

Adams County Legal Journal

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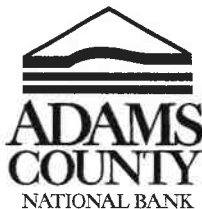
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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1136 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, 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 on the Northeast side of Legislative Route A-6810, in Village of Irishtown, Oxford Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point in the State Highway, Legislative Route A-6810, in the Village aforesaid at other land now or formerly of Richard A. Shrader and Doris M. Shrader, husband and wife; thence by said lands and through a steel pin set back 25 feet along the line North 19 degrees 41 minutes East, 180 feet to a steel pin at lands now or formerly of William Elmer Shrader and Marie Elizabeth Shrader, his wife; thence by said lands South 49 degrees East 60 feet to a steel pin; thence by said lands South 39 degrees 41 minutes West, 180 feet through a steel pin set back 25 feet from the end of course to a point in the State Highway aforesaid; thence in said State Highway, North 49 degrees West 60 feet to a point, the place of BEGINNING.

CONTAINING 0.2479 Acres, more or less.

Tax Map #J12, Parcel #89 A

TITLE TO SAID PREMISES IS VESTED IN Mark A. Stapleton and Sharon L. Stapleton, his wife by Deed from Dennis G. Strickhouser and Veda J. Strickhouser, his wife dated 7/23/1997 and recorded 7/29/1997 in Record Book 1414 Page 155.

SEIZED and taken into execution as the property of **Mark A. Stapleton & Sharon L. Stapleton** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the

Sheriff in his office on October 10, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-518 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, 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 Berwick Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a corner on the West side of a Township Road leading to the Lincoln Highway at lands now or formerly of Sterling Feesser and Ada Feesser; thence along the center of the said Township Road North one (1) degree seven (7) minutes East seventy-five (75) feet to a point in the center of said Township Road at lands now or formerly of Sadie E. Crist; thence along said last mentioned lands South eighty-seven (87) degrees forty-seven (47) minutes West one hundred sixty-five and eight tenths (165.8) feet to a point at land now or formerly of Sterling Feesser and Ada Feesser; thence along said last mentioned land South one (1) degree seven (7) minutes West seventy-five (75) feet to a point at said last mentioned land; thence along the same North eighty-seven (87) degrees forty-seven (47) minutes East one hundred sixty-five and eight-tenths (165.8) feet to a point in the center of said Township Road, the place of BEGINNING.

DESIGNATED as Lot No. 2 on a plan of lots by George M. Wildasin, Surveyor, dated March 30, 1962.

BEING THE SAME PREMISES which Richard C. Trone and Edith R. Trone, husband and wife, by Deed dated 5/29/86 and recorded 6/2/86 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 425 at Page 1041, granted and conveyed unto Robert L. Anthony, Deceased, and Judy A. Anthony, husband and wife.

Tax Parcel #: 4-L-10-30

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 10, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

WAGNER VS. UNION TWP. ZONING HEARING BOARD

1. An applicant seeking a special exception bears the burden of presenting evidence which will persuade the board that the application complies with all of the objective requirements contained in the ordinance.

2. The property owner cannot obtain a variance unless he can prove that (1) his land is virtually useless as it is presently zoned because of unique circumstances that affect the property, (2) he did not create his hardship, and (3) he seeks the minimum variance necessary so as to be able to use the property.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 2002-SU-0001232, DAVID L. WAGNER VS. UNION TOWNSHIP ZONING HEARING BOARD.

John J. Mooney, III, Esq., for Appellant

Timothy J. Shultis, Esq., for Appellee

Kuhn, P.J., December 28, 2004

OPINION ON ZONING APPEAL OF DAVID L. WAGNER

The Court is addressing an appeal, filed on November 25, 2002, from a decision of the Union Township Zoning Hearing Board (“Board”).¹ For the reasons set forth herein the appeal is denied.

Appellant, David L. Wagner, (“Appellant”) applied for a special exception pursuant to the Union Township Zoning Ordinance (“Ordinance”) for Home Occupation, Intensive in the Residential Low-Density (R-1) Zoning District. During the hearing, Appellant orally amended his application to include a request for a variance to operate his proposed home occupation of auto detailing out of the existing garage located on the premises. After the hearing, Appellee, the Board, rejected the application. Appellant appeals that decision, alleging the following:

- a. The Board failed to consider its imposition of condition on the proposed use of the property to meet concerns of neighbors which appear to have controlled the decision of the Board.

¹I take leave to explain the two year delay since the appeal was filed. After the appeal, the parties took no steps to place the matter on the Argument Court list, hearing list or for a pre-trial conference. The Court was unaware of the matter until August 30, 2004 when Appellant filed a Motion For Supersedas To Stay All Township Action Pending Plaintiff's Appeal and a praecipe to list the matter for Argument. A conference was scheduled for October 15, 2004, after which the Board was granted 30 days to file its brief.

- b. The Board failed to consider conditions suggested by appellant and others during the hearing by totally rejecting the Application.
- c. The conclusion that the proposed use will be injurious to the public interest is not supported by the record.
- d. The conclusion that the difference between conducting the home occupation entirely within the home versus entirely within the barn is more than a de minimus distinction is an abuse of discretion as the business cannot be conducted within the home dwelling.
- e. Appellant has met his burden of proof to obtain a special exception and variance.

In zoning appeals where, as here, the trial court takes no additional evidence, the scope of review is limited to determining whether the zoning hearing board committed an error of law or manifestly abused his discretion. *POA Co. v. Findlay Township Zoning Hearing Board*, 713 A.2d 70, 75 (Pa. 1998), citing *Valley View Avia Association v. Zoning Board of Adjustment*, 462 A.2d 637, 639-40 (Pa. 1983). An abuse of discretion occurs only if the board's findings are not supported by substantive evidence. *Id.* Evidence is substantial when a reasonable mind could accept it as adequate to support a conclusion. *Id.* The board is the sole judge of the credibility of the witnesses and the weight to be given their testimony. *Appeal of Lester M. Pange, Inc.*, 647 A.2d 279, 282 (Pa. Commw. 1994). The issue is not whether the Court would have made the same findings as the board but whether the evidence supported the board's finding. Absent an abuse of discretion, the Court may not substitute its judgment for that of the board. *Therit v. Zoning Hearing Board of Conewago Township*, 39 ACLJ 51, 52 (1996).

The Board entered the following Findings of Fact relevant to this appeal:

FINDINGS OF FACT

- a. Applicant is a lessee pursuant to an oral lease of an improved tract of land located at 1235 Pine Grove Road, Hanover, Union Township, Adams County,

Pennsylvania. The application was joined by the owner of the subject property, W. Dean Wright, Jr., as well as the Applicant's step-father, Daniel J. Wonder, Sr., who is also a lessee.

- b. The subject property is located in the Residential Low-Density (R-1) District under the Union Township Zoning Ordinance (Ordinance). The property is improved with a single family residence, a barn, a three car garage and a smaller storage-type shed. The Applicant proposes to use a portion of the three car garage located on the property for use in the Applicant's business of detailing automobiles. The Applicant proposes this use as a home occupation.
- c. Home Occupation, Non-Intensive is a permitted use within the R-1 District. A Home Occupation, Intensive is a use that is permitted by special exception within the R-1 District.
- d. The Applicant has lived in the subject premises for about one and a half years. The Applicant lives with his mother and step-father.

* * * * *

- f. The Applicant's auto detailing business involves washing and steam cleaning automobiles at an off site location, and cleaning, polishing, vacuuming, buffing and shampooing ("detailing") the automobile at the Applicant's residence.

* * * * *

- i. The actual work performed on the vehicle is either done inside the garage or outside the garage as weather and lighting permits. Typically, however, vacuuming is done outside and buffing is done inside the garage.

* * * * *

- n. All of the auto detailing business is operated in the garage or adjacent areas. The residence on the property is not used as part of the business.

- o. It is not physically possible to perform detailing work inside the house.

The Board's Conclusions of Law are limited to simply denying Appellant's request for a special exception and a variance to operate an auto detailing business as a home occupation, intensive. However, I note that in its Discussion of the request for a special exception, it concludes, "[W]ith the exception of the operation of the home occupation outside the dwelling unit, the Applicant has satisfied those conditions required for a special exception."

A. Application For Special Exception

As noted above, the subject property is located in a Residential Low-Density ("R-1") District. Home Occupations,² Intensive are permitted by special exception in these areas. Section 504C.2 of the Union Township Zoning Ordinance. Section 728 provides for supplemental standards for a Home Occupation, Intensive. The relevant provision is as follows:

- A. The home occupation shall be conducted entirely within the dwelling unit. Mechanical operations or storage of materials, products or equipment shall not be outdoors, but storage may take place in an accessory building.

²"Home Occupation" is defined as:

An accessory use which is incidental and clearly secondary to the residential use of the dwelling.

- A. Intensive. Those home occupations which are conducted primarily by one or more permanent residents of the dwelling and may involve a maximum of two persons who are not permanent residents of the dwelling. The home occupation may have clients, patrons, or patients at the site which generates additional volumes of vehicular or pedestrian traffic, or require additional parking space.
- B. Non-Intensive. Those home occupations which have no employees or volunteers at the site and which are conducted entirely within the dwelling by one or more residents of the site. No sales, customers, or additional pedestrian or vehicular traffic will be permitted to the site. The exterior appearance of the structure or the premises must be maintained as a residential dwelling and no goods, public display or signs are permitted on the premises. The area used for the home occupation shall not be greater than 20% of the habitable floor area of the principal dwelling unit. No machinery or equipment shall be permitted that produces noise, odors, vibrations, glare or electrical interference beyond the boundary of the property.

Section 202 of the Union Township Zoning Ordinance.

Under Section 1103.D.:

The Board may grant approval of a special exception, provided that the applicant complies with the following standards for special exceptions and that the proposed special exception shall not be detrimental to the health, safety and welfare of the neighborhood...

1. The applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the section which gives the applicant the right to seek the special exception...(emphasis added).

Appellant argues that because he proved to the Board that he conducted his auto detailing business inside his garage and the Board failed to prove that Appellant's business would have a detrimental effect on the public health, safety and welfare in the community, the Board committed an error of law in denying Appellant a special exception.³ I disagree.

An applicant seeking a special exception bears the burden of presenting evidence which will persuade the board that the application complies with all of the objective requirements contained in the ordinance. Once the applicant has met his or her burden of proving that the proposed use meets the specific and objective requirements for a special exception under the zoning ordinance, the burden of

³Appellant also argues that the difference between conducting his home occupation entirely within his home versus entirely within his garage is a *de minimus* distinction and as such warrants approval of a special exception. However, the Court will not entertain this argument. First, the record does not reflect that Appellant pursued a request for a special exception or variance under this doctrine or that he presented evidence at the hearing specifically to persuade the Board to make such a finding. Instead, Appellant raises this argument for the first time on appeal only after the Board addressed the issue in its opinion. Also, the Board did not make findings of fact or conclusions of law based upon its analysis of this doctrine. Rather, the Board addressed the *de minimus* distinction in the discussion of its opinion. Moreover, Appellant's reliance on this doctrine to support its argument that the Board erred in denying his request for a special exception is misplaced. The Board addressed this doctrine in its discussion of a variance, not a special exception. See generally *Swemley v. Zoning Hearing Board of Windsor Township*, 698 A.2d 160 (Pa. Commw. 1997) ("The *de minimus* doctrine is an extremely narrow exception to the heavy burden of proof which a party seeking a variance must normally bear." (emphasis added)).

proof then shifts to the objectors to the application to present evidence and detrimental effect on public health, safety and welfare or will conflict with the expressions of general policy contained in the ordinance.

Hogan, Lepore & Hogan v. Pequea Township Zoning Board, 638 A.2d 464, 469 (Pa.Comm. 1994). Therefore, Appellant must first prove that the use he proposes is one allowed by special exception and that he will comply with all requirements of the zoning ordinance relative to the use intended. See *In Re: Appeal of Zambrano Corporation from Zoning Board of Adjustment, City of Pittsburgh*, 410 A.2d 1293, 1295 (Pa.Comm. 1980).

The record clearly shows that Appellant failed to meet all of the requirements for a special exception for conducting a home occupation, intensive. The Ordinance explicitly provides that the home occupation must be conducted “entirely within the dwelling unit.” “Dwelling unit” is defined as, “A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.” Section 202. Appellant testified that his auto detailing business is operated in the garage or adjacent areas. N.T. pp. 23-24.⁴ He also testified that the actual house is not used for any portion of the business. N.T. p. 24. Furthermore, there is no testimony that the garage fits the definition of a “dwelling unit” under the Ordinance. Therefore, there is substantial evidence that Appellant did not meet his burden of proof that his business met all the requirements for a special exception under the Ordinance, specifically that the home occupation be conducted “entirely within the dwelling unit.” As such, the burden does not shift to the objectors/Board to prove that his business would have a detrimental effect on the public health, safety and welfare in the community. Accordingly, I find that the Board neither committed an error of law nor abused its discretion in denying Appellant’s request for a special exception.

B. Application For A Variance

Pursuant to Section 1103.E., “The Board shall hear requests for variances where it is alleged that the provisions of the ordinance

⁴All references to Notes of Testimony (“N.T.”) are taken from the transcript of the hearing on Appellant’s request for a special exception and/or variance conducted on September 24, 2002.

inflict unnecessary hardship upon the applicant.” The Board may grant a variance, provided...

2. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the applicant.

Section 1103.E (2)(3).

Appellant argues that the Board has created an unnecessary hardship for him by not permitting him to operate his auto detailing business on his property. He contends that this hardship effectively denies him reasonable use of his property. On the other hand, the Board argues that because there are no unique physical conditions relating to Appellant’s property and any hardship on Appellant is due to his decision to propose a home occupation that cannot be conducted entirely within the dwelling unit, Appellant is not entitled to a variance.

Appellant cannot obtain a variance unless he can prove that (1) his land is virtually useless as it is presently zoned because of unique circumstances that affect the property, (2) he did not create his hardship, and (3) he seeks the minimum variance necessary so as to be able to use the property. See *Miller v. Zoning Hearing Board of Ross Township*, 647 A.2d 966, 969 (Pa.Comm. 1994). “A traditional variance may only be granted upon a clear showing of unnecessary hardship which deprives a property owner of the reasonable use of his property.” *Swemley v. Zoning Hearing Board of Windsor Township*, 698 A.2d 160, 161, n. 1 (Pa.Comm. 1997) (citations omitted).

In the instant case, the intended purpose of the R-1 District is to provide for residential uses at a lower density in those areas supported by on lot water and waste water disposal systems. Section 504.A. Appellant testified that the property is, indeed, used as a residence for himself, his mother and step-father. N.T. p. 13. He has not presented any evidence that the property cannot be used in strict conformity with the Ordinance or that any unique circumstances affect his property making the property effectively useless as presently zoned.

Also, the hardship, to which Appellant refers, is the fact that he cannot conduct the auto detailing business in conformity with the standards set forth in the Home Occupation, Intensive provision of the Ordinance. This alleged hardship is created entirely by Appellant. But for Appellant's desire to conduct the auto detailing business in his garage, a hardship does not exist. To otherwise accept Appellant's logic would lead to an absurd result. Every instance in which a property owner desired to run a Home Occupation, Intensive that did not comply with all the requirements set forth in the Ordinance would be considered an unnecessary hardship and thus potentially warrant a variance. Such reasoning completely contradicts the creation and enforcement of the standards for a Home Occupation, Intensive set forth in the Ordinance. If Union Township intended to allow a home occupation to be conducted outside the dwelling unit, such as in a garage adjacent to and separate from the dwelling unit, it would have permitted such use in the Ordinance.

Finally, there is no evidence showing how Appellant's alleged hardship deprives him of the reasonable use of his property. Again, the record reflects that his property is being used for residential purposes, as provided for by and in compliance with the Ordinance. Therefore, I find that the Board did not err in denying Appellant's request for a variance.

Accordingly, the following order is entered.

ORDER OF COURT

AND NOW, this 28th day of December, 2004, in consideration of Appellant's Appeal from a decision of the Union Township Zoning Hearing Board, filed on November 25, 2002, said appeal is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-581 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, 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 tracts or places of land situate, lying and being in Straban Township, Adams County, Pennsylvania, and bounded and described as follows:

TRACT NO. 1

BEGINNING at a post for a corner; thence running by land now or formerly of David L. Plank, South forty-seven (47) degrees East, one hundred forty-four and four tenths (144.4) perches to a post; thence running by Tract No. 2 and by land now or formerly of Thomas L. Logan, South thirty-eight (38) degrees West, sixty-seven and three-tenths (67.3) perches to a stone; thence running by land now or formerly of Irvin Grace, South sixty-six (66) degrees West, twenty-five and six-tenths (25.6) perches to an iron pin; thence running by land now or formerly of Gilbert C. Crabill and land now or formerly of Ira S. Wolfe, North forty-two and one-half (42-1/2) degrees West, (described on former deeds as North thirty-five (35) degrees West) one hundred forty-one and four-tenths (141.4) perches to hickory; thence running by land now or formerly of Ira S. Wolfe, North thirty-seven (37) degrees East, fifty-three (53) perches to a swamp oak; thence running by land now or formerly of John N. Boyer, North fifty-seven and one-quarter (57-1/4) degrees East, twenty-nine (29) perches to a post, the place of BEGINNING.

CONTAINING 72 acres and 112 perches, and having thereon erected a two-story brick dwelling house, frame barn and other improvements.

TRACT NO. 2

BEGINNING at an iron pin at corner of lands formerly of Philetus W. Edwards and Hagar Louella Edwards, now Tract No. 1 above, and lands now or formerly of Robert L. Evans and Pauline Evans; thence along lands formerly of the said Philetus W. Edwards and Hagar Louella Edwards, now Tract No. 1, South forty-five and one-quarter (45-1/4) degrees West, a distance of twenty-four and two-tenths (24.2) perches to a post at edge of private road; thence along said private road and land now or formerly of Joseph Keller, South thirty-eight and one-quarter (38-1/4) degrees East, a distance of thirty-one (31) perches to a point in the

center of Highway Route No. 15, thence along the center of said highway, North thirty-two and three-quarter (32-3/4) degrees East, a distance of twenty-five and three-tenths (25.3) perches, thence by lands now or formerly of Robert L. Evans and Pauline Evans, North thirty-eight and one-quarter (38-1/4) degrees West, a distance of twenty-five and six-tenths (25.6) perches to a point, the place of BEGINNING.

CONTAINING 4 acres and 44.8 perches neat measure.

UNDER AND SUBJECT TO rights granted to the United Telephone Company of Pennsylvania as set forth in Miscellaneous Record Book 16, Page 1148 and Miscellaneous Record Book 32, Page 710.

AND ALSO SUBJECT TO, rights granted to Metropolitan Edison Company as set forth in Miscellaneous Record Book M, Page 130; Miscellaneous Record Book R, Page 119; and Miscellaneous Record Book 33, Page 590.

BEING THE SAME PREMISES which T-Wing Farms, Inc., a Pennsylvania Corporation, by deed dated February 20, 1997 and recorded March 31, 1997 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1347, Page 231, granted and conveyed unto Mark R. Stambaugh, t/a T-Wing Farms, Proprietorship, a proprietorship, its successors and assigns, Grantor herein.

SEIZED IN EXECUTION as the property of Mark R. Stambaugh d/b/a T-Wing Farms, Proprietorship, on Judgment No. 2005-SU-0000581.

SEIZED and taken into execution as the property of **Mark R. Stambaugh d/b/a T-Wing Farms** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 10, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-479 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, 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 the Borough of Abbottstown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin for a corner at the side of the pavement; thence along the lot of S. J. Diehl South 13 degrees East, 181 feet to an iron pin at an alley; thence along said alley South 76 degrees West, 66 feet to an iron pin and corner of land of Charles Swope; thence along the same North 13 degrees West, 181 feet to an iron pin at the side of the pavement along the Lincoln Highway; thence along the same North 76 Degrees East, 66 feet to the place of BEGINNING.

CONTAINING 11,946 square feet of land.

Being the same premises which Raymond L. Keeney and Clara V. Keeney, husband and wife, by Deed dated 3/13/89 and recorded 3/14/89 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 516 at Page 1016, granted and conveyed unto Howard L. Gray and Laurie E. Gray, husband and wife.

Tax Parcel #: 1-3-64

SEIZED and taken into execution as the property of **Laurie E. Gray & Howard L. Gray** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 10, 2005, 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.

7/29, 8/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-490 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece or parcel of land situate in the Borough of York Springs, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the East side of the highway leading from Hanover to Carlisle, said point being the Northwest corner of other lands now or formerly of Orpheus Diller and Southwest corner of the tract herein conveyed; thence along the East side of said highway North 30 degrees West, 60 feet to a point on the East side of said highway, said point being the Northwest corner of the tract herein conveyed; thence along land now or formerly of Thomas Beitman, through an iron post North 58 degrees 46 minutes East, 155 feet to a point, the corner of a brick wall, said point being the Northeast corner of the tract herein conveyed; thence along lands now or formerly of LM Gardner South 30 degrees East, 60 feet to a stake, a corner of other lands now or formerly of Orpheus Diller, said point being the Southeast corner of the tract herein conveyed; thence along said Diller lands South 58 degrees 46 minutes West, 155 feet to a point on the East side of the highway leading from Hanover to Carlisle, the place of BEGINNING.

HAVING THEREON erected a dwelling house known as: 310 Main Street, York Springs, PA 17372

BEING THE SAME PREMISES WHICH Douglas M. Hayes and Kelly J. Hayes by deed dated 4/7/03 and recorded 4/11/03 in Deed Book 3056 Page 145, granted and conveyed unto Douglas M. Hayes.

SEIZED IN EXECUTION AS THE PROPERTY OF DOUGLAS M. HAYES UNDER ADAMS COUNTY JUDGMENT NO. 02-S-490

Map & Parcel 42-2-47

SEIZED and taken into execution as the property of **Douglas M. Hayes** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 10, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after

the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

NOTICE

Pursuant to the July 8, 2005 Order of the Court of Common Pleas of Adams County, Pennsylvania, Notice is hereby given that Raymond Newman, Sheriff of Adams County, has filed a Petition in the Court of Common Pleas of Adams County to dispose of the following weapons and ammunition (case no. 05-S-708).

1. Ruger 357 magnum handgun - Serial # 16127133
2. Raven Arms Pistol 25-caliber handgun - Serial # 1154756
3. Smith & Wesson 38 caliber handgun - Serial # CEA2748
4. Smith & Wesson 38 caliber handgun - Serial # CET3686
5. Smith & Wesson 38 caliber handgun - Serial # CEF4504
6. Smith & Wesson 32 caliber handgun - Serial # CDF9158
7. Remington 30.06 rifle - Serial # 707111
8. Remington 20 GA. rifle - Serial # 1397088
9. Stevens 22 caliber rifle - Serial # unknown
10. 12 Ga. rifle - Serial # unknown
11. Remington 20 GA. rifle - Serial # 258916X
12. Winchester 9mm rifle - Serial # unknown
13. Browning 270 caliber rifle - Serial # 1EZNR21103
14. Browning 12 GA./Dbarrel - Serial # 35319NYP13
15. Beretta 28 GA.rifle - Serial # L53648B
16. Beretta 20 GA. rifle - Serial # N524418
17. Savage 20 GA. 357 Mag rifle - Serial # D320115
18. H&R Hornet 22 rifle - Serial # BB426725
19. Mossberg 20 GA. rifle - Serial # unknown
20. One large box of ammunition
21. Daisy BB gun - Serial # 92105687
22. Bowie knife
23. Machete

Any person claiming an ownership interest in any of the above weapons or ammunition should contact the Sheriff of Adams County at (717) 337-9828, go to the Sheriff's office located on the lower level of the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Pennsylvania, contact the attorney for the Sheriff as listed below, or appear at the hearing of this motion on **August 23, 2005 at 9:00 a.m.** at the Adams County Courthouse. Any such claimant should bring with him or her any proof of ownership he or she may have.

Wendy Weikal-Beauchat, Esq.
63 West High Street
Gettysburg, PA 17325
(717) 334-4515

Solicitor to the Adams County Sheriff
7/29 & 8/5

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that on July 1, 2005, Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, incorporating MERKSON ELECTRIC, INC., under the provisions of the Business Corporation Law.

The purpose for which said corporation is formed: The corporation shall have unlimited power to engage in and do any lawful act concerning any and all lawful business for which corporations may be incorporated under the Business Corporation Law of 1988.

The location and post office address of the initial registered office of said corporation is 520 Hoffman Home Road, Gettysburg, PA 17325.

Alan M. Cashman, Esq.
141 Broadway, Suite 230
Hanover, PA 17331
(717) 632-9580

8/5

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about July 1, 2005, for the incorporation of EDDIE'S EATERY, INC. under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of restaurant management, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 1094 Baltimore Pike, Gettysburg, PA 17325.

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

8/5

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

(No Estates Notices Submitted)

SECOND PUBLICATION

- ESTATE OF JOY ANN COX, DEC'D**
Late of Straban Township, Adams County, Pennsylvania
Executrix: Deborah Meyer Covey, 9693 Copeland Drive, Manassas, VA 20109
Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325
- ESTATE OF JANICE M. DEARDORFF, DEC'D**
Late of Tyrone Township, Adams County, Pennsylvania
Executors: Richard L. Naugle, 4970 Old Harrisburg Road, Gettysburg, PA 17325; Robert S. Naugle, P.O. Box 114, Biglerville, PA 17307
Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325
- ESTATE OF MERL E. SEBRIGHT a/k/a MERL EUGENE SEBRIGHT, DEC'D**
Late of Cumberland Township, Adams County, Pennsylvania
Executor: Kermis Sebright, Box 233, York Springs, PA 17372
Attorney: Larry W. Wolf, Esq., 215 Broadway, Hanover, PA 17331
- ESTATE OF GLADYS M. SHADLE, DEC'D**
Late of the Borough of Littlestown, Adams County, Pennsylvania
Executor: Leroy D. Kline, Jr., 1709 Olmsted Way West, Camp Hill, PA 17011
Attorney: Thomas R. Campbell, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325
- ESTATE OF ROSE E. SHERMAN, DEC'D**
Late of Oxford Township, Adams County, Pennsylvania
Administrator: Manufacturers and Traders Trust Company, 13 Baltimore Street, Hanover, PA 17331
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331
- ESTATE OF LILLIAN M. THURSTON a/k/a LILLIAN MAY THURSTON, DEC'D**
Late of Oxford Township, Adams County, Pennsylvania
Executor: Ronny L. Thurston, 4416 Carlisle Pike, New Oxford, PA 17350
Attorney: Andrea M. Singley, Esq., 63 W. High St., Gettysburg, PA 17325
- THIRD PUBLICATION**
- ESTATE OF DORIS L. BOYD, DEC'D**
Late of Mount Joy Township, Adams County, Pennsylvania
Cathy D. Boyd, 1710 Hanover Pike, Littlestown, PA 17340
Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325
- ESTATE OF JEAN A. BROSS, DEC'D**
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Mr. Thomas M. Bross, Jr., 315 Round Hill Road, East Berlin, PA 17316; Sterling Financial Trust Company, successor to Bank of Hanover and Trust Company, Attn: Paul J. Stevenson, Trust Department, 25 Carlisle Street, Hanover, PA 17331
Attorney: Stanley A. Smith, Esq., Rhoads & Sinon LLP, Attorneys at Law, One S. Market Square, P.O. Box 1146, Harrisburg, PA 17108-1146
- ESTATE OF MARY L. CLARK, DEC'D**
Late of Conewago Township, Adams County, Pennsylvania
Administrators: David N. Clark, 279 Glenville Road, Hanover, PA 17331; Frederick E. Clark, 1956 Beck Mill Road, Hanover, PA 17331
Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325
- ESTATE OF MADELYN M. GOHN, DEC'D**
Late of Hamilton Township, Adams County, Pennsylvania
Co-Executors: Wayne Thayer and John Mummert, c/o 135 North George Street, York, PA 17401
Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401
- ESTATE OF WILLIAM D. GOHN, DEC'D**
Late of Hamilton Township, Adams County, Pennsylvania
Co-Executors: Wayne Thayer and John Mummert, c/o 135 North George Street, York, PA 17401
Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401
- ESTATE OF EVELYN M. MAYERS, DEC'D**
Late of Germany Township, Adams County, Pennsylvania
Executor: Allen R. Mayers, 8 Daugherty Drive, Hanover, PA 17331
Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle St., Gettysburg, PA 17325
- ESTATE OF JAMES R. OYLER, DEC'D**
Late of Butler Township, Adams County, Pennsylvania
Gail D. Oyler and John S. Oyler, c/o Richard W. Stevenson, Esq., McNeese Wallace & Nurick LLC, 100 Pine St., P.O. Box 1166, Harrisburg, PA 17108
Attorney: Richard W. Stevenson, Esq., McNeese Wallace & Nurick LLC, 100 Pine St., P.O. Box 1166, Harrisburg, PA 17108
- ESTATE OF MARGARET K. SENFT a/k/a MARGARET K. KNOTT, DEC'D**
Late of Oxford Township, Adams County, Pennsylvania
Executor: Cecil D. Knott, 303 Queen Anne Circle, Westminster, MD 21157
Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331
- ESTATE OF HANNALORE SHANK, DEC'D**
Late of Huntington Township, Adams County, Pennsylvania
Co-Executors: Betty L. Finrock, 195 Goodyear Rd., Gardners, PA 17324; Daniel L. Shank, 197 Goodyear Rd., Gardners, PA 17324
Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372
- ESTATE OF FRANKLIN E. WALTER, DEC'D**
Late of Franklin Township, Adams County, Pennsylvania
Executrix: Carol Ann McDannell, 759 Buchanan Valley Road, Oртanna, PA 17353
Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 05-S-778
Action to Quiet Title

GERALD M. LIPPY and P. ELIZABETH
LIPPY, husband and wife, Plaintiffs

vs.

JOHN DOE, M. HOWARD, and their
respective EXECUTORS, HEIRS and/or
ASSIGNS, Defendants

TO: John Doe, M. Howard, and their
respective executors, heirs and/or
assigns

NOTICE

You are notified that the Plaintiffs have commenced an action to quiet title against you by Complaint filed on July 21, 2005, which action you are required to defend.

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

This action concerns two tracts of land in Menallen Township, Adams County, Pennsylvania bounded and described as follows:

TRACT NO. 1:

BEGINNING at a steel rod in existing stone pile at corner of land now or formerly of Donald W. Bean, said steel rod being North 02 degrees 17 minutes 40 seconds East, 609.77 feet from a point in the Northern edge of Gablers Road (S.R. 4003); thence by said land now or formerly of Donald W. Bean, North 48 degrees 00 minutes 50 seconds West, 303.60 feet to a steel rod at corner of land now or formerly of Jack D. Showers; thence by said land now or formerly of Jack D. Showers, North 52 degrees 12 minutes 00 seconds East, 369.60 feet to an existing pipe in stones; thence by same, North 01 degree 51 minutes 20 seconds West, 136.30 feet to a point at corner of Lot No. 2 of the hereinafter described boundary survey; thence by said Lot No. 2, North 67 degrees 58 minutes 20 seconds East, 387.75 feet to a point at corner of Lot No. 4 on the hereinafter described boundary survey; thence by said Lot No. 4, South 30 degrees 38 minutes 45 seconds West, 826.74 feet to a steel rod in existing stone pile, the point of BEGINNING. CONTAINING 3.373 acres.

The above description is taken from a boundary survey for Gerald M. and Elizabeth Lippy dated May 20, 2005 by Adams County Surveyors.

TRACT NO. 2:

BEGINNING at a point on line of land now or formerly of Donald W. Bean and at corner of Lot No. 5 of the hereinafter described boundary survey; thence by said land now or formerly of Donald W. Bean, North 02 degrees 17 minutes 40 seconds East, 134.77 feet to a steel rod in existing stone pile at corner of Lot No. 3 on the hereinafter described boundary survey; thence by said Lot No. 3, North 30 degrees 38 minutes 45 seconds East, 826.74 feet to a point at corner of Lot No. 2 on the hereinafter described boundary survey; thence by said Lot No. 2, South 60 degrees 17 minutes 40 seconds East, 21.45 feet to a point at corner of Lot No. 1 on the hereinafter described boundary survey; thence by said Lot No. 1, South 05 degrees 25 minutes 25 seconds West, 822.60 feet to a point at corner of Lot No. 5 on the hereinafter described boundary survey; thence by said Lot No. 5, South 87 degrees 26 minutes 50 seconds West, 368.04 feet to a point, the place of BEGINNING. CONTAINING 4.282 acres.

The above description is taken from a boundary survey for Gerald M. and Elizabeth Lippy dated May 20, 2005 by Adams County Surveyors.

If you wish to defend, you must take action by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claim 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 without further notice for the relief requested by Plaintiffs. You may lose money or property or other rights important to you.

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

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

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
(717) 337-9846 or
1-888-337-9846

8/5

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, September 6, 2005, at 9:00 am, Courtroom #3.

WILLS—Orphans' Court Action Number OC-25 Feb. 1973. Second Supplement to First and Final Account of PNC Bank, National Association, surviving Trustee of the trust under Will of Clarence A. Wills for the lifetime benefit of Robert A. Wills and Revised Schedule of Distribution.

WILLS—Orphans' Court Action Number OC-25 Feb. 1973. First and Final Account of PNC Bank National Association, Trustee of the Segregated Share of trust under Will of Clarence A. Wills for the Benefit of Patrick Wills and Schedule of Distribution.

WILLS—Orphans' Court Action Number OC-25 Feb. 1973. First and Final Account of PNC Bank National Association, Trustee of the Segregated Share of trust under Will of Clarence A. Wills for the Benefit of Patricia Wills and Schedule of Distribution.

WILLS—Orphans' Court Action Number OC-156-95. Supplement to First and Final Account of PNC Bank National Association, Guardian of the Estate of Robert A. Wills, an Incapacitated Person (now deceased) and Revised Schedule of Proposed Distribution.

Lisa K. Grubbs
Clerk of Courts

8/5 & 12

Adams County Legal Journal

Vol. 47

August 12, 2005

No. 12, pp. 70-77

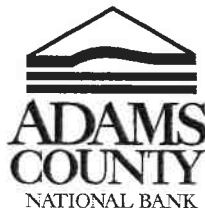
NEW ADVERTISING RATES EFFECTIVE 9/1/05

Decedent's Estate Notice	\$42.00
Corporation Notice	42.00
Fictitious Name	42.00
Change of Name	42.00
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PLEASE KEEP FOR FUTURE REFERENCE

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-1136 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, 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 on the Northeast side of Legislative Route A-6810, in Village of Iristown, Oxford Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point in the State Highway, Legislative Route A-6810, in the Village aforesaid at other land now or formerly of Richard A. Shrader and Doris M. Shrader, husband and wife, thence by said lands and through a steel pin set back 25 feet along the line North 19 degrees 41 minutes East, 180 feet to a steel pin at lands now or formerly of William Elmer Shrader and Marie Elizabeth Shrader, his wife, thence by said lands South 49 degrees East 80 feet to a steel pin; thence by said lands South 39 degrees 41 minutes West, 180 feet through a steel pin set back 25 feet from the end of course to a point in the State Highway aforesaid; thence in said State Highway, North 49 degrees West 60 feet to a point, the place of BEGINNING.

CONTAINING 0.2479 Acres, more or less.

Tax Map #J12, Parcel #89 A

TITLE TO SAID PREMISES IS VESTED IN Mark A. Stapleton and Sharon L. Stapleton, his wife by Deed from Dennis G. Strickhouser and Veda J. Strickhouser, his wife dated 7/23/1997 and recorded 7/29/1997 in Record Book 1414 Page 155.

SEIZED and taken into execution as the property of **Mark A. Stapleton & Sharon L. Stapleton** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the

Sheriff in his office on October 10, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-518 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, 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 Berwick Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a corner on the West side of a Township Road leading to the Lincoln Highway at lands now or formerly of Sterling Feesser and Ada Feesser; thence along the center of the said Township Road North one (1) degree seven (7) minutes East seventy-five (75) feet to a point in the center of said Township Road at lands now or formerly of Sadie E. Crist; thence along said last mentioned lands South eighty-seven (87) degrees forty-seven (47) minutes West one hundred sixty-five and eight tenths (165.8) feet to a point at land now or formerly of Sterling Feesser and Ada Feesser; thence along said last mentioned land South one (1) degree seven (7) minutes West seventy-five (75) feet to a point at said last mentioned land; thence along the same North eighty-seven (87) degrees forty-seven (47) minutes East one hundred sixty-five and eight-tenths (165.8) feet to a point in the center of said Township Road, the place of BEGINNING.

DESIGNATED as Lot No. 2 on a plan of lots by George M. Wildasin, Surveyor, dated March 30, 1962.

BEING THE SAME PREMISES which Richard C. Trone and Edith R. Trone, husband and wife, by Deed dated 5/29/86 and recorded 6/2/86 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 425 at Page 1041, granted and conveyed unto Robert L. Anthony, Deceased, and Judy A. Anthony, husband and wife.

Tax Parcel #: 4-L-10-30

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 10, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on July 12, 2005. The name of the corporation is CROUSE CONSTRUCTION OF LITTLESTOWN, INC. The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

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

8/12

STATE AUTO VS. ASHE ET AL

1. In reviewing preliminary objections in the nature of a demurrer, all material facts set forth in the complaint as well as all inferences reasonably deducible therefrom are accepted as true.

2. To establish a cause of action for negligence, Plaintiff must aver the following elements: (1) a duty or obligation recognized by the law, requiring Defendants to conform to a certain standard of conduct for the protection of others against unreasonable risks; (2) a failure on Defendants' part to conform to the standard required, thereby breaching their respective duty; (3) a reasonably close casual connection between the conduct and the resulting injury; (4) actual loss or damage resulting to the interest of another.

3. The question of whether a defendant owes a duty of care to a plaintiff is one of law. A duty only arises when one engages in conduct which foreseeably creates an unreasonable risk of harm to others. In the context of duty, "the concept of foreseeability means the likelihood of the occurrence of a general type of risk rather than the likelihood of the occurrence of the precise chain of events leading to the injury."

4. A child has a duty to act with reasonable care as that of children of like age, experience, capacity and development would ordinarily exercise under similar circumstance.

5. A parent/child relationship by itself is insufficient to render the parents liable for the tortious acts of the child; however, liability may attach where the negligence of the parents makes the injury possible.

6. A parent is under a duty to exercise reasonable care so to control his minor child as to prevent it from intentionally harming others or from so conducting itself as to create an unreasonable risk of bodily harm to them, if the parent (a) knows or has reason to know that he has the ability to control the child, and (b) knows or should know of the necessity and opportunity for exercising such control.

7. Parental liability is limited to a failure to exercise control that the parent has over the child and in circumstances where the parent knows, or in the exercise of due care should know, that injury to another is a natural and probable consequence.

8. There is no requirement of exhibition of "vicious propensity" by a child as a condition of parental liability for the conduct of the child.

9. In Pennsylvania, the courts have long recognized the right of a subrogee to sue in either his own name or the name of the subrogor to recover monies paid.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 04-S-1050, STATE AUTO INSURANCE COMPANIES
AS SUBROGEE OF LEWIS AND AUDREY TAMBLYN VS.
NICHOLAS ASHE, DONNA ASHE, MATTHEW LOTT, ALVIN
ASHE AND MARK NUSBAUM.

Daniel Deardorff, Esq., for Plaintiff

Joseph C. Korsak, Esq., for Defendants

Kuhn, P.J., February 9, 2005

OPINION PURSUANT TO PRELIMINARY OBJECTIONS
TO PLAINTIFF'S AMENDED COMPLAINT
SUBMITTED ON BEHALF OF NICHOLAS ASHE,
DONNA ASHE, AND MARK NUSBAUM

Before this Court are the Preliminary Objections to Plaintiff's Amended Complaint of Defendants Nicholas Ashe, Donna Ashe and Mark Nusbaum (collectively "Defendants"), filed December 27, 2004. For the reasons set forth herein, said objections are overruled.

On December 3, 2004, Plaintiff, as subrogee to Lewis and Audrey Tamblyn, filed its Amended Complaint. Therein, Plaintiff alleges the following: Plaintiff had an insurance policy with the Tamblyns, who were owners of rental property at 222 York Street, Gettysburg, Pennsylvania. The policy provided coverage for damages caused to the property as a result of accidental occurrences. Donna Ashe and her son, Nicholas Ashe, were tenants on the property.

On November 22, 2003, Nicholas Ashe and Matthew Lott were filling black powder cartridges with gun powder in the living room while in the vicinity of a lit candle. They obtained the gun powder from either Alvin Ashe or Mark Nusbaum, who brought it to the property and placed it in an unlocked closet in the apartment. Either the candle fell over or a fan blew some gun powder into the area of the candle and an explosion occurred. During this time, Donna Ashe was in the bedroom and knew or should have known of the existence of the gun powder in the house.

The explosion caused damages to the property totaling \$23,275.00. Plaintiff paid this amount pursuant to its policy with the Tamblyns.

Defendants' preliminary objections to Plaintiff's Amended Complaint are based on (I) a demurrer, that is Plaintiff has not established a claim of negligence against Defendants upon which relief may be granted; (II) lack of capacity to sue because only the insureds (Lewis and Audrey Tamblyn) have capacity to bring the suit; (III) nonjoinder of necessary party because Plaintiff's rights are derived from the rights of the Tamblyns as the insureds; and (IV) lack of capacity to sue because due to Lewis Tamblyn's death, only the authorized estate representative can bring suit on his behalf.

I. Demurrer

Defendants argue that Plaintiff's Amended Complaint fails to state a claim of negligence against Nicholas Ashe, Donna Ashe and Mark Nusbaum for which relief can be granted. In reviewing preliminary objections in the nature of a demurrer, all material facts set forth in the complaint as well as all inferences reasonably deducible therefrom are accepted as true. *The Insurance Adjustment Bureau, Inc. v. Allstate Insurance Company*, 860 A.2d 1038, 1041 (Pa. Super. 2004). The court must determine whether, on the facts averred, the law says with certainty that no recovery is possible. *Id.* Where any doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of overruling the demurrer. *Id.*

To establish a cause of action for negligence, Plaintiff must aver in its Amended Complaint the following elements: (1) a duty or obligation recognized by the law, requiring Defendants to conform to a certain standard of conduct for the protection of others against unreasonable risks; (2) a failure on Defendants' part to conform to the standard required, thereby breaching their respective duty; (3) a reasonably close causal connection between the conduct and the resulting injury; (4) actual loss or damage resulting to the interest of another. See *The Reformed Church of the Ascension v. Theodore Hooven & Sons, Inc.*, 764 A.2d 1106, 1109-10 (Pa. Super. 2000) (citation omitted).

A. Mark Nusbaum

Defendants argue that because Plaintiff's Amended Complaint does not establish that (1) a parental relation exists between Mr. Nusbaum and Nicholas Ashe or Matthew Lott, (2) Mr. Nusbaum knew of any dangerous propensities of Nicholas Ashe or Matthew Lott, or (3) Mr. Nusbaum knew that either child was engaged in any improper behavior at the time of the explosion, there is no basis for his liability upon which relief may be granted. They contend that merely delivering the gunpowder to the apartment does not establish Mr. Nusbaum's liability.

Though the Amended Complaint does not establish any parental relationship between Nicholas Ashe and Mr. Nusbaum or that Mr. Nusbaum knew that the children were engaged in the alleged dangerous activity, Mr. Nusbaum's duty of care does not hinge on these factors. The question of whether a defendant owes a duty of care to a plaintiff is one of law. *Huddleston v. Infertility Center of America*,

Inc., 700 A.2d 453, 457(Pa. Super. 1997). A duty arises only when one engages in conduct which foreseeably creates an unreasonable risk of harm to others. *Id.* (citation omitted). “In the context of duty, ‘the concept of foreseeability means the likelihood of the occurrence of a general type of risk rather than the likelihood of the occurrence of the precise chain of events leading to the injury.’” *Id.* at 460, quoting *Kleinknect v. Gettysburg College*, 989 F.2d 1360, 1366 (1993). Although a defendant does not have to guard against every possible risk, he must take reasonable steps to guard against hazards which are generally foreseeable. *Id.*

Here, Plaintiff alleges that Mr. Nusbaum brought the gunpowder into the apartment of Ms. Ashe and placed it in an unlocked closet when he knew or should have known that children would be present and that the gun powder could cause an explosion resulting in damage to persons or property. It is generally foreseeable that Nicholas Ashe, who lives in the apartment, would find the gunpowder in the unlocked closet. It is also foreseeable that the child would play with the gunpowder in a manner which would cause the gunpowder to ignite and inevitably cause an explosion resulting in actual damage to the property.¹ Therefore, Mr. Nusbaum owed a duty of care to the Tamblins, as the owners of the apartment, to take reasonable steps to guard against the hazards associated with transporting gunpowder into the apartment where a child resided.

B. Nicholas Ashe

Defendants contend that the Amended Complaint fails to set forth facts establishing any liability on the part of Nicholas Ashe because Plaintiff makes no allegation as to who was responsible for the candle being in the room at the time of the explosion or whose act caused the gunpowder to come into contact with the candle. As such, they argue there is no cause of action for negligence against Nicholas

¹ Obviously, we are only at the early pleading stage and there is significant information to be fleshed out during discovery. One would generally know that gunpowder is combustible and, if exposed to a spark or flame, could ignite. At this point, the record does not reveal the quantity of the powder, how the powder was stored, when the powder was placed in the closet, the maturity and experience of Nicholas Ashe, whether safety instructions were given or the existence of innumerable other facts, which might bear upon liability.

Ashe upon which relief may be granted.² However, Paragraph 10 of the Amended Complaint alleges that Nicholas Ashe filled black powder cartridges with gun powder in the vicinity of a lit candle. Also, Paragraph 18 indicates that Nicholas Ashe and Matthew Lott “[brought the gun powder] into the building and exposed it to a candle, which resulted in the explosion.” The Amended Complaint explicitly alleges that both children exposed the gun powder to the candle which caused the explosion. Nicholas’ duty of care does not depend on establishing who was responsible for the candle being in the room. Instead, he had a duty to act with reasonable care as that of children of like age, experience, capacity and development would ordinarily exercise under similar circumstances.

C. Donna Ashe

A parent/child relationship by itself is insufficient to render the parents liable for the tortious acts of the child; however, liability may attach where the negligence of the parents makes the injury possible. *K.H. vs. J.R.*, 826 A.2d 863, 873 (Pa. 2003), citing *Condel v. Savo*, 39 A.2d 51, 52 (Pa. 1944). Section 316 of the Restatement (Second) of Torts provides:

316. Duty of Parent to Control Conduct of Child

A parent is under a duty to exercise reasonable care so to control his minor child as to prevent it from intentionally

²I find it curious that no where in the pleadings is the age of Nicholas Ashe established; rather, he is simply referred to as a “child.” The age of a child is important when determining its capability to commit negligent acts.

Both an adult and a minor are under an obligation to exercise reasonable care; however, the “reasonable care” required of a minor is measured by a different yardstick - it is that measure of care which other minors of like age, experience, capacity and development would ordinarily exercise under similar circumstances. In applying that yardstick, we place minors in three categories based on their ages: minors under the age of seven years are conclusively presumed incapable of negligence; minors over the age of fourteen years are presumptively capable of negligence, the burden being placed on such minors to prove their incapacity; minors between the ages of seven and fourteen years are presumed incapable of negligence, but such presumption is rebuttable and grows weaker with each year until the fourteenth year is reached.

Curaton v. Philadelphia School District, 798 A.2d 279, 286 (Pa. Commw. 2002). Because Defendant does not specifically address whether Nicholas Ashe has the capacity to commit the alleged negligent act, and therefore cannot be held liable for such conduct, the court will not entertain this issue.

- harming others or from so conducting itself as to create an unreasonable risk of bodily harm to them, if the parent
- (a) knows or has reason to know that he has the ability to control the child, and
 - (b) knows or should know of the necessity and opportunity for exercising such control.

Restatement (Second) of Torts 316; see *K.H.*, 826 A.2d at 873. Parental liability is limited to a failure to exercise control that the parent has over the child and in circumstances where the parent knows, or in the exercise of due care should know, that injury to another is a natural and probable consequence. *Condel*, 39 A.2d at 53.³ “[T]he very youth of the child is likely to give the parent more effective ability to control its actions and to make it more often necessary to exercise it.” *K.H.*, 826 A.2d at 873.

Defendants contend that Plaintiff failed to establish any basis of liability on the part of Donna Ashe beyond mere parenthood. They argue that the Amended Complaint contains no facts establishing that Ms. Ashe knew of her son’s propensity for the conduct involved or that she knew or was aware that her son was engaging in the proposed dangerous activity. However, there is no requirement of exhibition of “vicious propensity” by a child as a condition of parental liability for the conduct of the child. *Lapp v. Galley*, 27 D. & C.3d 665, 668 (Somerset 1982). Rather, all that is required to establish a negligence cause of action against a parent for a child’s tort is an act

³Specifically, our Supreme Court stated in *Condel*:

The injury committed by the child must have been the natural and probable consequence of the parents’ negligent act, that is, a consequence which, under the surrounding circumstances, might and ought reasonably to have been foreseen as likely to flow from such negligent act.

Things or results which are only possible cannot be spoken of as either probable or natural. For the latter are those things or events which are likely to happen and for that reason should be foreseen. Things which are possible may never happen, but those which are natural or probable are those which do happen and happen with such frequency or regularity as to become a matter of definite inference. To impose such a standard of care as requires, in the ordinary affairs of life, precaution on the part of individuals against all the possibilities which may occur, is establishing a degree of responsibility quite beyond any legal limitations which have yet been declared.

39 A.2d at 52 (citations omitted).

or omission of the parent in controlling the child which he/she knows or should know creates unreasonable risk of harm to another. *Id.*

In its Amended Complaint, Plaintiff avers that (1) Donna Ashe was in the bedroom at the time of the explosion and knew or should have known of the existence of gun powder in the house, and (2) she failed to supervise the activities of her son and his friend and allowed them to conduct a dangerous activity with the gun powder and the candle while under her control. Accepting these facts as true, Plaintiff clearly establishes a negligence cause of action regarding the conduct of her son, Nicholas. Plaintiff averred that Ms. Ashe had control over Nicholas, knew of the existence of the gun powder in the apartment, failed to supervise her son's conduct and allowed him to conduct a dangerous activity with the gun powder and candle. Reasonable inferences derived from these averments indicate that Ms. Ashe knew, or in the exercise of due care should have known, that injury/harm is a natural and probable consequence of failing to exercise control over her son under these circumstances.

II., III., and IV. Lack of Capacity to Sue and Nonjoinder of Necessary Parties

Defendants' next three objections can be addressed at the same time. They contend that the Tamblyns are necessary parties to the present action because only they (or, in the case of Lewis Tamblyn,⁴ his authorized estate representative) have capacity to bring such a suit.⁵ However, in Pennsylvania:

[The courts] have long recognized the right of a subrogee to sue in either his own name or the name of the subrogor to recover monies paid. Thus, the insurance company could properly assess its prospects for success and, in

⁴Mr. Tamblyn purportedly died in July 2004.

⁵I note that Defendants do not dispute that Plaintiff is a subrogee of the Tamblyns, as insureds under the proposed insurance policy, or that it is inappropriately asserting subrogation rights under such policy by initiating this action. Subrogation is an equitable principle rooted in insurance contracts. When an insurance contract is regarded as one of indemnity, the insurer, on payment of the loss, is subrogated to all of the rights of the insured against the third party tortfeasor. See *Hagans v. Constitution State Service Company*, 687 A.2d 1145, 1149-50 (Pa.Super. 1997); *Banks Tower Communications, Ltd. v. Home Ins. Co.*, 590 F. Supp. 1038, 1041 (E.D. 1984). It arises by operation of law and there is no need for a contract of insurance to contain an express stipulation as to subrogation. *Turner Constr. Co. v. John B. Kelly Co.*, 442 F. Supp. 551 (E.D. Pa. 1976).

accordance with its assessment, elect to bring the third-party action in either its name or the name of its insured.

Paxton National Insurance Company v. Brickajlik, 522 A.2d 531, 532 (Pa. 1987) (citations omitted).

In the present case, Plaintiff could have chosen to bring suit against Defendants in its own name or the Tamblyns, as the insureds. Therefore, Plaintiff, as subrogee, has capacity to bring this action against Defendants in its own name and the Tamblyns (or Lewis Tamblyn's estate representative) are not necessary parties. Defendants' preliminary objections are overruled.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 8th day of February, 2005, Plaintiff's Preliminary Objections to Plaintiff's Amended Complaint of Defendants Nicholas Ashe, Donna Ashe and Mark Nusbaum are overruled. Defendants have twenty (20) days from the date of mailing of this Order in which to file their Answer to the Amended Complaint.

AMENDED ORDER OF COURT

AND NOW, this 9th day of February, 2005, the Order of Court, dated February 8, 2005, in the above referenced matter is rescinded and the following Order is entered. The Preliminary Objections of Defendants Nicholas Ashe, Donna Ashe and Mark Nusbaum to Plaintiff's Amended Complaint are overruled. Defendants have twenty (20) days from the date of mailing of this Order in which to file their Answer to the Amended Complaint.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-581 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, 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 tracts or places of land situate, lying and being in Straban Township, Adams County, Pennsylvania, and bounded and described as follows:

TRACT NO. 1

BEGINNING at a post for a corner, thence running by land now or formerly of David L. Plank, South forty-seven (47) degrees East, one hundred forty-four and four tenths (144.4) perches to a post; thence running by Tract No. 2 and by land now or formerly of Thomas L. Logan, South thirty-eight (38) degrees West, sixty-seven and three-tenths (67.3) perches to a stone; thence running by land now or formerly of Irvin Grace, South sixty-six (66) degrees West, twenty-five and six-tenths (25.6) perches to an iron pin; thence running by land now or formerly of Gilbert C. Crabill and land now or formerly of Ira S. Wolfe, North forty-two and one-half (42-1/2) degrees West, (described on former deeds as North thirty-five (35) degrees West) one hundred forty-one and four-tenths (141.4) perches to hickory; thence running by land now or formerly of Ira S. Wolfe, North thirty-seven (37) degrees East, fifty-three (53) perches to a swamp oak; thence running by land now or formerly of John N. Boyer, North fifty-seven and one-quarter (57-1/4) degrees East, twenty-nine (29) perches to a post, the place of BEGINNING.

CONTAINING 72 acres and 112 perches, and having thereon erected a two-story brick dwelling house, frame barn and other improvements.

TRACT NO. 2

BEGINNING at an iron pin at corner of lands formerly of Philetus W. Edwards and Hagar Louella Edwards, now Tract No. 1 above, and lands now or formerly of Robert L. Evans and Pauline Evans; thence along lands formerly of the said Philetus W. Edwards and Hagar Louella Edwards, now Tract No. 1, South forty-five and one-quarter (45-1/4) degrees West, a distance of twenty-four and two-tenths (24.2) perches to a post at edge of private road; thence along said private road and land now or formerly of Joseph Keller, South thirty-eight and one-quarter (38-1/4) degrees East, a distance of thirty-one (31) perches to a point in the

center of Highway Route No. 15, thence along the center of said highway, North thirty-two and three-quarter (32-3/4) degrees East, a distance of twenty-five and three-tenths (25.3) perches, thence by lands now or formerly of Robert L. Evans and Pauline Evans, North thirty-eight and one-quarter (38-1/4) degrees West, a distance of twenty-five and six-tenths (25.6) perches to a point, the place of BEGINNING.

CONTAINING 4 acres and 44.8 perches net measure.

UNDER AND SUBJECT TO rights granted to the United Telephone Company of Pennsylvania as set forth in Miscellaneous Record Book 16, Page 1148 and Miscellaneous Record Book 32, Page 710.

AND ALSO SUBJECT TO, rights granted to Metropolitan Edison Company as set forth in Miscellaneous Record Book M, Page 130; Miscellaneous Record Book R, Page 119; and Miscellaneous Record Book 33, Page 590.

BEING THE SAME PREMISES which T-Wing Farms, Inc., a Pennsylvania Corporation, by deed dated February 20, 1997 and recorded March 31, 1997 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1347, Page 231, granted and conveyed unto Mark R. Stambaugh, 1/4 T-Wing Farms, Proprietorship, a proprietorship, its successors and assigns, Grantor herein.

SEIZED IN EXECUTION as the property of Mark R. Stambaugh d/b/a T-Wing Farms, Proprietorship, on Judgment No. 2005-SU-0000581.

SEIZED and taken into execution as the property of **Mark R. Stambaugh d/b/a T-Wing Farms** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 10, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-479 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, 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 the Borough of Abbottstown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin for a corner at the side of the pavement; thence along the lot of S. J. Diehl South 13 degrees East, 181 feet to an iron pin at an alley; thence along said alley South 76 degrees West, 66 feet to an iron pin and corner of land of Charles Swope; thence along the same North 13 degrees West, 181 feet to an iron pin at the side of the pavement along the Lincoln Highway; thence along the same North 76 Degrees East, 66 feet to the place of BEGINNING.

CONTAINING 11,946 square feet of land.

Being the same premises which Raymond L. Keeney and Clara V. Keeney, husband and wife, by Deed dated 3/13/89 and recorded 3/14/89 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 516 at Page 1016, granted and conveyed unto Howard L. Gray and Laurie E. Gray, husband and wife.

Tax Parcel #: 1-3-64

SEIZED and taken into execution as the property of **Laurie E. Gray & Howard L. Gray** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 10, 2005, 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.

7/29, 8/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-490 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece or parcel of land situate in the Borough of York Springs, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the East side of the highway leading from Hanover to Carlisle, said point being the Northwest corner of other lands now or formerly of Orpheus Diller and Southwest corner of the tract herein conveyed; thence along the East side of said highway North 30 degrees West, 60 feet to a point on the East side of said highway, said point being the Northwest corner of the tract herein conveyed; thence along land now or formerly of Thomas Beitman, through an iron post North 58 degrees 46 minutes East, 155 feet to a point, the corner of a brick wall, said point being the Northeast corner of the tract herein conveyed; thence along lands now or formerly of LM Gardner South 30 degrees East, 60 feet to a stake, a corner of other lands now or formerly of Orpheus Diller, said point being the Southeast corner of the tract herein conveyed; thence along said Diller lands South 58 degrees 46 minutes West, 155 feet to a point on the East side of the highway leading from Hanover to Carlisle, the place of BEGINNING.

HAVING THEREON erected a dwelling house known as: 310 Main Street, York Springs, PA 17372

BEING THE SAME PREMISES WHICH Douglas M. Hayes and Kelly J. Hayes by deed dated 4/7/03 and recorded 4/11/03 in Deed Book 3056 Page 145, granted and conveyed unto Douglas M. Hayes.

SEIZED IN EXECUTION AS THE PROPERTY OF DOUGLAS M. HAYES UNDER ADAMS COUNTY JUDGMENT NO. 02-S-490

Map & Parcel 42-2-47

SEIZED and taken into execution as the property of Douglas M. Hayes and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 10, 2005,

and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

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, September 6, 2005, at 9:00 am, Courtroom #3.

WILLS—Orphans' Court Action Number OC-25 Feb. 1973. Second Supplement to First and Final Account of PNC Bank, National Association, surviving Trustee of the trust under Will of Clarence A. Wills for the lifetime benefit of Robert A. Wills and Revised Schedule of Distribution.

WILLS—Orphans' Court Action Number OC-25 Feb. 1973. First and Final Account of PNC Bank National Association, Trustee of the Segregated Share of trust under Will of Clarence A. Wills for the Benefit of Patrick Wills and Schedule of Distribution.

WILLS—Orphans' Court Action Number OC-25 Feb. 1973. First and Final Account of PNC Bank National Association, Trustee of the Segregated Share of trust under Will of Clarence A. Wills for the Benefit of Patricia Wills and Schedule of Distribution.

WILLS—Orphans' Court Action Number OC-156-95. Supplement to First and Final Account of PNC Bank National Association, Guardian of the Estate of Robert A. Wills, an Incapacitated Person (now deceased) and Revised Schedule of Proposed Distribution.

Lisa K. Grubbs
Clerk of Courts

8/5 & 12

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on July 25th, 2005 a certificate will be filed under the Fictitious Name Act approved December 21, 1988, P.L. 1444, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Jason N. Bange, 2323 Carlisle Pike, Hanover, PA 17331 is the only person owning or interested in a business, the character of which is handcrafted wooden furniture and that the name, style and designation under which said business is and will be conducted is AMISH INTERIORS and the location where said business is and will be located is 2321 Carlisle Pike, Hanover, PA 17331.

8/12

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN TO ALL persons interested or who may be affected, that KNOUSE CONCRETE CONSTRUCTION, INC., with its registered office at 526 Hillcrest Place, Gettysburg, Pennsylvania, and a business address of 31 Center Mills Road, Aspers, Pennsylvania, a business corporation, has elected, pursuant to Resolution duly adopted at a meeting of the Board of Directors, to voluntarily dissolve the corporation and intends to file Articles of Dissolution with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania. The Board of Directors is now engaged in winding up and settling the affairs of said corporation so that its corporate existence shall be ended under the provisions of the Pennsylvania Business Corporation Law of 1988.

Dated: August 3, 2005

Harold A. Eastman, Jr.
Puhl, Eastman & Thrasher
220 Baltimore Street
Gettysburg, PA 17325

8/12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-434 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 September, 2005, 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.:

PROPERTY #1:

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

BEGINNING at a point in Pennsylvania Legislative Route No. 01005 at corner of land now or formerly of Michael Livelsberger; thence by said land now or formerly of Michael Livelsberger and running through a steel pin located 30 feet from the place of beginning, North 25 degrees 15 minutes East, 230 feet to a steel pin; thence by the same, South 62 degrees 12 minutes East, 100.10 feet to a steel pin; thence by land now or formerly of Bender, North 25 degrees 22 minutes 7 seconds East, 444.31 feet to a steel pin located at a original corner of the larger tract of land conveyed by the deed hereinafter recited; thence by the same and by other land now or formerly of Lucinda B. Small, North 55 degrees 54 minutes 6 seconds West, 368.79 feet to a steel pin; thence by other land now or formerly of Lucinda B. Small and running through a steel pin located 30 feet from the end of this line South 27 degrees 48 minutes West, 714.14 feet to a point in the aforementioned Legislative Route; thence in said Legislative Route South 62 degrees 12 minutes East, 295.55 feet to a point, the place of BEGINNING. CONTAINING 5.5338 acres, neat measure.

The foregoing description was obtained from a draft of a survey made by J. H. Rife, Registered Engineer, on November 25, 1970.

2986 Centennial Road, Hanover, PA 17331

Map J14, Parcel 54C

PROPERTY #2:

ALL that tract of land situate, lying and being in Liberty Township, Adams County, Pennsylvania, being Lot No. 200 in Section AA, bounded and described as follows:

BEGINNING at a point in the center of Sydnor Trail at Lot No. 201; thence by said lot North 36 degrees 36 minutes 4 seconds East, 175 feet to Lot No. 214; thence by said lot and by Lot No. 198 South 53 degrees 23 minutes 56 seconds East, 135 feet to Lot No. 199; thence by said lot South 36 degrees 36

minutes 4 seconds West, 175 feet to a point in the center of said Sydnor Trail; thence in said Sydnor Trail North 53 degrees 23 minutes 56 seconds West, 135 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section AA, Chamita" dated October 26, 1969, prepared by Evans, Hagan & Holdeler, and recorded in Adams County Plat Book No. 1 at page 59.

TOGETHER WITH a right of way and easement over the private roads indicated on said lot plan recorded in Adams County Plat Book No. 1 at page 59, for means of ingress, egress and regress.

The property being subject to existing restrictions.

Sydnor Trail, Lot 200, Chamita

Liberty Township, Adams County, PA

Map AA, Parcel 200

SEIZED and taken into execution as the property of **Donald A. Bixler a/k/a Don Bixler** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 17, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988.

The name of the corporation is THE APPLE BIN GRILL AND BAKERY, INC.

Robert L. McQuaide
Suite 204

18 Carlisle Street
Gettysburg, PA 17325

8/12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-628 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 September, 2005, 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 the Borough of Gettysburg, Adams County, Pennsylvania, bounded and described as follows: BEGINNING at an iron pin in the sidewalk, which iron pin is set back 10 feet from the North curb line of East Water Street and 10 feet from the East curb line of North Stratton Street; thence along said sidewalk, North 4 degrees 30 minutes East, 32.9 feet to a joint in the concrete; thence through the center of a brick house and land now or formerly of Maybelle E. Little, South 85 degrees 30 minutes East, 160 feet to an iron pin in a public alley; thence along said public alley, South 4 degrees 30 minutes West, 16.14 feet to an iron pin; thence along a sidewalk 10 feet wide, South 88 degrees 32 minutes West, 160.8 feet to an iron pin, the place of BEGINNING.

BEING the same premises which James A. Entwistle and Barbara Jo Entwistle, husband and wife, by deed dated 4/30/01 and recorded 5/1/01 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 2269 at Page 9, granted and conveyed unto Terry L. Unger, Jr., single.

Tax Parcel #: 16-G-7-54

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 17, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-104 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 September, 2005, 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.:

49 Bugler Drive, New Oxford, Oxford Township, Adams County

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

BEGINNING for a point on the Northern edge of Bugler Drive at Lot No. 79 of the hereinafter referenced subdivision plan; thence along said Northern edge of Bugler Drive by a curve to the left with a radius of two hundred seventy-five and zero hundredths (275.00) feet and whose long chord bearing is South sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds West, ninety-four and ninety-eight hundredths (94.98) feet for an arc distance of ninety-five and forty-six hundredths (95.46) feet to a point at Lot No. 81 of said plan; thence along same North thirty-four (34) degrees forty-seven (47) minutes forty-three (43) seconds West, one hundred twenty and zero hundredths (120.00) feet to a point at Lot No. 82 of said plan; thence along same and Lot No. 83 North sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds East, one hundred thirty-six and forty-three hundredths (136.43) feet to a point at Lot No. 79 of said plan; thence along same South fourteen (14) minutes fifty-four (54) minutes twenty-two (22) seconds East, one hundred twenty and zero hundredths (120.00) feet to a point on the Northern edge of Bugler Drive, the point and place of BEGINNING.

CONTAINING 13,414 square feet.

The above described lot being designated as Lot No. 80 on the Subdivision Plan of "South Branch Estates", dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

IT BEING the same tract of land which J.A. Myers Building and Development, Inc., William Bast and William Prin, Co-Partners in a Joint Venture known as MPR Associates, of the Borough of Hanover, York County, Pennsylvania, and J.A. Myers Building and Development, Inc., a Pennsylvania Corporation with its principal offices at 160 Ram Drive, Hanover, Pennsylvania, by deed dated August 28, 1996, and

recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1262, page 0082, granted and conveyed unto Jose Eduardo Sanchez-Cortez and Guadalupe Vazquez-Sanchez, husband and wife.

SEIZED IN EXECUTION as the property of J. Eduardo Sanchez-Cortez and Guadalupe Sanchez on Judgment No. 05-S-104.

SEIZED and taken into execution as the property of **J. Eduardo Sanchez-Cortez and Guadalupe Sanchez** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 17, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-598 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, 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 described tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a point in Route 116 at lands now or formerly of James L. Gebhart; thence along and with said Route 116, North 65 degrees 37 minutes 43 seconds West, 286.73 feet to a point at the other lands of which this was a part and being known as Lot No. 1; thence along and with the said Lot No. 1, North 28 degrees 11 minutes 34 seconds East, 191.1 feet to an iron pin at Lot No. 3; thence along and with said Lot No. 3, South 67 degrees 13 minutes 11 seconds East, 193.34 feet to a double oak tree; thence continuing along the same, South 57 degrees 45 minutes 08 seconds East, 153.57 feet to lands now or

formerly of James L. Gebhart; thence along and with said last-mentioned lands South 46 degrees 33 minutes 51 seconds West, 189.00 feet to the point and place of BEGINNING.

CONTAINING 1.390 acres, more or less.

BEING known as Lot No. 2 of a subdivision plan prepared for Accu-Tech, Inc., bearing date of January 12, 1989, and recorded March 21, 1989, in the Office of the Recorder of Deeds of Adams County, Pennsylvania Plan Book 52, Page 39.

Parcel No. 6-5

Property Address: 55 E. Hanover Street, Gettysburg, PA 17325

BEING the same premises which James A. Pennington and Joyce R. Pennington, husband and wife, by their Deed dated August 17, 2000 and recorded on August 17, 2000 in the Office of the Recorder of Deeds in and for Adams County, in Deed Book 2109, Page 177, granted and conveyed unto Roland D. Blevins and Michele Lynn Blevins, husband and wife, as tenants of an estate by the entireties.

SEIZED and taken into execution as the property of **Roland D. Blevins & Michele Lynn Blevins** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

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 HELEN G. CROOK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Clinton R. Zepp, 2035 Grandview Road, Hanover, PA 17331

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

ESTATE OF ESTELLA M. MOORE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Mary Catherine Groft, 25 Pleasant Street, New Oxford, PA 17350

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

ESTATE OF STEVE M. ONDEK a/k/a STEVEN M. ONDEK, JR., DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: George B. Hughes, Sr., 721 Palm Circle Drive, Port Orange, FL 32127

Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 25 South Washington Street, Gettysburg, PA 17325

ESTATE OF NORMAN J. SHEA, JR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Anne W. Shea, c/o Donald J. Weiss, Esq., 6 Hillock Lane, Chadds Ford, PA 19317

Attorney: Donald J. Weiss, Esq., 6 Hillock Lane, Chadds Ford, PA 19317

SECOND PUBLICATION

(No Estates Notices Submitted)

THIRD PUBLICATION

ESTATE OF JOY ANN COX, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Deborah Meyer Covey, 9693 Copeland Drive, Manassas, VA 20109

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

ESTATE OF JANICE M. DEARDORFF, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executors: Richard L. Naugle, 4970 Old Harrisburg Road, Gettysburg, PA 17325; Robert S. Naugle, P.O. Box 114, Biglerville, PA 17307

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

ESTATE OF MERL E. SEBRIGHT a/k/a MERL EUGENE SEBRIGHT, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Kermis Sebright, Box 233, York Springs, PA 17372

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

ESTATE OF GLADYS M. SHADLE, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: Leroy D. Kline, Jr., 1709 Olmsted Way West, Camp Hill, PA 17011

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

ESTATE OF ROSE E. SHERMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrator: Manufacturers and Traders Trust Company, 13 Baltimore Street, Hanover, PA 17331

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

ESTATE OF LILLIAN M. THURSTON a/k/a LILLIAN MAY THURSTON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Ronny L. Thurston, 4416 Carlisle Pike, New Oxford, PA 17350

Attorney: Andrea M. Singley, Esq., 63 W. High St., Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1274 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of land, together with the improvements thereon erected, situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the right-of-way line of Williamsburg Court at Lot No. 44 as shown on the hereinafter referenced Subdivision Plan; thence along the right-of-way line of Williamsburg Court, North forty-six (46) degrees twelve (12) minutes twelve (12) seconds East, one hundred thirty-one and sixty-eight hundredths (131.68) feet to a point at Lot No. 42 as shown on the hereinafter referenced Subdivision Plan; thence along said Lot No. 42, South forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds East, sixty-five (65.00) feet to a point at Lot No. 46 as shown on the hereinafter referenced Subdivision Plan; thence along said Lot No. 46, South forty-six (46) degrees ten (10) minutes fifty-eight (58) seconds West, one hundred twenty-nine and eighteen hundredths (129.18) feet to a point on the right-of-way line of Williamsburg Court; thence along the right-of-way line of Williamsburg Court, North forty-three (43) degrees fifty (50) minutes nineteen (19) seconds West, sixty-five (65) feet to a point, the point and place of BEGINNING CONTAINING 8,474.62 square feet/0.19 acres.

THE above-described lot being designated as Lot No. 45 on the Final Subdivision Plan of "Heritage Hill - Phase 2", prepared by James R. Holley, Registered Professional Surveyor, dated March 10, 1993 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63 at Page 58.

SUBJECT to the Protective Covenants of "Heritage Hill" dated November 13, 1992 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 656 Page 146 and amended in Record Book 779 Page 212 and Record Book 833 Page 240.

TITLE TO SAID PREMISES IS VESTED IN Michael Bernard Rodgers and Jacquelyn Louise Rodgers as tenants by the entireties, their heirs and assigns by reason of the following:

BEING THE SAME premises which Joseph D. Zebec and Susan E. Zebec, husband and wife by Deed dated 12/30/1998 and recorded on 1/4/1999 in the County of Adams in Record Book 1737 Page 255, conveyed unto Michael Bernard Rodgers and Jacqueline Louise Bernard, husband and wife.

AND ALSO BEING THE SAME premises which Michael Bernard Rodgers and Jacquelyn Louise Rodgers, erroneously referred to Jacqueline Louise Bernard by Deed of Correction dated 9/29/1999 and recorded on 12/1/1999 in the County of Adams in Record Book 1961 Page 341, conveyed unto Michael Bernard Rodgers and Jacquelyn Louise Rodgers, as tenants by the entireties, their heirs and assigns.

Tax Parcel: 27-11-163

Premises Being: 14 Williamsburg Court, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Michael Rodgers a/k/a Michael Bernard Rodgers & Jacquelyn Rodgers a/k/a Jacquelyn Louise Rodgers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

CHANGE OF NAME IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

NOTICE IS HEREBY GIVEN that on the 15th day of June 2005, the Petition of Jennifer L. Darby was filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a decree to change the name of her minor child Jessica Marie Loew to Jessica Marie Darby.

The Court has fixed the 23rd of August, 2005 at 9:00 a.m. in a Courtroom of the Adams County Courthouse as the time and place for hearing of said Petition when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

By: Jennifer L. Darby
Petitioner

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INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on June 3, 2005, for the purpose of obtaining a Certificate of Incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

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

S.B. Professional Enterprises, Inc.
3119 Fairfield Road
Gettysburg, Pennsylvania 17325

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Adams County Legal Journal

Vol. 47

August 19, 2005

No. 13, pp. 78-85

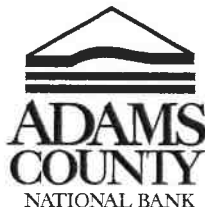
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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1136 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, 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 on the Northeast side of Legislative Route A-6810, in Village of Irishtown, Oxford Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point in the State Highway, Legislative Route A-6810, in the Village aforesaid at other land now or formerly of Richard A. Shrader and Doris M. Shrader, husband and wife; thence by said lands and through a steel pin set back 25 feet along the line North 19 degrees 41 minutes East, 180 feet to a steel pin at lands now or formerly of William Elmer Shrader and Marie Elizabeth Shrader, his wife; thence by said lands South 49 degrees East 60 feet to a steel pin; thence by said lands South 39 degrees 41 minutes West, 180 feet through a steel pin set back 25 feet from the end of course to a point in the State Highway aforesaid; thence in said State Highway, North 49 degrees West 60 feet to a point, the place of BEGINNING.

CONTAINING 0.2479 Acres, more or less.

Tax Map #J12, Parcel #89 A

TITLE TO SAID PREMISES IS VESTED IN Mark A. Stapleton and Sharon L. Stapleton, his wife by Deed from Dennis G. Strickhouser and Veda J. Strickhouser, his wife dated 7/23/1997 and recorded 7/29/1997 in Record Book 1414 Page 155.

SEIZED and taken into execution as the property of **Mark A. Stapleton & Sharon L. Stapleton** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the

Sheriff in his office on October 10, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-518 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, 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 Berwick Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a corner on the West side of a Township Road leading to the Lincoln Highway at lands now or formerly of Sterling Feeser and Ada Feeser; thence along the center of the said Township Road North one (1) degree seven (7) minutes East seventy-five (75) feet to a point in the center of said Township Road at lands now or formerly of Sadie E. Crist; thence along said last mentioned lands South eighty-seven (87) degrees forty-seven (47) minutes West one hundred sixty-five and eight tenths (165.8) feet to a point at land now or formerly of Sterling Feeser and Ada Feeser; thence along said last mentioned land South one (1) degree seven (7) minutes West seventy-five (75) feet to a point at said last mentioned land; thence along the same North eighty-seven (87) degrees forty-seven (47) minutes East one hundred sixty-five and eight-tenths (165.8) feet to a point in the center of said Township Road, the place of BEGINNING.

DESIGNATED as Lot No. 2 on a plan of lots by George M. Wildasin, Surveyor, dated March 30, 1962.

BEING THE SAME PREMISES which Richard C. Trone and Edith R. Trone, husband and wife, by Deed dated 5/29/86 and recorded 6/2/86 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 425 at Page 1041, granted and conveyed unto Robert L. Anthony, Deceased, and Judy A. Anthony, husband and wife.

Tax Parcel #: 4-L-10-30

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 10, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

BELL VS. LAND GAMES ET AL

1. Agreements to resolve disputes through alternatives to traditional litigation are favored by Pennsylvania law.

2. Although the Pennsylvania Rules of Civil Procedure do not define alternative dispute resolution, the court's endorsement of alternative dispute resolution methods has historically arisen in the context of arbitration clauses.

3. Unlike arbitration, which may result in a binding resolution despite the lack of agreement, mediation aims at fostering an environment where the parties may resolve disputes through agreement. Absent an agreement, however, mediation will not result in a conclusion to the dispute.

4. It is now recognized in this Commonwealth that the enforcement of agreements by the parties to submit future disputes, that may arise under their agreement, to a tribunal other than the courts is not against public policy and is consistent with the concept of the courts' role in dealing with the contractual relationships of individuals.

5. Where a party to a civil action seeks to compel alternative dispute resolution, a two-part test is employed. First, the trial court must establish if a valid agreement to submit the matter to a form of alternative dispute resolution exists between the parties; secondly, if the trial court determines that such an agreement exists, it must then ascertain whether the dispute involved is within the scope of the alternative dispute resolution provision.

6. The Pennsylvania Superior Court has explained how to interpret alternative dispute resolution agreements:

- 1) Alternative dispute resolution agreements are to be strictly construed and not extended by implication; and
- 2) When parties have agreed to an alternative dispute resolution in a clear and unmistakable manner, every reasonable effort should be made to favor the agreement unless it may be said with positive assurance that the alternative dispute resolution clause involved is not susceptible to an interpretation that covers the asserted dispute.

7. In order to give meaning to the mediation clause, it must be interpreted to require mediation prior to the resolution of the dispute through a judicial fact finding process. Thus mediation is required prior to trial.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 04-S-898, CHRISTOPHER L. BELL AND BARBARA J. BELL VS. LAND GAMES LIMITED PARTNERSHIP, DRT VENTURES, INC., AND DONALD R. SEWELL A/K/A DONALD R. SEWELL, JR., SUZANNE F. SEWELL AND RONALD I. SEWELL.

Samuel E. Teeter, Esq., for Plaintiffs

Neil A. Slenker, Esq., for Defendants

George, J., February 11, 2005

OPINION

This civil action originated from a commercial real estate transaction involving the purchase of property located at 861 York Road, Straban Township, Adams County, Pennsylvania. A contract for the sale of the property was entered into on February 5, 2004, when the Defendants accepted the Plaintiffs' offer to purchase the realty as well as other tangible personal property. The contract entered into between the parties is a form contract apparently prepared by the Realtors Association of York and Adams Counties. Pursuant to the Sales Agreement, settlement was completed on March 23, 2004. After obtaining possession of the property, the Plaintiffs allegedly discovered latent defects which they claim were known to the Defendants, however, not disclosed prior to settlement. As a result, the Plaintiffs seek rescission of the real estate contract or, in the alternative, payment of damages in an amount sufficient to repair the latent defects. The Defendants filed Preliminary Objections seeking to dismiss the Complaint based upon provisions in the contract which they argue requires the parties to submit the dispute to mediation prior to the institution of suit.

In 1991, Pennsylvania Rule of Civil Procedure 1028(a)(6) was amended to allow parties to raise a pre-trial objection based on a prior agreement to submit disputes to alternative dispute resolution. This amendment coincides with the Pennsylvania appellate courts' view that agreements to resolve disputes through alternatives to traditional litigation are favored by Pennsylvania law. See *Chester City School Auth. v. Aberthaw Constr. Co.*, 333 A.2d 758, 761 (Pa. 1975). In *Chester City School Auth.*, the Pennsylvania Supreme Court opined that our state statutes encourage alternative dispute resolution and that such resolutions are advanced by the courts in some jurisdictions as a surrogate for congested court dockets. Although the Pennsylvania Rules of Civil Procedure do not define "alternative dispute resolution," the court's endorsement of alternative dispute resolution methods has historically arisen in the context of arbitration clauses. See *id.* Appellate authority addressing issues related to arbitration clauses has since become abundant. See e.g., *Callan v. Oxford Land Dev., Inc.*, 858 A.2d 1229 (Pa.Super. 2004); *Pittsburgh Logistical Sys., Inc., v. Professional Transp. and Logistics, Inc.*, 803

A.2d 776 (Pa.Super. 2002); *Highmark, Inc., v. Hospital Service Ass'n of Northeastern Pennsylvania*, 785 A.2d 93 (Pa.Super. 2001), appeal denied, 797 A.2d 914 (Pa. 2002); *McKenna v. North Strabane Twp.*, 700 A.2d 577 (Pa.Cmwlt. 1997). There is, however, an absence of appellate authority interpreting mediation agreements.

Perhaps the lack of guidance in this area stems from the nature of mediation. Unlike arbitration, which may result in a binding resolution despite the lack of agreement, see Uniform Arbitration Act, 42 Pa. C.S. § 7304, mediation aims at fostering an environment where the parties may resolve disputes through agreement. Absent an agreement, however, mediation will not result in a conclusion to the dispute. Nonetheless, mediation is similar to arbitration in that it is an alternative reached contractually between parties to allow disputes to be resolved outside the parameters of traditional litigation. Although, as mentioned, the Pennsylvania Supreme Court's discussion of the right of parties to contract for alternative dispute resolution arises in the nature of arbitration, I find the reasoning equally applicable to contractual terms which require mediation.

Fundamental in our law of contracts is the axiom that parties may write their own contracts, and that it is the function of the courts to interpret those contracts and to enforce them as made. It is now recognized in this Commonwealth that the enforcement of agreements by the parties to submit future disputes, that may arise under their agreement, to a tribunal other than the courts is not against public policy and is consistent with the concept of the courts' role in dealing with the contractual relationships of individuals.

Ambridge Borough Water Authority v. Columbia, 328 A.2d 498, 500 (Pa. 1974). Since the court's role of interpreting the contractual relationships entered between the parties remains consistent regardless of the contract at issue, I see no reason to disregard appellate authority addressing arbitration clauses when interpreting contractual terms relating to other means of alternative dispute resolution such as mediation. I, therefore, will treat appellate authority addressing arbitration as being equally applicable to alternative means of dispute resolution.

Where a party to a civil action seeks to compel alternative dispute resolution, a two-part test is employed. *Pittsburgh Logistics Systems, Inc.*, 803 A.2d at 779. First, the trial court must establish if a valid agreement to submit the matter to a form of alternative dispute resolution exists between the parties; secondly, if the trial court determines that such an agreement exists, it must then ascertain whether the dispute involved is within the scope of the alternative dispute resolution provision. *Id.* The Pennsylvania Superior Court has explained how to interpret alternative dispute resolution agreements:

- 1) [alternative dispute resolution] agreements are to be strictly construed and not extended by implication; and
- 2) when parties have agreed to [an alternative dispute resolution] in a clear and unmistakable manner, every reasonable effort should be made to favor the agreement unless it may be said with positive assurance that the [alternative dispute resolution] clause involved is not susceptible to an interpretation that covers the asserted dispute.

Highmark, Inc., 785 A.2d at 98. “To resolve this tension, courts should apply the rules of contractual construction, adopting an interpretation that gives paramount importance to the intent of the parties and ascribes the most reasonable, probable, and natural conduct to the parties.” *Id.* Thus, as with any contractual term, the ultimate goal of the court is to “ascertain and give effect to the intent of the parties as reasonably manifested by the language in their written agreement.” *Liddle v. Scholze*, 768 A.2d 1183, 1185 (Pa.Super. 2001).

The clause at issue reads as follows:

MEDIATION: The buyers, sellers and brokers agree that disputes relating to this agreement SHALL be submitted to mediation in accordance with the rules and procedures of the dispute resolution system established by the REALTORS Association of York and Adams Counties, Inc., and that if any agreement is reached by the buyers, sellers and brokers pursuant to a mediation conference, it shall be binding upon them. Costs of mediation to be shared equally by buyers, sellers and brokers named in the dispute. This duty to mediate disputes shall survive final settlement.

The Plaintiffs do not challenge the existence of a valid agreement nor the mandatory language of the mediation clause. Indeed, a reading of this unambiguous clause clearly reveals that the parties intended that disputes be submitted to mediation. Not only does the clause use the mandatory language “shall,” but the language is conspicuously printed in bold print. I find, therefore, the parties reached a valid agreement requiring that disputes be submitted to the mediation process.¹

The remaining critical inquiry is whether the current dispute falls within the terms of the mediation clause. In examining this issue, I note that the language of the mediation clause is unrestricted. The overly broad language of the clause refers to all disputes without limitation. Appellate courts interpreting similar language in arbitration clauses have reached resolutions consistent with a broad inclusion of matters encompassed by such clauses. *Flightways Corp. v. Keystone Helicopter Corp.*, 331 A.2d 184, 185 (Pa. 1975) (a contract which provides that the parties will arbitrate any claim or controversy arising out of or relating to this agreement or alleged breach thereof, will not be circumvented by an allegation that the contract was void *ab initio* because of fraud in the inducement); *Smay v. E.R. Stuebner, Inc.*, 2004 PA Super 493, 16 __ A.2d __ (Pa.Super. 2004) (citing construction contract containing arbitration provisions required a personal injury action initiated by contractor’s employee against the property owner requires submission to arbitration); See *Pittsburgh Logistics Sys., Inc., v. Prof’l Transp. and Logistics, Inc.*, cited above (a tort action for misappropriation of trade secrets, breach of common law fiduciary duties, and interference with the contractual relationship was it within the scope of the parties’ broad arbitration agreement); *Callan v. Oxford Land Dev., Inc.*, 858 A.2d 1229, 1231 (Pa.Super. 2003) (citing buyer’s tort claims were subsumed in the arbitration clause contained in the agreement of sale for the real estate); *Shaddock v. Kaclik, Inc.*, 713 A.2d 635, 637 (Pa. Super. 1998) (citing homeowner’s underlying tort claims against building for fraudulent misrepresentation in violation of unfair trade practices and consumer

¹ Although mediation is mandatory, neither the nature of the mediation nor the terms of the Sales Agreement requires that the dispute be **resolved** through mediation. Rather, resolution will only result if the mediation process leads to an agreement. Therefore, while the contract requires that mediation is mandatory, resolution through mediation can only be binding through agreement.

protection law arose out of construction contract and were thus subject to mandatory arbitration provisions in the contract).²

Instantly, the Plaintiffs base their cause of action on the Sales Agreement executed between the parties. In fact, the Plaintiffs attached the Sales Agreement to the Amended Complaint as the contractual document they seek to either have rescinded or enforced. Under these circumstances, it is clear that the dispute at issue is related to the Sales Agreement and falls within the scope of the mediation provision.

Although I conclude that the subject matter of this litigation must be submitted to mediation, I do not accept the Defendants' assertion that the mediation clause requires dismissal of the current action. Interestingly, the mediation clause at issue does not direct that mediation is the exclusive means by which the parties may resolve disputes concerning the Sales Agreement. More importantly, the mediation clause does not direct that submission of the dispute to mediation is a condition precedent to moving forward with litigation. Rather, it requires only that disputes, at some point, be submitted to mediation.

Contrary to the interpretation urged by the Defendants, it could be argued that the very terms of the clause at issue permit the initiation of litigation prior to the submission of the dispute to mediation. Those terms direct that the submission of the dispute to mediation is to be done in accordance with the rules and procedures of the dispute resolution system established by the Realtors Association of York and Adams Counties, Inc. Those rules and regulations specifically provide that:

The filing of a judicial action to enable the recording of a notice of pending action for order of attachment, receivership, injunction or other provisional remedies, shall not constitute a waiver of the right to mediate under this provision, nor shall constitute a breach of the duty to mediate.

² See *Hazleton Area School District v. Bosak*, 671 A.2d 277, 283 (Pa.Cmwlt. 1996) wherein the Commonwealth Court affirmed a Common Pleas Court Order that denied a motion to compel arbitration on the ground that the two arbitration clauses at issue in that case did not encompass tort claims. The Court in *Hazleton* concluded that these arbitration clauses did not manifest the parties' intention to arbitrate a claim against the contractor for its negligent performance of a contract. In *Smay*, cited above, the Pennsylvania Superior Court disagreed with the Commonwealth Court's reasoning.

The Realtors Association of York and Adams Counties Home Sellers/Home Buyers Dispute Resolution System Mediation Rules and Procedures, paragraph 11. I recognize that this provision relates to the filing of an action for the purpose of recording a notice of pending action in support of temporary remedies; however, I see little reason to distinguish the applicability of this provision in circumstances where a complaint is filed to initiate litigation thereby preserving the Plaintiffs' access to the court system. Thus, I do not interpret the contractual term at issue as a condition precedent to litigation. The Defendants' Preliminary Objection seeking dismissal of the action will, therefore, be denied.

Although the Defendants' Preliminary Objection will be denied, I note that in order to give meaning to the mediation clause, it must be interpreted to require mediation prior to the resolution of the dispute through a judicial fact finding process. Thus, mediation is required prior to trial in this matter. For purposes of judicial economy and to avoid the needless waste of the parties' economic resources, following the filing of an Answer by the Defendants, all further proceedings will be stayed to allow for the matter to be submitted to mediation pursuant to the terms of the Sales Agreement. As indicated, however, the Defendants are required to file an Answer so that the issues may be properly framed. Although I fully recognize that compelling this matter to be submitted to mediation may be a fruitless exercise where a party enters the process in bad faith, I encourage both parties to enter the mediation process with an open mind. If the process proves unsuccessful at the conclusion of the mediation process, the stay shall be automatically lifted and this matter may proceed to finality pursuant to the Pennsylvania Rules of Civil Procedure.

ORDER OF COURT

AND NOW, this 11th day of February, 2005, the Defendant's Preliminary Objections seeking dismissal of the Complaint on the basis of the mediation clause in the Sales Agreement is denied. The Defendant shall file an Answer within twenty (20) days of the date of this Order. Following the filing of an Answer, further proceedings in this matter are automatically stayed until after the dispute is submitted to mediation. In the event that the mediation process is

successful, appropriate documentation shall be filed discontinuing this action. If mediation does not resolve the dispute, the stay in this matter will be lifted upon praecipe from either party indicating that mediation has been completed, however, has not resulted in resolution. Both parties are directed to proceed promptly in scheduling mediation pursuant to the terms of the Sales Agreement.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-581 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, 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 tracts or places of land situate, lying and being in Straban Township, Adams County, Pennsylvania, and bounded and described as follows:

TRACT NO. 1

BEGINNING at a post for a corner; thence running by land now or formerly of David L. Plank, South forty-seven (47) degrees East, one hundred forty-four and four tenths (144.4) perches to a post; thence running by Tract No. 2 and by land now or formerly of Thomas L. Logan, South thirty-eight (38) degrees West, sixty-seven and three-tenths (67.3) perches to a stone; thence running by land now or formerly of Irvin Grace, South sixty-six (66) degrees West, twenty-five and six-tenths (25.6) perches to an iron pin; thence running by land now or formerly of Gilbert C. Crabill and land now or formerly of Ira S. Wolfe, North forty-two and one-half (42-1/2) degrees West, (described on former deeds as North thirty-five (35) degrees West) one hundred forty-one and four-tenths (141.4) perches to hickory; thence running by land now or formerly of Ira S. Wolfe, North thirty-seven (37) degrees East, fifty-three (53) perches to a swamp oak; thence running by land now or formerly of John N. Boyer, North fifty-seven and one-quarter (57-1/4) degrees East, twenty-nine (29) perches to a post, the place of BEGINNING.

CONTAINING 72 acres and 112 perches, and having thereon erected a two-story brick dwelling house, frame barn and other improvements.

TRACT NO. 2

BEGINNING at an iron pin at corner of lands formerly of Philetus W. Edwards and Hagar Louella Edwards, now Tract No. 1 above, and lands now or formerly of Robert L. Evans and Pauline Evans; thence along lands formerly of the said Philetus W. Edwards and Hagar Louella Edwards, now Tract No. 1, South forty-five and one-quarter (45-1/4) degrees West, a distance of twenty-four and two-tenths (24.2) perches to a post at edge of private road; thence along said private road and land now or formerly of Joseph Keller, South thirty-eight and one-quarter (38-1/4) degrees East, a distance of thirty-one (31) perches to a point in the

center of Highway Route No. 15, thence along the center of said highway, North thirty-two and three-quarter (32-3/4) degrees East, a distance of twenty-five and three-tenths (25.3) perches, thence by lands now or formerly of Robert L. Evans and Pauline Evans, North thirty-eight and one-quarter (38-1/4) degrees West, a distance of twenty-five and six-tenths (25.6) perches to a point, the place of BEGINNING.

CONTAINING 4 acres and 44.8 perches neat measure.

UNDER AND SUBJECT TO rights granted to the United Telephone Company of Pennsylvania as set forth in Miscellaneous Record Book 16, Page 1148 and Miscellaneous Record Book 32, Page 710.

AND ALSO SUBJECT TO, rights granted to Metropolitan Edison Company as set forth in Miscellaneous Record Book M, Page 130; Miscellaneous Record Book R, Page 119; and Miscellaneous Record Book 33, Page 590.

BEING THE SAME PREMISES which T-Wing Farms, Inc., a Pennsylvania Corporation, by deed dated February 20, 1997 and recorded March 31, 1997 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1347, Page 231, granted and conveyed unto Mark R. Stambaugh, 1/4 T-Wing Farms, Proprietorship, a proprietorship, its successors and assigns, Grantor herein.

SEIZED IN EXECUTION as the property of Mark R. Stambaugh d/b/a T-Wing Farms, Proprietorship, on Judgment No. 2005-SU-0000581.

SEIZED and taken into execution as the property of **Mark R. Stambaugh d/b/a T-Wing Farms** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 10, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-628 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 September, 2005, 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 the Borough of Gettysburg, Adams County, Pennsylvania, bounded and described as follows: BEGINNING at an iron pin in the sidewalk, which iron pin is set back 10 feet from the North curb line of East Water Street and 10 feet from the East curb line of North Stratton Street; thence along said sidewalk, North 4 degrees 30 minutes East, 32.9 feet to a joint in the concrete; thence through the center of a brick house and land now or formerly of Maybelle E. Little, South 85 degrees 30 minutes East, 160 feet to an iron pin in a public alley; thence along said public alley, South 4 degrees 30 minutes West, 16.14 feet to an iron pin; thence along a sidewalk 10 feet wide, South 88 degrees 32 minutes West, 160.8 feet to an iron pin, the place of BEGINNING.

BEING the same premises which James A. Entwistle and Barbara Jo Entwistle, husband and wife, by deed dated 4/30/01 and recorded 5/1/01 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 2269 at Page 9, granted and conveyed unto Terry L. Unger, Jr., single.

Tax Parcel #: 16-G-7-54

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 17, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-490 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece or parcel of land situate in the Borough of York Springs, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the East side of the highway leading from Hanover to Carlisle, said point being the Northwest corner of other lands now or formerly of Orpheus Diller and Southwest corner of the tract herein conveyed; thence along the East side of said highway North 30 degrees West, 60 feet to a point on the East side of said highway, said point being the Northwest corner of the tract herein conveyed; thence along land now or formerly of Thomas Beitman, through an iron post North 58 degrees 46 minutes East, 155 feet to a point, the corner of a brick wall, said point being the Northeast corner of the tract herein conveyed; thence along lands now or formerly of LM Gardner South 30 degrees East, 60 feet to a stake, a corner of other lands now or formerly of Orpheus Diller, said point being the Southeast corner of the tract herein conveyed; thence along said Diller lands South 58 degrees 46 minutes West, 155 feet to a point on the East side of the highway leading from Hanover to Carlisle, the place of BEGINNING.

HAVING THEREON erected a dwelling house known as: 310 Main Street, York Springs, PA 17372

BEING THE SAME PREMISES WHICH Douglas M. Hayes and Kelly J. Hayes by deed dated 4/7/03 and recorded 4/11/03 in Deed Book 3056 Page 145, granted and conveyed unto Douglas M. Hayes.

SEIZED IN EXECUTION AS THE PROPERTY OF DOUGLAS M. HAYES UNDER ADAMS COUNTY JUDGMENT NO. 02-S-490

Map & Parcel 42-2-47

SEIZED and taken into execution as the property of **Douglas M. Hayes** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 10, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after

the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-434 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 September, 2005, 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.:

PROPERTY #1:

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

BEGINNING at a point in Pennsylvania Legislative Route No. 01005 at corner of land now or formerly of Michael Livelsberger; thence by said land now or formerly of Michael Livelsberger and running through a steel pin located 30 feet from the place of beginning, North 25 degrees 15 minutes East, 230 feet to a steel pin; thence by the same, South 62 degrees 12 minutes East, 100.10 feet to a steel pin; thence by land now or formerly of Bender, North 25 degrees 22 minutes 7 seconds East, 444.31 feet to a steel pin located at a original corner of the larger tract of land conveyed by the deed hereinafter recited; thence by the same and by other land now or formerly of Lucinda B. Small, North 55 degrees 54 minutes 6 seconds West, 368.79 feet to a steel pin; thence by other land now or formerly of Lucinda B. Small and running through a steel pin located 30 feet from the end of this line South 27 degrees 48 minutes West, 714.14 feet to a point in the aforementioned Legislative Route; thence in said Legislative Route South 62 degrees 12 minutes East, 295.55 feet to a point, the place of BEGINNING. CONTAINING 5.5338 acres, neat measure.

The foregoing description was obtained from a draft of a survey made by J. H. Rife, Registered Engineer, on November 25, 1970.

2986 Centennial Road, Hanover, PA 17331

Map J14, Parcel 54C

PROPERTY #2:

ALL that tract of land situate, lying and being in Liberty Township, Adams

County, Pennsylvania, being Lot No. 200 in Section AA, bounded and described as follows:

BEGINNING at a point in the center of Sydnor Trail at Lot No. 201; thence by said lot North 36 degrees 36 minutes 4 seconds East, 175 feet to Lot No. 214; thence by said lot and by Lot No. 198 South 53 degrees 23 minutes 56 seconds East, 135 feet to Lot No. 199; thence by said lot South 36 degrees 36 minutes 4 seconds West, 175 feet to a point in the center of said Sydnor Trail; thence in said Sydnor Trail North 53 degrees 23 minutes 56 seconds West, 135 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section AA, Charnita" dated October 26, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at page 59.

TOGETHER WITH a right of way and easement over the private roads indicated on said lot plan recorded in Adams County Plat Book No. 1 at page 59, for means of ingress, egress and regress.

The property being subject to existing restrictions.

Sydnor Trail, Lot 200, Charnita
Liberty Township, Adams County, PA
Map AA, Parcel 200

SEIZED and taken into execution as the property of **Donald A. Bixler a/k/a Don Bixler** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 17, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-104 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 September, 2005, 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.:

49 Bugler Drive, New Oxford, Oxford Township, Adams County

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

BEGINNING for a point on the Northern edge of Bugler Drive at Lot No. 79 of the hereinafter referenced subdivision plan; thence along said Northern edge of Bugler Drive by a curve to the left with a radius of two hundred seventy-five and zero hundredths (275.00) feet and whose long chord bearing is South sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds West, ninety-four and ninety-eight hundredths (94.98) feet for an arc distance of ninety-five and forty-six hundredths (95.46) feet to a point at Lot No. 81 of said plan; thence along same North thirty-four (34) degrees forty-seven (47) minutes forty-three (43) seconds West, one hundred twenty and zero hundredths (120.00) feet to a point at Lot No. 82 of said plan; thence along same and Lot No. 83 North sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds East, one hundred thirty-six and forty-three hundredths (136.43) feet to a point at Lot No. 79 of said plan; thence along same South fourteen (14) minutes fifty-four (54) minutes twenty-two (22) seconds East, one hundred twenty and zero hundredths (120.00) feet to a point on the Northern edge of Bugler Drive, the point and place of BEGINNING.

CONTAINING 13,414 square feet.

The above described lot being designated as Lot No. 80 on the Subdivision Plan of "South Branch Estates", dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

IT BEING the same tract of land which J.A. Myers Building and Development, Inc., William Bast and William Prin. Co-Partners in a Joint Venture known as MPR Associates, of the Borough of Hanover, York County, Pennsylvania, and J.A. Myers Building and Development, Inc., a Pennsylvania Corporation with its principal offices at 160 Ram Drive, Hanover, Pennsylvania, by deed dated August 28, 1996, and

recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1262, page 0082, granted and conveyed unto Jose Eduardo Sanchez-Cortez and Guadalupe Vazquez-Sanchez, husband and wife.

SEIZED IN EXECUTION as the property of J. Eduardo Sanchez-Cortez and Guadalupe Sanchez on Judgment No. 05-S-104.

SEIZED and taken into execution as the property of **J. Eduardo Sanchez-Cortez and Guadalupe Sanchez** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 17, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-598 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, 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 described tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a point in Route 116 at lands now or formerly of James L. Gebhart; thence along and with said Route 116, North 65 degrees 37 minutes 43 seconds West, 286.73 feet to a point at the other lands of which this was a part and being known as Lot No. 1; thence along and with the said Lot No. 1, North 28 degrees 11 minutes 34 seconds East, 191.1 feet to an iron pin at Lot No. 3; thence along and with said Lot No. 3, South 67 degrees 13 minutes 11 seconds East, 193.34 feet to a double oak tree; thence continuing along the same, South 57 degrees 45 minutes 08 seconds East, 153.57 feet to lands now or

formerly of James L. Gebhart; thence along and with said last-mentioned lands South 46 degrees 33 minutes 51 seconds West, 189.00 feet to the point and place of BEGINNING.

CONTAINING 1.390 acres, more or less.

BEING known as Lot No. 2 of a subdivision plan prepared for Accu-Tech, Inc., bearing date of January 12, 1989, and recorded March 21, 1989, in the Office of the Recorder of Deeds of Adams County, Pennsylvania Plan Book 52, Page 39,

Parcel No. 6-5

Property Address: 55 E. Hanover Street, Gettysburg, PA 17325

BEING the same premises which James A. Pennington and Joyce R. Pennington, husband and wife, by their Deed dated August 17, 2000 and recorded on August 17, 2000 in the Office of the Recorder of Deeds in and for Adams County, in Deed Book 2109, Page 177, granted and conveyed unto Roland D. Blevins and Michele Lynn Blevins, husband and wife, as tenants of an estate by the entreties.

SEIZED and taken into execution as the property of **Roland D. Blevins & Michele Lynn Blevins** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1274 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of land, together with the improvements thereon erected, situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the right-of-way line of Williamsburg Court at Lot No. 44 as shown on the hereinafter referenced Subdivision Plan; thence along the right-of-way line of Williamsburg Court, North forty-six (46) degrees twelve (12) minutes twelve (12) seconds East, one hundred thirty-one and sixty-eight hundredths (131.68) feet to a point at Lot No. 42 as shown on the hereinafter referenced Subdivision Plan; thence along said Lot No. 42, South forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds East, sixty-five (65.00) feet to a point at Lot No. 46 as shown on the hereinafter referenced Subdivision Plan; thence along said Lot No. 46, South forty-six (46) degrees ten (10) minutes fifty-eight (58) seconds West, one hundred twenty-nine and eighteen hundredths (129.18) feet to a point on the right-of-way line of Williamsburg Court; thence along the right-of-way line of Williamsburg Court, North forty-three (43) degrees fifty (50) minutes nineteen (19) seconds West, sixty-five (65) feet to a point, the point and place of BEGINNING, CONTAINING 8,474.62 square feet/0.19 acres.

THE above-described lot being designated as Lot No. 45 on the Final Subdivision Plan of "Heritage Hill - Phase 2", prepared by James R. Holley, Registered Professional Surveyor, dated March 10, 1993 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63 at Page 58.

SUBJECT to the Protective Covenants of "Heritage Hill" dated November 13, 1992 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 656 Page 146 and amended in Record Book 779 Page 212 and Record Book 833 Page 240.

TITLE TO SAID PREMISES IS VESTED IN Michael Bernard Rodgers and Jacquelyn Louise Rodgers as tenants by the entireties, their heirs and assigns by reason of the following:

BEING THE SAME premises which

Joseph D. Zebec and Susan E. Zebec, husband and wife by Deed dated 12/30/1998 and recorded on 1/4/1999 in the County of Adams in Record Book 1737 Page 255, conveyed unto Michael Bernard Rodgers and Jacqueline Louise Bernard, husband and wife.

AND ALSO BEING THE SAME premises which Michael Bernard Rodgers and Jacquelyn Louise Rodgers, erroneously referred to Jacqueline Louise Bernard by Deed of Correction dated 9/29/1999 and recorded on 12/1/1999 in the County of Adams in Record Book 1961 Page 341, conveyed unto Michael Bernard Rodgers and Jacquelyn Louise Rodgers, as tenants by the entireties, their heirs and assigns.

Tax Parcel: 27-11-163

Premises Being: 14 Williamsburg Court, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Michael Rodgers a/k/a Michael Bernard Rodgers & Jacquelyn Rodgers a/k/a Jacquelyn Louise Rodgers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-99 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin in the intersection of the state highway running from Arendtsville to the Lincoln Highway and the state highway running to Camp Nawakwa; thence in the state highway

running to Camp Nawakwa and by land now or formerly of The C.H. Musselman Company South 84 degrees 8 minutes East 404.2 feet to an iron pin; thence leaving said last mentioned highway and running along land now or formerly of Elmer H. Heller South 13 degrees 46 minutes East 197.7 feet to a black oak stump; thence by the same South 39 degrees 37 minutes West 602 feet to an iron pin and stones at or near the Western edge of the state highway running from Arendtsville to the Lincoln Highway; thence in said last mentioned state highway and by land now or formerly of The C.H. Musselman Company North 5 degrees 16 minutes West 700 feet to an iron pin, the place of BEGINNING, CONTAINING 4 acres and 41 Perches, more or less.

THE description of the tract of land hereby bought was obtained from a draft of survey made on April 13, 1956 by Leroy R. Winebrenner, County Surveyor.

Vested by: Special Warranty Deed dated 8/5/99, given by Glenn R. Heller and Marie A. Heller, husband and wife to Nora L. Bachman recorded 8/5/99 in Book: 1890 Page 16.

Premises being: 475 Nawakwa Road, Biglerville, PA 17307

Tax Parcel No. D6-27

SEIZED and taken into execution as the property of **Nora L. Bachman a/k/a Nora L. Patterson** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1203 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, 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 an iron pin located 11 feet North of the center line of Township Road T-430, known as Plunkert Road, at corner of land now or formerly of Nicholas N. Boccabella and wife; thence by land of the said Nicholas N. Boccabella and wife, and running through an iron pin located 20 feet from the place of beginning, North 4 degrees 47 minutes 2 seconds West, 225 feet to an iron pin; thence by land now or formerly of Raymond G. Boccabella, North 35 degrees 12 minutes 58 seconds East, 141.67 feet to an iron pin; thence by the same and running through an iron pin located 20 feet from the end of this line South 55 degrees 26 minutes 9 seconds East, 377.66 feet to a point located 2 feet West of the center line of Plunkert Road; thence in Plunkert Road, South 46 degrees 34 minutes 12 seconds West, 87.47 feet to a point in said road located 1 foot North of the center line thereof; thence continuing in Plunkert Road, South 89 degrees 48 minutes 2 seconds West, 265.88 feet to an iron pin, the place of BEGINNING. The above description was taken from a draft of survey made by Gettysburg Engineering Company, Inc., dated March 9, 1976 and recorded in Plat Book 10 at Page 17, designating the above as Lot No. 2.

TITLE TO SAID PREMISES IS VESTED IN Neil James Crouse, an unmarried man and Michele L. Rorrer, an unmarried woman, their heirs and assigns by Deed from Neil James Crouse, an unmarried man dated 10/24/2002 and recorded 11/6/2002 in Record Book 2867 Page 173.

Tax Parcel: 7C Map 1-16

Premises Being: 202 Plunkert Road, Littlestown, PA 17340

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accor-

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

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

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

8/19, 26 & 9/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-99 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, 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 Reading Township, Adams County, Pennsylvania, designated as (Lot Number 32) on subdivision plat of Hampton Plains, Inc., which plat is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 19, at Page 30.

Map #J8. Parcel #73

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN John T. Hauf by Deed from Richard L. Krill, etal. dated 5/21/1996 recorded 5/22/1996 in Record Book 1198 Page 210.

Premises being: 19 Ray Court, New Oxford, PA 17350

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-906 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, 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 on the South side of Linden Avenue in the Village of Midway, Conewago Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING on the North by Linden Avenue, on the South by a public alley; on the East by Lot No. 5 on the plat of lots hereinafter referred to, and on the West by lands now or formerly of Bernard L. Schuchart and wife. Having a frontage on Linden Avenue of thirty (30) feet and extending in depth of equal width throughout one hundred sixty-five (165) feet to the public alley. Said tract is known as Lot No. 4, in Block 3 on the plat of lots of Hanover Improvement Company, which plat is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book WW, at page 600.

TITLE TO SAID PREMISES IS VESTED IN Albert T. Crigger II and Sonya R. Zito as joint tenants with Right of Survivorship by Deed from Dennis Mundell and Rebecca J. Mundell, his wife dated 4/30/1999 and recorded 4/30/1999, in Record Book 1822 Page 169.

Tax Parcel: 141A Map #8

Premises Being: 330 Linden Avenue, Hanover, PA 17331

SEIZED and taken into execution as the property of **Albert T. Crigger II & Sonya R. Zito** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-602 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Northerly right of way line of Abbotts Drive in the Borough of Abbottstown, County of Adams and State of Pennsylvania known and numbered as Lot No. 42 on a plan of lots for Abbotts Manor Phase II recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plat 73, Page 43, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Abbotts Drive, at a corner of Lot No. 41 on said plan; thence extending along the said Lot No. 41 North 30 degrees 14 minutes 00 seconds West 290.66 feet to a point, at a corner of Lot No 55D on said plan; thence extending along the said Lot No. 55D North 30 degrees 34 minutes 40 seconds East 97.36 feet; thence on said plan; South 30° 14' 00" East 338.14'; thence extending along the Northerly right of way line of Abbotts Drive South, 59 degrees 46 minutes 00 seconds West 85 feet to the point and place of BEGINNING.

CONTAINING 26,724 square feet.

TITLE TO SAID PREMISES IS VESTED IN Donald L. Plank, Jr. and Elizabeth A. Martz, their heirs, successors and assigns by Deed from Philip R. Garland 1/d/b/a Garland Construction dated 7/23/1999 and recorded 2/4/2000, in Record Book 1997, Page 138.

Premises being: 131 Abbotts Drive, Abbottstown, PA 17301

Tax Parcel No. 5-48

SEIZED and taken into execution as the property of **Donald L. Plank, Jr. & Elizabeth A. Martz** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-667 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate in the Township of Straban, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a stone for a corner in a line of property formerly of George Cashman; thence by the same, North 21 degrees West (appears as North 22 degrees West on some other deeds), 27.6 perches to a stone; thence by land formerly of John Goulden and John Yeagy, North 62-1/4 degrees East 60.9 perches to a stone; 32.8 perches to a stone; thence by same South 67-1/4 degrees West 62.6 perches to the place of BEGINNING, CONTAINING 11 acres, 2 rods and 20 perches.

Address: 130 Cashman Rd.;
Gettysburg, PA 17325

Tax Map or Parcel ID No.: (38)H09-10

SEIZED and taken into execution as the property of **John J. Calloway, Mary Francis Calloway & Bonnie Michele Still-Hammond** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

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 June 9, 2005, an Application for Registration of Fictitious Name of HAMMOND'S CASH FOR FUTURE INCOME, the address of the principal place of business being 1476 Biglerville Road, Gettysburg, Pennsylvania 17325. The name and address of the person who is a party to said registration is: Shirley Hammond, 1476 Biglerville Road, Gettysburg, Pennsylvania 17325.

Puhl, Eastman & Thrasher
Attorneys

8/19

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988.

The name of the corporation is GETTYSBURG OUTDOORS, INC.

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

8/19

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 MICHELLE RENEE DONNELLY, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Administrator: Lawrence P. Donnelly, 27 Pine Tree Hill, Fairfield, PA 17320

Attorney: Sheryl L. Jackson, Esq., P.O. Box 3504, Gettysburg, PA 17325

ESTATE OF KEITH A. FORSYTHE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Administratrix: Rosalie Stouter, 5235 Chambersburg Road, Orrtanna, PA 17353

Attorney: J. Edward Beck, Jr., Esq., Keller, Keller, Frey and Beck LLC, 1035 Wayne Avenue, Chambersburg, PA 17201

ESTATE OF ROMAINE T. GROFT, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Geneva C. Baugher, 4958 Howard Street, Fort Myers, FL 33905

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

ESTATE OF DOROTHY P. MILLER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: Barbara Webb, c/o Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

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

ESTATE OF MARK J. SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Mark J. Smith, Jr., 7 Woodstone Court, York, PA 17402

Attorney: David C. Smith, Esq., 754 Edgegrove Rd., Hanover, PA 17331

ESTATE OF RUTH M. STITELY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Wanda Bankert, 650 East Middle Street, Hanover, PA 17331; Diane Beasley, P.O. Box 108, McKnightstown, PA 17343

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

ESTATE OF ROBERT G. WEAVER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Francis X. Weaver, 338 Larkin Drive, Red Lion, PA 17356

Attorney: David C. Smith, Esq., 754 Edgegrove Rd., Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF HELEN G. CROOK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Clinton R. Zapp, 2035 Grandview Road, Hanover, PA 17331

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

ESTATE OF ESTELLA M. MOORE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Mary Catherine Groft, 25 Pleasant Street, New Oxford, PA 17350

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

ESTATE OF STEVE M. ONDEK a/k/a STEVEN M. ONDEK, JR., DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: George B. Hughes, Sr., 721 Palm Circle Drive, Port Orange, FL 32127

Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 25 South Washington Street, Gettysburg, PA 17325

ESTATE OF NORMAN J. SHEA, JR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Anne W. Shea, c/o Donald J. Weiss, Esq., 6 Hillock Lane, Chadds Ford, PA 19317

Attorney: Donald J. Weiss, Esq., 6 Hillock Lane, Chadds Ford, PA 19317

THIRD PUBLICATION

(No Estates Notices Submitted)

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1069 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of October, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated in Hamilton Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point in a public right-of-way known as Boy Scout Road and lands now or formerly of Richard Stegman; thence along and through said Boy Scout Road South fifty-five (55) degrees forty-five (45) minutes thirty-five (35) seconds West, two hundred and twenty hundredths (200.20) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North twenty-two (22) degrees eleven (11) minutes forty (40) seconds West, one hundred and fifty-six hundredths (100.56) feet to a point at a twenty (20) foot private right-of-way; thence along said private right-of-way North sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds East, one hundred thirty-five and zero hundredths (135.00) feet to a point; thence continuing along the same North thirty-nine (39) degrees thirty-eight (38) minutes thirty-five (35) seconds West, twenty and thirty hundredths (20.30) feet to a point; thence continuing along the same South sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds West, one hundred and zero hundredths (100.00) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North thirty-four (34) degrees thirty-six (36) minutes five (05) seconds West, one hundred seventy-five and forty-nine hundredths (175.49) feet to a point in the Conewago Creek; thence in and through said Conewago Creek North fifty-seven (57) degrees twenty-four (24) minutes zero (00) seconds East, one hundred six and ninety-three hundredths (106.93) feet to a point at the edge of Conewago Creek and lands now or formerly of Richard Stegman; thence along said last mentioned lands South forty-three (43) degrees thirty-seven (37) minutes forty-five (45) seconds East, one hundred eighty-nine and eighty-five hundredths (189.85) feet to a point; thence continuing along same South thirty-nine (39) degrees forty-nine (49) minutes forty-five (45) seconds East, ninety-nine and forty-seven hundredths (99.47) feet to the point and place of BEGINNING, CONTAINING 39,170 square feet. The above

description being taken from a Boundary Survey prepared by Adams County Surveyors, dated November 11, 1991 and designated as Drawing B-673.

HAVING ERECTED THEREON a dwelling known as 217 Boy Scout Road, New Oxford, Pennsylvania.

BEING THE SAME PREMISES WHICH Eric J. Carbaugh and Elecia Carbaugh, by their Attorney-in-fact Edward Francis Powers, by their Deed dated September 30, 1999 and recorded October 6, 1999 in Adams County Deed Book 1928, Page 233, granted and conveyed unto Shawn Gladfelter and Michelle Gladfelter.

TOGETHER WITH all and singular ways, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in anywise appertaining, and the reversions, and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever, of Grantors in law, equity, or otherwise howsoever, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said tract of land, together with the hereditaments and premises hereby granted or mentioned and intended so to be with the appurtenances unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns forever.

SEIZED IN EXECUTION AS THE PROPERTY OF SHAWN GLADFELTER AND MICHELLE GLADFELTER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-1069.

Map & Parcel #J10-23B

SEIZED and taken into execution as the property of **Michelle Gladfelter & Shawn Gladfelter** 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 November 14, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately July 19, 2005, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of BODYWISE, with its principal place of business at 1013 Old Route 30, Cashtown, PA 17310. The names and addresses of the persons owning or interested in said business are Julie Aha, residing at 1013 Old Route 30, Cashtown, PA 17310. The character or nature of the business is health consulting, and massage and dance therapy.

8/19

Adams County Legal Journal

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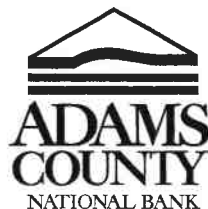
NEW ADVERTISING RATES EFFECTIVE 9/1/05

Decedent's Estate Notice	\$42.00
Corporation Notice	42.00
Fictitious Name	42.00
Change of Name	42.00
Guardianship Account	42.00
Trust Account	42.00

THE ABOVE FIXED PRICE LEGAL ADVERTISING RATES INCLUDE ONE PROOF OF PUBLICATION AND **MUST BE PAID FOR IN ADVANCE**. ALL OTHER LEGAL ADVERTISING WILL BE BILLED IN THE SAME AMOUNT CHARGED BY THE GETTYSBURG TIMES PLUS \$3.00 FOR PROOF OF PUBLICATION.

PLEASE KEEP FOR FUTURE REFERENCE

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-667 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate in the Township of Straban, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a stone for a corner in a line of property formerly of George Cashman; thence by the same, North 21 degrees West (appears as North 22 degrees West on some other deeds), 27.6 perches to a stone; thence by land formerly of John Goulden and John Yeagy, North 62-1/4 degrees East 60.9 perches to a stone; 32.8 perches to a stone; thence by same South 67-1/4 degrees West 62.6 perches to the place of BEGINNING, CONTAINING 11 acres, 2 rods and 20 perches.

Address: 130 Cashman Rd.; Gettysburg, PA 17325

Tax Map or Parcel ID No. (38)H09-10

SEIZED and taken into execution as the property of **John J. Calloway, Mary Francis Calloway & Bonnie Michele Still-Hammond** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-434 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 September, 2005, 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.:

PROPERTY #1:

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

BEGINNING at a point in Pennsylvania Legislative Route No. 01005 at corner of land now or formerly of Michael Livelsberger; thence by said land now or formerly of Michael Livelsberger and running through a steel pin located 30 feet from the place of beginning, North 25 degrees 15 minutes East, 230 feet to a steel pin; thence by the same, South 62 degrees 12 minutes East, 100.10 feet to a steel pin; thence by land now or formerly of Bender, North 25 degrees 22 minutes 7 seconds East, 444.31 feet to a steel pin located at a original corner of the larger tract of land conveyed by the deed hereinafter recited; thence by the same and by other land now or formerly of Lucinda B. Small, North 55 degrees 54 minutes 6 seconds West, 368.79 feet to a steel pin; thence by other land now or formerly of Lucinda B. Small and running through a steel pin located 30 feet from the end of this line South 27 degrees 48 minutes West, 714.14 feet to a point in the aforementioned Legislative Route; thence in said Legislative Route South 62 degrees 12 minutes East, 295.55 feet to a point, the place of BEGINNING. CONTAINING 5.5338 acres, neat measure.

The foregoing description was obtained from a draft of a survey made by J. H. Rife, Registered Engineer, on November 25, 1970.

2986 Centennial Road, Hanover, PA 17331

Map J14, Parcel 54C

PROPERTY #2:

ALL that tract of land situate, lying and being in Liberty Township, Adams County, Pennsylvania, being Lot No. 200 in Section AA, bounded and described as follows:

BEGINNING at a point in the center of Sydnor Trail at Lot No. 201; thence by said lot North 36 degrees 36 minutes 4 seconds East, 175 feet to Lot No. 214; thence by said lot and by Lot No. 198 South 53 degrees 23 minutes 56 seconds East, 135 feet to Lot No. 199; thence by said lot South 36 degrees 36 minutes 4 seconds West, 175 feet to a point in the center of said Sydnor Trail; thence in said Sydnor Trail North 53 degrees 23 minutes 56 seconds West, 135 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section AA, Charnita" dated October 26, 1989, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at page 59.

TOGETHER WITH a right of way and easement over the private roads indicated on said lot plan recorded in Adams County Plat Book No. 1 at page 59, for means of ingress, egress and regress.

The property being subject to existing restrictions.

Sydnor Trail, Lot 200, Charnita
Liberty Township, Adams County, PA
Map AA, Parcel 200

SEIZED and taken into execution as the property of **Donald A. Bixler a/k/a Don Bixler** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 17, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

MOLLOY ET AL VS. MARTIN ET AL

1. Mediation clauses in contracts, like arbitration clauses, are favored by the courts as a means of alternative dispute resolution and will be enforced where a valid agreement to resolve disputes through alternative dispute resolution methods is reached between the parties.

2. Where a party to a civil action seeks to compel alternative dispute resolution methods, a two-part test is employed. First the trial court must establish if a valid agreement for alternate dispute resolution exists between the parties. Secondly, if the trial court determines that such an agreement exists, it must then ascertain if the dispute involved is within the scope of the applicable provisions.

3. Contract language providing for alternative dispute resolution of disputes arising out of or relating to the contract is reflective of the parties' intent to submit their grievances to alternative dispute resolution regardless of whether the claim is sounded in tort or contract.

4. The trial court must find that a valid agreement exists between the parties before alternative dispute resolution may be compelled. However, it does not follow that the objecting Defendants who are subject to the terms of the Agreement may not enforce their rights under the Agreement. The inclusion of additional parties in this matter cannot serve to defeat the negotiated terms of an agreement to mediate as those terms affect the contractual rights between the Plaintiffs and the objecting Defendants.

5. Only the parties which are subject to the mediation clause have raised the failure to submit the dispute for alternative resolution as a preliminary objection. Accordingly, ruling on those preliminary objections affects only the relationship between those parties, not the relationship between the Plaintiff and the remaining Defendants.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 04-S-346, JOHN J. MOLLOY AND BARBARA LEE ROWE VS. JAMES E. MARTIN, C. M. NEAL OUSSOREN, JACK GAUGHEN REALTOR, ERA, MALINA S. RAY, SECURED LAND TRANSFERS, INC., AND FIRST AMERICAN TITLE INSURANCE COMPANY, DEFENDANTS, AND WALTER C. BROWN, INDIVIDUALLY AND IN HIS CAPACITY AS HEIR, ADMINISTRATOR AND/OR EXECUTOR OF THE ESTATE OF DOLORES J. BROWN, THIRD PARTY DEFENDANT.

Henry O. Heiser, III, Esq., for Plaintiff

Paige MacDonald-Mathis, Esq., for Defendants Martin, Oussoren & Jack Gaughen Realtor ERA

Lauren P. McKenna, Esq., for Defendants Ray, Secured Land Transfers, Inc. & First American Title

George, J., February 23, 2005

OPINION

In early 2002, Walter C. Brown and his wife, Dolores J. Brown (“Sellers”)¹ listed for sale a 24-acre tract of land improved with a residential dwelling located at 899A Railroad Lane, Orrtanna, Pennsylvania. The listing agent for the sale of the property was C.M. Neal Oussoren (“Oussoren”) of Jack Gaughen Realtor, ERA. On or about April 12, 2002, the Plaintiffs, John Molloy and Barbara Rowe (“Purchasers”) were shown the property by another Jack Gaughen Agent, James E. Martin (“Martin”). On April 21, 2002, the Purchasers made a written offer to purchase the property for \$170,000. This offer, however, was not accepted by the Sellers. Rather, on April 24, 2002, the Sellers tendered a counteroffer by offering to sell the 24-acre tract and an additional lot consisting of 4.5 acres to the Purchasers for \$210,000. The Purchasers responded with their own counteroffer to purchase both tracts of land for the total sum of \$208,000. The final counteroffer was accepted by the Sellers and memorialized by a written agreement. The written agreement included both an integration clause and a mediation clause.²

¹ Dolores Brown died on March 6, 2004 leaving Walter Brown as the sole heir to her estate.

² The integration clause reads as follows:

The seller represents that seller has informed buyer of any hidden or latent defects of which the seller has knowledge. It is understood that the buyer has inspected the property, or hereby waives the right to do so, and has agreed to purchase it as a result of such inspection and not because of or in reliance upon any representations which are not included herein, whether made by any broker, transaction licensee, or any of their respective sales people, employees’ offices and/or partners.

The buyer has agreed to purchase the property in its present condition unless otherwise specified herein. It is further understood that this Agreement contains the whole Agreement between the Seller and the Buyer and there are no other terms, obligations, covenants, representations, statements or conditions, oral or otherwise, of any kind whatsoever concerning this sale. Furthermore, this Agreement shall not be altered, amended, changed or modified except in writing executed by the parties.

The mediation clause reads as follows:

The Buyers, Sellers, and Brokers agree that disputes relating to this Agreement SHALL be submitted to mediation in accordance with the rules and procedures of the dispute resolution system established by the REALTORS Association of York and Adams Counties, Inc., and that if any agreement is reached by the Buyers, Sellers and Brokers pursuant to a mediation conference, it shall be binding upon them. Costs of mediation to be shared equally by Buyers, Sellers and Brokers named in the dispute. This duty to mediate disputes shall survive final settlement. (Emphasis in original).

Settlement on the sale of the property occurred on June 5, 2002. The Purchasers allege that approximately two weeks after settlement, they received correspondence from the solicitor of the municipality where the property was located indicating that the 4.5-acre tract of land could not be improved with a residential dwelling by virtue of a deed restriction imposed by a previous owner of the property. This deed restriction is noted on a deed in the property's chain of title filed with the Adams County Recorder of Deeds Office.³ The Purchasers claim that they were unaware of any such deed restriction and, in fact, were led to believe to the contrary by Martin and Oussoren. The Purchasers claim that at all times prior to their receipt of the letter from the solicitor, the real estate agents consistently made representations, upon which they relied, that the 4.5-acre lot was a lot suitable for building. The Purchasers currently filed suit against Martin, Oussoren, Jack Gaughen Realtor, Malina S. Ray, Secured Land Transfers, Inc., and First American Title Insurance Company⁴ alleging tortious causes of action for negligent and intentional misrepresentation. The Purchasers, in their suit, seek reimbursement for the difference between the value of the 4.5-acre tract as farmland compared to its value as a building lot.

Defendants First American Title Insurance Company, Secured Land Transfers, Inc., and Malina S. Ray, have filed an Answer with New Matter to the Purchasers Complaint.⁵ The Defendants, Martin, Oussoren, and Jack Gaughen Realtor, ERA, have filed Preliminary Objections. In those Preliminary Objections they seek to dismiss the action based upon the Purchasers' failure to comply with the mediation requirements of the real estate contract. Additionally, they

³ The deed at issue is recorded in the Office of Recorder of Deeds of Adams County in Deed Book 421 at Page 538.

⁴ Secured Land Transfers, Inc., is joined as settlement agent for the Purchasers. Malina Ray is joined as the actual agent and employee of Secured Land who represented the Purchasers at closing. She is joined on a theory that she breached her duties by failing to reveal or mention to the Purchasers the deed restriction in question.

First American Title Insurance Company is the title insurance company which insured the property. They are joined on a negligence theory alleging that their reference in the title policy to the restriction by record book and page number was insufficient and should have been more thoroughly explained in the policy.

⁵ These parties have also filed a joinder complaint against the Sellers of the property, Walter C. Brown, individually and in his capacity as heir, administrator, and/or executor of the Estate of Dolores J. Brown.

demur to the Complaint alleging that the Purchasers cannot establish a cause of action for negligent or intentional misrepresentation, as a matter of law, in light of the integration clause in the Real Estate Agreement.

Initially, I note that this court has very recently held that mediation clauses in contracts, like arbitration clauses, are favored by the courts as a means of alternative dispute resolution and will be enforced where a valid agreement to resolve disputes through alternative dispute resolution methods is reached between the parties. *Bell v. Land Games*, No. 04-S-898 (C.P. Adams February 11, 2005).⁶ Finding that the rationale of our appellate courts concerning the enforcement of arbitration clauses was equally applicable to mediation clauses, I applied appellate authority which instructs that where a party to a civil action seeks to compel alternate dispute resolution methods, a two-part test is employed. First, the trial court must establish if a valid agreement for alternate dispute resolution exists between the parties. Secondly, if the trial court determines that such an agreement exists, it must then ascertain if the dispute involved is within the scope of the applicable provisions. Therefore, if a valid mediation agreement exists between the parties and the plaintiff's claim is within the scope of the agreement, the controversy must be submitted to mediation. *Id.*

Instantly, it is clear that a valid mediation agreement exists between the parties. The Purchasers do not challenge the Agreement in this regard. Rather, they argue that the dispute at issue does not fall within the scope of the mediation provision. In support of their argument, they point out that their Complaint alleges tortious conduct and is not based upon a breach of contract claim relating to the Real Estate Agreement. This argument, however, has been considered and rejected by our appellate courts.⁷ A number of appellate

⁶ The case currently before the court is one of several recent cases in Adams County where one of the parties to the litigation has filed preliminary objections seeking the enforcement of a mediation clause in a real estate agreement. In addition to *Bell v. Land Games*, other recent cases involving mediation clauses are listed at *Gochenaur v. Eicholtz*, No. 04-S-521 (C.P. Adams February __ 2005); *Kolson v. Elger, Hawbaker Remax*, No. 04-S-303 (C.P. Adams February __ 2005); and *Dutton v. Neilson*, No. 04-S-993 (C.P. Adams February __ 2005).

⁷ Although appellate authority in this area arises in regard to the interpretation of arbitration clauses, I see no reason to distinguish the reasoning.

decisions have held that contract language providing for alternative dispute resolution of disputes arising out of or relating to the contract is reflective of the parties' intent to submit their grievances to alternative dispute resolution regardless of whether the claim is sounded in tort or contract. *Flightways Corp. v. Keystone Helicopter Corp.*, 331 A.2d 184, 185 (Pa. 1975) (a contract which provides that the parties will arbitrate any claim or controversy arising out of or relating to this agreement or alleged breach thereof will not be circumvented by an allegation that the contract was void *ab initio* because of fraud in the inducement); *Smay v. E.R. Stuebner, Inc.*, 2004 PA Super 493, 16 __ A.2d __ (Pa.Super. 2004) (citing construction contract containing arbitration provisions required a personal injury action initiated by contractor's employee against the property owner requires submission to arbitration); See generally *Pittsburgh Logistics Sys., Inc., v. Prof'l Transp. and Logistics, Inc.*, 803 A.2d 776 (Pa.Super. 2002) (citing a tort action for misappropriation of trade secrets, breach of common law fiduciary duties, and interference with the contractual relationship was it within the scope of the parties' broad arbitration agreement); *Callan v. Oxford Land Dev., Inc.*, 858 A.2d 1229, 1231 (Pa.Super. 2003) (citing buyer's tort claims were subsumed in the arbitration clause contained in the agreement of sale for the real estate); *Shaddock v. Kaclik, Inc.*, 713 A.2d 635, 637 (Pa. Super. 1998) (citing homeowner's underlying tort claims against building for fraudulent misrepresentation in violation of unfair trade practices and consumer protection law arose out of construction contract and were thus subject to mandatory arbitration provisions in the contract).⁸ Although the language in the arbitration clauses at issue in the cases cited above is slightly different than the language currently at issue, I find that difference to be insignificant. Similar to

⁸ Apparently, the Commonwealth Court of Pennsylvania has reached a contrary decision on similar facts. In *Hazleton Area School District v. Bosak*, 671 A.2d 277, 283 (Pa.Cmwlt. 1996), the Commonwealth Court affirmed a Common Pleas Court Order that denied a motion to compel arbitration on the ground that the two arbitration clauses at issue in that case did not encompass tort claims. The Court in *Hazleton* concluded that these arbitration clauses did not manifest the parties' intention to arbitrate a claim against the contractor for its negligent performance of a contract. In *Smay*, cited above, the Pennsylvania Superior Court specifically chose not to follow the Commonwealth Court's reasoning. I find the reasoning of the Superior Court to be sound and will follow their precedent.

the clauses at issue in the above cases, the current mediation clause contains broad contract language manifesting the parties' clear intent to attempt to resolve disputes related to the Sales Agreement through mediation. Since the mediation clause is unrestricted, the language must be read broadly to include all claims arising from the contract regardless of whether the claim is sound in tort or contract. See *Pittsburgh Logistics Sys., Inc.*, cited above.

The Purchasers point out in their brief that this litigation involves parties which are not subject to the mediation clause. Indeed, Defendants Secured Land Transfers, Inc., and First American Title Insurance Company are not parties to the Sales Agreement and, therefore, are not subject to the terms of the mediation clause. The Purchasers are absolutely correct in this argument since the trial court must find that a valid agreement exists between the parties before alternative dispute resolution may be compelled. See *Pittsburgh Logistics Sys., Inc.*, cited above. However, it does not follow that the objecting Defendants who are subject to the terms of the Agreement may not enforce their rights under the Agreement. The Purchasers' inclusion of additional parties in this matter cannot serve to defeat the negotiated terms of their Agreement as those terms affect the contractual rights between the Plaintiffs and the objecting Defendants.

Instantly, only the parties which are subject to the mediation clause have raised the failure to submit the dispute for alternative resolution as a preliminary objection. Accordingly, ruling on those preliminary objections affects only the relationship between the Plaintiff and the Defendant, not the relationship between the Plaintiff and the remaining Defendants. See generally, *Bowman v. Meadow Ridge, Inc.*, 615 A.2d 755 (Pa.Super. 1992). Nevertheless, the order resulting from this Opinion will be styled so as not to prejudice any rights of other parties in this matter.

Although I find that the mediation clause requires this matter be submitted to mediation, for the reasons set forth in *Bell v. Land Games*, I do not dismiss the Purchasers' Complaint. Rather, all further proceedings in this case will be stayed for a period of 90 days to allow the proper parties to submit this matter to mediation pursuant to the terms of their Agreement. Although the stay shall initially apply to all proceedings in this litigation, the parties which are not subject to the Sales Agreement may, at any time, request this Court

to lift the stay as it affects their aspect of the litigation. At the conclusion of 90 days from the date of this Order, the stay shall be automatically lifted and all remaining parties in the litigation shall proceed pursuant to the Pennsylvania Rules of Civil Procedure. Although the remaining Defendants to this action are not contractually obligated to participate in the mediation process, it would appear that efforts to resolve this matter through mediation are more likely to succeed if all interested parties participate in the process. Accordingly, all parties to this litigation are encouraged to voluntarily participate in proceedings which may result in a global resolution of the litigation.

In light of the foregoing, the Court will not, at this time, enter a ruling on the demurrer filed by Martin, Oussoren, and Jack Gaughen Realtors. Since ruling on the demurrer may result in an end to this litigation, it is inconsistent for this Court to rule upon legal issues which would, in effect, void the parties' intent to submit disputes to alternative avenues for resolution. If either Martin, Oussoren, or Jack Gaughen Realtor remain as parties following mediation, the Court will thereafter rule upon the remaining preliminary objection.

For the reasons set forth hereinabove, the attached Order is entered.

ORDER OF COURT

AND NOW, this 23rd day of February, 2005, the Defendants' Preliminary Objection Seeking Dismissal of the Complaint on the basis of the mediation clause in the Sales Agreement is denied. However, all further proceedings in this litigation are stayed for a period of 90 days from the date of this Order. Defendants Ray, Secured Land Transfer, Inc., and First American Title Insurance Company and additional Defendant Walter C. Brown, individually and in his capacity as heir, administrator and/or executor of the Estate of Dolores J. Brown, may petition the Court to lift this stay at any time as it affects their aspects of the litigation. After the expiration of 90 days from the date of this Order, if the claims against either Defendant Martin, Defendant Oussoren or Defendant Jack Gaughen Realtor have not been settled, the Court will rule upon their demurrer to the Plaintiffs' Complaint without the need for further briefing or argument. The Plaintiffs' Counsel is directed to advise the Court

as to the status of this litigation following the parties' submission of the matter to mediation. If the mediation process is unable to be completed within the 90-day time period set forth hereinabove, any party may request an extension of the stay granted herein.

The Adams County Prothonotary's Office shall provide copies of this Court's February 11, 2005 Opinion in *Bell v. Land Games*, No. 04-S-898, to each of the parties with a copy of this Order and Opinion.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1069 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of October, 2005, 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 Hamilton Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point in a public right-of-way known as Boy Scout Road and lands now or formerly of Richard Stegman; thence along and through said Boy Scout Road South fifty-five (55) degrees forty-five (45) minutes thirty-five (35) seconds West, two hundred and twenty hundredths (200.20) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North twenty-two (22) degrees eleven (11) minutes forty (40) seconds West, one hundred and fifty-six hundredths (100.56) feet to a point at a twenty (20) foot private right-of-way; thence along said private right-of-way North sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds East, one hundred thirty-five and zero hundredths (135.00) feet to a point; thence continuing along the same North thirty-nine (39) degrees thirty-eight (38) minutes thirty-five (35) seconds West, twenty and thirty hundredths (20.30) feet to a point; thence continuing along the same South sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds West, one hundred and zero hundredths (100.00) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North thirty-four (34) degrees thirty-six (36) minutes five (05) seconds West, one hundred seventy-five and forty-nine hundredths (175.49) feet to a point in the Conewago Creek; thence in and through said Conewago Creek North fifty-seven (57) degrees twenty-four (24) minutes zero (00) seconds East, one hundred six and ninety-three hundredths (106.93) feet to a point at the edge of Conewago Creek and lands now or formerly of Richard Stegman; thence along said last mentioned lands South forty-three (43) degrees thirty-seven (37) minutes forty-five (45) seconds East, one hundred eighty-nine and eighty-five hundredths (189.85) feet to a point; thence continuing along same South thirty-nine (39) degrees forty-nine (49) minutes forty-five (45) seconds East, ninety-nine and forty-seven hundredths (99.47) feet to the point and place of BEGINNING. CONTAINING 39,170 square feet. The above

description being taken from a Boundary Survey prepared by Adams County Surveyors, dated November 11, 1991 and designated as Drawing B-673.

HAVING ERECTED THEREON a dwelling known as 217 Boy Scout Road, New Oxford, Pennsylvania.

BEING THE SAME PREMISES WHICH Eric J. Carbaugh and Elecia Carbaugh, by their Attorney-in-fact Edward Francis Powers, by their Deed dated September 30, 1999 and recorded October 6, 1999 in Adams County Deed Book 1928, Page 233, granted and conveyed unto Shawn Gladfelter and Michelle Gladfelter.

TOGETHER WITH all and singular ways, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in anywise appertaining, and the reversions, and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever, of Grantors in law, equity, or otherwise howsoever, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said tract of land, together with the hereditaments and premises hereby granted or mentioned and intended so to be with the appurtenances unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns forever.

SEIZED IN EXECUTION AS THE PROPERTY OF SHAWN GLADFELTER AND MICHELLE GLADFELTER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-1069.

Map & Parcel #J10-23B

SEIZED and taken into execution as the property of **Michelle Gladfelter & Shawn Gladfelter** 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 November 14, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-628 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 September, 2005, 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 the Borough of Gettysburg, Adams County, Pennsylvania, bounded and described as follows: BEGINNING at an iron pin in the sidewalk, which iron pin is set back 10 feet from the North curb line of East Water Street and 10 feet from the East curb line of North Stratton Street; thence along said sidewalk, North 4 degrees 30 minutes East, 32.9 feet to a joint in the concrete; thence through the center of a brick house and land now or formerly of Maybelle E. Little, South 85 degrees 30 minutes East, 160 feet to an iron pin in a public alley; thence along said public alley, South 4 degrees 30 minutes West, 16.14 feet to an iron pin; thence along a sidewalk 10 feet wide, South 88 degrees 32 minutes West, 160.8 feet to an iron pin, the place of BEGINNING.

BEING the same premises which James A. Entwistle and Barbara Jo Entwistle, husband and wife, by deed dated 4/30/01 and recorded 5/1/01 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 2269 at Page 9, granted and conveyed unto Terry L. Unger, Jr., single.

Tax Parcel #: 16-G-7-54

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 17, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-104 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 September, 2005, 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.:

49 Bugler Drive, New Oxford, Oxford Township, Adams County

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

BEGINNING for a point on the Northern edge of Bugler Drive at Lot No. 79 of the hereinafter referenced subdivision plan; thence along said Northern edge of Bugler Drive by a curve to the left with a radius of two hundred seventy-five and zero hundredths (275.00) feet and whose long chord bearing is South sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds West, ninety-four and ninety-eight hundredths (94.98) feet for an arc distance of ninety-five and forty-six hundredths (95.46) feet to a point at Lot No. 81 of said plan; thence along same North thirty-four (34) degrees forty-seven (47) minutes forty-three (43) seconds West, one hundred twenty and zero hundredths (120.00) feet to a point at Lot No. 82 of said plan; thence along same and Lot No. 83 North sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds East, one hundred thirty-six and forty-three hundredths (136.43) feet to a point at Lot No. 79 of said plan; thence along same South fourteen (14) minutes fifty-four (54) minutes twenty-two (22) seconds East, one hundred twenty and zero hundredths (120.00) feet to a point on the Northern edge of Bugler Drive, the point and place of BEGINNING.

CONTAINING 13,414 square feet.

The above described lot being designated as Lot No. 80 on the Subdivision Plan of "South Branch Estates", dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

IT BEING the same tract of land which J.A. Myers Building and Development, Inc., William Bast and William Prin, Co-Partners in a Joint Venture known as MPR Associates, of the Borough of Hanover, York County, Pennsylvania, and J.A. Myers Building and Development, Inc., a Pennsylvania Corporation with its principal offices at 160 Ram Drive, Hanover, Pennsylvania, by deed dated August 28, 1996, and

recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1262, page 0082, granted and conveyed unto Jose Eduardo Sanchez-Cortez and Guadalupe Vazquez-Sanchez, husband and wife.

SEIZED IN EXECUTION as the property of J. Eduardo Sanchez-Cortez and Guadalupe Sanchez on Judgment No. 05-S-104.

SEIZED and taken into execution as the property of **J. Eduardo Sanchez-Cortez and Guadalupe Sanchez** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 17, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-598 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, 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 described tract of land situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a point in Route 116 at lands now or formerly of James L. Gebhart; thence along and with said Route 116, North 65 degrees 37 minutes 43 seconds West, 286.73 feet to a point at the other lands of which this was a part and being known as Lot No. 1; thence along and with the said Lot No. 1, North 28 degrees 11 minutes 34 seconds East, 191.1 feet to an iron pin at Lot No. 3; thence along and with said Lot No. 3, South 67 degrees 13 minutes 11 seconds East, 193.34 feet to a double oak tree; thence continuing along the same, South 57 degrees 45 minutes 08 seconds East, 153.57 feet to lands now or

formerly of James L. Gebhart; thence along and with said last-mentioned lands South 46 degrees 33 minutes 51 seconds West, 189.00 feet to the point and place of BEGINNING.

CONTAINING 1.390 acres, more or less.

BEING known as Lot No. 2 of a subdivision plan prepared for Accu-Tech, Inc., bearing date of January 12, 1989, and recorded March 21, 1989, in the Office of the Recorder of Deeds of Adams County, Pennsylvania Plan Book 52, Page 39.

Parcel No. 6-5

Property Address: 55 E. Hanover Street, Gettysburg, PA 17325

BEING the same premises which James A. Pennington and Joyce R. Pennington, husband and wife, by their Deed dated August 17, 2000 and recorded on August 17, 2000 in the Office of the Recorder of Deeds in and for Adams County, in Deed Book 2109, Page 177, granted and conveyed unto Roland D. Blevins and Michele Lynn Blevins, husband and wife, as tenants of an estate by the entireties.

SEIZED and taken into execution as the property of **Roland D. Blevins & Michele Lynn Blevins** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

INCORPORATION NOTICE

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

Arthur J. Becker, Jr., P.C.
Arthur J. Becker, Jr., Esq.
Attorneys for Apple Realty, Inc.

8/26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1274 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of land, together with the improvements thereon erected, situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the right-of-way line of Williamsburg Court at Lot No. 44 as shown on the hereinafter referenced Subdivision Plan; thence along the right-of-way line of Williamsburg Court, North forty-six (46) degrees twelve (12) minutes twelve (12) seconds East, one hundred thirty-one and sixty-eight hundredths (131.68) feet to a point at Lot No. 42 as shown on the hereinafter referenced Subdivision Plan; thence along said Lot No. 42, South forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds East, sixty-five (65.00) feet to a point at Lot No. 46 as shown on the hereinafter referenced Subdivision Plan; thence along said Lot No. 46, South forty-six (46) degrees ten (10) minutes fifty-eight (58) seconds West, one hundred twenty-nine and eighteen hundredths (129.18) feet to a point on the right-of-way line of Williamsburg Court; thence along the right-of-way line of Williamsburg Court, North forty-three (43) degrees fifty (50) minutes nineteen (19) seconds West, sixty-five (65) feet to a point, the point and place of BEGINNING. CONTAINING 8,474.62 square feet/0.19 acres.

The above-described lot being designated as Lot No. 45 on the Final Subdivision Plan of "Heritage Hill - Phase 2", prepared by James R. Holley, Registered Professional Surveyor, dated March 10, 1993 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63 at Page 58.

SUBJECT to the Protective Covenants of "Heritage Hill" dated November 13, 1992 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 656 Page 146 and amended in Record Book 779 Page 212 and Record Book 833 Page 240.

TITLE TO SAID PREMISES IS VESTED IN Michael Bernard Rodgers and Jacquelyn Louise Rodgers as tenants by the entireties, their heirs and assigns by reason of the following:

BEING THE SAME premises which Joseph D. Zebec and Susan E. Zebec, husband and wife by Deed dated 12/30/1998 and recorded on 1/4/1999 in the County of Adams in Record Book 1737 Page 255, conveyed unto Michael Bernard Rodgers and Jacqueline Louise Bernard, husband and wife.

AND ALSO BEING THE SAME premises which Michael Bernard Rodgers and Jacquelyn Louise Rodgers, erroneous referred to Jacqueline Louise Bernard by Deed of Correction dated 9/29/1999 and recorded on 12/1/1999 in the County of Adams in Record Book 1961 Page 341, conveyed unto Michael Bernard Rodgers and Jacquelyn Louise Rodgers, as tenants by the entireties, their heirs and assigns.

Tax Parcel: 27-11-163

Premises Being: 14 Williamsburg Court, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Michael Rodgers a/k/a Michael Bernard Rodgers & Jacquelyn Rodgers a/k/a Jacquelyn Louise Rodgers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-99 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin in the intersection of the state highway running from Arendtsville to the Lincoln Highway and

the state highway running to Camp Nawakwa; thence in the state highway running to Camp Nawakwa and by land now or formerly of The C.H. Musselman Company South 84 degrees 8 minutes East 404.2 feet to an iron pin; thence leaving said last mentioned highway and running along land now or formerly of Elmer H. Heller South 13 degrees 46 minutes East 197.7 feet to a black oak stump; thence by the same South 39 degrees 37 minutes West 602 feet to an iron pin and stones at or near the Western edge of the state highway running from Arendtsville to the Lincoln Highway; thence in said last mentioned state highway and by land now or formerly of The C.H. Musselman Company North 5 degrees 16 minutes West 700 feet to an iron pin, the place of BEGINNING. CONTAINING 4 acres and 41 Perches, more or less.

The description of the tract of land hereby conveyed was obtained from a draft of survey made on April 13, 1956 by Leroy R. Winebrenner, County Surveyor.

Vested by: Special Warranty Deed dated 8/5/99, given by Glenn R. Heller and Marie A. Heller, husband and wife to Nora L. Bachman recorded 8/5/99 in Book: 1890 Page 16.

Premises being: 475 Nawakwa Road, Biglerville, PA 17307

Tax Parcel No. D6-27

SEIZED and taken into execution as the property of **Nora L. Bachman a/k/a Nora L. Patterson** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1203 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, 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 an iron pin located 11 feet North of the center line of Township Road T-430, known as Plunkert Road, at corner of land now or formerly of Nicholas N. Boccabella and wife; thence by land of the said Nicholas N. Boccabella and wife, and running through an iron pin located 20 feet from the place of beginning, North 4 degrees 47 minutes 2 seconds West, 225 feet to an iron pin; thence by land now or formerly of Raymond G. Boccabella, North 35 degrees 12 minutes 58 seconds East, 141.67 feet to an iron pin; thence by the same and running through an iron pin located 20 feet from the end of this line South 55 degrees 26 minutes 9 seconds East, 377.66 feet to a point located 2 feet West of the center line of Plunkert Road; thence in Plunkert Road, South 46 degrees 34 minutes 12 seconds West, 87.47 feet to a point in said road located 1 foot North of the center line thereof; thence continuing in Plunkert Road, South 89 degrees 48 minutes 2 seconds West, 265.88 feet to an iron pin, the place of BEGINNING. The above description was taken from a draft of survey made by Gettysburg Engineering Company, Inc., dated March 9, 1976 and recorded in Plat Book 10 at Page 17, designating the above as Lot No. 2.

TITLE TO SAID PREMISES IS VESTED IN Neil James Crouse, an unmarried man and Michele L. Rorrer, an unmarried woman, their heirs and assigns by Deed from Neil James Crouse, an unmarried man dated 10/24/2002 and recorded 11/6/2002 in Record Book 2867 Page 173.

Tax Parcel: 7C Map 1-16

Premises Being: 202 Plunkert Road, Littlestown, PA 17340

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005,

and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-99 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, 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 Reading Township, Adams County, Pennsylvania, designated as (Lot Number 32) on subdivision plat of Hampton Plains, Inc., which plat is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 19, at Page 30.

Map #J8, Parcel #73

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN John T. Hauf by Deed from Richard L. Krill, etal. dated 5/21/1996 recorded 5/22/1996 in Record Book 1198 Page 210.

Premises being: 19 Ray Court, New Oxford, PA 17350

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-906 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, 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 on the South side of Linden Avenue in the Village of Midway, Conewago Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING on the North by Linden Avenue; on the South by a public alley; on the East by Lot No. 5 on the plat of lots hereinafter referred to, and on the West by lands now or formerly of Bernard L. Schuchart and wife. Having a frontage on Linden Avenue of thirty (30) feet and extending in depth of equal width throughout one hundred sixty-five (165) feet to the public alley. Said tract is known as Lot No. 4, in Block 3 on the plat of lots of Hanover Improvement Company, which plat is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book WW, at page 600.

TITLE TO SAID PREMISES IS VESTED IN Albert T. Crigger II and Sonya R. Zito as joint tenants with Right of Survivorship by Deed from Dennis Mundell and Rebecca J. Mundell, his wife dated 4/30/1999 and recorded 4/30/1999, in Record Book 1822 Page 169.

Tax Parcel: 141A Map #8

Premises Being: 330 Linden Avenue, Hanover, PA 17331

SEIZED and taken into execution as the property of **Albert T. Crigger II & Sonya R. Zito** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-602 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Northerly right of way line of Abbotts Drive in the Borough of Abbottstown, County of Adams and State of Pennsylvania known and numbered as Lot No. 42 on a plan of lots for Abbotts Manor Phase II recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plat 73, Page 43, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Abbotts Drive, at a corner of Lot No. 41 on said plan; thence extending along the said Lot No. 41 North 30 degrees 14 minutes 00 seconds West 290.66 feet to a point, at a corner of Lot No. 55D on said plan; thence extending along the said Lot No. 55D North 30 degrees 34 minutes 40 seconds East 97.36 feet; thence on said plan; South 30° 14' 00" East 338.14'; thence extending along the Northerly right of way line of Abbotts Drive South, 59 degrees 46 minutes 00 seconds West 85 feet to the point and place of BEGINNING.

CONTAINING 26,724 square feet.

TITLE TO SAID PREMISES IS VESTED IN Donald L. Plank, Jr and Elizabeth A. Martz, their heirs, successors and assigns by Deed from Philip R. Garland v/d/b/a Garland Construction dated 7/23/1999 and recorded 2/4/2000, in Record Book 1997, Page 138.

Premises being: 131 Abbotts Drive, Abbottstown, PA 17301

Tax Parcel No. 5-48

SEIZED and taken into execution as the property of **Donald L. Plank, Jr. & Elizabeth A. Martz** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 24, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/19, 26 & 9/2

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 05-S-721
Quiet Title Action

HARRY ROOD and MARILEE K. ROOD,
husband and wife, Plaintiffs

vs.

D.R. MCCLEAF and A.C. BASEHOAR,
their, and JOHN DOE, their estates, personal representatives, heirs and descendants, Defendants

NOTICE

You are notified that the Plaintiffs have commenced an action to quiet title against you by complaint filed to the above docket number on July 8, 2005, which action you are required to defend.

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

This action concerns the premises hereinafter described:

All that certain lot or piece of ground situate in Hamiltonban Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a pipe at stones at lands now or formerly of Edward Dick and John Warrenfeltz; thence along lands of Warrenfeltz South 30 degrees East 742.5 feet to a pipe at lands now or formerly of C.A. Willis and Myrtle Carson; thence along lands of Carson South 74 degrees West 174.9 feet to a pipe at stones at lands now or formerly of NeJda A. Herring; thence along lands of Herring North 30 degrees West 656.70 feet to a pipe at stones at lands now or formerly of Edward Dick; thence along lands of Dick North 44 degrees East 165.00 feet to a pipe at stones at lands now or formerly of John Warrenfeltz, the place of BEGINNING.

SAID legal description taken from a description by Adams County Surveyors contained in Record Book 3884 at Page 170.

BEING the same as lands described in the deed to the Defendants recorded at Record Book 327 at Page 915 as follows:

BEGINNING at a pile of stones or line of land of Jas. G. Irvin, to a corner of Lot No. 3 of same tract and running thence with Irvins land South 74 degrees West 10.6 perches to stones. Thence with land formerly of J. W. Diehl, part of same lot, North 29 degrees West 39.8 perches to stones. Thence by land formerly of Hon. L. Stevens, North 44 degrees - East 10 perches to a pile of stones, Thence by Lot No. 3. Now _____, Shoemaker South 30 degrees. East 45 perches to the Place of BEGINNING. CONTAINING 2 acres and 98 square perches of land. It being a part of Lot No. 2 of a larger tract sold and conveyed by the Execr. of Hon. L. Stevens deed to John B. Paxton and the same which the said John B. Paxton and wife sold to the said David Shriver and conveyed to him by deed dated July 1, 1882 and of which the said David Shriver died seized in his demise as of fee of _____ inter alia and intestate.

If you wish to defend, you must take action 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 without further notice for the relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

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

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone Number (717) 337-9846 or
1-888-337-9846

Patrono & Associates, LLC
John J. Murphy III, Esq.
Attorney for Plaintiffs
30 West Middle Street
Gettysburg, PA 17325
(717) 334-2159
PA ID # 91299

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-646 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of October, 2005, 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 Union Township, Adams County, Pennsylvania, being Lot No. 4 on the draft of survey hereinafter identified, bounded and described as follows:

BEGINNING at a railroad spike in Barts Church Road, Township Road T-459, at Lot No. 3; thence by said lot South 63 degrees 5 minutes 37 seconds West, 260 feet to an iron pin at other lands of Paul J. and Mary E. Foltz; thence by said lands North 26 degrees 54 minutes 23 seconds West, 217.13 feet to an iron pin at lands of Albert Roshelli; thence by said lands North 73 degrees 53 minutes 23 seconds East, 264.68 feet to a railroad spike in said Barts Church Road, Township Road T-459; thence in said Barts Church Road, Township Road T-459, South 26 degrees 54 minutes 23 seconds East, 167.55 feet to the place of BEGINNING. CONTAINING 1.148 Acres.

Tax Parcel Number: K17-54F.

BEING known as 319 Barts Church Road, Hanover, Pennsylvania 17331.

BEING the same property which Michael L. Rebert and Sara L. Rebert, his wife, by Deed dated June 26, 1989 and recorded June 27, 1989, in the Recorder of Deeds Office, Adams County, Pennsylvania in Deed Book Volume 526, Page 541 granted and conveyed unto Delores K. Whisler.

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

SEIZED and taken into execution as the property of **Delores K. Whisler** 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 November 14, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/26, 9/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1200 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of October, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of Gettysburg Road at corner of Lot No. 1; thence in said road South 04 degrees 28 minutes 48 seconds East, 300.28 feet to a point at corner of land now or formerly of Maurice B. Miller; thence along lands of Miller North 87 degrees 43 minutes 55 seconds West, 139.70 feet to an iron pipe; thence along same North 77 degrees 53 minutes 26 seconds West, 327.22 feet to an iron pipe at corner of lands now or formerly of Clarence H. Williams; thence by lands of Williams North 13 degrees 06 minutes 50 seconds East, 186.34 feet to a point at Lot No. 1; thence by Lot No. 1 North 83 degrees 40 minutes 00 seconds East, 396.22 feet to a point in the center of Gettysburg Road the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a final Subdivision Plan dated October 21, 1998 by Worley Surveying and recorded December 4, 1998 in the Office of the Recorder of Deeds for Adams County, Pennsylvania and designated as Lot No. 2.

UNDER AND SUBJECT, NEVERTHELESS, that the hereby granted piece of land shall be and remain subject to the following condition: That no mobile homes or trailers may be used for residential purposes.

TITLE TO SAID PREMISES IS VESTED IN Kimberly Bayne by Deed from Lennie F. Smith, widow, dated 11/30/1999 and recorded 12/7/1999 in Record Book 1966 Page 24.

Premises being: 725 Gettysburg Road, Littlestown, PA 17340

Tax Parcel No. 108B Map I-17

SEIZED and taken into execution as the property of **Kimberly Bayne a/k/a Kimberly J. King** 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 November 14, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/26, 9/2 & 9

NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Limited Partnership has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on July 19, 2005.

The name of the limited partnership is **THE GREATER ADAMS COUNTY INVESTMENT COMPANY, L.P.**

The entity has been organized under and pursuant to the requirements of 15 Pa. C.S. §8511.

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

Attorneys for the Limited Partnership
8/26

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

(No Estates Notices Submitted)

SECOND PUBLICATION

ESTATE OF MICHELLE RENEE DONNELLY, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Administrator: Lawrence P. Donnelly, 27 Pine Tree Hill, Fairfield, PA 17320

Attorney: Sheryl L. Jackson, Esq., P.O. Box 3504, Gettysburg, PA 17325

ESTATE OF KEITH A. FORSYTHE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Administratrix: Rosalie Stouter, 5235 Chambersburg Road, Orrtanna, PA 17353

Attorney: J. Edward Beck, Jr., Esq., Keller, Keller, Frey and Beck LLC, 1035 Wayne Avenue, Chambersburg, PA 17201

ESTATE OF ROMAINE T. GROFT, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Geneva C. Baugher, 4958 Howard Street, Fort Myers, FL 33905

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

ESTATE OF DOROTHY P. MILLER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: Barbara Webb, c/o Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

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

ESTATE OF MARK J. SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Mark J. Smith, Jr., 7 Woodstone Court, York, PA 17402

Attorney: David C. Smith, Esq., 754 Edgegrove Rd., Hanover, PA 17331

ESTATE OF RUTH M. STITELY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Wanda Bankert, 650 East Middle Street, Hanover, PA 17331; Diane Beasley, P.O. Box 108, McKnightstown, PA 17343

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

ESTATE OF ROBERT G. WEAVER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Francis X. Weaver, 338 Larkin Drive, Red Lion, PA 17356

Attorney: David C. Smith, Esq., 754 Edgegrove Rd., Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF HELEN G. CROOK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Clinton R. Zepp, 2035 Grandview Road, Hanover, PA 17331

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

ESTATE OF ESTELLA M. MOORE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Mary Catherine Groft, 25 Pleasant Street, New Oxford, PA 17350

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

ESTATE OF STEVE M. ONDEK a/k/a STEVEN M. ONDEK, JR., DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: George B. Hughes, Sr., 721 Palm Circle Drive, Port Orange, FL 32127

Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 25 South Washington Street, Gettysburg, PA 17325

ESTATE OF NORMAN J. SHEA, JR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Anne W. Shea, c/o Donald J. Weiss, Esq., 6 Hillock Lane, Chadds Ford, PA 19317

Attorney: Donald J. Weiss, Esq., 6 Hillock Lane, Chadds Ford, PA 19317

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-620 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of October, 2005, 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, more particularly bounded and described as follows:

BEGINNING at a railroad spike in the center line of New Road T-364 at corner of Lot No. 2 on the draft of survey hereinafter referred to; thence in the center line of such road North 13 degrees 05 minutes 00 seconds West, 168.00 feet to a bolt in the center line of such road at land now or formerly of Eugene McDannell; thence by same North 68 degrees 23 minutes 18 seconds East, passing through an iron pin 9.15 feet from the East edge of paving and a reference pipe 21.65 feet from the beginning of the course, 579.02 feet to an existing iron pin and stones at land now or formerly of Thomas Reeve; thence by same South 32 degrees 30 minutes 50 seconds East, 200 feet to a pipe at corner of Lot No. 2; thence along Lot No. 2 South 71 degrees 05 minutes 10 seconds West, 642.47 feet to a railroad spike, the place of BEGINNING.

CONTAINING 2.537 acres.

The above description was taken from draft of survey prepared by Adams County Surveyors on March 5, 1980, a plat of which was recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 34, at Page 61, the above described parcel being designated as Lot No. 1 thereon.

DWELLING KNOWN AS 855 New Road, Orrtanna, PA 17353

TAX/PARCEL ID: 12 C9-27A

SEIZED and taken into execution as the property of **Cindy L. Shriner & James D. Shriner** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/26, 9/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-644 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of October, 2005, 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 Hamiltonban Township, (previously cited as Orrtanna) Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the Fairfield Road, running thence in center of said road, North sixty-three and one-half (63-1/2) degrees East, two and four-tenths (2.4) perches; thence by Lot No. 4, South twenty-six (26) degrees East, six and five-tenths (6.5) perches to a stake; thence by lands now or formerly of Peter Kready, South fifty-four (54) degrees West, two and five-tenths (2.5) perches to center of Mill race; thence by Lot No. 2, North twenty-five and one-quarter (25-1/4) degrees West, seven (7) perches to the place of BEGINNING. CONTAINING sixteen (16) perches of land, neat measure.

BEING the same tract of land which Edith B. Stonesifer and Alvah L. Stonesifer, her husband, by their Deed dated May 28, 1955 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 210 at page 218, granted and conveyed unto Alvah L. Stonesifer and Edith B. Stonesifer, husband and wife, and the said Alvah L. Stonesifer died June 10, 1973, thereby vesting the entire title in Edith B. Stonesifer, surviving tenant of a tenancy by the entireties, the decedent herein.

Premises being: 1855 Carroll Tract Road, Orrtanna, PA 17353

Tax Parcel No. 18-C12-0042

SEIZED and taken into execution as the property of **Glenn A. Hendrickson** 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 November 14, 2005, and distribution will be made in

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

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

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

8/26, 9/2 & 9

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, September 6, 2005, at 9:00 a.m.

RAFFENSPERGER—Orphans' Court Action Number OC-131-01. The First and Final Account of Karen B. Arthur, Executrix of the Estate of Harold E. Raffensperger, deceased, late of Cumberland Township, Adams County, Pennsylvania.

MUMMERT—Orphans' Court Action Number OC-98-03. The First and Final Account of Cheryl L. Yingling, Administratrix dnctna for the Estate of Charles J. Mummert, deceased, late of Oxford Township, Adams County, Pennsylvania.

GURRY—Orphans' Court Action Number OC-78-05. The First and Final Account of James M. Thomas, Administrator, c.t.a., of the Estate of Carolyn M. Gurry, deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania.

KESSEL—Orphans' Court Action Number OC-16-05. The First and Final Account of Karen Rabine and Clyde Kepner, Executors of the Will of Margaret S. Kessel, deceased, late of Fairfield Borough, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

8/26 & 9/2