d 417 (Pa. Super. 1987). This case involved the consolidated appeals of Bernhardt and Owens. Bernhardt was arrested and arraigned on July 27, 1984, and the preliminary hearing was set for August 2, 1984. At the hearing, the complaining witness failed to appear so the Commonwealth requested and was granted a continuance. Bail was reduced somewhat but Bernhardt remained incarcerated. The hearing was re-scheduled for December 19, 1984. On August 22, Bernhardt filed a petition for writ of habeas corpus, seeking discharge from custody pending his preliminary hearing. That petition was denied. Bernhardt was released on bail on October 12. The witness failed to appear on December 19, and the Commonwealth withdrew the charges without prejudice.

Owens was arrested on March 20, 1985, and the preliminary hearing was set for March 27. On that date, the Commonwealth requested and was granted a continuance "for further preparation". The hearing was rescheduled for May 7, 1985. On April 1, Owens filed a petition for writ of habeas corpus, which the trial court denied. On May 7, 1985, the charges were bound over for court.

Superior Court reversed both rulings. Regarding Bernhardt, the panel noted that the record was silent as to why the complainant failed to appear. More than the mere failure of a witness to appear is required for sufficient cause to grant a continuance under Rule 142 (now Rule 141(E)). Likewise. ...regarding Owens, the panel felt that more than a request for further preparation time was required to demonstrate good cause.

Superior Court concluded that both Bernhardt and Owens were unlawfully deprived of their liberty. However, discharge was not granted. Instead, the panel ruled that

> where a preliminary hearing has not been held within the time required by [former] Pa. R.Crim. P. 140(d)(1) and there has been no good cause shown for continuing the hearing beyond that time, an accused is entitled to be released from custody until the preliminary hearing has been held.
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> 519 A.2d at 422.

With these cases in mind, we examine the merits of Defendant's request. Defendant was arraigned on November 28, 2000, therefore, Rule 140(e)(1) required that his preliminary hearing be held on or before December 8. In fact, it was timely scheduled for December 6. The continuance of that hearing required good cause. We find that District Justice Carr's unavailability on that date due to having another hearing scheduled for the entire day establishes good cause.

On November 29, 2000, efforts were initiated to secure another hearing date. Because documentation is unavailable and recollection not helpful, the Court is without any evidence of the first date available on the district justice's schedule to hold the hearing. However, at the hearing on December 15, 2000, a copy of relevant pages of the magistrate's scheduling book was produced which showed no hearings on December 1, 22, 27, 28 and 29. The period December 11-15 was unavailable so the magistrate could attend school. The record does not indicate specifically why the prosecuting officer was not available on the aforementioned dates when the magistrate had no hearings scheduled. It was simply indicated that the officer was unavailable prior to January 17.

We have no reason to doubt that good faith efforts are being made to reschedule hearings. Practicality encourages attempts to coordinate the schedules of the district justice, the police officer, the district attorney, and defense counsel in order to avoid a multitude of continuances. Although efficient judicial administration and convenience are desirable goals, extended delays in re-scheduling a preliminary hearing without input from the defendant or his counsel invites unlawful detention. Here, Defendant was incarcerated and without counsel when the hearing was re-scheduled. He was not consulted regarding the proposed hearing date or bail reduction. We cannot determine whether the extent of the delay was due to the magistrate or the officer or both.

Although the rules and caselaw do not set time limits for re-scheduling preliminary hearings, under circumstances where a defendant remains incarcerated, we believe that if a preliminary hearing must be re-scheduled more than 30 days in advance that the defendant should be released on unsecured bail unless he has agreed to or requested the extension. Once re-scheduled, a party who needs an additional continuance may so request by demonstrating good cause.

Presently, Defendant's bail is $20,000 percentage bail, meaning he must post $2,000 to be released. Based upon information received on December 15, 2000, we believe this amount is reasonable. As noted, Defendant is charged with Theft by Receiving (Felony 3rd degree). On October 3, 2000, a vehicle was reported stolen in the Baltimore area and the owner reported Defendant to be the last known driver. On November 28, 2000, Defendant was found in possession of the vehicle near Gettysburg. At that time, Defendant was purportedly living at the Adams County Rescue Mission under an alias. Defendant is 30 years of age. Defendant's parents reside in Westminster, Maryland but it is unclear whether he is currently welcome to reside there. Defendant admitted having three Bad Check convictions in Maryland. It was suggested that Defendant may have missed a court appearance in Maryland on October 3, 2000. Defendant offered no evidence of ties to Adams County or employment and declined to indicate whether he has any mental health, drug or alcohol problems.

Nevertheless, consistent with this Opinion if by January 6, 2001, Defendant has not posted bail, a preliminary hearing has not been held, or Defendant has not waived the case to court he shall be released on $20,000 unsecured bail.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 20th day of December, 2000, Defendant's Writ of Habeas Corpus filed December 5, 2000, is denied at this time, however, if by January 6, 2001, he has not posted bail, a preliminary hearing has not been held, or Defendant has not waived this case to court, the writ shall be granted and Defendant shall be released on unsecured bail in the amount of $20,000.

Defendant's Motion for Reduction of Bail, filed December 6, 2000, is denied until or unless the conditions of the above paragraph are met.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-377 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

TRACT A 1-4

ALL the following four tracts of land lying and being in the Township of Oxford, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1 - BEGINNING at a stake at the corner of the road leading to Irishtown and land now or formerly of John Kaiser; thence in a Westerly direction along the same and land now or formerly of Augustus F. Robinson, two hundred eighty-five (285) feet to a stake at other lands now or formerly of the aforesaid Augustus F. Robinson; thence in a Northerly direction along said land seventy-one (71) feet to a stake at other lands now or formerly of John Kaiser at the aforementioned Irishtown Road; thence in a Southerly direction along said road eighty-two (82) feet to a stake at lands now or formerly of John Kaiser, the place of BEGINNING.

TRACT NO. 2 - BEGINNING at an iron pin in the center of the road leading from New Oxford to Littlestown and known as Irishtown Road at corner of lands now or formerly owned by Pius J. Robinson and Sarah E. Robinson; thence along line in center of said road South fifty (50) degrees East twenty-eight (28) feet to a point at corner of other lands of Robinson's Home, Inc.; thence along the same South forty-one and one-fourth (41 1/4) degrees West two hundred eighty-five (285) feet to the corner of lands now or formerly of A. W. Heishman; thence North fifty (50) degrees West thirty-seven (37) feet to an iron pin at corner of lands now or formerly of Pius J. Robinson and Sarah E. Robinson; thence along the same North forty-one and one-fourth (41 1/4) degrees East two hundred eighty-five (285) feet to the place of BEGINNING.

TRACT NO. 3 - BEGINNING at an existing pipe on the north side of a small ditch at corner of other lands of Robinson's Home, Inc. where it intersects with lands now or formerly of Regina C. Staub; thence along the north side of said ditch and other lands of Regina C. Staub, South forty-four (44) degrees nineteen (19) minutes forty (40) seconds West, three hundred ninety-three and eighty-two one hundredths (393.82) feet to a pipe at the edge of such ditch at lands now or formerly of Conway T. Smith; thence by land of Conway T. Smith North fifty (50) degrees fifty-seven (57) minutes twenty (20) seconds West one hundred forty-three and twenty-one one hundredths (143.21) feet to a thirty-six (36) inch white oak at land now or formerly of Raymond Herman; thence by lands of the same North forty (40) degrees twenty-two (22) minutes thirty (30) seconds East, three hundred ninety-three and forty-nine one hundredths (393.49) feet to an existing pipe at property now or formerly of Norma Jean Smith; thence by lands now or formerly of Norma Jean Smith South fifty (50) degrees forty-three (43) minutes zero (00) seconds East, sixty-six (66) feet to an existing pipe at other lands of Robinson's Home, Inc.; thence by other lands of Robinson's Home, Inc. South fifty (50) degrees twenty-five (25) minutes forty (40) seconds East, one hundred four and thirty-four one hundredths (104.34) feet to an existing pipe, the place of BEGINNING.

TRACT NO. 4 - BEGINNING at a stone in the center of Irishtown Road; thence along line in the center of said road South fifty (50) degrees East sixty-six (66) feet to an iron pin; thence along other lands of the Grantors South forty-one and one-fourth (41 1/4) degrees West two hundred eighty-five (285) feet to lands now or formerly of A. W. Heishman; thence along the same North fifty (50) degrees West sixty-six (66) feet to an iron pin; thence North forty-one and one-quarter (41 1/4) degrees East two hundred eighty-five (285) feet to a stone in the center of the aforesaid Irishtown Road, the place of BEGINNING.

BEING THE SAME PREMISES which Ryland J. Robinson and Lorraine E. Robinson, his wife, by deed dated January 2, 1990, and recorded December 27, 1990, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 576-597, granted and conveyed unto Robinson's Home, Inc., Mortgagor herein.

TRACT B

ALL THAT CERTAIN plot of ground with improvements situate thereon, if any, located in the Township of Oxford, Adams County, Pennsylvania, being Lot No. 2 of a Final Plan Subdivision for C. Raymond Herman, dated May 21, 1987, prepared by Group Hanover Consulting Engineers, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 47 at page 90, bounded and described as follows:

BEGINNING at a steel pin at corner of other lands now or formerly of C. Raymond Herman, being Lot No. 1 on aforesaid Final Plan, and other lands now or formerly of Robinson's Home, Inc.; thence along said other lands of Robinson's Home, Inc. South 46 degrees 00 minutes 19 seconds West, 285.12 feet to an iron pipe; thence along same, South 45 degrees 27 minutes 53 seconds West, 392.08 feet to an oak tree at lands now or formerly of Steve Spicer; thence along said lands of Steve Spicer, North 45 degrees 46 minutes 36 seconds West, 626.27 feet to a steel pin and a locust tree at lands now or formerly of E. Wayne Wallen; thence along said lands of E. Wayne Wallen, North 59 degrees 27 minutes 25 seconds East, 413.16 feet to a rebar; thence along same and crossing over Sun Oil Pipeline, North 62 degrees 14 minutes 10 seconds East, 341.09 feet to a rebar at Lot No. 1 aforementioned; thence along said Lot No. 1 and crossing over Sun Oil Pipeline and also a right-of-way line set back 25.13 feet from the terminus of this course, South 39 degrees 39 minutes 34 seconds East, 432.06 feet to a steel pin, the point and place of BEGINNING.

BEING THE SAME PREMISES which C. Raymond Herman, widower, Ryland J. Robinson and Lorraine E. Robinson, his wife, by deed dated and recorded November 3, 1992, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 649-34, granted and conveyed unto Robinson's Home, Inc., Mortgagor herein.

TRACT C

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

BEGINNING at a point in the center of Township Road No. T-498 at the western corner of land now or formerly of Clair H. Auchey and Deborah M. Auchey; thence in and along said road, North 52 degrees 33 minutes West 236 feet to a point along the western edge of said road at the curb; thence in and along said road, North 39 degrees 2 minutes East 350.74 feet to a point in the center of said road at line of lands now or formerly of Kathrine E. Lingg; thence along said lands of Kathrine E. Lingg through a steel pin set 25 feet from the beginning of this course, South 51 degrees 0 minutes East 252.60 feet to a steel pin at the northern corner of lands now or formerly of Clair H. Auchey and Deborah M. Auchey aforesaid; thence by said lands now or formerly of Clair H. Auchey and Deborah M. Auchey, South 41 degrees 49 minutes West 172.38 feet to a steel pin; thence by said lands and through a steel pin set 25 feet from the end of this course, South 41 degrees 49 minutes West 172.39 feet to a point in the center of Township Road No. T-498, the place of BEGINNING.

BEING THE SAME PREMISES which Joseph R. Robinson and Grace M. Robinson, his wife, by deed dated January 2, 1990, and recorded December 27, 1990, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 576-602, granted and conveyed unto Robinson's Home, Inc.

SEIZED and taken into execution as the property of **Robinson's Home Inc.** and to be sold by me

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

(continued on page 4)

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 October 9, 2001, 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.

8/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-N-780 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

TRACT NO. 1:

BEGINNING at a stone in the public road; thence along the center of said road, South eighty-seven and one-half degrees West, eighteen perches and three-tenths to a stone; thence by land now or formerly of Charles Austin North five and one-half degrees West, sixteen perches and six-tenths to a point in Conewago Creek; thence West eighteen perches to a point in said Creek; thence North fifty degrees West, eighteen perches to a point in the said Creek, thence in said Creek North forty-four and three-fourths degrees West, twenty-four perches to a point in Creek; thence North forty-three and three-fourths degrees West, five and seven-tenths perches to a point in Creek; thence North nineteen and one-fourth degrees West, four and three-tenths perches to a point in Creek; thence by land of H. A. Shultz, North eighty-three and three-fourths degrees West, (with center of road) forty-two and eight-tenths perches to a stone at the crossing of said road of the G.H.R.R.; thence by land of the said H. A. Shultz, South nine degrees East, thirty-nine perches to a stone; thence South twenty-seven and one-half degrees West, twenty-five and eight-tenths perches to a point in the center of the R.R. track; thence along said Railroad track with line of land of said H. A. Shultz South thirty-nine and seven-eighths degrees West, eighty and eight-tenths perches to a stone (erroneously referred to in prior deeds as eight and eight-tenth perches); thence by land of Frank Dellinger South thirty-four and one-fourth degrees East, forty-four and nine-tenths perches to stones; thence along private road North sixty-one degrees East, sixteen perches to a stone; thence South twenty-seven degrees East, twenty-six perches to a stone; thence by land of Peters (now or formerly) North fifty-one and one-half degrees East, twenty-eight and two-tenths perches to a stone; thence North fifty-four degrees East, twenty-eight and five-tenths perches to a stone; thence North forty degrees East, 21.5 perches to stones; thence North one and three-fourths degrees West, five perches to stones in the private road aforesaid; thence along the said private road by land of the same, and now or formerly of Mrs. Jane Epley North sixty-four and three-quarters degrees East, fifty-five and five-tenths perches to stone in the public road first above mentioned; thence along said public road with line of land now or formerly of the said Lottie Alice Walter, North twelve degrees East, fifty-four and two-tenths perches to the place of BEGINNING. CONTAINING one hundred and one Acres and one hundred and six perches (101 Acres and 106 Perches) neat measure.

LESS, HOWEVER, the following two tracts of land, sold by Chester S. Cashman and Vallie S. Cashman, husband and wife, to their son-in-law and daughter, Irvin P. Plattenburg, Jr. and Shirley V. Plattenburg, husband and wife, the first one dated March 14, 1959, and recorded the same date in Deed Book 224, at page 298, for a lot 125 feet by 150 feet; the second one dated August 15, 1968 and recorded August 20, 1968 in Deed Book 268, page 1121, for a lot 38 feet by 125 feet.

LESS, HOWEVER, a tract of land conveyed from Robert A. Keller and Arlene E. Keller to Chester S. Cashman and Vallie S. Cashman by deed dated April 7, 1972 and recorded in Deed Book 299 at Page 513, and LESS, HOWEVER, a small strip conveyed by Robert A. Keller and Arlene E. Keller to William D. Wilkinson and Helen E. Wilkinson to resolve a boundary dispute, which document was dated April 7, 1997, and recorded in Record Book 1353 at Page 343.

TRACT NO. 2:

BEGINNING at a spike in the center of the Reading Railroad right-of-way leading from Biglerville to Gettysburg on line of lands of Calvin Manahan; thence in said right-of-way North twenty-five (25) degrees fifty-eight (58) minutes East, two hundred seventeen and nine-tenth (217.9) feet to a point; thence continuing in same North thirty-four (34) degrees six (6) minutes East, two hundred twenty and six tenth (220.6) feet to a spike; thence continuing in same North thirty-six (36) degrees thirty-one (31) minutes East, two thousand three hundred fifty-six and nine-tenth (2,356.9) feet to a spike; thence along other lands now or formerly of Chester Cashman South thirty-eight (38) degrees eighteen (18) minutes East, seven hundred fifty and two-tenth (750.2) feet to a stake; thence continuing along same North forty-nine (49) degrees twenty (20) minutes East, two hundred sixty-eight and five-tenth (268.5) feet to a stake; thence continuing along same and lands of John Welker (now or formerly) South thirty (30) degrees, thirty-one (31) minutes East six hundred eighteen and nine-tenth (618.9) feet to a post; thence along lands of Harry Shultz, Wilmer Hankey and Calvin Manahan (now or formerly) South sixty-three (63) degrees West, two thousand nine hundred twenty-two and nine-tenth (2,922.9) feet to the spike, the place of BEGINNING. CONTAINING forty-four (44) acres and one hundred fifty-eight (158) perches.

BEING THE SAME TWO TRACTS OF LAND which Robert A. Keller and Arlene E. Keller, husband and wife, by deed dated December 16, 1999, which deed is about to be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, sold and conveyed unto Robert H. Kirk and Elizabeth L. Kirk, husband and wife, the MORTGAGORS herein.

Tax Map F9, Parcel 62.

SEIZED and taken into execution as the property of **Robert H. Kirk & Elizabeth L. Kirk** 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 October 9, 2001, 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.

8/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-506 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of September, 2001, 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 two (2) tracts of land, with the improvements thereon erected, situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

TRACT NO. 1: BEGINNING for a corner at an iron pin at the Northwest corner of lands now or formerly of Lester G. Mummert and Julia L. A. Mummert, his wife; thence along said lands, South twenty (20) degrees twenty-five (25) minutes East, sixty-three and five-tenths (63.5) feet to an iron pin at a corner of lands now or formerly of Mummert and lands now or formerly of Robert F. Hoover and Stella M. Hoover, his wife; thence along said Hoover's land, South seventy (70) degrees West, two hundred eighty-seven and two one-hundredths (287.02) feet to an iron pin at lands now or formerly of Howard Wetzel; thence along said Wetzel's land, North nineteen (19) degrees West, forty-nine and five-tenths (49.5) feet to an iron pin at lands now or formerly of Edna F. Krug, of which this tract was a part; thence along said Krug's land, North sixty-seven (67) degrees thirty-three (33) minutes East, two hundred eighty-five and five-tenths (285.5) feet to an iron pin, the place of BEGINNING. (The above description, courses and distances were taken from a survey made by Donald W. Resh, Registered Surveyor, bearing date June 9, 1956.)

TRACT NO. 2: BEGINNING for a corner at a steel pin set on the Southern line of other lands now or formerly of Walter S. Helwig and Mary E. Helwig, his wife, at the western end of an eighteen (18) feet right of way as herein extended; thence along lands now or formerly of Robert F. Hoover and Stella M. Hoover, his wife, South seventeen (17) degrees East, twenty-four and five one-hundredths (24.05) feet to a steel pin at lands now or formerly of Raymond Kline; thence along said Kline's land, South seventy-seven (77) degrees fifteen (15) minutes West, one hundred ninety-three and three one-hundredths (193.03) feet to a steel pin at lands now or formerly of Howard Wetzel; thence along other lands now or formerly of Walter S. Helwig and Mary E. Helwig, his wife, North seventy (70) degrees East, one hundred ninety-two and eight-tenths (192.8) feet to a steel pin and the place of BEGINNING. (The above description, courses and distances were taken from a survey made by J. H. Rife, Registered Engineer, bearing date November 15, 1958.)

TITLE TO SAID PREMISES IS VESTED IN Thomas E. McDaniels, Jr. by Deed from Joseph E. Gichner, unmarried and Grace E. Gichner, unmarried dated 7/26/1988, recorded 7/29/1988, in Record Book 496, Page 29.

Premises being: 1320 Carlisle Pike, Hanover, PA 17331

Tax Parcel No. #L-13-53

SEIZED and taken into execution as the property of **Thomas E. McDaniels, Jr.** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 15, 2001, 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.

8/24, 31 & 9/7

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an application to register the business name GETTYSBURG CLEANING SERVICE under the Fictitious Name Act has been filed with the Department of State of Pennsylvania. The principal place of business and the main office is located at 304 Benning Avenue, Gettysburg, PA 17325. Sharon L. DeOms of 304 Benning Avenue, Gettysburg, PA 17325 is the only individual party to this registration.

8/31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-444 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, 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 Hamiltonban Township, now known as Carroll Valley Borough, Adams County, Pennsylvania, being Lot No. 6 in Section K, bounded and described as follows:

BEGINNING at a point in the center of Ski Run Trail at Lot No. 7; thence by said lot South 25 degrees 16 minutes 48 seconds West 225 feet of lands of Harry M. Slonaker; thence by said lands North 64 degrees 43 minutes 12 seconds West 100 feet to Lot No. 5; thence by said lot North 25 degrees 16 minutes 48 seconds East 225 feet to a point in the center of said Ski Run Trail; thence in said Ski Run Trail South 64 degrees 43 minutes 12 seconds East 100 feet to the point and place of BEGINNING.

Subject to restrictions as set forth in Record Book 477 at page 724.

TITLE TO SAID PREMISES IS VESTED IN Howard L. Weikert and Tammy J. Weikert, husband and wife, as tenants of an estate by the entireties by deed from Mark A. Smoot and Dianna M. Smoot, husband and wife dated 4/10/97 and recorded 4/17/97 in Deed Book 1356 Page 306.

SEIZED and taken into execution as the property of **Howard L. & Tammy J. Weikert** 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 October 29, 2001, 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.

8/31, 9/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-27 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate in the Township of Tyrone, County of Adams and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the centerline of Rupp Road (T-564), said point marking the common place of adjoiner of Lots #3 and #4 on the hereinafter mentioned plan of subdivision with the centerline of said roadway; thence departing from the centerline of Rupp Road, and extending along Lot #4, South 63 degrees 41 minutes 30 seconds East, through a steel pin set on the Southeasternmost dedicated right of way line of Rupp Road, a distance of 25.00 feet from the origin of this call, for a total distance of 250 feet to a steel pin; thence extending South 26 degrees 18 minutes 30 seconds West, for a distance of 106.67 feet to a steel pin at Lot #2 on the hereinafter mentioned plan of subdivision; thence extending along Lot #2, South 76 degrees 12 minutes 5 seconds West, through a steel pin set on the Easternmost dedicated right of way line of Rupp Road, a distance of 11.31 feet from the terminus of this call, for a total distance of 209.55 feet to a point near the Easternside of the cartway of Rupp Road, at lands now or formerly of Buddy H. Rupp; thence extending in and through the cartway of Rupp Road, North 16 degrees 40 minutes 10 seconds West, for a distance of 90.06 feet to a point in the centerline of said Rupp Road; thence extending in and along the centerline of Rupp Road by an arc or curve to the right having a radius of 293.35 feet, a chord bearing of North 13 degrees 36 minutes 50 seconds East, for an arc distance of 130 feet to a point in the centerline of said roadway; thence continuing in and through the centerline of Rupp Road, North 26 degrees 18 minutes 30 seconds East, for a distance of 50.00 feet to a point in the centerline of said roadway at Lot #4 on the hereinafter mentioned plan or subdivision, said point marking the place of BEGINNING.

CONTAINING 1.023 acres to the property lines and centerline of Rupp Road and being designated as Lot #3 on a final plan of subdivision of Foxwood, prepared for Harry H. Fox, Jr., by Rodney Lee Decker & Associates, dated August 14, 1980, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 34, at Page 51.

BEING KNOWN AS 351 Rupp Road, Gettysburg, PA 17325

PROPERTY ID# H6-75-1.02

TITLE TO SAID PREMISES IS VESTED IN S & A Custom Built Homes, Inc., by deed from Vern W. Creighton and Millicent K. Creighton, husband and wife dated 4/24/96 and recorded 5/6/96 in Deed Book 1188 Page 228.

SEIZED and taken into execution as the property of **Robert L. & Janet L. Ruhlman and S & A Custom Built Homes, Inc.** 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 October 22, 2001, 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.

8/31, 9/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-542 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Western edge of the Pennsylvania State Highway which leads from Littlestown to the Gettysburg-Hanover State Highway, which point is south six (06) degrees thirty (30) minutes East, five (05) feet from the corner of Lot No. 2 from the plan of lots of Clayton E. and Annie E. Runk; thence along said Highway South six (06) degrees thirty (30) minutes East, one hundred fifteen (115) feet to a stake at corner of Lot No. 5; thence along Lot No. 5, South eighty-three (83) degrees thirty (30) minutes West, one hundred fifty (150) feet to lands now or formerly of Clayton E. Runk and Annie E. Runk; thence along same North six (06) degrees thirty (30) minutes West, one hundred fifteen (115) feet to a point which is South six (06) degrees thirty (30) minutes East, five (05) feet from the Southwest corner of Lot No. 2, aforesaid; thence North eighty-three (83) degrees thirty (30) minutes East, one hundred fifty (150) feet to a point along the Pennsylvania State Highway which leads from Littlestown to Gettysburg-Hanover State Highway, the place of BEGINNING. Being known and numbered as 660 Littlestown Road.

BEING KNOWN AS 660 Littlestown Road, Littlestown, PA 17340

PROPERTY ID# 00-S-268

TITLE TO SAID PREMISES IS VESTED IN Marilyn R. Barrick by deed from Steven D. Barrick and Marilyn R. Barrick, persons who are or have been married dated 2/23/95 and recorded 2/28/95 in Deed Book 1000 Page 39.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 29, 2001, 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.

8/31, 9/7 & 14

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on August 1, 2001, 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 C & L QUALITY TOOLS, 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.

C & L Quality Tools, Inc.
460 Tillietown Road
Biglerville, PA 17307

8/31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-421 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of September, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT certain tract of land situate in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a post at side of public road, South fifty-two and one-half degrees East, thirty-six and six tenths perches to a post at lands of Mrs. Shorfy and P. D. Swisher; thence by land of said Swisher, North thirty-eight degrees East, three tenths of a perch to a post; thence by same South fifty-seven degrees East, one and two tenths perches to a post; thence by same course four and three tenths perches to a corner; thence by lands of Sabina Patterson North thirty and one-fourth degrees East, sixty-four and nine tenths perches to a stone near a rock; thence by same, North twenty-four and three fourths degrees West, twenty-one and two tenths perches to a stake; thence by land of Mrs. D. B. Young North seventy-seven and three fourths degrees West, thirty-two and eight tenths perches to a stone; thence by lands of Mrs. Raphael Shorfy, South twenty-three degrees West, sixty-five perches to the place of BEGINNING. CONTAINING twenty acres of land, neat measure.

LESS, HOWEVER, those four (04) tracts of land previously conveyed by Richard C. Hankey and Mary C. Hankey as follows:

1. Being the same premises which the parties of the first part by their deed dated December 8, 1941, and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 197, page 47, granted and conveyed unto William H. Horner and Helen E. Horner.

2. Being the same premises which the parties of the first part by their deed dated April 4, 1953, and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 202, page 92, containing 4 acres 151 perches, granted and conveyed unto Harry Thomas and Grace Thomas.

3. Being the same premises which the parties of the first part by their deed dated September 18, 1954 and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 207, page 503 containing 32 perches more or less, granted and conveyed unto Harold D. Hankey and Delores M. Hankey.

4. Being the same premises which the parties of the first part by their deed dated September 10, 1955 and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 211, page 49, containing 12 acres 65 perches, granted and conveyed unto Robert G. McGlaughlin and Frances E. McGlaughlin.

HAVING ERECTED THEREON a dwelling known as 85 Blacksmith Shop Road, Gettysburg, Pennsylvania.

BEING THE SAME PREMISES WHICH Betty Louise Plank, Charles F. Tressler and Phyllis June Heintzelman, Co-Executors under the Last Will and Testament of A. Idella Tressler, by their Deed dated March 30, 1999 and recorded April 5, 1999 in Adams County Deed Book 1801, Page 216, granted and conveyed unto Christopher J. Wotjkowiak.

SEIZED IN EXECUTION AS THE PROPERTY OF CHRISTOPHER J. WOTJKOWIAK UNDER ADAMS COUNTY JUDGMENT NO. 01-S-421.

MAP & PARCEL #F 15-21.

SEIZED and taken into execution as the property of **Christopher J. Wotjkowiak** 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 October 15, 2001, 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.

8/24, 31 & 9/7

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Act of Assembly No. 295 of 1982, of the filing in the Office of the Secretary of Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on January 26, 2001, a certificate for the conduct of business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of STEPCO BUILDERS with its principal place of business at 7104 Unakite Court, Middletown, Maryland. The name and address of the person owning or interested in said business is David C. Stepnick, 7104 Unakite Court, Middletown, Maryland, 21769.

David K. James, III, Esq.
Wilcox & James

8/31

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

NO. 00-S-1223

CONSECO FINANCE CONSUMER DISCOUNT COMPANY,

v.

JAMES ANDREW RACINE, Known Surviving Heir of Laura Racine, Deceased Mortgagor and Real Owner

And

SUE LYNN FOGLE, Known Surviving Heir of Laura Racine, Deceased Mortgagor and Real Owner

And

VENUE NOBLE, Known Surviving Heir of Laura Racine, Deceased Mortgagor and Real Owner

And

THOMAS RACINE, Known Surviving Heir of Laura Racine, Deceased Mortgagor and Real Owner

And

ALL UNKNOWN SURVIVING HEIRS of Laura Racine, Deceased Mortgagor and Real Owner,

NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY

TO: All Unknown Surviving Heirs of
Laura Racine, Deceased
Mortgagor and Real Owner
135 Clapsaddle Road,
Gettysburg, PA 17325

Your house (real estate) at 135 Clapsaddle Road, Gettysburg, PA 17325, is scheduled to be sold at Sheriff's Sale on October 12, 2001, at 10:00 a.m. in the Sheriff's Office of Adams County, Courthouse Room 4, 111-117 Baltimore Street, Gettysburg, PA 17325, to enforce the court judgment of $77,163.74 obtained by Conseco Finance Consumer Discount Company against you.

NOTICE OF OWNER'S RIGHTS
YOU MAY BE ABLE TO PREVENT
THIS SHERIFF'S SALE

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be canceled if you pay to Conseco Finance Consumer Discount Company the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call Terrence J. McCabe, Esquire at (215) 790-1010.
2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.
3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO SAVE
YOUR PROPERTY AND YOU HAVE
OTHER RIGHTS EVEN IF
THE SHERIFF'S SALE
DOES TAKE PLACE

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling Terrence J. McCabe, Esquire at (215) 790-1010.
2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.
3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call Terrence J. McCabe, Esquire at (215) 790-1010.
4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.
5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.
6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff on November 05, 2001 or within (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after November 05, 2001 or after the posting of the schedule of distribution.
7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

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 LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

LEGAL DESCRIPTION: ALL THAT CERTAIN LOT OF LAND SITUATE, LYING AND BEING IN MOUNT JOY TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA:

IMPROVEMENTS CONSIST OF A PERMANENTLY ATTACHED MOBILE HOME.

Map#: G14-17B

BEING KNOWN AS: 135 Clapsaddle Road, Gettysburg, PA 17325.

Terrence J. McCabe, Esq.
McCabe, Weisberg & Conway, P.C.
Attorney for Plaintiff

8/31

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 PHILIP BLAZER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Linda J. Lundberg, Asst. V.P., PNC Bank, P.O. Box 308, Camp Hill, PA 17001-0308

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

ESTATE OF HAROLD M. DICKERT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: John H. Dickert, 5362 Lehman Road, Spring Grove, PA 17362; William H. Dickert, 2610 Rosegarden Blvd., Mechanicsburg, PA 17055

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

ESTATE OF PAULINE H. FISSEL a/k/a PAULINE W. FISSEL, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: Tracy S. Wyatt, 1996 Wenksville Rd., Biglerville, PA 17307

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

ESTATE OF DOROTHY L. REINDOLLAR, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Jane Shildt, 11 Walnut Street, Littlestown, PA 17340

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

ESTATE OF KAY F. ZINN, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executors: Christine Hughes, 17 East Locust Lane, New Oxford, PA 17350; Sarah Heasley, 406 North Street, McSherrystown, PA 17344; Katrina Wright, 6721 Chambersburg Road, Fayetteville, PA 17222; Donald C. Zinn, II, 196 South Hickory Lane, New Oxford, PA 17350

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF GRACE G. ESHLEMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Leon I. Butler, 200 East Market Street, York, PA 17403

Attorney: Terence J. Barna, Esq., P.O. Box 5185, 135 North George Street, Suite 303, York, PA 17405-5185

ESTATE OF PAUL J. FORSYTHE, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: Melburn K. Forsythe, 94 Meadow View Road, York Springs, PA 17372

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

ESTATE OF PAUL B. LEGORE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Richard P. Legore, 18 North Main Street, Spring Grove, PA 17362; Robert C. Legore, 355 Third Street, Hanover, PA 17331; Anthony J. Legore, 1 Caribou Street, Hanover, PA 17331

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

ESTATE OF BETTY L. MEGONNELL, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Teena L. Megonnell, aka Teena L. Hoff, 112 Stoney Point Road, New Oxford, PA 17350

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

ESTATE OF BERNICE R. MILLER, DEC'D

Late of the Borough of Hanover, York County, Pennsylvania

Executrices: Linda S. Mowrer, 307 Fulton Street, Hanover, PA 17331; Susan E. Meckley, 565 Carlisle Street, Hanover, PA 17331

Attorney: Lynn G. Peterson, Esq., Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

ESTATE OF LINDA T. MILLER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Karen E. Lopez, 603 Huntover Lane, Frederick, MD 21703; James T. Yingst, Esq., 40 York St., Hanover, PA 17331

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

ESTATE OF WILLIAM L. POIST, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Grace Krumrine Marrero, P.O. Box 459, Thomasville, PA 17304

Attorney: Neil W. Yahn, Esq., James, Smith, Durkin & Connelly, LLP, 134 Sipe Avenue, Hummelstown, PA 17036

ESTATE OF PAMELA SUE RHOADES, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Administrator: Clyde W. Vedder, c/o Mark David Frankel, Esq., P.O. Box 1389, York, PA 17405-1389

Attorney: Mark David Frankel, Esq., P.O. Box 1389, York, PA 17405-1389

ESTATE OF CLAIR J. STAUB, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Kim M. Staub, P.O. Box 1389, York, PA 17405

Attorney: Mark David Frankel, Esq., P.O. Box 1389, York, PA 17405-1389

THIRD PUBLICATION

ESTATE OF THERON M. BAIR, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Dale E. Bair, c/o Prudential Preferred Financial Services, 150 Corporate Center Drive, Suite 105, Camp Hill, PA 17011

Attorney: Horace A. Johnson, Esq., Johnson, Duffie, Stewart & Weidner, 301 Market St., P.O. Box 109, Lemoyne, PA 17043-0109

ESTATE OF DOROTHY C. CLINE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: PNC Bank, NA, Attention: Linda J. Lundberg, Ass't Vice President, P.O. Box 308, Camp Hill, PA 17001-0308

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

ESTATE OF EDGAR E. FELIX, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Robert E. Felix, 2268 Emmitsburg Road, Gettysburg, PA 17325

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

ESTATE OF ANNE KEET HANSON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

PNC Bank, N.A., Attn: Linda Lundberg, P.O. Box 308, Camp Hill, PA 17001

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

(continued on page 10)

THIRD PUBLICATION (continued)

ESTATE OF MILDRED S. KARSNITZ, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Lynne L. Fiorentino, 265 Waynesboro Pike, Fairfield, PA 17320

Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARLENE H. KAY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Al Long, 100 Hill Drive, Gettysburg, PA 17325; Charlene Rohrbaugh, 1528 Willow Avenue, Willow Grove, PA 19090

ESTATE OF OTTIS D. LIVINGSTON, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Betty L. Livingston, 32 Protectory Rd., Abbottstown, PA 17301

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

ESTATE OF CHESTER A. PUGH, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Roger Hannah, Sr., 2145 Mt. Hope Road, Fairfield, PA 17320

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

ESTATE OF DORIS N. SMITH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Suzanne A. Kaiser, 899 Forrest Drive, Abbottstown, PA 17301

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

ESTATE OF RUTH T. STRINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Beth K. Scearce, 9783 Whiskey Run, Laurel, MD 20723

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

ESTATE OF LOUISE WEBB, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Ruth Medlin, 606 Hanover Pike, Littlestown, PA 17340; Scott L. Kelley, Esq., 209 Broadway, Hanover, PA 17331

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