

Adams County Legal Journal

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IN THIS ISSUE

COMMONWEALTH VS. PAPPAS ET AL

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-766 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate in Union Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center line of Township Road T-449 (Basehoar School Road) at corner of Lot No. 11 on the draft of survey hereinafter referred to; thence along Lot No. 11, North 25 degrees 50 minutes 00 seconds East, passing through an iron pin 30.0 feet back from the beginning of this course, 305.00 feet to an iron pipe at other land of Charles Millard LeRoy Basehoar, et ux.; thence along same (which is designated as Lot #1) on the draft of survey hereinafter referred to South 64 degrees 10 minutes 00 seconds East, 150.00 feet to an iron pin on the west side of a fifty (50) foot access strip which leads from Basehoar School Road to Lot No. 1 retained by Charles Millard LeRoy Basehoar, et ux.; thence along the west side of such fifty (50) foot access strip, South 25 degrees 50 minutes 00 seconds West, 280.00 feet to an iron pipe; thence continuing along said access strip, South 70 degrees 50 minutes 00 seconds West, 35.36 feet to a railroad spike in the center line of Basehoar School Road; thence in the center line of Basehoar School Road North 64 degrees 10 minutes 00 seconds West, 125.00 feet to a point, the place of

BEGINNING. CONTAINING 1.043 acres.

The above description was taken from draft of survey prepared by Mort, Brown and Associates, dated November 15, 1984, entitled Phase II Final Subdivision Plan for C. M. LeRoy Basehoar, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 42, at page 102 and designated thereon as Lot No. 12.

TITLE TO SAID PREMISES IS VESTED IN Steven A. Corkum and Susan J. Corkum, his wife by Deed from Barry Allen Cluck and Loretta S. Cluck, his wife dated 9/15/2000 and recorded 9/15/2000 in Record Book 2126, Page 159.

Premises being: 34 Basehoar School Road, Littlestown, PA 17340

Tax Parcel No. J16-45

SEIZED and taken into execution as the property of **Steven A. Corkum & Susan J. Corkum** 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 March 15, 2004, 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.

1/2, 9 & 16

LEGAL NOTICE

The annual meeting of the policyholders of the Protection Mutual Insurance Company of Littlestown will be held at the office located at 101 South Queen Street in Littlestown, PA, between the hours of 1:00 and 2:00 p.m., on January 10th, 2004 to elect directors and to transact any other business properly presented.

Attest
Marlyn Q. Butt
President & Treasurer; Director
12/12, 19, 26 & 1/2

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on October 17, 2003, for the purpose of obtaining a Certificate of Incorporation organized under the provisions of the Pennsylvania Business Corporation Law, approved December 21, 1988, P.L. 1444, as amended. The name of the corporation is CHILDCARE UNLIMITED, INC. The purpose or purposes for which the corporation is incorporated is that the corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under said Business Corporation Law.

Pyle and Entwistle
Attorneys for the Corporation

1/2

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-47 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of January, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

TRACT NO. 1: BEGINNING at a spike in the center of Pennsylvania Route No. 116; thence through an iron pin set 26.6 feet from said place of beginning and by land now or formerly of Raymond Shindledecker, South 2 degrees 30 minutes West, 200 feet to a stake at lands now or formerly of J.J. Spence; thence by same, South 81 degrees 31 minutes West, 100 feet to a stake; thence by same North 2 degrees 30 minutes East, 200 feet to a spike in the center of said Pennsylvania Route No. 116; thence in the center of said Pennsylvania Route No. 116, North 81 degrees 31 minutes East, 100 feet to the place of BEGINNING. CONTAINING 72 Perches and 31 Square Feet.

TRACT NO. 2: BEGINNING at a spike in the center of the State Highway Route No. 116 leading from Gettysburg to Fairfield at the northwest corner of land now or formerly of Raymond C. Shindledecker and wife; thence along other land of said Shindledeckers, through an iron pin set back 35 feet from said spike, South 3 degrees 21 minutes East, 200 feet to an iron pin; thence by other land now or formerly of Ruth J. Spence, South 75 degrees 30 minutes West, 10 feet to an iron pin; thence by other land now or formerly of Ruth J. Spence, North 3 degrees 21 minutes West, 200 feet through an iron pin set back 35 feet along the line to a point in the center of the aforementioned State Highway; thence in the center of the aforementioned State Highway, North 75 degrees 30 minutes East, 10 feet to a spike, the place of BEGINNING. CONTAINING 7 Perches and 57 Square Feet of land.

TRACT NO. 3: BEGINNING at an iron pin at other land now or formerly of Kermit R. Shindledecker and wife; thence North 75 degrees 30 minutes East, 110 feet to an iron pin at other land now or formerly of Raymond Shindledecker; thence by said Shindledecker land, South 03 degrees 21 minutes East, 430.36 feet to an iron pin at land now or formerly of David Williams; thence by other land now or formerly of the Estate of Ruth J. Spence, North 18 degrees 28 minutes West 423.16 feet to an iron pin, the place of BEGINNING. CONTAINING 85.3 Perches and known as Lot No. 5-A on a draft of survey prepared on September 28, 1968 by Wilbur V. Redding, R.S.

BEING known as 3074 Fairfield Road, Gettysburg, PA 17325.

BEING the same premises which Randall B. Inskip and Martha R. Inskip, his wife, by Deed dated August 15, 1986 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 433 at Page 891 granted and conveyed unto Kenneth John Ortman.

SUBJECT TO MORTGAGE.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2004, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/19, 26 & 1/2

NOTICE

NOTICE IS HEREBY GIVEN that Cynthia A. Kaylor, Esq., intends to apply in open court for admission to the Bar of Adams County, Pennsylvania on the 3rd day of February, 2004, and that she intends to practice law as an Attorney at Diveglia & Kaylor, P.C., of Two Lincoln Way West, New Oxford, Adams County, Pennsylvania.

12/26, 1/2 & 9

NOTICE

NOTICE IS HEREBY GIVEN that Archie V. Diveglia, Esq., intends to apply in open court for admission to the Bar of Adams County, Pennsylvania on the 3rd day of February, 2004, and that he intends to practice law as an Attorney at Diveglia & Kaylor, P.C., of Two Lincoln Way West, New Oxford, Adams County, Pennsylvania.

12/26, 1/2 & 9

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 311 of the Act of December 16, 1982, P.L. 1309, No. 295, codified as amended (54 Pa. C.S.A. §311), there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on November 26, 2003, an Application for Registration of Fictitious Name of **SERVPRO OF GETTYSBURG/ADAMS COUNTY**, the address of the principal place of business being 320 Hunterstown-Hampton Road, Gettysburg, Pennsylvania 17325. The name and address of the entity that is a party to said registration is: VanHoutte Enterprises, Inc., 320 Hunterstown-Hampton Road, Gettysburg, Pennsylvania 17325.

Puhl, Eastman & Thrasher
Attorneys

1/2

COMMONWEALTH VS. PAPPAS ET AL

1. A corporation may only be represented by an attorney admitted to practice before our courts.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 2001-SU-0000754, COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF LABOR AND INDUSTRY, BUREAU OF LABOR LAW COMPLIANCE, o/b/o JOSEPH BOWERS, JR. VS. HARRY PAPPAS, INDIVIDUALLY, AND STAGE COACH TRANSPORT SERVICES, INC. a/k/a STAGECOACH TRANSPORT SERVICES, INC. and a/k/a STAGECOACH TRANSPORT, AND No. 2001-SU-0000755, COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF LABOR AND INDUSTRY, BUREAU OF LABOR LAW COMPLIANCE, o/b/o CHARLES VILLAREALE VS. HARRY PAPPAS, INDIVIDUALLY AND STAGE COACH TRANSPORT SERVICES, INC., and a/k/a STAGECOACH TRANSPORT.

Richard C. Lengler, Esq., for Plaintiffs
Defendant *pro se*

Kuhn, P.J., January 8, 2003

OPINION ON PLAINTIFFS' PRELIMINARY OBJECTIONS TO DEFENDANT, STAGE COACH TRANSPORT SERVICES, INC.'S ANSWERS TO AMENDED COMPLAINT

The Bureau of Labor Law Compliance, a division of the Commonwealth's Department of Labor and Industry, brought parallel actions under Pennsylvania's Wage Payment and Collection Law to collect wages and statutory liquidated damages on behalf of Joseph Bowers, Jr., and Charles Villareale. Defendants filed Answers to Plaintiffs' Amended Complaints. Defendant Pappas signed both Answers on his own behalf and on behalf of Stage Coach Transport Services, Inc. (hereinafter, "Stage Coach"). Plaintiffs filed preliminary objections to Stage Coach's Answers, alleging that this Court lacks jurisdiction to consider the Answer raised by Defendant Pappas on behalf of Stage Coach. Plaintiffs argue that Defendant Pappas may not represent a corporation in a Pennsylvania court without being currently licensed as a Pennsylvania attorney. Defendants have failed to file a response to Plaintiffs' preliminary objections.

Plaintiffs have correctly argued that a corporation may only be represented by an attorney admitted to practice before our courts.

See *Walacavage v. Excell 2000*, 480 A.2d 281 (Pa.Super. 1984); and *Bittenbender v. Southeastern Pennsylvania Transportation Authority*, 523 A.2d 1173 (Pa.Super. 1987).¹ Therefore, in light of applicable case law and Defendant Stage Coach's failure to respond, Plaintiffs' Preliminary Objections are granted. We will, however, allow Defendant Stage Coach to file an amended answer through appropriate counsel within twenty (20) days of the date of mailing of the attached Order.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 8th day of January, 2003, Plaintiffs' Preliminary Objections to Defendant Stage Coach Transport Services, Inc.'s Answers to Amended Complaints are granted.

Defendant Stage Coach Transport Services, Inc. is granted twenty (20) days from the date of mailing of this Order to file an amended answer.

¹There are a few exceptions to this rule, however, none are applicable here.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-448 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of January, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Legal Description

PREMISES "A"

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

BEGINNING at an Existing Rebar at the common corner of land now or formerly of Brian Showers and land now or formerly of Leroy Routsong, et al. and land now or formerly of Harry L. Pritchard; thence by said land now or formerly of Brian Showers, South 37 degrees 56 minutes 09 seconds East, 317.60 feet to an Existing Axle at corner of said land now or formerly of Brian Showers; thence by said land now or formerly of Robert Ayers, South 85 degrees 07 minutes 39 seconds West, 199.82 feet to an Existing Axle at corner of said land now or formerly of Brian Showers, and on line of land now or formerly of Ruth E. Bretzman; thence by said land now or formerly of Ruth E. Bretzman, North 37 degrees 56 minutes 09 seconds West, 423.73 feet to a Rebar Set at Existing Planted Stone at the common corner of said land now or formerly of Ruth E. Bretzman and other land now or formerly of William O. Routsong and land now or formerly of Leroy Routsong, et al.; thence by said land now or formerly of Leroy Routsong, et al.; North 84 degrees 27 minutes 24 seconds East, 198.32 feet to a point at corner of said land now or formerly of Leroy Routsong, et al.; thence by said land now or formerly of Leroy Routsong, et al., South 37 degrees 56 minutes 09 seconds East, 108.90 feet to an Existing Rebar at the common corner of said land now or formerly of Leroy Routsong, et al. and land now or formerly of Brian Showers and land now or formerly of Harry L. Pritchard, the point and place of BEGINNING.

CONTAINING 1.634 acres.

THE above description was taken from a draft of survey, by Mark A. Kuntz, Surveyor, dated November 12, 1993 as later revised, which draft of survey is lodged and part of the record in No. 97-S-231 in the Adams County Prothonotary's Office.

PREMISES "B"

ALL THOSE TWO (2) tracts of land situate, lying and being in Menallen

Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1:

BEGINNING at a Pipe Set in the centerline of the right-of-way of Maryland Avenue, 18' back from the centerline of existing 18' gravel cartway, at the common corner of land now or formerly of Rob Conner and land now or formerly of Hugh Gauch; thence crossing and leaving said Maryland Avenue, and by land now or formerly of Hugh Gauch, North 57 degrees 34 minutes 08 seconds East, 199.24 feet to a Rebar Set at corner of said land now or formerly of Hugh Gauch; thence by said land now or formerly of Hugh Gauch, South 48 degrees 38 minutes 54 seconds East, 1,098.16 feet to a Rebar Set at Existing Planted Stone at corner of said land now or formerly of Hugh Gauch; thence by said land now or formerly of Hugh Gauch, North 33 degrees 05 minutes 16 seconds East, 178.65 feet to an Existing Rebar and Stones at the common corner of said land now or formerly of Hugh Gauch, land now or formerly of Paul Kuhn, and land now or formerly of Robert Ayers, Jr.; thence by said land now or formerly of Robert Ayers, Jr., South 46 degrees 57 minutes 39 seconds East, 328.32 feet to an Existing Pipe and Stones at corner of said land now or formerly of Robert Ayers, Jr.; thence by said land now or formerly of Robert Ayers, Jr., North 52 degrees 40 minutes 28 seconds East, 297.66 feet to an Existing Pipe at intersection of Stone Rows on line of said land now or formerly of Robert Ayers, Jr., and at corner of land now or formerly of John W. Morrow; thence by said land now or formerly of John W. Morrow, South 37 degrees 14 minutes 19 seconds East, 548.01 feet to an Existing Pipe at corner of said land now or formerly of John W. Morrow; thence by said land now or formerly of John W. Morrow, North 49 degrees 29 minutes 30 seconds East, 819.62 feet to an Existing Pipe at 8" Spruce Tree at corner of said land now or formerly of John W. Morrow, and said on line of land now or formerly of E.C. Anderson, Jr.; thence by said land now or formerly of E.C. Anderson, Jr. and by land now or formerly of Kevin B. King, South 40 degrees 36 minutes 47 seconds East, 265.20 feet to an Existing Pipe at corner of said land now or formerly of Kevin B. King and on line of land now or formerly of Harry L. Pritchard; thence by said land now or formerly of Harry L. Pritchard, South 52 degrees 37 minutes 44 seconds West, 635.58 feet to a Rebar and Stones Set at corner of said land now or formerly of Harry L. Pritchard; thence by said land now or formerly of Harry L. Pritchard, and across an Unimproved Road (right-of-way to S.R. #4006) near

the end of this course, South 33 degrees 26 minutes 12 seconds West, 623.70 feet to an Existing Rebar at common corner of said land now or formerly of Harry L. Pritchard and Brian Showers, and on line now or formerly of William O. Routsong; thence by said land now or formerly of William O. Routsong, North 37 degrees 56 minutes 09 seconds West, 108.90 feet to a point at corner of said land now or formerly of William O. Routsong; thence by said land now or formerly of William O. Routsong, South 84 degrees 27 minutes 24 seconds West, 198.32 feet to a Rebar Set at Existing Planted Stone at the common corner of said land now or formerly of William O. Routsong and other land now or formerly of the said William O. Routsong.

(TRACT 2 more particularly described hereinbelow); thence by said other lands now or formerly of William O. Routsong, North 37 degrees 56 minutes 09 seconds West, 273.87 feet to a point at corner of said other land now or formerly of William O. Routsong; thence by said other land now or formerly of William O. Routsong, South 54 degrees 22 minutes 15 seconds West, 209.78 feet to a Rebar Set in Existing Stones at corner of said other land now or formerly of William O. Routsong and at corner of land now or formerly of Ruth E. Bretzman; thence by said land now or formerly of Ruth E. Bretzman, and by land now or formerly of John C. Bretzman, South 54 degrees 22 minutes 15 seconds West, 544.63 feet to an Existing Pipe and Planted Stone on line of said land now or formerly of John C. Bretzman, and at corner of land now or formerly of Robert Luckenbaugh; thence by said land now or formerly of Robert Luckenbaugh, and across a private road or drive near the end of this course, North 61 degrees 56 minutes 42 seconds West, 610.43 feet to an Existing Pipe at corner of said land now or formerly of Robert Luckenbaugh; thence by said land now or formerly of Robert Luckenbaugh, South 60 degrees 49 minutes 41 seconds West, 97.23 feet to an Existing Pipe and Stones at corner of said land now or formerly of Robert Luckenbaugh, and on line of land now or formerly of Ralph Sheaffer; thence by said land now or formerly of Ralph Sheaffer, and by land now or formerly of Albert Hudimae, and by land now or formerly of Henry Krahn, Jr., and by land now or formerly of Jerome Hanson, and by land now or formerly of Susan Coles, North 07 degrees 38 minutes 11 seconds East, 1,200.66 feet to an Existing Pipe and Stones at the common corner of said land now or formerly of Susan Coles and land now or formerly of Rob Conner; thence by said land now or formerly of Rob Conner, North 53 degrees 10 minutes 42 seconds West, 419.04 feet to a

(continued on page 4)

Pipe Set in the centerline of the right-of-way of Maryland Avenue at the common corner of said land now or formerly of Rob Conner and land now or formerly of Hugh Gauch, the point and place of BEGINNING.

CONTAINING 43.921 Acres.

LESS, HOWEVER ALL those two parcels of land, situate in Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

PARCEL NO. 1:

BEGINNING at an existing pipe on line of land now or formerly of the Grantees, E.C. Anderson, Jr. and Dolores M. Anderson, and at corner of land now or formerly of John W. Morrow, thence by said land now or formerly of the Grantees, E.C. Anderson, Jr. and Dolores M. Anderson, and by land now or formerly of Kevin G. King, a/k/a Kevin B. King, South 40 degrees 36 minutes 47 seconds East, 105.00 feet to a rebar set on line of said land now or formerly of Kevin G. King, a/k/a Kevin B. King, and at corner of Lot 3 depicted in and upon the below-mentioned draft of survey and final subdivision plan; thence by said Lot 3, South 32 degrees 35 minutes 56 seconds West, 175.48 feet to a rebar set at corner of said Lot 3, and on line of land now or formerly of the Grantors, Leroy Routsong and Alice Routsong, his wife, and William O. Routsong, Jr.; thence by said land now or formerly of the Grantors, Leroy Routsong and Alice Routsong, his wife and William O. Routsong, Jr., North 40 degrees 36 minutes 47 seconds West, 155.99 feet to a rebar set at corner of said land now or formerly of the Grantors, Leroy Routsong and Alice Routsong, his wife and William O. Routsong, Jr., and on line of land now or formerly of John W. Morrow; thence by said land now or formerly of John W. Morrow, North 49 degrees 29 minutes 30 seconds East, 168.00 feet to an existing pipe at corner of said land now or formerly of John W. Morrow, and on line of land now or formerly of the Grantees, E.C. Anderson, Jr. and Dolores M. Anderson, the point and place of BEGINNING.

CONTAINING 0.503 acre.

THE above description was taken from a draft of survey and final subdivision plan, dated March 30, 1998, by Mark A. Kuntz, Surveyor, which draft of survey and final subdivision plan is recorded in the Office of Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 74 at Page 5; the above described tract of land is labeled as Lot 2 in and upon said draft of survey and final subdivision plan.

PARCEL NO. 2:

BEGINNING at a rebar set on line of land now or formerly of Grantees, Kevin G. King, a/k/a Kevin B. King and Wanda S. King, and at corner of Lot 2 depicted in

and upon the below-mentioned draft of survey and final subdivision plan; thence by said land now or formerly of the Grantees, Kevin G. King, a/k/a Kevin B. King and Wanda S. King, South 40 degrees 36 minutes 47 seconds East, 160.20 feet to an existing pipe at corner of said land now or formerly of the Grantees, Kevin G. King, a/k/a Kevin B. King and Wanda S. King, and on line of land now or formerly of Harry Pritchard; thence by said land now or formerly of Harry Pritchard, South 52 degrees 37 minutes 44 seconds West, 168.27 feet to a rebar set on line of said land now or formerly of Harry Pritchard, and at corner of land now or formerly of the Grantors, Leroy Routsong and Alice Routsong, his wife and William O. Routsong, Jr.; thence by said land now or formerly of the Grantors, Leroy Routsong and Alice Routsong, his wife, and William O. Routsong, Jr., and at corner of said Lot 2; thence by said Lot 2, North 32 degrees 35 minutes 56 seconds East, 175.48 feet to a rebar set at corner of said Lot 2, and on line of said land now or formerly of the Grantees, Kevin G. King, a/k/a Kevin B. King and Wanda S. King, the point and place of BEGINNING.

CONTAINING 0.502 acre.

THE above description was taken from a draft of survey and final subdivision plan, dated March 30, 1998, by Mark A. Kuntz, Surveyor, which draft of survey and final subdivision plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 74 at Page 5; the above described tract of land is labeled as Lot 3 in and upon said draft of survey and final subdivision plan.

TRACT NO. 2:

BEGINNING at a point at corner of land now or formerly of Leroy Routsong, et al. (Tract 1 more particularly described hereinabove); thence by said land now or formerly of Leroy Routsong, et al., South 37 degrees 56 minutes 09 seconds East, 273.87 feet to a Rebar Set at Existing Planted Stone at the common corner of said land now or formerly of Leroy Routsong, et al. and other land now or formerly of William O. Routsong and land now or formerly of Ruth E. Bretzman; thence by said land now or formerly of Ruth E. Bretzman, North 74 degrees 31 minutes 43 seconds West, 351.63 feet to a Rebar Set in Existing Stones at corner of said land now or formerly of Ruth E. Bretzman, and on line of said land now or formerly of Leroy Routsong, et al.; thence by said land now or formerly of Leroy Routsong, et al., North 54 degrees 22 minutes 15

seconds East, 209.78 feet to a point at corner of said land now or formerly of Leroy Routsong, et al., the point and place of BEGINNING.

CONTAINING 0.659 acre.

THE above descriptions for Tracts Nos. 1 and 2 were taken from a draft of survey, by Mark A. Kuntz, Surveyor, dated November 12, 1993, as later revised, which draft of survey is lodged as part of the record in No. 97-S-231 in the Adams County Prothonotary's Office.

TITLE TO SAID PREMISES IS VESTED IN Joseph S. Buchheister and Juanita M. Buchheister, his wife by reason of the following:

PREMISES "A"

BEING THE SAME PREMISES which William Oscar Routsong, Jr., single man (widower) by Deed dated 9/10/1999 and recorded 9/13/1999 in the County of Adams in Record Book 1913, Page 293 conveyed unto Joseph S. Buchheister and Juanita M. Buchheister, his wife.

PREMISES "B"

BEING THE SAME PREMISES which Leroy Routsong and Alice Y. Routsong, his wife by Deed dated 9/10/1999 and recorded on 9/13/1999 in the County of Adams in Record Book 1913, Page 297 conveyed unto Joseph S. Buchheister and Juanita M. Buchheister, his wife.

Premises being: 360-362 Bendersville-Wenksville Road, Aspers, PA 17304

Tax Parcel No. E05-0070 (PREMISES A)

Tax Parcel No. EC5-0037-000 (PREMISES B)

SEIZED and taken into execution as the property of **Joseph S. Buchheister & Juanita M. Buchheister** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 13, 2004, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/19, 26 & 1/2

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF DEAN A. STAIR, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Peggy L. Altland f/k/a Peggy L. Stair, 130 Meadow Lane, Abbottstown, PA 17301

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

SECOND PUBLICATION

ESTATE OF JANET V. BYERS, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania

Executors: Vicki M. Buckley, 93 Two Taverns Road, Littlestown, PA 17340; David L. Byers 1801 Temple School Road, Dover, PA 17315; Larry L. Byers, 516 Sutton Road, Abbottstown, PA 17301; Steven M. Byers, RR 5, Box 5621, Saylorburg, PA 18353

Attorney: Kelly M. Dills, Esq., McQuaide Law Office, Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF ADELENE G. MELHORN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Gary E. Martin & Delores J. Shaffer, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF ROBERT L. SHEAFFER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Lois J. Owings, 2326 Table Rock Road, Biglerville, PA 17307

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

ESTATE OF THELMA C. YINGLING a/k/a M. THELMA YINGLING a/k/a MARY THELMA YINGLING, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Co-Executors: Audrey Ridinger, 561 Beecherstown Road, Biglerville, PA 17307; Daniel L. Yingling, 3231 Taneytown Road, Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF ESTHER E. BANKERT, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Co-Executors: Cheryl Glab, 407 East Wheel Road, Belair, MD 21015; Anthony Glab, 407 East Wheel Road, Belair, MD 21015

Attorney: Ross H. Pifer, Esq., Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PAUL E. GARHART, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Personal Representative: Mary Jane Garhart, 2151 Fairfield Road, Gettysburg, PA 17325

Attorney: LeRoy S. Maxwell, Jr., Esq., Maxwell Law Offices, Wayne Building, 92 West Main Street, Waynesboro, PA 17268

ESTATE OF MADELINE M. KLUNK, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Diane Mann, 130 Smoketown Road, Hanover, PA 17331; Mary Nace, 392 Church Road, East Berlin, PA 17316

Attorney: Donald W. Dorr, Esq., 846 Broadway, Hanover, PA 17331

ESTATE OF JESSIE M. LEAL, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Janet K. McCoy, 8015 N.E. 112th Street, Kirkland, WA 98033; Clifford V. Germano, 848 Sunset Avenue, Gettysburg, PA 17325

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

ESTATE OF PAULINE A. SANDERS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Jacqueline Zepp, 2035 Grandview Road, Hanover, PA 17331; Laverne Sanders, 1008 High Street, Hanover, PA 17331

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

ESTATE OF MARY E. SNYDER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrix: Susan M. Ayres, 412 Dart Drive, Hanover, PA 17331

Attorney: Thomas E. Miller, Esq., Miller & Shultis, P.C., 249 York Street, Hanover, PA 17331

ESTATE OF HENRIETTA S. WILLIAMS a/k/a HENRIETTA SELL WILLIAMS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Patricia K. Hagarman, 105 Paul Street, Hanover, PA 17331

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1083 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate on the North side of Lincoln Way West in the Borough of Abbottstown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron ring in the concrete pavement on the North side of Lincoln Way West aforesaid at lands of Roger Wildasin; thence by the same North 15-1/2 degrees West, 195.6 feet to an iron pin on the South side of Water Street; thence by said street South 74-3/4 degrees West, 50 feet to an iron pin at lands of Artie Gulden; thence by the same South 15-1/2 degrees East, 195.6 feet to an iron pin in the concrete walk at Lincoln Way West; thence by Lincoln Way West North 74-3/4 degrees East, 50 feet to an iron ring, the place of BEGINNING.

Parcel No. 3-44

Having erected thereon a dwelling known as 225 West King Street, Abbottstown, PA 17301

BEING the same premises which Terry Rodgers and Karen Rodgers by their deed dated 05/31/2002 and recorded on 06/12/2002 in the Recorder of Deeds' Office in Adams County, Pennsylvania, in Deed Book Volume 2696, page 60, granted and conveyed unto David Warehime, Jr.

SEIZED and taken into execution as the property of David Warehime, 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 March 15, 2004, 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.

1/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-668 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 833 on a plan of lots of the Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book "4" at page 778, and subject to all legal highways, easements, rights of way and restrictions of record.

TOGETHER WITH the rights and SUBJECT TO the restrictions, conditions, agreements, reservations and charges set forth at length in Adams County Deed Book 257 at Page 77.

BEING THE SAME PREMISES WHICH Gregory J. Macaluso and Claire V. Macaluso, husband and wife, by their Deed dated July 6, 1990 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 0561 at Page 0072, sold and conveyed unto William J. Strausbaugh, Jr. and Diane K. Strausbaugh, husband and wife.

Parcel # 9-71

SEIZED and taken into execution as the property of William J. Strausbaugh, Jr. & Diane K. Strausbaugh 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 March 15, 2004, 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.

1/2, 9 & 16

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, January 12, 2004, at 9:00 a.m.

PRICE—Orphans' Court Action Number OC-140-03. The First and Final Account of Patrick L. Price, Executor of the Estate of Catherine K. Price, deceased, late of McSherrytown Borough, Adams County, Pennsylvania.

HOWARD—Orphans' Court Action Number OC-141-03. The First and Final Account of Scott L. Kelley, Esq., Executor of the Estate of David L. Howard, deceased, late of Oxford Township, Adams County, Pennsylvania.

HAINES—Orphans' Court Action Number OC-144-03. The First and Final Account of Faith T. Sylvester, Executrix of the Estate of Ethlyn C. Haines, deceased, late of Oxford Township, Adams County, Pennsylvania.

HOUCK—Orphans' Court Action Number OC-145-03. The First and Final Account of Patricia Kint, Executrix of the Estate of Mildred A. Houck, deceased, late of Biglerville Borough, Adams County, Pennsylvania.

Clerk of Courts

1/2 & 9

INCORPORATION NOTICE

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

The name of the corporation is **gbITes, Inc.**

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

Thomas R. Campbell
Campbell & White, P.C.
112 Baltimore Street
Gettysburg, PA 17325
Attorneys

1/2

Adams County Legal Journal

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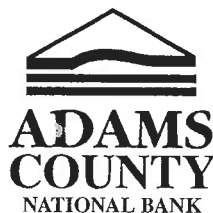
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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-766 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate in Union Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center line of Township Road T-449 (Basehoar School Road) at corner of Lot No. 11 on the draft of survey hereinafter referred to; thence along Lot No. 11, North 25 degrees 50 minutes 00 seconds East, passing through an iron pin 30.0 feet back from the beginning of this course, 305.00 feet to an iron pipe at other land of Charles Millard LeRoy Basehoar, et ux.; thence along same (which is designated as Lot #1) on the draft of survey hereinafter referred to South 64 degrees 10 minutes 00 seconds East, 150.00 feet to an iron pin on the west side of a fifty (50) foot access strip which leads from Basehoar School Road to Lot No. 1 retained by Charles Millard LeRoy Basehoar, et ux.; thence along the west side of such fifty (50) foot access strip, South 25 degrees 50 minutes 00 seconds West, 280.00 feet to an iron pipe; thence continuing along said access strip, South 70 degrees 50 minutes 00 seconds West, 35.36 feet to a railroad spike in the center line of Basehoar School Road; thence in the center line of Basehoar School Road North 64 degrees 10 minutes 00 seconds West, 125.00 feet to a point, the place of BEGINNING. CONTAINING 1.043 acres.

The above description was taken from draft of survey prepared by Mort, Brown and Associates, dated November 15, 1984, entitled Phase II Final Subdivision Plan for C. M. LeRoy Basehoar, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 42, at page 102 and designated thereon as Lot No. 12.

TITLE TO SAID PREMISES IS VESTED IN Steven A. Corkum and Susan J.

Corkum, his wife by Deed from Barry Allen Cluck and Loretta S. Cluck, his wife dated 9/15/2000 and recorded 9/15/2000 in Record Book 2126, Page 159.

Premises being: 34 Basehoar School Road, Littlestown, PA 17340

Tax Parcel No. J16-45

SEIZED and taken into execution as the property of **Steven A. Corkum & Susan J. Corkum** 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 March 15, 2004, 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.

1/2, 9 & 16

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on October 15, 2003, an application for registration of the fictitious name THE GETTYSBURG LUTHERAN NURSING AND REHABILITATION CENTER, was filed under the Fictitious Names Act, 54 Pa. C.S.A. § 301, *et seq.*, in the Department of State of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania, for the conduct of business at its principal office or place of business situated 1075 Old Harrisburg Road, Gettysburg, PA 17325. Lutheran Social Services of South Central Pennsylvania, of 1050 Pennsylvania Avenue, York, PA 17404 is the sole party to the registration.

Latsha, Davis Yohe & McKenna, P.C.
P.O. Box 825
Harrisburg, PA 17108-0825

1/9

NOTICE

NOTICE IS HEREBY GIVEN that Cynthia A. Kaylor, Esq., intends to apply in open court for admission to the Bar of Adams County, Pennsylvania on the 3rd day of February, 2004, and that she intends to practice law as an Attorney at Diveglia & Kaylor, P.C., of Two Lincoln Way West, New Oxford, Adams County, Pennsylvania.

12/26, 1/2 & 9

NOTICE

NOTICE IS HEREBY GIVEN that Archie V. Diveglia, Esq., intends to apply in open court for admission to the Bar of Adams County, Pennsylvania on the 3rd day of February, 2004, and that he intends to practice law as an Attorney at Diveglia & Kaylor, P.C., of Two Lincoln Way West, New Oxford, Adams County, Pennsylvania.

12/26, 1/2 & 9

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that the Shareholders and Directors of LUCK O' THE IRISH, LTD., a Pennsylvania corporation, most recently conducting business at 44 Steinwehr Avenue, Gettysburg, Pennsylvania, have approved a proposal that the Corporation voluntarily dissolve, and that the Board of Directors engage in winding up and settling the affairs of the Corporation. This Notice of the dissolution proceedings is given pursuant to Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

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

1/9

COMMONWEALTH VS. BROWN

1. Prohibitions concerning the admission of hearsay statements applies not only to oral assertions but also to the non-verbal conduct of a person if that conduct is intended as an assertion.

2. The purpose of a preliminary hearing is to avoid the incarceration or trial of a defendant unless there is sufficient evidence to establish that a crime was committed and the probability that the defendant is connected with the commission of that crime.

3. The question at a preliminary hearing is not whether there is sufficient evidence to prove the defendant guilty beyond a reasonable doubt; rather, the question is whether the prosecution must be dismissed because there is nothing to indicate that the defendant is connected with a crime.

4. Pennsylvania allow(s) the admission of hearsay evidence at preliminary hearings.

5. Although hearsay testimony may be properly admitted at a preliminary hearing, it may not constitute the only basis for establishing a *prima facie* case.

6. The constitutionally-guaranteed right of a criminal defendant to confront adverse witnesses is not violated whenever the statements of an unavailable non-testifying co-defendant possess strong indicia of reliability. (However), statements made to the authorities by a non-testifying accomplice which inculpate the defendant more than the accomplice are not admissible pursuant to a firmly rooted exception to the hearsay doctrine.

7. Unlike a trial, credibility of witnesses is not an issue at the preliminary hearing. A District Justice must accept witness testimony as credible. Thus, the purpose of the Confrontation Clause is not compromised by the limited use of the extrajudicial statement of the juvenile at the preliminary hearing.

8. While the (*corpus delicti*) rule requires that a crime be established before a confession is admissible, it is not necessary for the Commonwealth to establish the criminal responsibility of a particular, identifiable person. Rather, a confession of an accused is admissible once the Commonwealth has proved by a mere preponderance of the evidence that a wrong has occurred through criminal agency.

9. It is immaterial for purposes of application of the *corpus delicti* rule that, absent the Defendant's statement, the Commonwealth may be unable to link the Defendant to the criminal act in question. The Commonwealth's establishment of a crime by a preponderance of the evidence is sufficient for admission of the statement.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-881-02, COMMONWEALTH OF PENNSYLVANIA VS. QUANTE MARK BROWN.

Brian T. Coffey, Esq., Assistant District Attorney, for Commonwealth
Anthony E. Miley, Esq., Assistant Public Defender, for Defendant
George, J., January 16, 2003

OPINION

This matter comes before the Court on the Defendant's Motion for a Writ of Habeas Corpus. The Defendant essentially argues that the District Justice relied upon improperly admitted evidence in determining that the Commonwealth established a *prima facie* case of Possession with Intent to Deliver Marijuana, PA. STAT. ANN. tit. 35, § 780-113(30) (West 2002), against the Defendant.

The prosecution against the Defendant was commenced as a result of an incident occurring on July 11, 2002, at approximately 5:35 P.M. At that time, Trooper Mumma of the Pennsylvania State Police responded to a three-vehicle accident occurring on State Route 34 near Goldenville Road in Butler Township, Adams County, Pennsylvania. Shortly after the accident, witnesses at the accident scene observed the juvenile operator of the vehicle grabbing a bag from the vehicle and running from the immediate scene. The juvenile was later observed returning to the scene without the bag. While at the scene, Trooper Mumma spoke with the juvenile operator who eventually showed the Trooper the location of the bag. Inside the bag, the Trooper located seven (7) individual plastic sandwich bags containing marijuana with a total approximate weight exceeding an ounce. Additionally, other packaging materials were located in the bag and a set of metal postage scales was located in the vehicle. The juvenile operator and the Defendant, who was a passenger in the vehicle, were placed under arrest.¹

A preliminary hearing was held on August 13, 2002. Although neither party to this action prepared a transcript of the preliminary hearing testimony, for purposes of consideration of this Writ of Habeas Corpus, the parties stipulated that the testimony at the preliminary hearing reflected the information contained in the Affidavit of Probable Cause that accompanies the Complaint. Additionally, the parties have agreed that in deciding this Motion, the Court may consider the stipulated testimony of a witness to the accident who heard the Defendant exclaim, "Get the bag, get the bag." This statement was made by the Defendant just prior to the juvenile removing the bag from the accident scene. Finally, although the juvenile was

¹The factual background is taken from the Affidavit of Probable Cause attached to the Complaint.

not present at the preliminary hearing, the parties have agreed that the Trooper testified that the juvenile led him to the bag in question.

The Defendant's attack on the preliminary hearing testimony is two-fold: (1) the Defendant alleges that introduction at the preliminary hearing of the Trooper's assertion that the juvenile led him to the bag in question is inadmissible hearsay and violates the *Bruton* rule²; and (2) the Defendant's exclamation, "Get the bag, get the bag" was improperly considered by the District Justice in that introduction of the statement violated the "*corpus delecti*"³ rule. For the reasons set forth below, the Defendant's Motion will be denied.⁴

The Defendant initially argues that the introduction at the preliminary hearing of the testimony that the juvenile led the Trooper to the bag in question was improperly admitted. It appears that the Defendant's attack is aimed at the extra-judicial act of the juvenile in identifying the bag that contained marijuana as the same bag that was referenced by the Defendant's statement, "Get the bag, get the bag". The Defendant claims that this act of identification of the bag by the juvenile is hearsay and, thus, inadmissible pursuant to the Rules of Evidence and the *Bruton* rule. *See* n.1. He concludes that absent the admission of this testimony, the Commonwealth is unable to establish a *prima facie* case of Possession with Intent to Deliver.

The prohibition against the admission of hearsay statements in legal proceedings is well established in Pennsylvania law. In 1998, the hearsay rule was codified in Section 801 of the Pennsylvania Rules of Evidence. Although subject to numerous exceptions, the rule precludes the use of out-of-court statements in a trial at which the declarant is not called as a witness. The protections against the use of hearsay statements arise from the Confrontation Clause of the Sixth Amendment to the United States Constitution and Article 1,

² In *Bruton v. United States*, 391 U.S. 123 (1968), the United States Supreme Court held that the Confrontation Clause of the Sixth Amendment of the United States Constitution prohibits the introduction of statements made by a non-testifying co-defendant as inculpatory evidence against the other defendant at a joint trial.

³ The *corpus delecti* rule prohibits a criminal conviction from being based upon an extra-judicial confession of an accused unless the confession is corroborated by independent evidence establishing that a crime occurred. *Commonwealth v. Ware*, 329 A.2d 258, 274 (Pa. 1974).

⁴ The Defendant has not challenged the element of Defendant's intent to deliver the controlled substance that was found in the bag and, therefore, I will not discuss that issue.

Section 9, of the Pennsylvania Constitution. The protections afforded by this rule are similar to those meant to be protected by the Confrontation Clause and are meant to: (1) impress upon a witness the seriousness of his testimony; (2) to subject the witness to proper cross-examination⁵ and (3) allow the jury the ability to take into account the demeanor of the witness in assessing his credibility. *California v. Green*, 399 U.S. 149, 158 (1970).

The Defendant correctly points out that the prohibitions concerning the admission of hearsay statements applies not only to oral assertions but also to the non-verbal conduct of a person if that conduct is intended as an assertion. PA. R. EVID. 801(a)(2); *Commonwealth v. Patosky*, 656 A.2d 499, 506 (Pa. Super. Ct. 1995). For example, a detective's testimony describing the extra-judicial actions of a third party in providing the detective with picture frames allegedly made by the defendant constituted a hearsay "statement". *Commonwealth v. Rush*, 605 A.2d 792, 795 (Pa. 1992). On the other hand, the acts of a defendant recorded on a video camera were not considered hearsay because the conduct was not "assertive conduct" intended to convey a message. *Commonwealth v. Lewis*, 623 A.2d 355 (Pa. Super. Ct. 1993).

The Defendant challenges the act of the juvenile in leading the police to the bag as assertive conduct meant to convey a statement by the non-testifying juvenile that "This is the bag which the Defendant made reference to". I find this case factually similar to *Patosky*, supra, and, therefore, agree with the Defendant's analysis. The juvenile's act of locating the bag as the bag that was hidden pursuant to the direction of the Defendant is essentially an extra-judicial identification of the bag by the juvenile.

It is important to clarify that I do not consider the Trooper's discovery of the bag, or the bag itself, as inadmissible hearsay. Regardless of the circumstances of the discovery, the Trooper is properly able to testify that he located a bag containing marijuana. This ruling is limited solely to any reliance by the Commonwealth

⁵The importance placed upon the right of cross-examination has been recognized by the United States Supreme Court when, in *California v. Green*, 399 U.S. 149 (1970), the Supreme Court adopted the opinion of Professor John Henry Wigmore in describing cross-examination as the "greatest legal engine ever invented for the discovery of truth." *Id.* at 158, quoting 5 J. WIGMORE, EVIDENCE § 1367 (3d. ed. 1940).

upon the assertion that the bag which was ultimately discovered by the Trooper is the same bag with which the juvenile fled the scene.

Having determined that the act of the juvenile is a statement for the purpose of hearsay analysis, it now becomes necessary to determine whether or not the hearsay statement is admissible under an exception to the hearsay rule. As indicated, a number of exceptions apply to the hearsay rule. A review of those exceptions, however, fails to disclose any that may be applicable. For instance, although statements against penal interests are generally recognized as an exception to the hearsay rule, that exception requires that the declarant be unavailable. *See* PA. R. EVID. 804. There is nothing in the record to indicate that the juvenile, in this instance, was unavailable to testify at the preliminary hearing. Similarly, while the Pennsylvania Rules of Evidence recognize an exception to the hearsay rule for statements made by a co-conspirator, those statements must be made during the course of the conspiracy. *See* PA. R. EVID. 803(25).⁶ It appears, therefore, that the juvenile's action in identifying the bag is hearsay for which there is no applicable exception.

Continued to next issue (1/16/2004)

⁶In its Brief, the Commonwealth analyzes the hearsay exceptions as they apply to the juvenile's act of gaining possession of the bag and removing it from the accident scene. The Commonwealth argues, therefore, that the act is admissible as an act in furtherance of a conspiracy between the parties, *see* PA. R. EVID. 803(25); as a present sense impression, *see* PA. R. EVID. 803(1); and as an excited utterance under PA. R. EVID. 803(2). The Commonwealth's argument, however, misinterprets the "act" which the Defendant is seeking to exclude. As mentioned above, the Defendant has not objected to the act of the juvenile in removing the bag from the accident scene but, rather, has objected to the admission of the "act" of the juvenile in identifying the bag as the same bag which was removed from the scene. Accordingly, the Commonwealth's arguments are misplaced.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1083 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate on the North side of Lincoln Way West in the Borough of Abbottstown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron ring in the concrete pavement on the North side of Lincoln Way West aforesaid at lands of Roger Wildasin; thence by the same North 15-1/2 degrees West, 195.6 feet to an iron pin on the South side of Water Street; thence by said street South 74-3/4 degrees West, 50 feet to an iron pin at lands of Artie Gulden; thence by the same South 15-1/2 degrees East, 195.6 feet to an iron pin in the concrete walk at Lincoln Way West; thence by Lincoln Way West North 74-3/4 degrees East, 50 feet to an iron ring, the place of BEGINNING.

Parcel No. 3-44

Having erected thereon a dwelling known as 225 West King Street, Abbottstown, PA 17301

BEING the same premises which Terry Rodgers and Karen Rodgers by their deed dated 05/31/2002 and recorded on 06/12/2002 in the Recorder of Deed's Office in Adams County, Pennsylvania, in Deed Book Volume 2696, page 60, granted and conveyed unto David Warehime, Jr.

SEIZED and taken into execution as the property of David Warehime, 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 March 15, 2004, 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.

1/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1120 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT LOT or parcel of land situate, lying and being in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point along the Southeast Corner of the intersection of 4th Street and a 12 foot public alley; thence along the South side of said public alley, North 62° 45' East, 140 feet to a point at the intersection of said public alley with another 12 foot public alley; thence along the last mentioned 12 foot public alley, South 27° 15' East, 23.2 feet to a point at land now or formerly of Gray C. McClellan and through the center of the house, South 62° 45' West, 140 feet to a point on the East side of 4th Street, North 27° 15' West, 23.2 feet to the point, the place of BEGINNING.

BEING the same property conveyed to Suzan-Marie Dorn, single, by deed from Susan Marie Thompson, Executrix of the Estate of Mary Helen Swope, deceased, and Susan Marie Thompson, individually, and Ralph V. Thompson, her husband, recorded 02/04/2002 in Deed Book 2553, Page 281.

Premises being: 14 South 4th Street, Gettysburg, PA 17325

Tax Parcel No. 8-96

SEIZED and taken into execution as the property of Suzan-Marie Dorn 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 April 5, 2004, 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.

1/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-668 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 833 on a plan of lots of the Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book "4" at page 778, and subject to all legal highways, easements, rights of way and restrictions of record.

TOGETHER WITH the rights and SUBJECT TO the restrictions, conditions, agreements, reservations and charges set forth at length in Adams County Deed Book 257 at Page 77.

BEING THE SAME PREMISES WHICH Gregory J. Macaluso and Claire V. Macaluso, husband and wife, by their Deed dated July 6, 1990 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 0561 at Page 0072, sold and conveyed unto William J. Strausbaugh, Jr. and Diane K. Strausbaugh, husband and wife.

Parcel # 9-71

SEIZED and taken into execution as the property of William J. Strausbaugh, Jr. & Diane K. Strausbaugh 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 March 15, 2004, 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.

1/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-991 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an existing magnetic spike in the center line of Crouse Road (Township Road T-412) at corner of land now or formerly of Winifred Thomson; thence by said land of Winifred Thomson, and by land now or formerly of Robert Slapp, passing through a steel rod set back 25.0 feet from the last mentioned point, and also passing through an existing steel rod set back 274.96 feet from the next mentioned point, South 43 degrees, 22 minutes, 15 seconds West, 825.18 feet to an existing steel rod on line of land now or formerly of Mary Schildt et al; thence by said land of Mary Schildt et al, North 40 degrees, 31 minutes, 10 seconds West, 85.00 feet to an existing steel rod; thence continuing by same, South 47 degrees, 31 minutes, 50 seconds West, 125.00 feet to a concrete monument at corner of Lot No. 1 on the hereinafter referred to plan of lots; thence by said Lot No. 1, North 27 degrees, 20 minutes, 55 seconds West, 390.00 feet to a steel rod; thence continuing by same, North 43 degrees, 54 minutes, 45 seconds East, 445.64 feet to a steel rod; thence continuing by said Lot No. 1, South 46 degrees, 05 minutes, 15 seconds East, 67.73 feet to a concrete monument; thence continuing by same, passing through a steel rod set back 25.0 feet from the next mentioned point, North 43 degrees, 54 minutes, 45 seconds East, 641.28 feet to a magnetic spike, three (3) feet West of the center line of Crouse Road; thence in said Crouse Road, South 27 degrees, 31 minutes, 00 seconds East, 429.20 feet to an existing magnetic spike in the center line of said Crouse Road (Township Road T-412), the point and place of BEGINNING. CONTAINING 10.001 acres.

THE ABOVE description was taken from a plan of lots prepared by Adams County Surveyors, dated June 25, 1998, recorded in Plat Book 75 at page 22, designating the above as Lot #2.

MAP G-18, PARCEL 3B.

SEIZED and taken into execution as the property of Gregory L. Crouse & Pamela L. Crouse 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 March 15, 2004, 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.

1/9, 16 & 23

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, January 12, 2004, at 9:00 a.m.

PRICE—Orphans' Court Action Number OC-140-03. The First and Final Account of Patrick L. Price, Executor of the Estate of Catherine K. Price, deceased, late of McSherrystown Borough, Adams County, Pennsylvania.

HOWARD—Orphans' Court Action Number OC-141-03. The First and Final Account of Scott L. Kelley, Esq., Executor of the Estate of David L. Howard, deceased, late of Oxford Township, Adams County, Pennsylvania.

HAINES—Orphans' Court Action Number OC-144-03. The First and Final Account of Faith T. Sylvester, Executrix of the Estate of Ethlyn C. Haines, deceased, late of Oxford Township, Adams County, Pennsylvania.

HOUCK—Orphans' Court Action Number OC-145-03. The First and Final Account of Patricia Kint, Executrix of the Estate of Mildred A. Houck, deceased, late of Biglerville Borough, Adams County, Pennsylvania.

Clerk of Courts

1/2 & 9

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW NO. 03-S-1002 Action to Quiet Title

JOSEPH H. KEMPER and GLORIA B. KEMPER, Plaintiffs

vs.

LAKE MEADE, INCORPORATED, Defendant

ORDER OF COURT

AND NOW, this 23rd day of December, 2003, an Affidavit of Service of the Complaint by Publication together with a Notice to Plead having been filed and no Answer having been made by the Defendants, upon consideration of the Motion of the Plaintiff pursuant to Pa. R.C.P. 1066(a), it is hereby Ordered that judgment shall be entered against the Defendant unless the Defendant files an Answer to the Plaintiff's Complaint within thirty (30) days of the date of this Order. If the Defendant fails to file an Answer within thirty (30) days of the date of this Order, the Prothonotary shall, upon Praecipe, enter final judgment in the Plaintiff's favor directing that:

- 1) The Defendant, and any person or persons claiming under the Defendant, are permanently enjoined, restrained and forever barred from asserting any right, lien, title or interest in and to the following real property or any part thereof: ALL that certain tract of land situate in Reading Township, Adams County, Pennsylvania, being Lot #182 and Lot #364 on Plan of Lots of Lake Meade Subdivision and recorded in the Adams County Miscellaneous Book 1, Page 4. These lots are more particularly described in the Plaintiff's Complaint filed September 26, 2003.

The Court notes that original process was served by publication. The Plaintiff shall, therefore, serve the Defendant with a copy of this Order pursuant to Pa. R.C.P. 440(a)(2) and proof thereof shall immediately be filed with the Prothonotary.

By the Court: /s/Michael A. George Judge

Catherine J. Gault, Esq.

1/9

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF MARIE W. BLOUGH, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

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

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

ESTATE OF GLADYS B. MYERS, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Larry C. Myers, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF CALVIN E. SCHILD-KNECHT, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Robert G. Teeter, Esq., 108 W. Middle Street, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF DEAN A. STAIR, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Peggy L. Altland f/k/a Peggy L. Stair, 130 Meadow Lane, Abbottstown, PA 17301

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

THIRD PUBLICATION

ESTATE OF JANET V. BYERS, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania

Executors: Vicki M. Buckley, 93 Two Taverns Road, Littlestown, PA 17340; David L. Byers, 1801 Temple School Road, Dover, PA 17315; Larry L. Byers, 516 Sutton Road, Abbottstown, PA 17301; Steven M. Byers, RR 5, Box 5621, Saylorburg, PA 18353

Attorney: Kelly M. Dilts, Esq., McQuaide Law Office, Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF ADELENE G. MELHORN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Gary E. Martin & Delores J. Shaffer, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF ROBERT L. SHEAFFER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Lois J. Owings, 2326 Table Rock Road, Biglerville, PA 17307

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

ESTATE OF THELMA C. YINGLING a/k/a M. THELMA YINGLING a/k/a MARY THELMA YINGLING, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Co-Executors: Audrey Ridinger, 561 Beecherstown Road, Biglerville, PA 17307; Daniel L. Yingling, 3231 Taneytown Road, Gettysburg, PA 17325

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

Adams County Legal Journal

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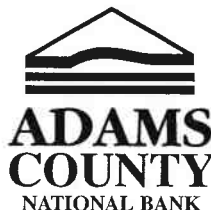
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Our Trust Department
makes a business of caring
for other people's property.



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-766 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate in Union Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center line of Township Road T-449 (Basehoar School Road) at corner of Lot No. 11 on the draft of survey hereinafter referred to; thence along Lot No. 11, North 25 degrees 50 minutes 00 seconds East, passing through an iron pin 30.0 feet back from the beginning of this course, 305.00 feet to an iron pipe at other land of Charles Millard LeRoy Basehoar, et ux.; thence along same (which is designated as Lot #1) on the draft of survey hereinafter referred to South 64 degrees 10 minutes 00 seconds East, 150.00 feet to an iron pin on the west side of a fifty (50) foot access strip which leads from Basehoar School Road to Lot No. 1 retained by Charles Millard LeRoy Basehoar, et ux.; thence along the west side of such fifty (50) foot access strip, South 25 degrees 50 minutes 00 seconds West, 280.00 feet to an iron pipe; thence continuing along said access strip, South 70 degrees 50 minutes 00 seconds West, 35.36 feet to a railroad spike in the center line of Basehoar School Road; thence in the center line of Basehoar School Road North 64 degrees 10 minutes 00 seconds West, 125.00 feet to a point, the place of BEGINNING. CONTAINING 1.043 acres.

The above description was taken from draft of survey prepared by Mort, Brown and Associates, dated November 15, 1984, entitled Phase II Final Subdivision Plan for C. M. LeRoy Basehoar, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 42, at page 102 and designated thereon as Lot No. 12.

TITLE TO SAID PREMISES IS VESTED IN Steven A. Corkum and Susan J. Corkum, his wife by Deed from Barry Allen Cluck and Loretta S. Cluck, his wife dated 9/15/2000 and recorded 9/15/2000 in Record Book 2126, Page 159.

Premises being: 34 Basehoar School Road, Littlestown, PA 17340

Tax Parcel No. J16-45

SEIZED and taken into execution as the property of **Steven A. Corkum & Susan J. Corkum** 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 March 15, 2004, 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.

1/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1117 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL of the following lots of real estate lying and being situate in the Borough of Littlestown, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING at a point on the right-of-way line of Apple Grove Lane and corner of Lot No. 414 on the subdivision plan hereinafter referred to; thence along Lot No. 414, North 29 degrees 56 minutes

53 seconds East, 100.00 feet to a point along lands now or formerly of David S. Weinberg, et al., designated as Lot No. 469; thence along Lot No. 469, South 60 degrees 03 minutes 07 seconds East, 35.00 feet to a point; thence continuing along the same, South 29 degrees 56 minutes 53 seconds West, 100.00 feet to a point on the right-of-way line of Apple Grove Lane; thence along the right-of-way of Apple Grove Lane, North 60 degrees 03 minutes 07 seconds West, 35.00 feet to the point and place of BEGINNING. CONTAINING 3,500 square feet.

BEING Lot No. 415 on Subdivision plan of Appler Development prepared by Group Hanover, Inc. as revised, Project No. 983580, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 77, page 94.

BEING the same which Appler Properties LLLP, by Deed dated October 4, 2000, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 2143 at Page 147, granted and conveyed unto Thomas P. Inyre, mortgagor herein.

SEIZED and taken into execution as the property of **Thomas P. Inyre** 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 April 5, 2004, 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.

1/16, 23 & 30

COMMONWEALTH VS. BROWN

Continued from last issue (1/9/2004)

The determination that the juvenile's extra-judicial statement is hearsay is not dispositive of the issue before the Court. It is necessary to examine the Defendant's hearsay objection within the context of the proceeding in which it occurred. Instantly, the Defendant objects to the admission of hearsay testimony at a preliminary hearing.

The purpose of a preliminary hearing is to avoid the incarceration or trial of a defendant unless there is sufficient evidence to establish that a crime was committed and the probability that the defendant is connected with the commission of that crime. *Commonwealth v. Wojdak*, 466 A.2d 991, 995 (Pa. Super. Ct. 1983). As the Superior Court noted in *Commonwealth v. Rick*, 366 A.2d 302 (Pa. Super. Ct. 1976):

The distinction between a preliminary hearing and the trial itself is well settled. While a trial determines guilt or innocence, [t]he "preliminary hearing is held primarily to prevent the detention of a person for a crime which was never committed or of a crime with which there is no evidence of his connection." [citation omitted].

The question at a preliminary hearing is not whether there is sufficient evidence to prove the defendant guilty beyond a reasonable doubt; rather, the question is whether the prosecution must be dismissed because there is nothing to indicate that the defendant is connected with a crime. Certainly, the difference in purpose between a preliminary hearing and a trial dictates a different enforcement of the [R]ules of [E]vidence. [footnote omitted].

Id. at 303-04.

It is the distinction between a trial and a preliminary hearing that has led Pennsylvania Appellate Courts to allow the admission of hearsay evidence at preliminary hearings. *See Id.*; *see also Commonwealth v. Carmody*, 799 A.2d 143 (Pa. Super. Ct. 2002); *Commonwealth v. Branch*, 437 A.2d 748 (Pa. Super. Ct. 1981). On the other hand, this relaxation of the Rules of Evidence at a preliminary hearing is not limitless. Although hearsay testimony may be properly admitted at a preliminary hearing, it may not constitute the only basis for establishing a *prima facie* case. *See Carmody*, *supra*.

At the Defendant's preliminary hearing, the Commonwealth established that the Defendant was in a vehicle that was involved in an accident. In a somewhat unusual response to the accident, the

Defendant indicated to the driver of the vehicle to “Get the bag, get the bag.” Following this direction, the operator of the vehicle removed a black bag and fled the immediate area of the accident scene. He then returned to the scene without the bag. Upon arrival at the scene, and in the course of the investigation relative to the accident, the Trooper located a bag containing controlled substances packaged in a manner consistent with intent to deliver. All this evidence was established at the preliminary hearing independent of any hearsay statements. The sole hearsay testimony presented to the District Justice consisted of the juvenile’s identification of the bag with the controlled substance as being the same bag removed from the scene. Under these circumstances, I cannot find that the hearsay statement was the only basis for establishing a *prima facie* case.

This conclusion is consistent with appellate authority. For instance, in *Commonwealth v. Tyler*, 587 A.2d 326 (Pa. Super. Ct. 1991), the Superior Court held that a District Justice properly permitted a Pennsylvania State Trooper to enter the statement of a confidential police informant concerning a drug delivery during a preliminary hearing for Possession with Intent to Deliver a Controlled Substance. Similarly, the Superior Court has held that the reading into evidence at a preliminary hearing of a transcribed statement from an accomplice that implicated the defendant in robberies was proper. *Commonwealth v. Troop*, 571 A.2d 1084 (Pa. Super. Ct. 1990). In *Commonwealth v. Branch*, supra, the district justice properly admitted, over hearsay objection, the testimony of a police officer that the victim’s brother told the officer that he saw the defendant shoot the victim.

On the other hand, in *Commonwealth ex rel. Buchanan v. Verbonitz*, 581 A.2d 172 (Pa. 1990), Justice Larson found, in a plurality decision, that evidence consisting solely of a police officer’s recitation of a rape victim’s extra-judicial statement was insufficient to establish a *prima facie* case at a preliminary hearing. This case, however, is distinguishable since unlike the current prosecution, the sole evidence at the *Verbonitz* preliminary hearing was the victim’s out-of-court account of the incident. Relevantly, the *Verbonitz* Opinion noted that “[t]he victim did not testify, nor was any other evidence presented at the preliminary hearing.” *Id.* at 173. Instantly, it is arguable that absent admission of the hearsay statement, the Commonwealth still circumstantially established a *prima facie* case. Thus, I find *Verbonitz* distinguishable and find the line of cases

affirming the use of hearsay testimony in the establishment of a *prima facie* case more applicable. The Commonwealth's *prima facie* case against the Defendant did not rest solely upon hearsay testimony but rather properly used hearsay testimony to compliment other evidence presented at the preliminary hearing. Therefore, Defendant's Motion for Writ of Habeas Corpus on this basis is denied.

The Defendant next challenges the admission of the statement on the basis that it was admitted in violation of the *Bruton* rule.⁷ In *Bruton*, the United States Supreme Court held that a co-defendant's out-of-court statements, secured in a custodial setting and outside the presence of the defendant, are not admissible in a joint trial since admission of the statement would violate the other defendant's right to cross-examination under the Confrontation Clause of the Sixth Amendment. However, two years after *Bruton* was decided, the United States Supreme Court held in *Dutton v. Evans*, 400 U.S. 74 (1970), that the constitutionally-guaranteed right of a criminal defendant to confront adverse witnesses is not violated whenever the statements of an unavailable non-testifying co-defendant possess strong indicia of reliability. The *Dutton* Court noted that statements that are spontaneous and against one's penal interest possess the requisite indicia of reliability that justifies their placement before a fact finder even though there is no confrontation of the declarant. *Id.* at 88-89. More recently, in *Lilly v. Virginia*, 527 U.S. 116 (1999), a plurality of the United States Supreme Court limited the expansive language of *Dutton*. The Pennsylvania Supreme Court summarized the *Lilly* holding as follows: "[S]tatements made to the authorities by a nontestifying accomplice which inculcate the defendant more than the accomplice are not admissible pursuant to a firmly rooted exception to the hearsay doctrine . . ." *Commonwealth v. Young*, 748 A.2d 166, 191 (Pa. 2000). In *Commonwealth v. Robins*, 2002 Pa. LEXIS

⁷The United States Supreme Court decision in *Bruton* was based upon a challenge pursuant to the Sixth Amendment of the United States Constitution. Although, as previously indicated, the hearsay rule and the Confrontation Clause generally are designed to protect similar values, they are not identical. The United States Supreme Court, in reviewing the distinction between the prohibitions of the Confrontation Clause and the hearsay rule, observed that evidence that otherwise would be admissible under an exception to the hearsay rule may be barred by the Sixth Amendment. *Ohio v. Roberts*, 448 U.S. 56 (1980). Although Defendant, in his Brief, raises his challenge as a single issue, because of the subtle distinction between the hearsay rule and the Defendant's rights under the Confrontation Clause, I will address the issues separately.

2698 (Pa. Dec. 18, 2002), the Pennsylvania Supreme Court not only adopted the reasoning of *Lilly* but expanded Pennsylvania jurisprudence to exclude self-inculpatory statements made by an unavailable co-conspirator even though the statements did not shift the blame to the defendant who is on trial. Although the Pennsylvania Supreme Court based its decision on the Sixth Amendment of the United States Constitution, it is likely that the Court would reach a similar conclusion independently under the Pennsylvania Constitution. It should be noted that while the *Robins* decision places great restrictions on the admission at trial of the inculpatory statements of a non-testifying co-defendant, the Opinion recognizes that in certain instances the admission of hearsay statements does not offend the Confrontation Clause where the statement is accompanied by “particularized guarantees of trustworthiness such that cross-examination would be of ‘marginal utility’ in determining truthfulness”. *Robins*, 2002 Pa. LEXIS, at *30-31, citing *Lilly*, 527 U.S. at 136.

Importantly, the *Bruton* rule arises out of an accused’s constitutionally protected right to confrontation at a trial. There is no federal or state constitutional right to a preliminary hearing. *Commonwealth v. Ruza*, 511 A.2d 808, 810 (Pa. 1986). Under these circumstances, I am unwilling to extend *Bruton* to preclude testimony at a preliminary hearing where, as noted above, our appellate courts have otherwise authorized the use of hearsay testimony.

This ruling is not inconsistent with the purposes of the Confrontation Clause. The “mission of the Confrontation Clause is to advance a practical concern for the accuracy of the truth-determining process in **criminal trials** by assuring that ‘the trier of fact [has] a satisfactory basis for evaluating the truth of the prior statement.’” *Dutton*, 400 U.S. at 89 (emphasis added), quoting *Green*, 399 U.S. at 161. Unlike a trial, credibility of witnesses is not an issue at the preliminary hearing. *Liciaga v. Court of Common Pleas of Lehigh County*, 566 A.2d 246, 263 (Pa. 1989). A District Justice must accept witness testimony as credible. *Id.* Thus, the purpose of the Confrontation Clause is not compromised by the limited use of the extra-judicial statement of the juvenile at the preliminary hearing.

Accordingly, for the purpose of determining whether or not the Defendant is entitled to a Writ of Habeas Corpus, I find the testimony at issue to be properly admitted.

Finally, the Defendant claims that the *corpus delicti* rule precludes admission of the testimony of a witness that the Defendant declared “Get the bag, get the bag”. The Defendant goes on to argue that absent the allegedly improper admission of the statement, the Commonwealth is unable to establish a nexus between the Defendant and the bag that contained the controlled substance. Unfortunately for the Defendant, his application of the *corpus delicti* rule is misplaced.

The *corpus delicti* rule finds its genesis in the proposition that a criminal conviction may not be based upon the extra-judicial confession of a defendant unless the confession is corroborated by independent evidence establishing the occurrence of a crime. *Commonwealth v. Ahlborn*, 657 A.2d 518, 520-21 (Pa. Super. Ct. 1995). The rationale behind requiring the *corpus delicti*, i.e., the body of the crime, to be established before allowing the admission of a confession is to prevent the use of hasty and unguarded confessions to convict an individual when no actual crime has occurred. *Id.* at 521. Thus, while the rule requires that a crime be established before a confession is admissible, it is not necessary for the Commonwealth to establish the criminal responsibility of a particular, identifiable person. *Commonwealth v. Elder*, 451 A.2d 236, 237 (Pa. Super. Ct. 1982). Rather, a confession of an accused is admissible once the Commonwealth has proved by a mere preponderance of the evidence that a wrong has occurred through criminal agency. *Commonwealth v. Drexel*, 503 A.2d 27, 30 (Pa. Super. Ct. 1986).⁸

In light of the instruction of our appellate courts concerning the application of the *corpus delicti* rule, it becomes clear that the Defendant’s argument is misplaced for two reasons. Initially, the Defendant’s statement, “Get the bag, get the bag”, is not a confession but rather a verbal act occurring during the course of an event. Its

⁸Under Pennsylvania law, the application of the *corpus delicti* rule occurs in two distinct phases. *Ahlborn*, 657 A.2d at 521. In the first phase of the rule’s application, the Court must determine whether the Commonwealth has proven by a preponderance of the evidence, the *corpus delicti* of the crimes charged. If the Commonwealth carries this burden, then the confession and/or admissions of the Defendant are admissible. *Id.* The second phase of the rule’s application occurs after a confession has already been admitted into evidence. At this point, the *corpus delicti* rule additionally requires that the Commonwealth prove to the jury’s satisfaction, beyond a reasonable doubt, the *corpus delicti* of the crimes charged. *Id.* Since the Defendant is challenging the admission of his statement at a preliminary hearing, it is not necessary to analyze the second phase of application of this rule.

probative value lies not in the truth of the words but, rather, in the fact that the words were said. The words have legal significance not as a confession but, rather, because the fact that they are said lends potential legal significance in regard to the Defendant's constructive possession of the items in question. The truth of the statements is not at issue. The admission of verbal acts such as this have routinely been permitted by our appellate courts, *see Commonwealth v. Moyers*, 570 A.2d 1323 (Pa. Super. Ct. 1990) (statement of a defendant to an undercover police officer that he would be able to obtain cocaine was a verbal act); *Commonwealth v. Cohen*, 538 A.2d 582 (Pa. Super. Ct. 1988) (masseuse's statement that "hand release" was to be given with a massage was admissible as a verbal act in a prostitution prosecution); and *Commonwealth, Pennsylvania Liquor Control Bd. v. Melting Pot, Inc.*, 423 A.2d 1095 (Pa. Commw. Ct. 1980) ("gambling talk" admissible as a verbal act). Similarly, the District Justice properly admitted the Defendant's statement in the current prosecution.

For the sake of argument, even treating Defendant's statement as a confession subject to application of the *corpus delicti* rule, the Defendant's argument must fail. Specifically, a review of the record in this matter indicates that the Commonwealth has clearly established by a preponderance of the evidence, and independent of the alleged "confession", the *corpus delicti* of the crime of Possession with Intent to Deliver. At the preliminary hearing, the Commonwealth properly admitted evidence consisting of the discovery of a bag containing over an ounce of marijuana packaged in seven (7) individual plastic sandwich bags. Other items evidencing intent to deliver were located at the scene including metal postage scales. *Commonwealth v. Smagala*, 557 A.2d 347, 353 (Pa. Super. Ct. 1989). It is immaterial for purposes of application of the *corpus delicti* rule that, absent the Defendant's statement, the Commonwealth may be unable to link the Defendant to the criminal act in question. The Commonwealth's establishment of a crime by a preponderance of the evidence is sufficient for admission of the statement. *See Ahlborn*, *supra*; *Elder*, *supra*. Accordingly, the Defendant's challenge will be dismissed.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 16th day of January, 2003, the Defendant's Motion for Writ of Habeas Corpus is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1083 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate on the North side of Lincoln Way West in the Borough of Abbottstown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron ring in the concrete pavement on the North side of Lincoln Way West aforesaid at lands of Roger Wildasin; thence by the same North 15-1/2 degrees West, 195.6 feet to an iron pin on the South side of Water Street; thence by said street South 74-3/4 degrees West, 50 feet to an iron pin at lands of Artie Gulden; thence by the same South 15-1/2 degrees East, 195.6 feet to an iron pin in the concrete walk at Lincoln Way West; thence by Lincoln Way West North 74-3/4 degrees East, 50 feet to an iron ring, the place of BEGINNING.

Parcel No. 3-44

Having erected thereon a dwelling known as 225 West King Street, Abbottstown, PA 17301

BEING the same premises which Terry Rodgers and Karen Rodgers by their deed dated 05/31/2002 and recorded on 06/12/2002 in the Recorder of Deeds' Office in Adams County, Pennsylvania, in Deed Book Volume 2696, page 60, granted and conveyed unto David Warehime, Jr.

SEIZED and taken into execution as the property of **David Warehime, 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 March 15, 2004, 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.

1/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1120 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT LOT or parcel of land situate, lying and being in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point along the Southeast Corner of the intersection of 4th Street and a 12 foot public alley; thence along the South side of said public alley, North 62° 45' East, 140 feet to a point at the intersection of said public alley with another 12 foot public alley; thence along the last mentioned 12 foot public alley, South 27° 15' East, 23.2 feet to a point at land now or formerly of Gray C. McCleaf and through the center of the house, South 62° 45' West, 140 feet to a point on the East side of 4th Street, North 27° 15' West, 23.2 feet to the point, the place of BEGINNING.

BEING the same property conveyed to Suzan-Marie Dorn, single, by deed from Susan Marie Thompson, Executrix of the Estate of Mary Helen Swope, deceased, and Susan Marie Thompson, individually, and Ralph V. Thompson, her husband, recorded 02/04/2002 in Deed Book 2553, Page 281.

Premises being: 14 South 4th Street, Gettysburg, PA 17325

Tax Parcel No. 8-96

SEIZED and taken into execution as the property of **Suzan-Marie Dorn** 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 April 5, 2004, 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.

1/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-668 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 833 on a plan of lots of the Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book "4" at page 778, and subject to all legal highways, easements, rights of way and restrictions of record.

TOGETHER WITH the rights and SUBJECT TO the restrictions, conditions, agreements, reservations and charges set forth at length in Adams County Deed Book 257 at Page 77.

BEING THE SAME PREMISES WHICH Gregory J. Macaluso and Claire V. Macaluso, husband and wife, by their Deed dated July 6, 1990 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 0561 at Page 0072, sold and conveyed unto William J. Strausbaugh, Jr. and Diane K. Strausbaugh, husband and wife.

Parcel # 9-71

SEIZED and taken into execution as the property of **William J. Strausbaugh, Jr. & Diane K. Strausbaugh** 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 March 15, 2004, 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.

1/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-991 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an existing magnetic spike in the center line of Crouse Road (Township Road T-412) at corner of land now or formerly of Winifred Thomson; thence by said land of Winifred Thomson, and by land now or formerly of Robert Slapp, passing through a steel rod set back 25.0 feet from the last mentioned point, and also passing through an existing steel rod set back 274.96 feet from the next mentioned point, South 43 degrees, 22 minutes, 15 seconds West, 825.18 feet to an existing steel rod on line of land now or formerly of Mary Schildt et al; thence by said land of Mary Schildt et al, North 40 degrees, 31 minutes, 10 seconds West, 85.00 feet to an existing steel rod; thence continuing by same, South 47 degrees, 31 minutes, 50 seconds West, 125.00 feet to a concrete monument at corner of Lot No. 1 on the hereinafter referred to plan of lots; thence by said Lot No. 1, North 27 degrees, 20 minutes, 55 seconds West, 390.00 feet to a steel rod; thence continuing by same, North 43 degrees, 54 minutes, 45 seconds East, 445.64 feet to a steel rod; thence continuing by said Lot No. 1, South 46 degrees, 05 minutes, 15 seconds East, 67.73 feet to a concrete monument; thence continuing by same, passing through a steel rod set back 25.0 feet from the next mentioned point, North 43 degrees, 54 minutes, 45 seconds East, 641.28 feet to a magnetic spike, three (3) feet West of the center line of Crouse Road; thence in said Crouse Road, South 27 degrees, 31 minutes, 00 seconds East, 429.20 feet to an existing magnetic spike in the center line of said Crouse Road (Township Road T-412), the point and place of BEGINNING. CONTAINING 10.001 acres.

THE ABOVE description was taken from a plan of lots prepared by Adams County Surveyors, dated June 25, 1998, recorded in Plat Book 75 at page 22, designating the above as Lot #2.

MAP G-18, PARCEL 3B.

SEIZED and taken into execution as the property of **Gregory L. Crouse & Pamela L. Crouse** 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 March 15, 2004, 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.

1/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-871 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a point at other lands now or formerly of Future Foundation, Inc., in the center of South Ridge Road (T-568); thence along lands now or formerly of Future Foundation, Inc. and passing through a steel pin set back twenty-five (25) feet from the beginning of this course North sixty-four (64) degrees forty-six (46) minutes fifteen (15) seconds West, two hundred ninety-one and sixty-seven hundredths (291.67) feet to a steel pin; thence continuing along lands now or formerly of Future Foundation, Inc., North twenty-five (25) degrees thirteen (13) minutes forty-five (45) seconds East, one hundred fifty (150) feet to a steel pin at Lot No. 5 on the hereinafter mentioned subdivision plan; thence along Lot No. 5 and passing through a steel pin set back twenty-five (25) feet from the terminus of the course South sixty-four (64) degrees forty-six (46) minutes fifteen (15) seconds East, two hundred ninety-one and sixty-seven hundredths (291.67) feet to a point in the center of South Ridge Road (T-568); thence in, along and through the center of South Ridge Road (T-568) South twenty-five (25) degrees thirteen (13) minutes forty-five (45) seconds West, one hundred fifty (150) feet to a point at other lands now or formerly of Future Foundation, Inc., the point and place of BEGINNING. CONTAINING 1.004 acres. Said tract of land is identified

as Lot No. 6 on the final plan of minor subdivision for Future Foundation (sic), Inc., dated November 1983, and recorded in the Adams County Recorder of Deeds Office in Plan Book 39 at page 61-A. The plan was prepared by Rodney Lee Decker & Associates, Land Surveyors.

HAVING thereon erected a dwelling house known as: 8722 South Ridge Road, York Springs, PA 17328

BEING THE SAME PREMISES WHICH Hipolito Cruz and Altigracia Cruz, by Deed dated 6/30/98 and recorded 7/9/98 in Adams County Deed Book 1617, Page 219, granted and conveyed unto John D. Hofe, Edgar L. Hofe, Jr. and Arlene M. Hofe.

SEIZED IN EXECUTION as the property of Arlene Hofe, John D. Hofe and Edgar L. Hofe, Jr. under Adams County Judgment No. 03-S-871

MAP & PARCEL (22) I4-128A

SEIZED and taken into execution as the property of **Arlene Hofe, John D. Hofe & Edgar L. Hofe, 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 April 5, 2004, 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.

1/16, 23 & 30

NOTICE

NOTICE IS HEREBY GIVEN that Wendy Weikai-Beauchat intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania on the 6th day of April, 2004, and that she intends to continue practice with the Law Firm of Beauchat & Beauchat, LLC, 63 W. High Street, Gettysburg, Pennsylvania 17325.

1/16, 23 & 30

ESTATE NOTICES

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

FIRST PUBLICATION**ESTATE OF EDWARD I. COLE, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

Executor: Gregory H. Cole, 264 Gun Club Road, Biglerville, PA 17307

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

ESTATE OF EVELYN S. SMITH a/k/a EVELYN SARAH SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Eugene Elmer Smith, Jr., 5 Short Lane, New Oxford, PA 17350

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

ESTATE OF SHIRLEY A. SNYDER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

SECOND PUBLICATION**ESTATE OF MARIE W. BLOUGH, DEC'D**

Late of the Borough of Arendtsville, Adams County, Pennsylvania

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

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

ESTATE OF GLADYS B. MYERS, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Larry C. Myers, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF CALVIN E. SCHILD-KNECHT, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Robert G. Teeter, Esq., 108 W. Middle Street, Gettysburg, PA 17325

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

THIRD PUBLICATION**ESTATE OF DEAN A. STAIR, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Peggy L. Altland f/k/a Peggy L. Stair, 130 Meadow Lane, Abbottstown, PA 17301

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1121 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING piece, parcel or tract of land, situate, lying and being in Benwick Township, Adams County, Pennsylvania, more particularly described as follows:

BEGINNING at a P.K. nail in the center of Maple Grove Road, S.R. 2033 at corner of Lot No. 5-A on the Subdivision Plan hereinafter referred to; thence along the centerline of Maple Grove Road the following two (2) courses and distances: (1) South forty-seven (47) degrees seventeen (17) minutes fifty-nine (59) seconds West, one hundred forty-four and eighty-eight hundredths (144.88) feet to a P.K. nail; (2) South forty-four (44) degrees fifty-three (53) minutes fifty-nine (59) seconds West, six hundred (600.00) feet to a P.K. nail at corner of Lot No. 4-B on the Subdivision Plan hereinafter referred to; thence along Lot No. 4-B North forty-one (41) degrees six (06) minutes fifty (50) seconds West, two hundred forty-six and forty-five hundredths (246.45) feet to a point at Lot A on the Subdivision Plan hereinafter referred to, lands now or formerly of Roy W. Myers; thence along said last mentioned lands, North forty-four (44) degrees thirty-six (36) minutes forty-six (46) seconds East, seven hundred nine and ninety-one hundredths (709.91) feet to a steel pin at Lot No. 5-A on the Subdivision Plan hereinafter referred to; thence along Lot No. 5-A South forty-nine (49) degrees four (04) minutes thirty-six (36) seconds East, two hundred fifty-five and ninety hundredths (255.90) feet to a P.K. nail in the centerline of Maple Grove Road, the point and place of BEGINNING.

CONTAINING 4.1403 acres and designated as Lot No. 5 on a Final Plan prepared for Dale T. and Cindy A. Ault and Roy W. Myers by Donald E. Worley, R.S., dated May 3, 1989, designated as File No. C-1030, which said Subdivision Plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 53, Page 33.

THIS Subdivision represents a Resubdivision of Lot No. 5 as shown on Subdivision Plan recorded in Plat Book 51, Page 81.

TITLE TO SAID PREMISES IS VESTED IN James D. Bridenbeck and Theresa R. Bridenbeck, his wife by Deed from Ruth E. Cool, having since married now known as Ruth E. Roessler and Randy L. Roessler, formerly husband and wife, dated 1/22/1999 and recorded 1/28/1999 in Record Book 1754, Page 112.

Premises being: 310 Maple Grove Road, Hanover, PA 17331

Tax Parcel No. 27D Map #L11

SEIZED and taken into execution as the property of James D. Bridenbeck & Theresa R. Bridenbeck 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 April 5, 2004, 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.

1/16, 23 & 30

NOTICE

NOTICE IS HEREBY GIVEN that Andrea M. Singley intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania on the 6th day of April, 2004, and that she intends to practice with the Law Firm of Beauchat & Beauchat, LLC, 63 W. High Street, Gettysburg, Pennsylvania 17325.

1/16, 23 & 30

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania for THE COPPER STAR, INC. on November 25, 2003 under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

1/16

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

NO. 03-S-1319

IN RE: Petition for change of name of Logan Victoria Wilson

NOTICE

NOTICE IS HEREBY GIVEN that on December 29, 2003, the petition of Kimberly A. Smith was filed in the above-named Court, requesting an Order to change the name of Logan Victoria Wilson to Logan Victoria Wilson Smith.

The Court has fixed the day of April 6, 2004 at 9:00 a.m. in Courtroom Number 1, 2 or 3 of the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Pennsylvania as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioners would not be granted.

Peterson & Peterson
By: /s/Lynn G. Peterson, Esq.

1/16

Adams County Legal Journal

Vol. 45

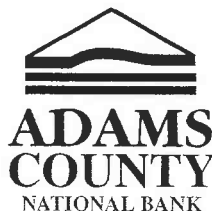
January 23, 2004

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IN THIS ISSUE

COMMONWEALTH VS. HARRIS

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1117 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL of the following lots of real estate lying and being situate in the Borough of Littlestown, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING at a point on the right-of-way line of Apple Grove Lane and corner of Lot No. 414 on the subdivision plan hereinafter referred to, thence along Lot No. 414, North 29 degrees 56 minutes 53 seconds East, 100.00 feet to a point along lands now or formerly of David S. Weinberg, et al., designated as Lot No. 469; thence along Lot No. 469, South 60 degrees 03 minutes 07 seconds East, 35.00 feet to a point; thence continuing along the same, South 29 degrees 56 minutes 53 seconds West, 100.00 feet to a point on the right-of-way line of Apple Grove Lane; thence along the right-of-way of Apple Grove Lane, North 60 degrees 03 minutes 07 seconds West, 35.00 feet to the point and place of BEGINNING. CONTAINING 3,500 square feet.

BEING Lot No. 415 on Subdivision plan of Appler Development prepared by Group Hanover, Inc. as revised, Project No. 983580, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 77, page 94.

BEING the same which Appler Properties LLLP, by Deed dated October 4, 2000, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 2143 at Page 147, granted and conveyed unto Thomas P. Itnyre, mortgagor herein.

SEIZED and taken into execution as the property of Thomas P. Itnyre 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 April 5, 2004, 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.

1/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1229 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in Mount Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a P.K. nail in the center line of Pennsylvania Route 97, said P.K. nail being South 52 degrees 15 minutes 00 seconds East, 384 feet, more or less from corner of land now or formerly of James Martin; thence in said center line of Pennsylvania Route 97, South 52 degrees 15 minutes 00 seconds East, 478.40 feet to a P.K. nail in said center line at corner of other land now or formerly of John P. Randall, thence by said other land of John P. Randall and passing through U.T.C. Pole #96 set back 23 feet from the last mentioned point, South 29 degrees 30 minutes 00 seconds West, 463.00 feet to a steel fence post, thence by same, North 52 degrees 15 minutes 00 seconds West, 478.40 feet to a pipe, thence continuing by same, and passing through U.T.C. #94, set back 25.00 feet from the next mentioned point, North 29 degrees 30 minutes 00 seconds East, 463.00 feet to a P.K. nail, the place of BEGINNING. CONTAINING 5.031 acres.

Address: 2779 Baltimore Pike,
Gettysburg, PA 17325

Tax Map or Parcel ID No.: (30)H15-047

SEIZED and taken into execution as the property of Barry N. Poole & Kelly A. Poole 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 April 19, 2004, 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.

1/23, 30 & 2/6

NOTICE

NOTICE IS HEREBY GIVEN that an application for a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania for the purpose of obtaining a Certificate of Organization for Limited Liability Company.

The name of the Company is BEAUCHAT & BEAUCHAT, L.L.C. with the principal place of business at 63 West High Street, Gettysburg, PA 17325.

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

1/23

COMMONWEALTH VS. HARRIS

1. It is axiomatic under Pennsylvania law that a police officer must have “articulable and reasonable grounds” to suspect a violation of the Pennsylvania Motor Vehicle Code prior to effecting a vehicle stop. The Pennsylvania Supreme Court has interpreted this standard to be identical to a probable cause standard. In determining the existence of probable cause, Pennsylvania has adopted the “totality of the circumstances” standard.

2. An informant’s tip sufficiently establishes probable cause where police have been able to provide independent corroboration of the tip; where the informant previously provided the police with accurate information of criminal activity, or where the informant himself participated in the criminal activity.

3. Where there is no attempt made to establish either the basis of knowledge of the anonymous source or the source’s general veracity, a strong showing of the reliability of the information that police have relied upon is required in order to support a finding of probable cause.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-646-02, COMMONWEALTH OF PENNSYLVANIA VS. TERRY HARRIS.

Warren P. Bladen, Esq., Assistant District Attorney, for Commonwealth
Steve Rice, Esq., Assistant Public Defender, for Defendant
George, J., February 5, 2003

OPINION

This prosecution arises as a result of a traffic stop conducted on May 30, 2002. The basis for the traffic stop arose when police received a call from a confidential informant that two suspects in a small gray sports car were transporting cocaine to the Gettysburg area from Harrisburg. After surveillance was set up on State Route 15 South,¹ the confidential informant contacted the police and indicated that they had “missed” the vehicle. The informant further advised that the vehicle was currently at the Silk Mill Apartments.² The police immediately set up surveillance at the apartment complex. At that time, they observed a vehicle matching the description given by the informant leave the parking lot area. The police followed the vehicle for approximately two blocks and observed two individuals in the vehicle. After making this observation, the police attempted to stop the vehicle. However, the vehicle did not immediately stop

¹ State Route 15 South is a major traffic artery between Harrisburg and Gettysburg.

² The Silk Mill Apartments are an apartment complex located in Gettysburg Borough.

and eventually a chase ensued that resulted in the suspect vehicle crashing.³ Although the operator and the passenger attempted to flee the wrecked vehicle on foot, the police quickly apprehended them. Found near the scene of the accident was approximately six individually wrapped bags of suspected cocaine. The Defendant has moved to suppress this evidence alleging that the police lacked probable cause to initiate the traffic stop of the suspect vehicle.

It is axiomatic under Pennsylvania law that a police officer must have “articulable and reasonable grounds” to suspect a violation of the Pennsylvania Motor Vehicle Code prior to effecting a vehicle stop. *Commonwealth v. Korenkiewicz*, 743 A.2d 958, 963 (Pa. Super. Ct. 1999). The Pennsylvania Supreme Court has interpreted this standard to be identical to a probable cause standard. *Commonwealth v. Gleason*, 785 A.2d 983 (Pa. 2001); *Commonwealth v. Whitmyer*, 660 A.2d 1113 (Pa. 1995). In determining the existence of probable cause, Pennsylvania has adopted the “totality of the circumstances” standard. *See Commonwealth v. Gray*, 503 A.2d 921 (Pa. 1985). The task of determining probable cause is simply to make a practical, commonsense decision whether, given all the circumstances, including the veracity and basis of knowledge of persons supplying hearsay information, there is a fair probability that evidence of a crime will be found in a particular place or that the suspect has committed a criminal act. *See generally Id.; Illinois v. Gates*, 462 U.S. 213 (1983).

The sole basis for the police stop of the Defendant’s vehicle was information received from a person the police identified at the suppression hearing as being a “confidential informant”. Police “informants”, like “anonymous tipsters”, are generally considered to be unreliable. As noted by the Wisconsin Supreme Court:

Information supplied to officers by the traditional police informer is not given in the spirit of a concerned citizen, but often is given in exchange for some concession,

³The Defendant was subsequently charged with Fleeing or attempting to elude police officer pursuant to 75 PA. CONS. STAT. ANN. § 3733 (West 2002). Perhaps in recognition of *Commonwealth v. Scattone*, 672 A.2d 345 (Pa. Super. Ct. 1996), the Defendant has not moved to dismiss this charge based upon an illegal traffic stop. *Scattone* instructs that the lawfulness of the vehicle stop is not an element of 75 PA. CONS. STAT. ANN. § 3733 (West 2002) and, therefore, is not a valid defense to prosecution on this charge.

payment, or simply out of revenge against the subject. The nature of these persons and the information which they supply conveys a certain impression of unreliability, and it is proper to demand that some evidence of their credibility and reliability be shown.

State v. Paszek, 184 N.W.2d 836, 842 (Wis. 1971); *see generally Commonwealth v. Torres*, 764 A.2d 532 (Pa. 2001). However, unlike anonymous tipsters, a police informant's reliability can be established in a number of ways. Pennsylvania Courts have been satisfied that an informant's tip sufficiently establishes probable cause where police have been able to provide independent corroboration of the tip; where the informant previously provided the police with accurate information of criminal activity, *see Commonwealth v. Osborne*, 599 A.2d 656, 659 (Pa. Super. Ct. 1991); or where the informant himself participated in the criminal activity. *Commonwealth v. Carlisle*, 501 A.2d 664, 666-67 (Pa. Super. Ct. 1985).

Instantly, testimony at the suppression hearing failed to provide the insight necessary to assess the reliability of the information provided to the police officers. The record lacks any indication of a previous relationship between the confidential informant and the police wherein the informant provided accurate information. Additionally, the record is absent information indicating that the informant was a participant in the criminal activity under investigation. The Commonwealth's sole attempt to establish the reliability of the information provided by the informant is based upon a claim of corroboration. The Commonwealth's attempt at corroboration, however, is similarly insufficient. The sole corroborating evidence established at the suppression hearing was that a vehicle containing two occupants and meeting the description of the suspect vehicle was leaving the parking lot of an identified location. Unfortunately for the Commonwealth, this information does not support the reliability of the informant's tip. It is information available to anyone and is not indicative of criminal conduct. *See In Interest of J.H.*, 622 A.2d 351, 354 (Pa. Super. Ct. 1993); *see generally Commonwealth v. Edmunds*, 586 A.2d 887 (Pa. 1991).

Where there is no attempt made to establish either the basis of knowledge of the anonymous source or the source's general veracity, a strong showing of the reliability of the information that police

have relied upon is required in order to support a finding of probable cause. *Torres*, 764 A.2d at 539. The Commonwealth has failed to establish that showing of reliability. For the foregoing reason, the attached Order is entered.

ORDER OF COURT

AND NOW, this 5th day of February, 2003, the Defendant's Motion to Suppress Controlled Substances or Paraphernalia seized as a result of a traffic stop conducted on May 30, 2002, is granted. Since the evidence seized as a result of the traffic stop is the sole basis for the prosecution of Counts I, II, and III, it is hereby Ordered that those counts are dismissed. The Defendant's Motion for Appointment of an Expert is, therefore, moot and further Order ruling on that Motion will not be entered. Count IV shall remain on the list for Plea Day on March 10, 2003, and the trial term commencing March 24, 2003.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1120 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT LOT or parcel of land situate, lying and being in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point along the Southeast Corner of the intersection of 4th Street and a 12 foot public alley; thence along the South side of said public alley, North 62° 45' East, 140 feet to a point at the intersection of said public alley with another 12 foot public alley; thence along the last mentioned 12 foot public alley, South 27° 15' East, 23.2 feet to a point at land now or formerly of Gray C. McClellan and through the center of the house, South 62° 45' West, 140 feet to a point on the East side of 4th Street, North 27° 15' West, 23.2 feet to the point, the place of BEGINNING.

BEING the same property conveyed to Suzan-Marie Dorn, single, by deed from Susan Marie Thompson, Executrix of the Estate of Mary Helen Swope, deceased, and Susan Marie Thompson, individually, and Ralph V. Thompson, her husband, recorded 02/04/2002 in Deed Book 2553, Page 281.

Premises being: 14 South 4th Street, Gettysburg, PA 17325

Tax Parcel No. 8-96

SEIZED and taken into execution as the property of **Suzan-Marie Dorn** 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 April 5, 2004, 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.

1/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1121 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING piece, parcel or tract of land, situate, lying and being in Berwick Township, Adams County, Pennsylvania, more particularly described as follows:

BEGINNING at a P.K. nail in the center of Maple Grove Road, S.R. 2033 at corner of Lot No. 5-A on the Subdivision Plan hereinafter referred to; thence along the centerline of Maple Grove Road the following two (2) courses and distances: (1) South forty-seven (47) degrees seventeen (17) minutes fifty-nine (59) seconds West, one hundred forty-four and eighty-eight hundredths (144.88) feet to a P.K. nail; (2) South forty-four (44) degrees fifty-three (53) minutes fifty-nine (59) seconds West, six hundred (600.00) feet to a P.K. nail at corner of Lot No. 4-B on the Subdivision Plan hereinafter referred to; thence along Lot No. 4-B North forty-one (41) degrees six (06) minutes fifty (50) seconds West, two hundred forty-six and forty-five hundredths (246.45) feet to a point at Lot A on the Subdivision Plan hereinafter referred to; thence along Lot No. 5-A South forty-nine (49) degrees four (04) minutes thirty-six (36) seconds East, two hundred fifty-five and ninety hundredths (255.90) feet to a P.K. nail in the centerline of Maple Grove Road, the point and place of BEGINNING.

CONTAINING 4.1403 acres and designated as Lot No. 5 on a Final Plan prepared for Dale T. and Cindy A. Ault and Roy W. Myers by Donald E. Worley, R.S., dated May 3, 1989, designated as File No. C-1030, which said Subdivision Plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 53, Page 33.

THIS Subdivision represents a Resubdivision of Lot No. 5 as shown on Subdivision Plan recorded in Plat Book 51, Page 81.

TITLE TO SAID PREMISES IS VESTED IN James D. Bridenbeck and

Theresa R. Bridenbeck, his wife by Deed from Ruth E. Cool, having since married now known as Ruth E. Roessler and Randy L. Roessler, formerly husband and wife, dated 1/22/1999 and recorded 1/28/1999 in Record Book 1754, Page 112.

Premises being: 310 Maple Grove Road, Hanover, PA 17331

Tax Parcel No. 27D Map #L11

SEIZED and taken into execution as the property of **James D. Bridenbeck & Theresa R. Bridenbeck** 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 April 5, 2004, 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.

1/16, 23 & 30

NOTICE

NOTICE IS HEREBY GIVEN that Andrea M. Singley intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania on the 6th day of April, 2004, and that she intends to practice with the Law Firm of Beauchat & Beauchat, LLC, 63 W. High Street, Gettysburg, Pennsylvania 17325.

1/16, 23 & 30

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that GETTYSBURG SYMPHONY ORCHESTRA, INC. has elected to dissolve voluntarily and has commenced winding up proceedings pursuant to 15 Pa.C.S. paragraph 5974(b) Nonprofit Corporation Law of 1988.

Daniel S. Sullivan, Jr., Secretary
1740 E. Joppa Rd. #5
Baltimore, MD 21234-3623

1/23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-991 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of February, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an existing magnetic spike in the center line of Crouse Road (Township Road T-412) at corner of land now or formerly of Winifred Thomson; thence by said land of Winifred Thomson, and by land now or formerly of Robert Slapp, passing through a steel rod set back 25.0 feet from the last mentioned point, and also passing through an existing steel rod set back 274.96 feet from the next mentioned point, South 43 degrees, 22 minutes, 15 seconds West, 825.18 feet to an existing steel rod on line of land now or formerly of Mary Schildt et al; thence by said land of Mary Schildt et al, North 40 degrees, 31 minutes, 10 seconds West, 85.00 feet to an existing steel rod; thence continuing by same, South 47 degrees, 31 minutes, 50 seconds West, 125.00 feet to a concrete monument at corner of Lot No. 1 on the hereinafter referred to plan of lots; thence by said Lot No. 1, North 27 degrees, 20 minutes, 55 seconds West, 390.00 feet to a steel rod; thence continuing by same, North 43 degrees, 54 minutes, 45 seconds East, 445.64 feet to a steel rod; thence continuing by said Lot No. 1, South 46 degrees, 05 minutes, 15 seconds East, 67.73 feet to a concrete monument; thence continuing by same, passing through a steel rod set back 25.0 feet from the next mentioned point, North 43 degrees, 54 minutes, 45 seconds East, 641.28 feet to a magnetic spike, three (3) feet West of the center line of Crouse Road; thence in said Crouse Road, South 27 degrees, 31 minutes, 00 seconds East, 429.20 feet to an existing magnetic spike in the center line of said Crouse Road (Township Road T-412), the point and place of BEGINNING, CONTAINING 10.001 acres.

THE ABOVE description was taken from a plan of lots prepared by Adams County Surveyors, dated June 25, 1998, recorded in Plat Book 75 at page 22, designating the above as Lot #2.

MAP G-18, PARCEL 3B

SEIZED and taken into execution as the property of **Gregory L. Crouse & Pamela L. Crouse** 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 March 15, 2004, 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.

1/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-871 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a point at other lands now or formerly of Future Foundation, Inc., in the center of South Ridge Road (T-568); thence along lands now or formerly of Future Foundation, Inc. and passing through a steel pin set back twenty-five (25) feet from the beginning of this course North sixty-four (64) degrees forty-six (46) minutes fifteen (15) seconds West, two hundred ninety-one and sixty-seven hundredths (291.67) feet to a steel pin; thence continuing along lands now or formerly of Future Foundation, Inc., North twenty-five (25) degrees thirteen (13) minutes forty-five (45) seconds East, one hundred fifty (150) feet to a steel pin at Lot No. 5 on the hereinafter mentioned subdivision plan; thence along Lot No. 5 and passing through a steel pin set back twenty-five (25) feet from the terminus of the course South sixty-four (64) degrees forty-six (46) minutes fifteen (15) seconds East, two hundred ninety-one and sixty-seven hundredths (291.67) feet to a point in the center of South Ridge Road (T-568); thence in, along and through the center of South Ridge Road (T-568) South twenty-five (25) degrees thirteen (13) minutes forty-five (45) seconds West, one hundred fifty (150) feet to a point at other lands now or formerly of Future Foundation, Inc., the point and place of BEGINNING, CONTAINING 1.004 acres. Said tract of land is identified

as Lot No. 6 on the final plan of minor subdivision for Future Foundation (sic), Inc., dated November 1983, and recorded in the Adams County Recorder of Deeds Office in Plan Book 39 at page 61-A. The plan was prepared by Rodney Lee Decker & Associates, Land Surveyors.

HAVING thereon erected a dwelling house known as: 822 South Ridge Road, York Springs, PA 17372

BEING THE SAME PREMISES WHICH Hipolito Cruz and Altigracia Cruz, by Deed dated 6/30/98 and recorded 7/9/98 in Adams County Deed Book 1617, Page 219, granted and conveyed unto John D. Hofe, Edgar L. Hofe, Jr. and Arlene M. Hofe.

SEIZED IN EXECUTION as the property of Arlene Hofe, John D. Hofe and Edgar L. Hofe, Jr. under Adams County Judgment No. 03-S-871

MAP & PARCEL (22) 14-128A

SEIZED and taken into execution as the property of **Arlene Hofe, John D. Hofe & Edgar L. Hofe, 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 April 5, 2004, 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.

1/16, 23 & 30

NOTICE

NOTICE IS HEREBY GIVEN that Wendy Weikal-Beauchat intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania on the 6th day of April, 2004, and that she intends to continue practice with the Law Firm of Beauchat & Beauchat, LLC, 63 W. High Street, Gettysburg, Pennsylvania 17325.

1/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1074 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those certain four (4) tracts of land, together with the improvements thereon erected, situate, lying and being in Hamilton Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

TRACT NO. 1: BEGINNING at a point at an iron pin at lands now or formerly of Cora B. Eckert and Emerson Eckert, her husband, which point is approximately ten (10) feet North of a public road leading from Abbottstown to Brown's Dam; thence along lands now or formerly of Cora B. Eckert and Emerson Eckert, her husband, North sixty-two and one-half (62-1/2) degrees West, one hundred twenty-two (122) feet to Conewago Creek at low water mark; thence in, through and along Conewago Creek, North thirty-four (34) degrees East, fifty-one and five-tenths (51.5) feet to a point at lands now or formerly of Cora B. Eckert and Emerson Eckert, her husband; thence along said lands now or formerly of Eckerts, South fifty-six and one-half (56-1/2) degrees East, one hundred seventeen (117) feet three (3) inches to an iron pin at lands now or formerly of Cora B. Eckert and Emerson Eckert, her husband; thence along said lands now or formerly of Eckerts, South twenty-five (25) degrees fifty (50) minutes West, forty (40) feet to an iron pin at a point, the place of BEGINNING.

TOGETHER with a right-of-way in the Grantee hereto, his heirs, executors, administrators and assigns, to use for a driveway or means of egress, ingress and regress in, upon, over and through a strip of land, said strip of land to be twelve (12) feet wide and to extend from the public road leading from Abbottstown to Brown's Dam to the cottage of the Grantee hereon erected.

TRACT NO. 2: BEGINNING at a point at an iron pin at lands now or formerly of Percy R. Coulson and Mary A. Coulson, which point is approximately ten (10) feet North of a public road leading from Abbottstown to Brown's Dam, thence South fifty-one (51) degrees twenty (20) minutes West, thirty (30) feet to an iron pin at lands now or formerly of Cora B. Eckert, thence along said last mentioned lands, North fifty-nine (59) degrees fifty (50) minutes West, one hundred eleven and four-tenths (111.4) feet to Conewago Creek at low water mark; thence in,

through and along said Conewago Creek, North thirty-one (31) degrees fifteen (15) minutes East, eighteen (18) feet to lands now or formerly of Percy R. Coulson and Mary A. Coulson, aforesaid; thence along the last mentioned land, South sixty-two and one-half (62-1/2) degrees East, one hundred twenty-two (122) feet to a point, the place of BEGINNING.

TRACT NO. 3 BEGINNING at a stake at low water mark on Big Conewago Creek at lands now or formerly of Francis E. Devine; thence along Big Conewago Creek, North thirty-four (34) degrees East, forty-nine and fifty-six hundredths (49.56) feet to a stake at lands now or formerly of David B. Eckert; thence by the same, South fifty-six (56) degrees thirty (30) minutes East, through two iron pins, one hundred ten and fifteen hundredths (110.15) feet to an iron pin; thence by land now or formerly of David B. Eckert, South twenty-five (25) degrees fifty (50) minutes West, fifty (50.00) feet to an iron pin at lands now or formerly of Francis E. Devine, aforesaid; thence by the same, North fifty-six (56) degrees thirty (30) minutes West, one hundred seventeen and twenty-five hundredths (117.25) feet to a stake, the place of BEGINNING, (CONTAINING 5634 square feet more or less.)

TRACT NO. 4: BEGINNING at the Westernmost (Southwestern) corner of the lot hereby conveyed at a point on the water's edge of Conewago Creek, said point being at other lands now or formerly of Margaret Snyder Bowling, thence by said Conewago Creek, North thirty-six (36) degrees two (2) minutes fifty-one (51) seconds East, one hundred ten and eight hundredths (110.08) feet to the Northernmost (Northwest) corner of the lot hereby conveyed; thence by lands now or formerly of David B. Eckert, South forty-eight (48) degrees thirty (30) minutes East, and through a steel pin set sixty (60) feet from the beginning of this course, one hundred thirty-five (135) feet to a steel pin at the Easternmost (Northeastern) corner thereof, thence continuing along lands now or formerly of David B. Eckert, South forty-one (41) degrees thirty (30) minutes West, one hundred (100) feet to a steel pin at the Southernmost (Southeastern) corner hereof, said steel pin being also located at the Northeastern corner of the access right-of-way hereinafter referred to; thence running along the Northeastern end of said access right-of-way, being lands now or formerly of David B. Eckert, North forty-eight (48) degrees thirty (30) minutes West, twenty-five (25) feet to a point at the Northwestern corner of said access right-of-way, said point being also the Northeastern corner of other lands now or formerly of Margaret Snyder Bowling, aforesaid; thence by other

lands now or formerly of the said Margaret Snyder Bowling, North fifty-four (54) degrees, West one hundred (100) feet to the hereinabove described place of BEGINNING, (CONTAINING 0.3100 acres neat measure.) The foregoing description was taken from a draft of survey made by J. H. Rife, Registered Engineer, dated July 22, 1968, being the Surveyor's File No. A-1448.)

TOGETHER with an approximately twenty-five (25) foot wide right-of-way unto the Grantee herein, his/her/their heirs and assigns, for purposes of perpetual ingress, egress and regress from Pennsylvania Legislative Route 01037, and running thence North Northeasterly along the East Southeastern end of other lands now or formerly of Margaret Snyder Bowling and M. Virginia H. Bowling Childs, for a distance of at least one hundred (100) feet to the Southwestern side of the lot hereinabove described.

SUBJECT, NEVERTHELESS, to the right-of-way of the Pennsylvania Legislative Route which traverses portions of Tracts No. 1 and 2 hereinabove described.

HAVING THEREON ERECTED a dwelling house known as: 796 Peepie Towne Road, East Berlin, Pennsylvania: 17316

BEING THE SAME PREMISES WHICH Gregory A. McMaster, by Deed dated 9/27/00 and recorded 9/28/00 in Adams County Deed Book 2134, Page: 168, granted and conveyed unto Craig B. Rutters and Cynthia L. Rutters.

SEIZED IN EXECUTION AS THE PROPERTY OF CRAIG RUTTERS AND CYNTHIA RUTTERS UNDER ADAMS COUNTY JUDGMENT NO. 02-S-1074

Map & Parcel (17) K8-110

SEIZED and taken into execution as the property of **Craig Rutters & Cynthia Rutters** 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 April 5, 2004, 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.

1/23, 30 & 2/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-788 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Western edge of a fifty (50.00) foot right-of-way known as Bonnie Field Circle at corner of Lot No. 73 on the draft of survey hereinafter referred to; thence along Lot No. 73 South sixty (60) degrees forty-one (41) minutes forty-one (41) seconds West, one hundred sixteen and thirty-six hundredths (116.36) feet to a point at Lot No. 67; thence along a portion of Lot Nos. 67 and 66 North thirty-five (35) degrees forty-one (41) minutes twenty-one (21) seconds West, seventy-four and forty-eight hundredths (74.48) feet to a point at corner of Lot No. 75; thence along Lot No. 75 North sixty (60) degrees forty-one (41) minutes forty-one (41) seconds East, one hundred thirty-six and forty-one hundredths (136.41) feet to a point on the Western edge of a fifty (50.00) foot right-of-way known as Bonnie Field Circle; thence along the Western edge of such fifty (50.00) foot right-of-way by a curve to the left, the radius of which is two hundred forty and nineteen hundredths (240.19) feet an arc distance of seventy-five and twenty-three hundredths (75.23) feet and having a long chord bearing and distance of South twenty (20) degrees nineteen (19) minutes fifty-seven (57) seconds East, seventy-four and ninety-two hundredths (74.92) feet to a point; the place of BEGINNING. CONTAINING 9,205.8 square feet.

The above description was taken from a draft of survey dated February 26, 1976, prepared by Edward H. Richardson Associates, Inc., labeled "Final Plat Bonnie Field", revised April 14, 1976, and designated thereon as Lot No. 74 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9 at Page 24.

UNDER AND SUBJECT, NEVERTHELESS, to restrictive covenants as contained in Misc. Book 27 at Page 302.

BEING KNOWN and numbered as 40 Bonniefield Circle, Gettysburg, PA 17325

TAX PARCEL NUMBER: 10619-88.

BEING the same property William Walls, Jr. a/k/a William Frank Walls, Jr.

and Sherrie Lynn Walls, husband and wife, granted and conveyed to William Walls, Jr. a/k/a William Frank Walls, Jr., by Deed dated June 12, 2001 and recorded July 18, 2001, in the Recorder of Deeds Office, Adams County, Pennsylvania in Deed Book Volume 2346, Page 235.

Grenen & Birsic, P.C.
By: /s/Kristine M. Anthou, Esq.
Pa. I.D. #77991
Attorneys for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

DBV 2346

Page 235

Tax Parcel No. 10619-88

SEIZED and taken into execution as the property of William Walls, Jr. a/k/a William Frank Walls, 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 April 19, 2004, 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.

1/23, 30 & 2/6

NOTICE

NOTICE IS HEREBY GIVEN that an application for a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania for the purpose of obtaining a Certificate of Organization for a Limited Liability Company.

The name of the Company is THE INNER SPIRIT ARTIST, L.L.C. with the principal place of business at 1180 Chambersburg Road, Gettysburg, PA 17325

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

1/23

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 Tuesday, February 3, 2004, at 9:00 a.m.

LUCKENBILL—Orphans' Court Action Number OC-150-03. The First and Final Account of Adams County National Bank, Executor of the Will of Anne W. Luckenbill, deceased, late of Mt. Joy Township, Adams County, Pennsylvania.

BUSHEY—Orphans' Court Action Number OC-151-03. The First and Final Account of Charles Bushey, Executor of the Last Will and Testament of Donald C. Bushey, deceased, late of Butler Township, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

1/23 & 30

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 10, 2003, for the purpose of obtaining a Certificate of Incorporation of a business corporation organized under the Business Corporation Law of the Commonwealth of PA, Act of December 21, 1988, P.L. 1444, No. 177.

The name of the corporation is GARDNER & BOYER, INC. The address of its initial registered office is 1275 York Road, Gettysburg, Pennsylvania.

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

Jan M. Wiley, Esq.
Solicitor

1/23

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 BLANCHE E. ARNOLD, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Mr. Timothy Arnold, 9401 SE 174th Loop, Summerfield, FL 34491; Ms. Florence E. (Arnold) Wilson, 3011 F West Long Ct., Littleton, CO 80120

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

ESTATE OF PHYLLIS J. FLENNER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Vickie D. Dean, 980 Orrtanna Road, Orrtanna, PA 17353; Douglas A. Flenner, 4308 Fairfield Road, Fairfield, PA 17320

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

ESTATE OF ROLAND E. ORNER, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Co-Executors: Robert E. Orner, P.O. Box 366, Arendtsville, PA 17303; Samuel C. Orner, 805 North West Street, Carlisle, PA 17013

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

ESTATE OF JOHN H. RAVENSCROFT, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrator: John James Mooney, III, Esq., 230 York Street, Hanover, PA 17331

Attorney: Judith Koper Morris, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF EDWARD I. COLE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: Gregory H. Cole, 264 Gun Club Road, Biglerville, PA 17307

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

ESTATE OF EVELYN S. SMITH a/k/a EVELYN SARAH SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Eugene Elmer Smith, Jr., 5 Short Lane, New Oxford, PA 17350

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

ESTATE OF SHIRLEY A. SNYDER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Personal Representative: G. Steven McKonty, Esq., 119 Baltimore Street, Hanover, PA 17331

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

THIRD PUBLICATION

ESTATE OF MARIE W. BLOUGH, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

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

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

ESTATE OF GLADYS B. MYERS, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Larry C. Myers, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF CALVIN E. SCHILD-KNECHT, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Robert G. Teeter, Esq., 108 W. Middle Street, Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1113 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike found in the center line of Township Road T-355, Hilltown Road, at corner of land now or formerly of Donald Miller; thence by said land now or formerly of Donald Miller, and passing through a pipe found twenty-five (25) feet from the last mentioned point, South nineteen (19) degrees eleven (11) minutes eight (08) seconds West, three hundred seven and ninety-five one-hundredths (307.95) feet to a pipe found at a corner of Lot No. 1 on the hereinafter referred to draft of survey; thence by said Lot No. 1, North eighty-four (84) degrees forty-eight (48) minutes five (05) seconds West, forty-nine and seventy-three one-hundredths (49.73) feet to a wood corner post; thence by the same, South sixty-four (64) degrees thirty-seven (37) minutes twenty-five (25) seconds West, seventy-seven and forty-one one-hundredths (77.41) feet to a wood corner post; thence by same, South twenty-five (25) degrees thirteen (13) minutes forty-five (45) seconds West, forty-two and fifty one-hundredths (42.50) feet to a 5/8 inch rebar (set), thence continuing by said Lot No. 1, North sixty-four (64) degrees forty-six (46) minutes fifteen (15) seconds West, thirty-six and seventy-six one-hundredths (36.76) feet to a 5/8 inch rebar (set); thence by same, and entering an existing gravel driveway, and passing through a 5/8 inch rebar set back twenty-five (25) feet from the next mentioned point, North twenty-five (25) degrees thirteen (13) minutes forty-five (45) seconds East, three hundred ninety-seven (397) feet to a railroad spike set in the center line of Township Road T-355, Hilltown Road, aforesaid; thence in Township Road T-355, Hilltown Road, South sixty-six (66) degrees forty-nine (49) minutes twenty-six (26) seconds East, one hundred fifteen and twenty-six one-hundredths (115.26) feet to a railroad spike found in the center line of Township Road T-355, Hilltown Road, the point and place of BEGINNING, CONTAINING .977 acre.

BEING KNOWN as 1290 Hilltown Road, Lot 2, Biglerville (Franklin Twp.), PA 17307

Property ID No.: D-10-89

TITLE TO SAID PREMISES IS VESTED IN Brian Lewis Poole, single person, by Deed from M. Susan Mann, formerly M. Susan Poole, individual, dated 07/07/97, recorded 07/07/97, in Deed Book 1402, Page 101.

SEIZED and taken into execution as the property of **Brian Lewis Poole** 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 April 19, 2004, 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.

1/23, 30 & 2/6

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Sec 311 of the Act of Assembly of December 16, 1982, 54 PA C.S.A. 311, that an application for registration of a fictitious name was filed on January 5, 2004 with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the conducting of a business under the fictitious name of **DaRen Associates** with its principal office or place of business at 2080 Upper Bermudian Road, Gardners, PA 17324. The name and address of all persons owning or interested in said business is: DaRen Associates, a Pennsylvania Limited Liability Company, 2080 Upper Bermudian Road, Gardners, PA 17324.

Alan K. Patrono, Esq.

1/23

NOTICE

NOTICE IS HEREBY GIVEN that an Application for Certificate of Limited Partnership was made to the Department of State of the Commonwealth of Pennsylvania by Richard E. and Doris M. Deaner. The name of the Limited Partnership is **DEANER FAMILY LIMITED PARTNERSHIP** with its registered office located at 1075 Chambersburg Road, Gettysburg, Pennsylvania 17325

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

1/23

FICTITIOUS NAME NOTICE

An application for registration of a fictitious name, J.M.J. ENTERPRISES, was filed under the Fictitious Names Act, 54 Pa.C.S.A. § 311 by John P. and Mary T. Kale, 30 Windsor Court, Littlestown, PA 17340. J.M.J. Enterprises principal office will be located at 30 Windsor Court, Littlestown, PA 17340.

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

1/23

Adams County Legal Journal

Vol. 45

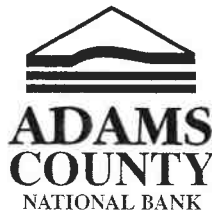
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In times like these,
you and your clients need
the experience and expertise
provided by a trust professional.



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1117 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL of the following lots of real estate lying and being situate in the Borough of Littlestown, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING at a point on the right-of-way line of Apple Grove Lane and corner of Lot No. 414 on the subdivision plan hereinafter referred to; thence along Lot No. 414, North 29 degrees 56 minutes 53 seconds East, 100.00 feet to a point along lands now or formerly of David S. Weinberg, et al., designated as Lot No. 469; thence along Lot No. 469, South 60 degrees 03 minutes 07 seconds East, 35.00 feet to a point; thence continuing along the same, South 29 degrees 56 minutes 53 seconds West, 100.00 feet to a point on the right-of-way line of Apple Grove Lane; thence along the right-of-way of Apple Grove Lane, North 60 degrees 03 minutes 07 seconds West, 35.00 feet to the point and place of BEGINNING. CONTAINING 3,500 square feet.

BEING Lot No. 415 on Subdivision plan of Appler Development prepared by Group Hanover, Inc. as revised, Project No. 983580, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 77, page 94.

BEING the same which Appler Properties LLLP, by Deed dated October 4, 2000, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 2143 at Page 147, granted and conveyed unto Thomas P. Itnyre, mortgagor herein,

SEIZED and taken into execution as the property of Thomas P. Itnyre 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 April 5, 2004, 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.

1/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1229 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in Mount Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a P.K. nail in the center line of Pennsylvania Route 97, said P.K. nail being South 52 degrees 15 minutes 00 seconds East, 384 feet, more or less from corner of land now or formerly of James Martin; thence in said center line of Pennsylvania Route 97, South 52 degrees 15 minutes 00 seconds East, 478.40 feet to a P.K. nail in said center line at corner of other land now or formerly of John P. Randall; thence by said other land of John P. Randall and passing through U.T.C. Pole #96 set back 23 feet from the last mentioned point, South 29 degrees 30 minutes 00 seconds West, 463.00 feet to a steel fence post; thence by same, North 52 degrees 15 minutes 00 seconds West, 478.40 feet to a pipe; thence continuing by same, and passing through U.T.C. #94, set back 25.00 feet from the next mentioned point, North 29 degrees 30 minutes 00 seconds East, 463.00 feet to a P.K. nail, the place of BEGINNING. CONTAINING 5.031 acres.

Address: 2779 Baltimore Pike,
Gettysburg, PA 17325

Tax Map or Parcel ID No.: (30)H15-047

SEIZED and taken into execution as the property of Barry N. Poole & Kelly A. Poole 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 April 19, 2004, 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.

1/23, 30 & 2/6

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania for the purpose of obtaining a Certificate of Incorporation.

The name of the corporation is HOOF TECH, INC. with the principal place of business at 514 Rife Road, East Berlin, Pennsylvania.

Wendy Weikal-Beauchat, Esq.
Beauchat & Beauchat
63 West High Street
Gettysburg, PA 17325
Counsel for Corporation

1/30

COMMONWEALTH VS. DUROSE

1. Courts of Common Pleas have statewide jurisdiction and may preside over trials which concern events that take place beyond the territorial limits of the county in which the Court sits.

2. In determining whether various acts constitute a single criminal episode, we must consider two factors: (1) the logical relationship between the acts, and (2) the temporal relationship between the acts.

3. The mere fact that evidence of the York County incident may be introduced in the Adams County prosecution does not pose a logical connection between the acts so as to constitute a single criminal episode.

4. The compulsory joinder rule serves two distinct policy considerations: (1) to protect a criminal defendant from the governmental harassment of being subjected to successive trials for offenses stemming from the same criminal episode; and (2) as a matter of judicial administration and economy, to assure finality without unduly burdening the judicial process by repetitive litigation.

5. Courts cannot permit a criminal defendant the ability to plead to a lesser crime in one county in an attempt to escape prosecution for a more serious crime in another.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-1009-02, COMMONWEALTH OF PENNSYLVANIA VS. BRYAN N. DUROSE.

Warren P. Bladen, Esq., Assistant District Attorney, for Commonwealth
Steve Rice, Esq., Assistant Public Defender, for Defendant
George, J., February 6, 2003

OPINION

This matter comes before the court on the Defendant's Motion to Dismiss the criminal charges based upon an alleged violation of 18 PA. CONS. STAT. ANN. § 110 (West 1998). The parties presented the following stipulated facts for the Court's consideration:

On July 1, 2002, Ronald Null, the Defendant's roommate at that time, gave the Defendant the keys to his 1991 Toyota Forerunner while Mr. Null went on vacation for several days. The Defendant was instructed not to use the vehicle for any circumstances except medical emergencies.

On July 2, 2002, at 9:00 A.M. the Defendant drove the vehicle away from the residence. At that time, the Defendant and Mr. Null resided at 164 Charles Street, Littlestown Borough, Adams County, Pennsylvania. Approximately twenty minutes later, the Defendant was involved in a traffic accident in Hanover Borough, York County. Officer Dwayne Smith of the Hanover Borough Police was dispatched to the

scene of the accident. During the course of his investigation, Officer Smith interviewed the Defendant. This interview occurred approximately forty-five minutes after the actual accident had occurred.¹ During the course of this interview, and in response to a request for identification, the Defendant told Officer Smith that his name was Ronald Null. This attempt at deception was unsuccessful and Officer Smith charged the Defendant that same date with False identification to law enforcement authorities, 18 PA. CONS. STAT. ANN. § 4914 (West 2002).

On July 12, 2002, Ronald Null returned from vacation and discovered that his vehicle had been involved in an accident. As a result, he contacted the Littlestown Borough Police. On that same date, Officer Ricky Williams of the Littlestown Borough Police Department spoke with Hanover Police Officer Smith concerning the accident referred to above. Officer Williams was advised as to the content of Officer Smith's police report concerning the Hanover accident and also became aware that Officer Smith had filed charges against the Defendant in York County.

On July 23, 2002, Littlestown Borough Officer Williams filed a criminal complaint against the Defendant including charges of Theft by unlawful taking or disposition pursuant to 18 PA. CONS. STAT. ANN. § 3921 (West 1983) and Unauthorized use of automobiles and other vehicles pursuant to 18 PA. CONS. STAT. ANN. § 3928 (West 1983). The record is absent as to whether Officer Smith or York County prosecutors were aware of the filing of charges in Adams County. Regardless, on September 5, 2002, the Defendant pled guilty to the York County charge of False identification to law enforcement authorities and received a sentence of time served to twelve (12) months.

On October 3, 2002, a preliminary hearing on the Adams County charges was held before District Justice

¹ Although the Commonwealth has not stipulated that the time line in this factual recitation is accurate, they have stipulated that the Defendant, if called at the hearing, would testify to this time line. Since there is nothing in the record which casts doubt on the accuracy of this information, for purposes of this Opinion, I will accept it as true.

Daniel Bowman. All charges were bound through to Court and the Defendant was arraigned before the Adams County Court of Common Pleas on November 25, 2002.²

The Defendant argues, based on this factual scenario, that the Adams County prosecution is barred by the York County conviction pursuant to 18 PA. CONS. STAT. ANN. §110 (West 1998). That Section provides, in pertinent part:

Although a prosecution is for a violation of a different provision of the statutes than a former prosecution or is based on different facts, it is barred by such former prosecution under the following circumstances:

(1) the former prosecution resulted in an acquittal or in a conviction . . . and the subsequent prosecution is for:

* * *

(i) any offense based on the same conduct or arising from the same criminal episode, if such offense was known to the appropriate prosecuting officer at the time of the commencement of the first trial and was within the jurisdiction of a single court

18 PA. CONS. STAT. ANN. § 110 (West 1998). This Section will only bar the instant prosecution if the following four requirements are met: (1) the former prosecution resulted in an acquittal or a conviction; (2) the instant prosecution is based on the same criminal conduct or arose from the same criminal episode as the former prosecution; (3) the prosecutor was aware of the instant charges before the commencement of the trial on the former charges; and (4) the instant charges and former charges were within the jurisdiction of a single Court. *Commonwealth v. Bracalielly*, 658 A.2d 755 (Pa. 1995).

Currently, the parties do not dispute the first requirement of Section 110 has been satisfied. Specifically, it has been stipulated that the Defendant pled guilty to the charge of False identification to law enforcement authorities in York County on September 6, 2002. That constitutes a conviction for purposes of pursuing further prosecution pursuant to Section 110. *Id.* at 760. Similarly, there is no question that

²By Order dated November 13, 2002, the Defendant's previous Motion for Writ of Habeas Corpus on the Theft charges was granted. Thus, the sole remaining count against the Defendant consists of the charge of Unauthorized use of automobiles and other vehicles pursuant to 18 PA. CONS. STAT. ANN. § 3928 (West 1983).

the fourth requirement has also been satisfied in this case. The Pennsylvania Supreme Court, in *Commonwealth v. McPhail*, 692 A.2d 139, 142-145 (Pa. 1997), held that Courts of Common Pleas have statewide jurisdiction and may preside over trials which concern events that take place beyond the territorial limits of the county in which the Court sits. Although *McPhail* is a plurality decision having limited precedential value, the result of that decision is clear and has been adopted by a number of Pennsylvania Appellate Courts. See *Commonwealth v. Wittenburg*, 710 A.2d 69 (Pa. Super. Ct. 1998); see also *Commonwealth v. Kirkland*, 700 A.2d 482 (Pa. Super. Ct. 1987). Therefore, I will turn my attention to the focal point of this dispute; whether the Adams County prosecution is based upon the same criminal conduct or arises from the same criminal episode as the York County prosecution.

In determining whether various acts constitute a single criminal episode, Appellate Courts have instructed that we must consider two factors: (1) the logical relationship between the acts, and (2) the temporal relationship between the acts. *Commonwealth v. Spatz*, 756 A.2d 1139, 1157-58 (Pa. 2000), citing *Bracalielly*, 658 A.2d at 761. Instantly, the Defendant was charged in York County for providing false information to Officer Smith during an interview that occurred approximately forty-five minutes after the traffic accident and approximately one hour and five minutes after the Defendant obtained alleged unauthorized use of the vehicle in Adams County. I recognize, therefore, that the two incidents in question have a close temporal relationship. This close temporal relationship however, while an important consideration, is not dispositive of the issue before me. See *Wittenburg*, 710 A.2d at 74 (successive prosecutions permitted where incidents in neighboring counties occurred within one hour and forty-two minutes of each other); see also *Commonwealth v. Wittenburg*, 722 A.2d 695 (Pa. Super. Ct. 1998) (successive prosecutions permitted in incidents occurring in neighboring counties within one hour and twelve minutes of each other). It is also necessary to consider the logical relationship between the two incidents.

In York County, the Defendant pled guilty to False identification to law enforcement authorities, 18 PA. CONS. STAT. ANN. § 4914 (West 2002). In order to sustain a conviction of that charge, the Commonwealth must prove that Defendant furnished false information about his identity to law enforcement officer after being informed by a uniformed or identified law enforcement officer that the person was subject to an official investigation. See generally *Id.* On the other

hand, the Adams County charge involves the Unauthorized use of automobiles and other vehicles and requires the Commonwealth to prove that the Defendant operated a motor vehicle owned by another and without the consent of the owner. *See generally* 18 PA. CONS. STAT. ANN. § 3928 (West 1983). Thus, the elements of the crime to be proved in Adams County are quite distinct from the elements of the crime to which the Defendant pled guilty in York County.

Moreover, evidence in each of the prosecutions does not revolve around the testimony of the same witness. The York County prosecution rests upon the interaction between the Defendant and Officer Smith at a time that the owner of the vehicle involved in the accident, Mr. Null, was away from the area for several days on vacation. The Adams County prosecution, however, centers primarily upon the interaction between Mr. Null and the Defendant.

Although evidence related to the York County crime may be relevant in the Adams County prosecution, that fact does not alter the essentially independent nature of the crimes. *See Spatz, supra.*

[W]e reject appellant's suggestion that, merely because certain evidence of appellant's previous crimes was *relevant and admissible* in this prosecution, the crimes must be deemed to be part of the same criminal episode. Other crimes evidence may be admissible, as it was here, for a wide variety of evidentiary purposes; but that fact alone does not prove such a logical connection between the acts so as to constitute a single criminal episode. This is particularly so where, as here, the evidentiary purpose and relevance of the other crimes testimony differs from its use in the previous prosecution.

Id. at 1158. Instantly, evidence of alleged unauthorized use of a vehicle in Adams County is of questionable admissibility in the York County prosecution. Conversely, the Commonwealth may attempt to introduce in the Adams County prosecution the Defendant's actions in York County as consciousness of guilt. That same evidence in York County, however, was not for this attenuated point of relevance but, instead, was direct evidence of the Defendant's commission of the York County crime. As in *Spatz*, the mere fact that evidence of the York County incident may be introduced in the Adams County prosecution does not pose a logical connection between the acts so as to constitute a single criminal episode.

The prosecutions at issue involved different crimes occurring in different counties involving separate material witnesses and essentially generating separate criminal investigations. Under these circumstances, I cannot find that the offenses are based on the same conduct or arose from the same criminal episode for Section 110 purposes. *Cf. Id.* (three different homicides occurring in different counties within three days of each other were not the same criminal episode for Section 110 purposes); *Wittenburg*, 710 A.2d 69 (separate prosecutions in neighboring counties did not involve the same criminal episode where charges in one county involved robbery and charges in a separate county involved a high speed chase and shootout approximately one hour and forty-two minutes later that same date); *Commonwealth v. Hockenberry*, 701 A.2d 1334 (Pa. 1997) (two incidents of receiving stolen property were not the same criminal episode although both incidents involved jewelry stolen from the same burglary but were three months apart and occurred in different counties); *Commonwealth v. Lane*, 658 A.2d 1353 (Pa. Super. Ct. 1995) (two offenses were not part of the same criminal episode simply because the defendant was arrested for committing robbery and for drug offenses at the same time and because he possessed one of the robbery items at the time of arrest); *Commonwealth v. Walton*, 592 A.2d 335 (Pa. Super. Ct. 1991) (offenses of illegally possessing a firearm and of making a false report to the police committed in different locations more than nine hours apart were not part of the same criminal episode).

Although it may be argued that the Defendant's actions in York County occurred because of his attempt to either secure the benefit of his previous crime or to conceal his complicity in the prior crime, the Defendant's subjective state of mind is of little import in considering this issue. Permitting a criminal defendant to dictate through his subjective intent when Section 110 should apply would defeat the policies behind the section. *See Wittenburg*, 710 A.2d at 75. The compulsory joinder rule serves two distinct policy considerations: (1) to protect a criminal defendant from the governmental harassment of being subjected to successive trials for offenses stemming from the same criminal episode; and (2) as a matter of judicial administration and economy, to assure finality without unduly burdening the judicial process by repetitive litigation. *Commonwealth v. Hude*, 458 A.2d 177, 180 (Pa. 1983). Proceeding with the prosecution in Adams County offends neither of these policies. On the other hand, disposal of the current charges against the Defendant is not in the interest of justice. Courts cannot permit a criminal defendant the ability to plead to a

lesser crime in one county in an attempt to escape prosecution for a more serious crime in another. See *Wittenburg*, 710 A.2d at 74. The drastic remedy of precluding trial in Adams County is not appropriate in this case.³

For the foregoing reasons, the attached Order is entered.⁴

ORDER OF COURT

AND NOW, this 6th day of February, 2003, the Defendant's Motion to Dismiss is denied.

³In a concurring Opinion in *Commonwealth v. Cadora*, 703 A.2d 711 (Pa. Super. Ct. 1997), Judge Schiller of the Pennsylvania Supreme Court noted that the plurality opinion in *McPhail*, supra, created a potential impediment to the efficient administration of justice. *Cadora*, 703 A.2d at 713 (Schiller, J., concurring). He noted a critical distinction between situations where the defendant enters a guilty plea with those where the defendant is taken to trial. He opined:

In my view there is a significant difference between guilty plea and a trial which ends in "an acquittal or a conviction." See 18 PA. CONS. STAT. ANN. § 110 (West 1998). For instance, guilty pleas are effectively always in the control of the defendant, because it is only with his or her consent that the proceedings can occur. Thus, a separate prosecution brought in a separate county following the guilty plea does not present a situation where the "awesome power of the state" is being utilized against the defendant for the purpose of wearing him down.

To apply a compulsory joinder rule in all situations will effectively curtail prosecutors from pleading out small cases in any situation where a bigger case exists in a separate county. In addition, it offers the possibility of the county with the small case having the ability, intentionally or unintentionally, to damage the other prosecutor's ability to prosecute the bigger case.

Id. at 714.

⁴Because of the resolution hereinabove, it is not necessary to address the third prong of the Rule 110 requirements, i.e., whether the prosecutor was aware of the instant charges before the commencement of the trials on the former charges. Although the parties have stipulated that Littlestown Borough Police Officer Williams was aware of the initiation of charges in York County by Hanover Borough Police Officer Smith, the record is absent of any indication that York County prosecutors were aware of the initiation of criminal charges in Adams County. In fact, the only indication of interaction between Officer Smith and Officer Williams references their discussions of July 12, 2002. The Adams County charges against the Defendant, however, were not filed until July 23, 2002. Regardless, the Defendant's focus on Officer Williams' knowledge of the York County charges is misplaced. The critical issue in resolution of the "knowledge" factor concerns the knowledge possessed by the prosecutor involved in the earlier conviction rather than the knowledge possessed by the prosecutor in the subsequent prosecution. See *Commonwealth v. Couch*, 731 A.2d 136, 141 (Pa. Super. Ct. 1999); *Wittenburg*, 710 A.2d at 73; *Cadora*, 703 A.2d at 712 n.6. Since there is nothing in the record before this Court indicating knowledge by the York County prosecutors of the subsequent charges in Adams County, the third factor of the Rule 110 test has also not been satisfied. Therefore, denial of Defendant's motion is also appropriate on this basis.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1121 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING piece, parcel or tract of land, situate, lying and being in Berwick Township, Adams County, Pennsylvania, more particularly described as follows:

BEGINNING at a P.K. nail in the center of Maple Grove Road, S.R. 2033 at corner of Lot No. 5-A on the Subdivision Plan hereinafter referred to; thence along the centerline of Maple Grove Road the following two (2) courses and distances: (1) South forty-seven (47) degrees seventeen (17) minutes fifty-nine (59) seconds West, one hundred forty-four and eighty-eight hundredths (144.88) feet to a P.K. nail; (2) South forty-four (44) degrees fifty-three (53) minutes fifty-nine (59) seconds West, six hundred (600.00) feet to a P.K. nail at corner of Lot No. 4-B on the Subdivision Plan hereinafter referred to; thence along Lot No. 4-B North forty-one (41) degrees six (06) minutes fifty (50) seconds West, two hundred forty-six and forty-five hundredths (246.45) feet to a point at Lot A on the Subdivision Plan hereinafter referred to, lands now or formerly of Roy W. Myers; thence along said last mentioned lands, North forty-four (44) degrees thirty-six (36) minutes forty-six (46) seconds East, seven hundred nine and ninety-one hundredths (709.91) feet to a steel pin at Lot No. 5-A on the Subdivision Plan hereinafter referred to; thence along Lot No. 5-A South forty-nine (49) degrees four (04) minutes thirty-six (36) seconds East, two hundred fifty-five and ninety hundredths (255.90) feet to a P.K. nail in the centerline of Maple Grove Road, the point and place of BEGINNING.

CONTAINING 4.1403 acres and designated as Lot No. 5 on a Final Plan prepared for Dale T. and Cindy A. Ault and Roy W. Myers by Donald E. Worley, R.S., dated May 3, 1989, designated as File No. C-1030, which said Subdivision Plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 53, Page 33.

THIS Subdivision represents a Resubdivision of Lot No. 5 as shown on Subdivision Plan recorded in Plat Book 51, Page 81.

TITLE TO SAID PREMISES IS VESTED IN James D. Bridenbeck and

Theresa R. Bridenbeck, his wife by Deed from Ruth E. Cool, having since married now known as Ruth E. Roessler and Randy L. Roessler, formerly husband and wife, dated 1/22/1999 and recorded 1/28/1999 in Record Book 1754, Page 112.

Premises being: 310 Maple Grove Road, Hanover, PA 17331

Tax Parcel No. 27D Map #L11

SEIZED and taken into execution as the property of **James D. Bridenbeck & Theresa R. Bridenbeck** 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 April 5, 2004, 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.

1/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-871 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a point at other lands now or formerly of Future Foundation, Inc., in the center of South Ridge Road (T-568); thence along lands now or formerly of Future Foundation, Inc. and passing through a steel pin set back twenty-five (25) feet from the beginning of this course North sixty-four (64) degrees forty-six (46) minutes fifteen (15) seconds West, two hundred ninety-one and sixty-seven hundredths (291.67) feet to a steel pin; thence continuing along lands now or formerly of Future Foundation, Inc., North twenty-five (25) degrees thirteen (13) minutes forty-five (45) seconds East, one hundred fifty

(150) feet to a steel pin at Lot No. 5 on the hereinafter mentioned subdivision plan; thence along Lot No. 5 and passing through a steel pin set back twenty-five (25) feet from the terminus of the course South sixty-four (64) degrees forty-six (46) minutes fifteen (15) seconds East, two hundred ninety-one and sixty-seven hundredths (291.67) feet to a point in the center of South Ridge Road (T-568); thence in, along and through the center of South Ridge Road (T-568) South twenty-five (25) degrees thirteen (13) minutes forty-five (45) seconds West, one hundred fifty (150) feet to a point at other lands now or formerly of Future Foundation, Inc., the point and place of BEGINNING, CONTAINING 1.004 acres. Said tract of land is identified as Lot No. 6 on the final plan of minor subdivision for Future Foundation (sic), Inc., dated November 1983, and recorded in the Adams County Recorder of Deeds Office in Plan Book 39 at page 61-A. The plan was prepared by Rodney Lee Decker & Associates, Land Surveyors.

HAVING thereon erected a dwelling house known as: 822 South Ridge Road, York Springs, PA 17372

BEING THE SAME PREMISES WHICH Hipolito Cruz and Altigracia Cruz, by Deed dated 6/30/98 and recorded 7/9/98 in Adams County Deed Book 1617, Page 219, granted and conveyed unto John D. Hofe, Edgar L. Hofe, Jr. and Arlene M. Hofe.

SEIZED IN EXECUTION as the property of Arlene Hofe, John D. Hofe and Edgar L. Hofe, Jr. under Adams County Judgment No. 03-S-871

MAP & PARCEL (22) 14-128A

SEIZED and taken into execution as the property of **Arlene Hofe, John D. Hofe & Edgar L. Hofe, 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 April 5, 2004, 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.

1/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1074 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those certain four (4) tracts of land, together with the improvements thereon erected, situate, lying and being in Hamilton Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

TRACT NO. 1: BEGINNING for a point at an iron pin at lands now or formerly of Cora B. Eckert and Emerson Eckert, her husband, which point is approximately ten (10) feet North of a public road leading from Abbottstown to Brown's Dam; thence along lands now or formerly of Cora B. Eckert and Emerson Eckert, her husband, North sixty-two and one-half (62-1/2) degrees West, one hundred twenty-two (122) feet to Conewago Creek at low water mark; thence in, through and along Conewago Creek, North thirty-four (34) degrees East, fifty-one and five-tenths (51.5) feet to a point at lands now or formerly of Cora B. Eckert and Emerson Eckert, her husband; thence along said lands now or formerly of Eckerts, South fifty-six and one-half (56-1/2) degrees East, one hundred seventeen (117) feet three (3) inches to an iron pin at lands now or formerly of Cora B. Eckert and Emerson Eckert, her husband; thence along said lands now or formerly of Eckerts, South twenty-five (25) degrees fifty (50) minutes West, forty (40) feet to an iron pin for a point, the place of BEGINNING.

TOGETHER with a right-of-way in the Grantee hereto, his heirs, executors, administrators and assigns, to use for a driveway or means of egress, ingress and regress in, upon, over and through a strip of land, said strip of land to be twelve (12) feet wide and to extend from the public road leading from Abbottstown to Brown's Dam to the cottage of the Grantee hereon erected.

TRACT NO. 2: BEGINNING for a point at an iron pin at lands now or formerly of Percy R. Coulson and Mary A. Coulson, which point is approximately ten (10) feet North of a public road leading from Abbottstown to Brown's Dam, thence South fifty-one (51) degrees twenty (20) minutes West, thirty (30) feet to an iron pin at lands now or formerly of Cora B. Eckert, thence along said last mentioned lands, North fifty-nine (59) degrees fifty (50) minutes West, one hundred eleven and four-tenths (111.4) feet to Conewago Creek at low water mark; thence in,

through and along said Conewago Creek, North thirty-one (31) degrees fifteen (15) minutes East, eighteen (18) feet to lands now or formerly of Percy R. Coulson and Mary A. Coulson, aforesaid; thence along the last mentioned land, South sixty-two and one-half (62-1/2) degrees East, one hundred twenty-two (122) feet to a point, the place of BEGINNING.

TRACT NO. 3: BEGINNING at a stake at low water mark on Big Conewago Creek at lands now or formerly of Francis E. Devine; thence along Big Conewago Creek, North thirty-four (34) degrees East, forty-nine and fifty-six hundredths (49.56) feet to a stake at lands now or formerly of David B. Eckert; thence by the same, South fifty-six (56) degrees thirty (30) minutes East, through two iron pins, one hundred ten and fifteen hundredths (110.15) feet to an iron pin; thence by land now or formerly of David B. Eckert, South twenty-five (25) degrees fifty (50) minutes West, fifty (50.00) feet to an iron pin at lands now or formerly of Francis E. Devine, aforesaid; thence by the same, North fifty-six (56) degrees thirty (30) minutes West, one hundred seventeen and twenty-five hundredths (117.25) feet to a stake, the place of BEGINNING. (CONTAINING 5634 square feet more or less.)

TRACT NO. 4: BEGINNING at the Westernmost (Southwestern) corner of the lot hereby conveyed at a point on the water's edge of Conewago Creek, said point being at other lands now or formerly of Margaret Snyder Bowling; thence by said Conewago Creek, North thirty-six (36) degrees two (2) minutes fifty-one (51) seconds East, one hundred ten and eight hundredths (110.08) feet to the Northernmost (Northwest) corner of the lot hereby conveyed; thence by lands now or formerly of David B. Eckert, South forty-eight (48) degrees thirty (30) minutes East, and through a steel pin set sixty (60) feet from the beginning of this course, one hundred thirty-five (135) feet to a steel pin at the Easternmost (Northeastern) corner thereof, thence continuing along lands now or formerly of David B. Eckert, South forty-one (41) degrees thirty (30) minutes West, one hundred (100) feet to a steel pin at the Southernmost (Southeastern) corner hereof, said steel pin being also located at the Northeastern corner of the access right-of-way hereinafter referred to; thence running along the Northeastern end of said access right-of-way, being lands now or formerly of David B. Eckert, North forty-eight (48) degrees thirty (30) minutes West, twenty-five (25) feet to a point at the Northwestern corner of said access right-of-way, said point being also the Northeastern corner of other lands now or formerly of Margaret Snyder Bowling, aforesaid; thence by other

lands now or formerly of the said Margaret Snyder Bowling, North fifty-four (54) degrees, West one hundred (100) feet to the hereinabove described place of BEGINNING. (CONTAINING 0.3100 acres neat measure.) The foregoing description was taken from a draft of survey made by J. H. Rife, Registered Engineer, dated July 22, 1968, being the Surveyor's File No. A-1448.)

TOGETHER with an approximately twenty-five (25) foot wide right-of-way unto the Grantee herein, his/her/their heirs and assigns, for purposes of perpetual ingress, egress and regress from Pennsylvania Legislative Route 101037, and running thence North Northeasterly along the East Southeastern end of other lands now or formerly of Margaret Snyder Bowling and M. Virginia H. Bowling Childs, for a distance of at least one hundred (100) feet to the Southwestern side of the lot hereinabove described.

SUBJECT, NEVERTHELESS, to the right-of-way of the Pennsylvania Legislative Route which traverses portions of Tracts No. 1 and 2 hereinabove described.

HAVING THEREON ERECTED a dwelling house known as: 796 Peepzy Towne Road, East Berlin, Pennsylvania 17316

BEING THE SAME PREMISES WHICH Gregory A. McMaster, by Deed dated 9/27/00 and recorded 9/28/00 in Adams County Deed Book 2134, Page 168, granted and conveyed unto Craig B. Rutters and Cynthia L. Rutters.

SEIZED IN EXECUTION AS THE PROPERTY OF CRAIG RUTTERS and CYNTHIA RUTTERS UNDER ADAMS COUNTY JUDGMENT NO. 02-S-1074

Map & Parcel (17) K8-110

SEIZED and taken into execution as the property of **Craig Rutters & Cynthia Rutters** 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 April 5, 2004, 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.

1/23, 30 & 2/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-788 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Western edge of a fifty (50.00) foot right-of-way known as Bonnie Field Circle at corner of Lot No. 73 on the draft of survey hereinafter referred to; thence along Lot No. 73 South sixty (60) degrees forty-one (41) minutes forty-one (41) seconds West, one hundred sixteen and thirty-six hundredths (116.36) feet to a point at Lot No. 67; thence along a portion of Lot Nos. 67 and 66 North thirty-five (35) degrees forty-one (41) minutes twenty-one (21) seconds West, seventy-four and forty-eight hundredths (74.48) feet to a point at corner of Lot No. 75; thence along Lot No. 75 North sixty (60) degrees forty-one (41) minutes forty-one (41) seconds East, one hundred thirty-six and forty-one hundredths (136.41) feet to a point on the Western edge of a fifty (50.00) foot right-of-way known as Bonnie Field Circle; thence along the Western edge of such fifty (50.00) foot right-of-way by a curve to the left, the radius of which is two hundred forty and nineteen hundredths (240.19) feet an arc distance of seventy-five and twenty-three hundredths (75.23) feet and having a long chord bearing and distance of South twenty (20) degrees nineteen (19) minutes fifty-seven (57) seconds East, seventy-four and ninety-two hundredths (74.92) feet to a point; the place of BEGINNING, CONTAINING 9,205.8 square feet.

The above description was taken from a draft of survey dated February 26, 1976, prepared by Edward H. Richardson Associates, Inc., labeled "Final Plat Bonnie Field", revised April 14, 1976, and designated thereon as Lot No. 74 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9 at Page 24.

UNDER AND SUBJECT, NEVERTHELESS, to restrictive covenants as contained in Misc. Book 27 at Page 302.

BEING KNOWN and numbered as 40 Bonnielfield Circle, Gettysburg, PA 17325

TAX PARCEL NUMBER: 10619-88.

BEING the same property William Walls, Jr. a/k/a William Frank Walls, Jr.

and Sherrie Lynn Walls, husband and wife, granted and conveyed to William Walls, Jr. a/k/a William Frank Walls, Jr., by Deed dated June 12, 2001 and recorded July 18, 2001, in the Recorder of Deeds Office, Adams County, Pennsylvania in Deed Book Volume 2346, Page 235.

Grenen & Birsic, P.C.
By: /s/Kristine M. Anthon, Esq.
Pa. I.D. #77991
Attorneys for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

DBV 2346

Page 235

Tax Parcel No. 10619-88

SEIZED and taken into execution as the property of William Walls, Jr. a/k/a William Frank Walls, 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 April 19, 2004, 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.

1/23, 30 & 2/6

NOTICE

NOTICE IS HEREBY GIVEN that Andrea M. Singley intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania on the 6th day of April, 2004, and that she intends to practice with the Law Firm of Beauchat & Beauchat, LLC, 63 W. High Street, Gettysburg, Pennsylvania 17325.

1/16, 23 & 30

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 Tuesday, February 3, 2004, at 9:00 a.m.

LUCKENBILL—Orphans' Court Action Number OC-150-03. The First and Final Account of Adams County National Bank, Executor of the Will of Anne W. Luckenbill, deceased, late of Mt. Joy Township, Adams County, Pennsylvania.

BUSHEY—Orphans' Court Action Number OC-151-03. The First and Final Account of Charles Bushey, Executor of the Last Will and Testament of Donald C. Bushey, deceased, late of Butler Township, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

1/23 & 30

NOTICE

NOTICE IS HEREBY GIVEN that Wendy Weikal-Beauchat intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania on the 6th day of April, 2004, and that she intends to continue practice with the Law Firm of Beauchat & Beauchat, LLC, 63 W. High Street, Gettysburg, Pennsylvania 17325.

1/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1113 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike found in the center line of Township Road T-355, Hilltown Road, at corner of land now or formerly of Donald Miller; thence by said land now or formerly of Donald Miller, and passing through a pipe found twenty-five (25) feet from the last mentioned point, South nineteen (19) degrees eleven (11) minutes eight (08) seconds West, three hundred seven and ninety-five one-hundredths (307.95) feet to a pipe found at a corner of Lot No. 1 on the hereinafter referred to draft of survey; thence by said Lot No. 1, North eighty-four (84) degrees forty-eight (48) minutes five (05) seconds West, forty-nine and seventy-three one-hundredths (49.73) feet to a wood corner post; thence by the same, South sixty-four (64) degrees thirty-seven (37) minutes twenty-five (25) seconds West, seventy-seven and forty-one one-hundredths (77.41) feet to a wood corner post; thence by same, South twenty-five (25) degrees thirteen (13) minutes forty-five (45) seconds West, forty-two and fifty one-hundredths (42.50) feet to a 5/8 inch rebar (set); thence continuing by said Lot No. 1, North sixty-four (64) degrees forty-six (46) minutes fifteen (15) seconds West, thirty-six and seventy-six one-hundredths (36.76) feet to a 5/8 inch rebar (set); thence by same, and entering an existing gravel driveway, and passing through a 5/8 inch rebar set back twenty-five (25) feet from the next mentioned point, North twenty-five (25) degrees thirteen (13) minutes forty-five (45) seconds East, three hundred ninety-seven (397) feet to a railroad spike set in the center line of Township Road T-355, Hilltown Road, aforesaid; thence in Township Road T-355, Hilltown Road, South sixty-six (66) degrees forty-nine (49) minutes twenty-six (26) seconds East, one hundred fifteen and twenty-six one-hundredths (115.26) feet to a railroad spike found in the center line of Township Road T-355, Hilltown Road, the point and place of BEGINNING, CONTAINING .977 acre.

BEING KNOWN as 1290 Hilltown Road, Lot 2, Biglerville (Franklin Twp.), PA 17307

Property ID No.: D-10-89

TITLE TO SAID PREMISES IS VESTED IN Brian Lewis Poole, single person, by Deed from M. Susan Mann, formerly M. Susan Poole, individual, dated 07/07/97, recorded 07/07/97, in Deed Book 1402, Page 101.

SEIZED and taken into execution as the property of **Brian Lewis Poole** 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 April 19, 2004, 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.

1/23, 30 & 2/6

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, on or about January 7, 2004 for the purposes of obtaining a Certificate of Incorporation of a proposed corporation organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended. The name of the corporation is DESIGN TRENDS, INC.

1/30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-12 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground with improvements thereon, situate, lying and being in the Borough of New Oxford, County of Adams and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner of Orange and High Streets, on the South West side of W.M.R.R. thence along said High Street North 71 degrees East, about 120 feet to center of said Railroad; thence along said railroad Westward to Orange Street; thence along said Orange Street, South 19 degrees East, 150 feet to the place of BEGINNING.

BEING KNOWN AS 130 West High Street, New Oxford, PA 17350

PROPERTY ID NO.: 4-95

TITLE TO SAID PREMISES IS VESTED IN Thomas Morgan, by Deed from Donald A. Bixler, dated 08/31/01, recorded 09/04/01, in Deed Book 2393, Page 304.

SEIZED and taken into execution as the property of **Thomas Morgan** 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 April 19, 2004, 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.

1/30, 2/6 & 13

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 MARY L. BROWN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Executrices: Ruth E. Weaver, 248 South Jefferson Street, Hanover, PA 17331; Edna E. King, 110 South Blettner Avenue, Hanover, PA 17331
 Attorney: Elinor Albright Rebert, Esq., 515 Carlisle St., Hanover, PA 17331

ESTATE OF RALPH L. HIKES, DEC'D

Late of Huntington Township, Adams County, Pennsylvania
 Adams County National Bank, Attn: Paul H. Ketterman, P.O. Box 4566, Gettysburg, PA 17325
 Attorney: Henry O. Heiser, III, Esq., 104 Baltimore St., Gettysburg, PA 17325

ESTATE OF WILDA B. SHEAFFER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania
 Executor: Terry J. Sheaffer, 1663 Wenskville Road, Biglerville, PA 17307
 Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF BLANCHE E. ARNOLD, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania
 Mr. Timothy Arnold, 9401 SE 174th Loop, Summerfield, FL 34491; Ms. Florence E. (Arnold) Wilson, 3011 F West Long Ct., Littleton, CO 80120
 Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF PHYLLIS J. FLENNER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania
 Vickie D. Dean, 980 Orrtanna Road, Orrtanna, PA 17353; Douglas A. Flenner, 4308 Fairfield Road, Fairfield, PA 17320
 Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF ROLAND E. ORNER, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania
 Co-Executors: Robert E. Orner, P.O. Box 366, Arendtsville, PA 17303; Samuel C. Orner, 805 North West Street, Carlisle, PA 17013
 Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF JOHN H. RAVENSCROFT, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Administrator: John James Mooney, III, Esq., 230 York Street, Hanover, PA 17331
 Attorney: Judith Koper Morris, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF EDWARD I. COLE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania
 Executor: Gregory H. Cole, 264 Gun Club Road, Biglerville, PA 17307
 Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EVELYN S. SMITH a/k/a EVELYN SARAH SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executor: Eugene Elmer Smith, Jr., 5 Short Lane, New Oxford, PA 17350
 Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF SHIRLEY A. SNYDER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Personal Representative: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331
 Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1172 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of March, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate in Reading Township, Adams County, Pennsylvania, designated Lot 2 on a Plan recorded in Plan Book 79, Page 32, known as and numbered 150 Rife Road, more particularly described as follows, to wit:

BEGINNING at a point at a nail set on the centerline of Rife Road (T-574) at a corner of lands now or formerly of K. David Bahn; thence along said lands S. 36° 8' 51" W. 260.78 feet to an iron pin at other lands of Grantors; thence along said lands N. 60° 35' 56" W. 172.37 feet to an iron pin; thence continuing along said lands N. 29° 24' 4" E. 259 feet to a point in the centerline of Rife Road (T-574); thence along the centerline of said Road S. 60° 35' 56" E. 202.96 feet to a nail set, the point and place of BEGINNING.

CONTAINING 1.000 acre.

TITLE TO SAID PREMISES IS VESTED IN Lynn A. Beaver, Single Woman by Deed from Marlin C. Bortner and Georgine M. Bortner, husband and wife dated 5/18/2001 and recorded 5/31/2001 in Record Book 2299, Page 208.

Premises being: 150 Rife Road, East Berlin, PA 17316

Tax Parcel No. L7-20A

SEIZED and taken into execution as the property of Lynn A. Beaver 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 April 19, 2004, 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.

1/30, 2/6 & 13

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW NO. 04-S-39 Action to Quiet Title

JOHN E. HIEBER, Plaintiff vs.

LAKE MEADE, INC., its successors and/or assigns, Defendant TO: Lake Meade, Inc., its successors and/or assigns

NOTICE

TAKE NOTICE that on the 14th day of January, 2004, Plaintiff, John E. Hieber, filed a Complaint endorsed with a Notice to Defend against you in the Court of Common Pleas of Adams County, Pennsylvania docketed to No. 04-S-39. The Complaint seeks to establish Plaintiff's title to a certain parcel or tract of land known as Lot 425, Lake Meade Subdivision, Reading Township, Adams County, Pennsylvania.

YOU ARE HEREBY notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a judgment will be entered against you for the relief requested in the Complaint.

The Court of Common Pleas of Adams County, Pennsylvania, has ordered service of the Complaint be made on the Defendant by publication once a week for three successive weeks in the Adams Legal Journal and a newspaper of general circulation in the County of Adams, Pennsylvania. Plaintiff will request the Court to enter a final judgment ordering that any possible legal interest that the Defendant might have in said property be extinguished.

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH

BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP

Name: Adams County Referral Officer Address: Adams County Courthouse 111 Baltimore Street Gettysburg, Pennsylvania 17325 Telephone: 334-6781

1/30, 2/6 & 13

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW NO. 2004-SU-27

IN RE: Change of Name of Jason Elliott Zinn

NOTICE OF HEARING ON THE PETITION FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on the 12th day of January, 2004, the Petition of Jason Elliott Zinn was filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a decree to change his last name from Zinn to Cottrill. The full name of the Petitioner shall be Jason Elliott Cottrill. The Court has fixed Tuesday, April 6th, 2004 at 8:30 a.m. in Courtroom No. 1, 2 or 3 of the Adams County Courthouse at 111-117 Baltimore Street, Gettysburg, PA as the date and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petition should not be granted.

/s/Richard R. Reilly, Esq. (717) 843-5355 56 S. Duke Street York, PA 17401-1402 Supreme Court ID# 61772

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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, on or about January 10, 2004 for the purposes of obtaining a Certificate of Incorporation of a proposed corporation organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended. The name of the corporation is BATTS TRANSPORT, INC.

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