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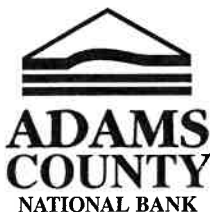
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COMMONWEALTH VS. O'CONNER ET AL

*This opinion continued from last issue (7/26/2002)
and will conclude in next issue (8/9/2002)*

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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NOTICE

Gettysburg Area School District

Notice of Intended Referendum on Act 24 of 2001, Occupation Assessment Tax Elimination, and Earned Income and Net Profits Tax Rate Increase

NOTICE IS GIVEN that the board of school directors of the Gettysburg Area School District ("the School District") intends to adopt a resolution to place a referendum on the November 5, 2002 general election ballot. The referendum will relate to elimination of the occupation assessment tax and increase of the rate of the earned income tax collected by the School District. This notice is given pursuant to the Optional Occupation Tax Elimination Act of June 22, 2001, Act 24 of 2001, as amended (the "Act") and the Local Tax Enabling Act of December 31, 1965, P.L. 1257, as amended (the "Enabling Act").

The School District currently levies and collects an occupation assessment tax on the assessed value of all occupations of persons residing in the School District. The current occupation assessment tax rate is 99.0% on the assessed value of all occupations of persons residing in the school district at any time during the school year. The School District currently levies and collects from the School District residents an earned income tax at the rate of 0.5%. The earned income tax applies to earned income received and net profits earned by residents of the School District. An additional 0.5% is collected by the municipality in which the taxpayer resides, meaning that the School District residents currently pay a total tax rate of 1.0%.

The Act permits the School District to eliminate the occupation assessment tax and replace the occupation assessment tax revenues by increasing the rate of the earned income tax collected by the School District. This action may be taken if the voters approve the action by referendum. The School District estimates that replacing the occupation assessment tax revenues will require increasing the rate of the earned income tax collected by the School District by 0.7%, from the current 0.5%, to the new School District tax rate of 1.2%. Adding the tax collected by the School District to the 0.5% collected by the municipality in

which the taxpayer resides, the total earned income and net profits tax rate paid by the School District residents would increase from the current 1.0% to the new total tax rate of 1.7%.

Pursuant to the Act, the School District intends to adopt a resolution directing a referendum on the November 5, 2002 general election ballot. The proposed resolution to be considered by the board of school directors provides that the referendum question to be placed on the ballot shall be in substantially the following form, with such additions or changes as may be determined by the board of school directors or election officials prior to the election:

Do you favor eliminating the Gettysburg Area School District Occupation Assessment Tax and increasing the maximum allowable rate of the Earned Income Tax (combined for all municipalities including the School District) from 1.0% to 1.7%?

The proposed resolution will be acted upon at a meeting of the board of school directors of the School District to be held on August 5, 2002, at 7:30 p.m., at the School District's Administration Building Boardroom located at 900 Biglerville Road in Gettysburg. The board of school directors held a public hearing regarding the elimination of the occupation assessment tax and increasing the rate of the earned income tax on April 22, 2002.

If a majority of the electors voting on the referendum question on November 5, 2002 vote "yes," the board of school directors thereafter will adopt a new Earned Income Tax Resolution eliminating the occupation assessment tax and increasing the earned income and net profits tax rate collected by the School District to 1.2% effective July 1, 2003.

The increase in earned income and net profits tax is needed to produce revenue for general School District purposes and replace the revenues lost from the elimination of the Occupation Assessment Tax. The estimated revenue to be lost by the School District from the elimination of the Occupation Assessment Tax for 2003-2004 is \$2,631,416. The estimated revenue to be gained from the increase in the earned income and net profits tax for the 2003-2004 fiscal year is \$2,631,416. The

change is required to be revenue neutral to the School District.

If you have any questions regarding Act 24 of 2001 or the resolution referred to in this legal advertisement please contact the Gettysburg Area School District Business Office at 900 Biglerville Road, Gettysburg, PA 17325-8007, (717) 334-6254, extension 1226, during normal business hours.

Brad N. Hunt
Board Secretary

7/19, 26 & 8/2

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on May 29, 2002, the Petition of Regina Helen Dutterer was filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a decree to change her name to Virginia Helen Dutterer.

The Court has fixed the 21st day of August, 2002, at 9:00 a.m. in the Adams County Court House, Gettysburg, Pennsylvania, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer in the said Petition should not be granted.

Barley, Snyder, Senft & Cohen
7/26, 8/2 & 9

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania, in the Department of State's Corporation Bureau. The purpose of the incorporation is to provide Horse Farm, and to engage in any other lawful business a corporation may engage in. The name of the corporation is HARMONY HILL FARM, INC. The business is incorporated pursuant to the provisions of the Business Corporation Law of 1988.

President: Kathryn J. Weaver

Address: 141 Bateman Road
York Springs, PA 17372

8/2

COMMONWEALTH VS. O'CONNOR ET AL

Continued from last issue (7/26/2002)

B. Challenge Under Article III, Section 3

Defendants contend that Act 63 violated Article III, Section 3 of the Pennsylvania Constitution when enacted. That section provides that:

§3 Form of bills.

No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or part thereof.

On June 22, 2000 the Legislature enacted Act 63 entitled "An Act Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the use of ignition interlock systems and for restitution for identity theft." The Act was set forth in four sections made up as follows:

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

Chapter 70

IGNITION INTERLOCK DEVICES

Section 1.

7001. Definitions.

7002. Ignition interlock systems for driving under the influence.

7003. Additional driver's license restoration requirements.

Section 2. Title 42 is amended by adding a section to read:
§9720.1. Restitution for identity theft.

Section 3. The provisions of 42 Pa.C.S. Ch. 70 shall apply to all persons convicted of a second or subsequent violation of 75 Pa.C.S. §3731 on or after the effective date of this section. Nothing in this act shall prohibit a court from imposing its own ignition interlock requirements for first offenders prior to September 30, 2001.

Section 4. This Act shall take effect as follows:

We find no constitutional violation.

We initially note the burden placed upon defendants when challenging the constitutionality of legislation. As stated in *PSBA v. Com. Ass'n of School Adm'rs*, 696 A.2d 859, 869-70 (Pa.Cmwltth. 1997):

acts of the General Assembly are entitled to a strong presumption of constitutionality, and the party challenging the constitutionality of an act has a heavy burden of persuasion... Legislation will not be invalidated unless it clearly, palpably, and plainly violates the Pennsylvania Constitution, and any doubts are to be resolved in favor of a finding of constitutionality... (citations omitted)

See also, *Commonwealth, Department of Transportation v. McCafferty*, 758 A.2d 1155, 1160 (Pa. 2000).

As observed by the Commonwealth Court in *Richards v. Unemployment Compensation Board of Review*, 731 A.2d 214 (Pa.Cmwltl.Ct. 1999), appeal granted 745 A.2d 614 (Pa. 2000), reversed on other grounds 768 A.2d 852 (Pa. 2001);

One who seeks to declare an act unconstitutional under Article III, Section 3 must demonstrate either that: (1) the legislators and the public were actually deceived as to the act's contents at the time of passage; or (2) the title on its face was such that no reasonable person would have been on notice as to the acts contents. *In re Department of Transportation*, 511 Pa. 620, 626, 515 A.2d 899, 902 (1986).

Our Supreme Court has stated that, pursuant to Article III, Section 3, an act is constitutional if the title puts a reasonable person on notice of the general subject matter of the act. *Id.* The title need not be a synopsis of the act's contents, nor an index of all the subdivisions thereof or any matters that may be fairly related to it. *In re Hadley*, 336 Pa. 100, 6 A.2d 874 (1939). Unless a substantive matter, entirely disconnected with the named legislation, is included within the bill, the act does not fall within the constitutional inhibitions.

731 A.2d at 218.

Later in the opinion the Court added:

The purpose of Article III, Section 3 of the Pennsylvania Constitution is to prohibit legislation containing subjects entirely disconnected with each other in such a way as to mislead or deceive readers. The purpose, however, is not to prevent the General Assembly from enacting

legislation which may affect more than one subject, provided that they are fairly related to each other.

731 A.2d at 219.

See also *Fumo v. Pennsylvania Public Utility Commission*, 719 A.2d 10, 13 (Pa.Comwlth.Ct. 1998).

Defendants have offered no evidence that at the time Act 63 was passed the legislators or the public were deceived by the contents of the Act, nor that the title of the Act, on its face, would mislead any reasonable person as to its contents. In fact, the Bill was rather short and the title unambiguous.

Before proceeding to the next issue we must briefly digress. Defendants' briefs discussed a challenge to Act 63 on the basis that it violated Article III, Sections 1, 3, and 4 of the Pennsylvania Constitution even though the only challenge raised in their motions was as to Section 3. Out of an abundance of caution we will address the other sections.

Article III, Sections 1 and 4 provide in pertinent part:

§1. Passage of laws.

No law shall be passed except by bill, and no bill shall be altered or amended, on its passage through either House, as to change its original purpose.

§4. Consideration of bills.

Every bill shall be considered on three different days in each House. All amendments made thereto shall be printed for the use of the members before the final vote is taken...

Our research reveals the following chronological history of Act 63.

- April 27, 1999: Senate Bill 849 was introduced and referred to the Judiciary Committee
- May 11, 1999 (Printer's No. 952): The Bill, entitled "An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of theft of identity," was considered for the first time in the Senate. The Bill defined and graded the offense.
- June 8, 1999: Second consideration by the Senate.
- June 14, 1999 (Printer's No. 1225): The Bill was amended in the Senate. The amendments related to the gradation of the offense and provided for payment of restitution.

- June 15, 1999: Third consideration by the Senate.
- March 21, 2000 (Printer's No. 1814): The Bill was first considered in the House and was amended. The amendment deleted the definition and gradation of identity theft and defined restitution. The new title of the Bill became: "An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for restitution for identity theft." Parenthetically, the offense of identity theft was approved May 22, 2000 and added to Title 18 pursuant to House Bill 945, Act No. 2000-21.
- April 17, 2000: Second consideration in the House.
- May 2, 2000 (Printer's No. 1918): The Bill was amended on third consideration in the House to indicate that the Bill was amending Title 42, relating to the Sentencing Code, rather than Title 18 of the Pennsylvania Consolidated Statutes. The Bill (with amendments) was referred back to the Senate.
- June 12, 2000 (Printer's No. 2038): The Senate amended the House amendments. There was a slight adjustment to what constituted "restitution" for identity theft. Ignition interlock provisions were added to the Bill for the first time. The new title of the Bill became: "An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for restitution for identity theft and for the use of ignition interlock systems."
- June 13, 2000 (Printer's No. 2059): the Senate again amended the House amendments. All of the language with regard to ignition interlock remained the same; however, the sections relating to restitution for identity theft were moved to the end of the Bill. The new title of the Bill became: "An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the use of ignition interlock systems and for restitution of identity theft." The amended Bill was referred back to the House where, on the same day, it was passed without further amendment.

Defendants first argue that Section 1 is violated because the original purpose of Senate Bill No. 849 was to define identity theft and that purpose was changed when the ignition interlock provisions were added on June 12, 2000.

Our Supreme Court last spoke on the impact of Article III, Section 1 in *Consumer Party of Pennsylvania v. Commonwealth*, 507 A.2d 323 (Pa. 1986). That case dealt with a challenge to the Public Official Compensation Act of 1983. The original Senate Bill addressed the filling of vacancies in third through eighth class counties. Subsequently, the House made amendments to the Bill which were rejected by the Senate. Both houses then referred the matter to a Joint Committee of Conference. The Committee submitted an amended version of the Bill which provided for the salaries of certain public officials. That version was passed.

Initially the Court noted that the provisions of Article III, Section 1 are mandatory, not directory, and where there is a clear violation of the Constitution, the judicial branch is compelled to address it. However, this does not mean the court is to “inquire into every allegation of procedural impropriety in the passage of legislation.” 507 A.2d at 335. The inquiry must recognize that,

the purpose sought to be achieved by Article III, Section 1, was to put the members of the General Assembly and others interested on notice so that they may act with circumspection... Here the bill in final form, with a title that clearly stated its contents, was presented to each house for its consideration and adoption. Under these circumstances there is no basis for sustaining a challenge under Article III, Section 1.

Id.

Thus, even a substantial change in this piece of legislation during its passage did not preclude it from passing constitutional muster.

Consumer Party was followed by the Commonwealth Court in two more recent decisions. The first, *Common Cause/Pennsylvania v. Commonwealth*, 710 A.2d 108 (Pa.CmwltH.Ct. 1998) involved a challenge to the Act of April 17, 1997, P.L. 6 (Act 3) which made substantial changes to the Public Transportation Law and the Vehicle Code. Act 3 began as House Bill 67 and would have amended the Vehicle Code to provide for vehicle registration periods for less than one year. The Senate made substantial amendments pertaining to vehicle registration fees, highway maintenance funding allocations, trucking regulations, fuel taxes and changes in the Public Transportation Law governing mass transit. The amended version

was adopted by both houses. The Court found no violation of Article III, Section 1 because the purpose of House Bill 67 “at its inception and its conclusion was to effect changes in the laws governing Pennsylvania’s vehicular transportation system.” 710 A.2d at 120.

The second case, *Fumo v. Pennsylvania Public Utility Commission, supra.*, involved a challenge to Act 138 of 1996. Originally, House Bill 1509 consisted of two pages and proposed to amend the Public Utility Code by increasing the maximum number of years a taxicab may be operated. The Senate amended the Bill by adding 84 pages relating to the deregulation of the generation of electricity. The Senate and the House both passed the amended version of the Bill. No constitutional violation was found.

From these cases, we conclude that the process involved in the matter now before our Court did not violate Article III, Section 1. If the significant changes made in *Consumer Party* did not violate that portion of the Pennsylvania Constitution, it would be difficult for this Court to reach a contrary conclusion in this case. The title of the adopted version of Senate Bill 849 clearly conveyed its purpose and was placed before each house in that form. See 507 A.2d at 335, note 16. No evidence has been presented that any person voting on this legislation was deceived.

Next, Defendants contend that Article III, Section 4 was violated because Act 63 was not considered on three different days. While on its face this argument appears meritorious, we believe it must be dismissed based upon the Enrolled Bill Doctrine.

The Enrolled Bill Doctrine² is a doctrine of judicial restraint in matters challenging the procedural regularity in the passage of legislation. Judicial intrusion into the prerogatives of the legislative branch of state government is limited to violations of mandatory constitutional provisions. *Common Cause/Pennsylvania v. Commonwealth*,

² An enrolled bill is a bill which has been certified by the Speaker of the House and the presiding officer of the Senate as having passed the General Assembly, which has been signed by the Governor, and which has been filed with the Secretary of the Commonwealth. The doctrine provides,

[w]hen a law has been passed and approved and certified in due form, it is no part of the duty of the judiciary to go behind the law as duly certified to inquire into the observance of form in its passage... The presumption in favor of regularity is essential to the peace and order of the state. *Pennsylvania AFL-CIO by George v. Commonwealth*, 691 A.2d 1023, 1031 (Pa.Cmwlth.Ct. 1997).

supra., 710 A.2d at 116-7. Absent a finding that Article III, Section 1 or Section 3 has been violated, courts are loath to rule upon challenges under Section 4. *Id.*; *Pennsylvania AFL-CIO by George v. Commonwealth*, *supra.* Having found no violation of Article III, Section 1 or 3 in this case, we defer to the doctrine and determine that the Article III, Section 4 challenge is not a justiciable issue.

C. Vagueness and Overbreadth

Defendants next argue that Act 63 is both vague and overbroad. They contend the Act is vague because 1) the term “owned”³ is not defined and 2) regulations have not been adopted which advise what constitutes an “approved interlock ignition system.” They claim the Act is overbroad because it imposes restrictions on other persons who operate vehicles “owned” by a defendant and subject to the interlock provisions.

We reject the argument that Act 63, as alleged by the defendants, is vague. Our Supreme Court in *Commonwealth v. Cotto*, 753 A.2d 217, 220 (Pa. 2000), recently stated,

A statute is constitutionally void only if it is so vague that “persons of ‘common intelligence must necessarily guess at its meaning and differ as to its application’.” . . . “A vague law impermissibly delegates basic policy matter to policemen, judges and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminating application.” . . . However, a statute will not be deemed unconstitutionally vague if the terms when read in context, are sufficiently specific that they are not subject to arbitrary and discriminatory application . . .

(citations omitted).

See also, *Commonwealth v. Hendrickson*, 742 A.2d 315 (Pa. 1999) (A statute must define unlawful conduct with sufficient definiteness that ordinary people can understand what conduct is prohibited); *Commonwealth v. Gonzalez*, 588 A.2d 528 (Pa. Super. 1991) (A statute is vague where it fails to provide reasonable notice of what conduct is prohibited).

³Defendants also argue that the term “owner” is not defined, however, a careful reading of the statute does not reveal the presence of that word.

Every word in a statute need not be defined. Undefined words are to be construed according to their common and ordinary meaning. 1 Pa. C.S.A. §1903. The word “owned”, in the context of Act 63, is sufficiently understood by ordinary persons. We find no ambiguity in its intended meaning. Without question, ownership can be broken into legal, equitable and other forms of entitlement to possession. However, the clear purpose of Act 63 is to require that certain persons install interlock devices in their vehicles. Ownership of the vehicle is significant because it includes the authority and entitlement to install the device without having to obtain permission from others. The legislature could not justifiably direct that non-offenders put interlock devices in their motor vehicles but are limited to imposing conditions upon the offenders.

What constitutes an “approved ignition interlock system” is clear from the statute. Section 7001 defines “ignition interlock system” as a system approved by the Department of Transportation that meets certain criteria. When, and if, these defendants decide to seek a restricted operator’s license they can determine from D.O.T. what systems have been approved. It is clear that the only system one can install is one approved by D.O.T. Section 7002(d) requires that approved systems be published in the Pennsylvania Bulletin. Any ambiguity was erased when five ignition interlock devices were approved by D.O.T. and published in the Pennsylvania Bulletin, Vol. 31, No. 51, December 22, 2001.

We also reject the argument that Act 63 is overbroad. “A statute is ‘overbroad’ if by its reach it punishes constitutionally protected activity as well as illegal activity.” *Commonwealth v. Barud*, 681 A.2d 162, 165 (Pa. 1996). Defendants point out that a co-owner or operator of a vehicle who is not required to operate a vehicle with an interlock system (i.e. a family member of a repeat offender) is being unreasonably punished when subject to the interlock system.

However, these defendants are in no position to raise issues which concern others. Unless First Amendment rights are involved, only the person affected by the statutes’ alleged overbreadth have standing to challenge the facial overbreadth of the statute. *Commonwealth v. Gonzalez, supra.*, 588 A.2d at 534. First Amendment rights are not at issue here.

Continued to next issue (8/9/2002)

**LEGAL NOTICE
ADAMS COUNTY TAX CLAIM BUREAU**

Pursuant to Court Orders 02-S-492 through 02-S-511, the following real property will be offered for sale Friday, September 13, 2002 at 1:00 p.m. E.D.S.T., at the Adams County Courthouse, 111-117 Baltimore Street, 4th floor, Gettysburg, Pennsylvania. The purpose of this sale is to dispose at public sale the following parcels of real estate:

SALE #	OWNERS OR REPUTED OWNERS	TOWNSHIP/ BOROUGH	MAP NO., PARCEL NO., LOT NO. OR PROPERTY DESCRIPTION
3	John Houck	Butler	1970 New Moon MH
4	Brandy Glacken	Butler	1989 Imperial MH
13	RRJC Partnership	Hamilton	Map K 10 Parcel 57
17	Ronald & Lisa Fogle	Huntington	1971 Statesman MH
19	Linda M. Engelhardt	Huntington	1983 Ritscraf MH
21	Glenn L. & Lillian V. Brenner	Liberty	Section AA Lot 176
22	George E. Head	Liberty	Section AA Lot 211
23	George E. Head	Liberty	Section AA Lot 231
27	Philip A. Altland	Menallen	Map C 6 Parcel 40T
29	Mary E. Tidman	Mt. Pleasant	1991 New Moon MH
31	Rocky Road Inc.	New Oxford	Map 4 Parcel 11
36	Larry Shultz, Etal	Oxford	Mobile Home
37	Amy J. Balderas	Oxford	Condo
44	Ronald Boone	Straban	1971 Hillcrest MH
45	Bobby Ayers	Straban	1982 Fun Time MH
46	Ronald H. Sadler, Etal	Straban	1987 Derose MH
47	Richard F. Gillespie	Straban	1982 Liberty MH
52	Edward Ray Wachter	Carroll Valley	Map 35 Parcel 113 Section B Lot 14CR
53	Edward Ray Wachter	Carroll Valley	Map 35 Parcel 90 Section B Lot 37CR

TERMS OF SALE: Cash in the form of currency of the United States if the purchase price is \$50.00 or less. For properties selling for more than \$50.00, \$50.00 in the form of currency of the United States and a check or other satisfactory payment of the balance. All properties shall be paid for at the time the property is struck down. The purchaser(s) shall be required to pay, in addition to the bid price, the fees for preparing and recording a deed, and any applicable transfer taxes due (the assessed value x 2.65 x 2).

The above properties were previously advertised for sale in the *Adams County Legal Journal* and *The Gettysburg Times* and in *The Hanover Evening Sun* on August 10, 2001.

**ADAMS COUNTY TAX CLAIM BUREAU
NOTICE OF PUBLIC TAX SALE**

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

Notice is hereby given by the Tax Claim Bureau in and for the County of Adams under the Act of 1947, P.L. 1368, as amended, that the Bureau will expose at public sale in the Adams County Courthouse, fourth floor, Jury Assembly Room, 111-117 Baltimore Street, in the Borough of Gettysburg, Pennsylvania at 9:00 a.m. E.D.S.T. on September 13, 2002, or any date to which the sale may be adjourned, re-adjourned or continued, for the purpose of collecting unpaid 2000 and any prior real estate taxes, prior liens, municipal, and all costs thereto, the following described set forth.

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

There will be no Redemption Period after the date of the sale, but these taxes and costs can be paid up to the date of the sale, September 13, 2002.

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

The property so struck down will be settled for before the next property is offered for sale. Deeds for the premises will be prepared by the Tax Claim Bureau and recorded. Buyer(s) will be required to pay, in addition to their bid, at the time the property is struck down to them, the basic sum for preparing and recording the deed, and the costs of such realty transfer stamps as required (assessed value x 2.65 % X 2). The Tax Claim Bureau will mail the deeds to the address given by the purchaser.

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

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

NOTICE TO PROSPECTIVE TAX SALE BIDDERS

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

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

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

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

David K. James, III
Solicitor, Tax Claim Bureau
Danielle Asper
Director, Tax Claim Bureau

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
	ABBOTTSTOWN BOROUGH	
Speelman, Joseph & Myra	L10-40-136, 1990 Skyline	\$768.97
Clingan, Leesther	L10-40-112, 1991 Skyline	\$1,009.68
Banda, Esteban	5-11, 1994 Claremont	\$1,217.60
Garland Construction Inc.	3-90	\$870.09
Garland Construction	3-83, Trailer Only	\$273.05
First Horizon Home Loan Corporation	3-106	\$452.26
Denise Deel	L10-40-127, 1991 Skyline	\$422.09
	ARENDTSTVILLE BOROUGH	
Hays, Lawrence Walter & Bessie	4-8	\$1,687.29
	BENDERSVILLE BOROUGH	
Rosch, Joseph G.	1-45	\$1,143.07
	BERWICK TOWNSHIP	
Bigelow, James Jr. & Theresa Wallis	L12-57	\$437.23
Miller, Jeffrey P. & Shirley A.	L10-40-230, 1988 Fleetwood	\$124.14
Miller, Joseph A. & Loretta P. J.	L10-40-268, 1985 Commodore	\$342.37
Townsley, Jim	L10-40-275, 1994 Claremont	\$656.21
Hatcher, Tony & Parsley, Diana	L10-40-409, 99 Sandpointe	\$563.65
Wentz, Dennis E. & Null, Rosella	K11-55	\$1,655.42
Wells, Thomas	L10-40-504, 1997 Skyline	\$646.78
Kennedy, David A. & Brenda E.	K11-48E	\$2,387.14
Staub, Patrick J. & Susan A.	L10-40-422, 1985 Hauser	\$269.34
Wolf, Stephen L. & Hope M.	L12-65	\$173.79
Hollinger, Diane M.	L10-40-429, 1981 Commodore	\$243.98
Manzo, Ernest	L10-40-224, 1979 Suncrest	\$147.71
Walsh, Michael D. & Laura E.	M11-5	\$181.07
Parsley, Herb & Diana & Mary L. Goodin	L10-40-227, 1979 Suncrest	\$169.79
Stapleton, Mark A. & Sharon L.	K11-94A	\$3,139.29
Kuydendall, Ralph & Melinda	L10-40-245, 1979 Hallmark	\$180.28
Wolf, Susan	L10-40-221, 1979 Hallmark	\$77.90
Portner, Pamela (McGuire)	L10-40-419	\$179.01
Rus, Allen L. & Ruth E.	K11-48A	\$224.29
	BIGLERVILLE BOROUGH	
Patterson, Jack W. & Betty Lou	3-12	\$23.33
Hostetter, Charles & Patricia	5-92	\$3,771.06
Coldsmith, B. Zachary & Maresa V. Zirpoli	3-101	\$4,259.26
First Union National Bank a/k/a Greer	4-90	\$1,339.44

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
	BONNEAUVILLE BOROUGH	
Edwards, Glenn H. & Anita H.	8-61	\$499.95
	BUTLER TOWNSHIP	
Shultz, Bobbi	F10-38-00C, 1992 Liberty	\$506.26
Darrell, Jeffrey & Kuhn, Patricia	F10-38-83, 1991 Colony Keystone	\$826.29
Gorse, George E. & Carol	E8-26B	\$3,867.02
Lener, Phyllis J.	F10-38-74, 1989 Windgate	\$708.06
Gantz, Arthur & Vina	F10-38-6, 1991 Claremont	\$555.48
Taylor, Woodrow & Tammy III	F10-38-62, 1994 Redman	\$569.57
Miller, George & Rose	F10-38-13A, 1993 Colony	\$762.10
Carmichael, William L.	F9-79	\$8,040.40
Garfach, William & Julia	F10-38-39, 1999 Fleetwood	\$1,088.08
Cameron, Shirley & Brown, Jerry	F10-38-5, 1995 Skyline	\$720.73
Ruiz, Jose Hernando, & Taveras Radhames Torbio	E8-43	\$2,766.98
Henry, Keven & Michelle	F10-38-71, 1989 Windgate	\$167.18
Rex, Kathy	F7-30-1, 1968 Rembrandt	\$24.86
Cooper, Jack	F10-38-46, 1989 Windgate	\$651.08
Roberts, Priscilla L.	G8-57	\$1,402.12
Gormley, Jeffrey P.	E9-9E	\$678.09
Bankers Trust of California NA	F10-70	\$1,403.05
Bankers Trust Co. of California	3-177	\$1,791.15
Holmes, Judith	F10-38-4, 1982 Commodore	\$222.03
Kirk, Robert H. & Elizabeth L.	F9-62	\$2,802.71
Southerly, Michael A.	F7-35	\$38.42
	CONEWAGO TOWNSHIP	
Aumen, Robert J. & Sharon M.	5-275	\$1,055.10
Frederick, Matthew A. & Cynthia	8-167	\$1,071.31
Rohrbaugh, Bradley D.	K14-116A, Redman	\$1,116.18
LBL Partnership	9-33	\$1,565.08
Cox, David L. & Denise M.	7-136	\$2,361.14
Beccio, Anthony R. & Stacy L. Greer	101-49	\$444.14
Host, Nancy A. & Helen Volk	21-4	\$1,578.97
	CUMBERLAND TOWNSHIP	
Holt, John A.	E16-33	\$3,358.20
Scott, James M.	E14-10B	\$383.67
Eberhart, John W. Jr.	E17-66A	\$756.82
Schaefer, Michael & Rebecca	F15-65-58, 1994 Fleetwood	\$1,157.03
Sanders, Deborah	F15-65-39, 1994 Fleetwood	\$982.76
Haulsee, Michael W.	E12-82-60, 1973 Vindale	\$82.81
Coburn, Clifton	E12-82-300, 1983 Skyline/Homette	\$73.30
Brown, Kimberly K.	E12-82-40, 1989 Redman	\$563.01
Jersild, Sandra Sue	E17-66E	\$623.12
Heggin, Amy J.	E12-82-364, 1987 Redman	\$476.56
Rebello, Geraldine	F15-65-20, 77 Starcraft	\$138.97
Fissel, Timothy L. & Dalonda E.	E12-82-346, Amhurst	\$447.01
Lorah, Christopher & Robin	E12-82-215	\$693.21
Ogbum, Charles E. & Mary V.	F11-73	\$4,409.41
Barnett, Barbara C.	F15-65-9, 1993 Fleetwood	\$567.35
U S A	F13-151	\$582.08
Guise, Patricia J. & Michael L.	E12-82-29, 1981 Homette	\$153.25
Jacques, Brett	G15-2A	\$27.83
Kern, Kenny	F15-65-19	\$26.34
U S A	F13-151-1	\$85,496.74
U S A	F14-15A	\$3,067.50
Shealer, James Stanton, Dolores	E12-82-79	\$116.32

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
	EAST BERLIN BOROUGH	
Hull, Donald A.	4-129	\$1,194.02
Staub, William F. & Stephanie Gebbart	6-27	\$500.06
	FRANKLIN TOWNSHIP	
Altland, Gordon E.	B7-1-61, 2 Mobile Homes Together	\$200.00
Beamer, William H. & Lynda M.	D8-10	\$1,255.37
Brett, Martha Elizabeth	C10-101	\$244.85
Chase, Daniel R. & Jennifer L.	B9-80	\$1,441.33
Moses, Eldridge	D10-88	\$500.00
Rodriquez, Monica S.	C10-27A	\$319.06
Strausbaugh, Charles W. & Alverta	B9-38G	\$330.77
Wherley, Daniel C. & Susan A.	D12-17	\$278.14
Slee, John A. & Carol S.	A9-47	\$6,450.12
Sharar, Thomas L. & Joann A.	B9-146	\$911.66
Brown, Elizabeth	B8-13-22, 1971 Mobile Home	\$84.00
Bittinger, Ronald J. & Elaine L.	D11-29	\$3,054.06
Brown, William C. & Melissa J.	B12-12B	\$2,457.70
Taylor, Lillian C.	A10-6	\$110.50
Reaver, Stephan H. & Cindy L.	D11-95A	\$2,398.18
Lester, Ona Mae	B10-44, 1968 Americana	\$395.01
Howery, Pamela J.	D10-120	\$269.61
Howery, Pamela J.	D11-53	\$1,229.54
Monn, Richard	C11-31-7, Liberty MH	\$195.13
Weber, Jeanne	C7-46B	\$1,578.72
Haws, Robert W. Sr. & Jami Caskey	C10	\$912.01
Palmer, Johnnie R. & Teresa Jr.	C12-160	\$389.12
Gilbert, Doug & Dianna	B7-1-69	\$1,000.00
	FREEDOM TOWNSHIP	
Musselman, John E. & Holsinger, Dannie W.	D16-17	\$43.90
Deavers, Gerald D. & Carol J.	E17-35	\$1,741.11
	GERMANY TOWNSHIP	
Koontz, Gary P.	I17-11A	\$2,508.10
Thomas, Margaret M.	I18-28A	\$1,157.46
Wilson, Nancy W.	I18-85	\$1,013.61
Hull, Joseph J. & Susan P.	I18-89	\$1,836.60
Brooks, Garrett S. Sr.	I17-8	\$63.75
Edwards, Gary J. & Nancy A.	I18-75	\$2,423.96
Storey, Brian J. & Brenda K.	J18-122	\$262.40
	GETTYSBURG BOROUGH	
Carmichael, William L.	7-10	\$9,249.88
Mauston, James W. & Catherine	10-257	\$695.85
Kessler, Michael S. & Debra C.	7-236	\$2,791.61
Naugle, K. David	7-67	\$1,861.27
Phi-Delity Assoc. Inc.	4-76	\$9,476.17
Keefer, Mazie E.	8-98	\$3,837.71
Keefer, Mazie N.	8-103	\$3,116.32
Rinehart, Steve	10-72	\$2,498.49
Bigham, Andrew K.	8-52A	\$1,352.45
Graham, Dwight T. & Frances B.	7-63	\$713.59
	HAMILTON TOWNSHIP	
Forbes, Jack & Carol Elizabeth	L9-40	\$2,702.08
Forbes, Jack & Carol E.	L10-1	\$3,733.13
Fischer, F Patrick & Kimberly	K8-151	\$142.16

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
HAMILTONBAN TOWNSHIP		
Mort, Catherine C.	A17-52	\$8,397.95
Noel, J. Richard	B13-35A	\$597.00
Reecher, Barry W. & Peggy M.	B14-66A	\$1,883.83
Sites, Judith E.	B16-15	\$805.22
Sprankle, Lawrence K. & Sharon	A15-10	\$196.32
Zefer Operations Inc.	A17-26	\$6,621.13
Deardorff, Jay E. & Tammy M.	C14-23	\$1,712.09
Gladhill, Kristy L.	B17-2	\$337.85
Courtney, Gwen A.	B16-32	\$1,499.66
Carroll Valley Farm, Deardorff, Harold R., Leslie Ann, Jay Edward	C14-23C-C	\$1,605.36
Strausbaugh, Harry A. & Angela	B16-97-1, 1973 MH	\$34.63
Concannon, Raissa	A17-62	\$1,325.59
Fissel, Jeffrey & Lauren	C15-22A	\$162.32
Knepper, Charles H. & Leslie E.	A12-9B, Mobile	\$443.59
Richardson, Robert & Mary	B16-71	\$104.89
HIGHLAND TOWNSHIP		
Harris, Richard A. & Ronda L.	D13-75	\$5,730.32
Trostle, Rondale A. & Karen S.	E12-121	\$1,229.97
Grove, Bernard L. & Mary P.	AB-15	\$113.06
HUNTINGTON TOWNSHIP		
Bailor, Dale R.	H3-25	\$522.07
Strudwick, Stephen A. & Ann M.	J5-35A	\$1,014.90
Decosmo, Raymond & Kristen	J5-23A	\$2,056.45
Westbrook, Carl B. Jr.	G3-7C, Skyline	\$376.83
Chronister, Kenneth E.	I5-13B	\$770.52
Chronister, Kenneth E.	I5-24A	\$2,178.06
Michael, Timothy E.	G2-15-2, 1988 Fleetwood	\$245.16
LATIMORE TOWNSHIP		
Koutch, Richard M. & Bernadette	6-21	\$45.56
Anderson, Kevin S. & Judie A.	K4-39A	\$1,632.19
Connley, Robert H. & Anna Mae	I3-49	\$7,812.99
Brown, Janet L.	I3-24B, Nova Commadore	\$420.07
Conley, Robert H. & Anna Mae	I3-38	\$1,118.90
Mandeville, Mark T. & Maria A.	I1-32	\$1,000.00
Tracey, Raymond F.	I2-70-3	\$386.34
Reem, Arlene I. & Alan Sweigart	I1-31C	\$559.34
Sweigart, Alan	I1-31C-1, 1964 Fleetwood	\$76.64
Kress, Michelle R.	I2-4-1, 1985 Shultz	\$308.69
Burgan, Patrick	6-18, M-1202	\$995.42
Grove, Joanne M.	K4-23, Liberty	\$798.38
Myers, Dennis A. & Kimberly D.	H2-21	\$1,327.68
Smith, Barbara L.	K4-29A, 1874 Braggtown Rd-Star Trailer	\$130.51
Bradshaw, James H. & Frances	I4-28	\$1,002.05
Krull, Michael M. & Vanessa C.	1-13A	\$68.72
Sumner, Michael	9-28	\$110.36
LIBERTY TOWNSHIP		
Gladhill, Richard L. & Deborah	A18-44	\$2,192.49
Schmidt, Marsha E.	OO-3	\$84.23
Sheldon, William Robert & Cheryl Ann	OO-64	\$120.02
Sheldon, William Robert & Cheryl Ann	OO-61	\$143.07
Zimmerman, Thomas W. & Deborah	AB-48	\$3,201.87
Dunaway, Paul & Kenneth	AA-181	\$112.15
Waish, David P. & Carla V.	D17-47	\$4,988.71

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Workman, Billie M. & Mattie S. McCurley	AA-114	\$114.12
Hoffman, Elwood F.	AB-63	\$107.12
Dimartino, Louis & Rose	AA-195	\$43.39
Dimartino, Louis & Rose	AA-208	\$39.33
Graham, Herbert S. & Lena G.	AA-162	\$114.12
Morris, Tammie S.	B17-87	\$1,133.98
Kruer, Melvin R. & Diana	AE-57	\$200.00
LITTLESTOWN BOROUGH		
Dennis, Edward F. & June E.	6-11	\$3,477.33
Kelley, Timothy S. & Debra L.	8-93	\$704.26
Naill, Theresa R.	4-100	\$267.21
Appler Properties LLLP	4-60	\$642.11
Ryerson, Danny L.	7-151	\$493.32
Garland Construction Inc.	7-191	\$497.75
Mann, Travis & Marlana	4-38	\$38.76
Myers, Patricia	4-42	\$92.83
Meinecke, Carla R. & Eric W.	4-47	\$26.10
Spenser, Sharon	4-48	\$23.58
Morgan, Suzanne E.	11-70	\$4,000.00
MCSHERRYSTOWN BOROUGH		
Lawrence, Tamara A. & David J.	2-26	\$851.80
MENALLEN TOWNSHIP		
Austin, Arthur S. & Laura L.	C5-62	\$1,358.25
Bremerman, John Shafer Jr.	E6-1P	\$34.91
Slaybaugh, Patricia	B5-57	\$687.44
Carson, Linda Marie	B5-2	\$762.34
Wilkinson, Timothy L. & Christy	F4-47A	\$2,425.06
Musgrave, Robert S. & Susan G.	B5-3, Kenwood	\$374.71
McCauslin, Tim	D5-39-1, 1971 Derose	\$122.52
McGuirk, Janet M.	D5-62A	\$455.02
Black, Barry L.	F4-40AA-A	\$83.50
Laughman, Lee	F6-12A-1, 1981 Oakwood	\$227.45
Pitzer, David E. & Kathryn I.	D6-9	\$1,265.60
Smith, Melody	F6-12A, Oakbrook	\$825.91
Gerhart, Thomas J. & Judith M.	F6-57	\$2,793.33
Holden, Sandra	E4-3D	\$1,761.02
Rural Opportunities Housing	F5-104	\$26.42
MT. JOY TOWNSHIP		
Ramage, Harry	I17-1-1-1	\$288.10
Brown, Robert G. & Stephanie L.	G14-41B	\$1,893.54
Higgs, Gilbert & Mary C.	G14-11-2, 1972 Flamingo	\$54.93
West Edge II Inc. & Harry Pappas	H17-20	\$3,233.79
Williams, Clarence A. & Rosemary	H17-12	\$821.90
Moran, Charles K. & Florence E.	G15-88	\$2,336.13
Rockafellow, John W.	H18-29B	\$2,092.31
Alexander, Sally	H16-52	\$2,216.10
Fritz, Charles W. & Alice A.	H17-46	\$945.16
Arentz, Samuel L.	G17-1, Liberty	\$319.13
Gladfelter, Sr., Ronald & Shirley A.	G14-17D	\$91.76
MT. PLEASANT TOWNSHIP		
Becker, Randal L. & Wendy Sue	5-155	\$2,131.79
Green Point Credit	J11-52-71, 1997 Liberty	\$21.11
Cyryca, Jeffrey & Ania J.	I14-52	\$2,255.63
Jacobs, Cynthia & Richard	J12-61-143, 1981 Liberty	\$236.17
Gross, Richard	J12-61-146, 1981 Liberty	\$148.62

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Mullin, Richard P. & Micheal S.	J11-6A	\$1,344.43
James, John & Jess Maggard & Joseph & Kim McKinney	J12-61-106, 1981 Windsor	\$141.62
Parsley, Kathleen M. & Elven Lee Cames	I12-25	\$1,779.40
Shuff, Susan	J12-61-2, 1984 Liberty	\$87.47
Yingling, Wendell & Mary	J12-61-124	\$159.19
Beach, Carl L.	J12-61-141, 1981 Derose	\$227.70
Collins, Keith & Jamie	J11-52-61, 1996 So. Energy	\$766.47
Miller, Scott	I15-68-1, 1974 Westchester	\$51.52
Coffelt, Keith S. & Jacqueline	H13-29-4, 1978 Skyline	\$133.41
Eckenrode, Amy S.	H14-32-9, 1995 Wexford	\$416.74
Degroft, Derrick	J12-61-40, 1996 Fleetwood	\$585.05
Agularo, Jose & Ana	J11-52-58, 1981 Derose	\$169.59
Rosado, Angel R. & Gerardita J.	H14-32-14, 1991 Redhav/New Moon	\$568.55
VP Mortgage Inc.	I11-60	\$9,505.53
Dougherty, Brian R.	5-158	\$581.17
Green, Elizabeth	J11-52-82	\$87.47
Shriver, Ronald L. & Hazel E. Jr.	5-56	\$17.97
Staub, James E. & Debra Carol	J13-59D	\$33.92
NEW OXFORD BOROUGH		
Luckenbaugh, Ingrid M.	4-106	\$639.30
Brock, Roy L. & Sandra L.	5-172	\$1,055.22
Peters, Jack L.	8-22	\$1,580.04
Harman, Audrey	5-24	\$1,357.04
Wolf, Sonja M.	7-76	\$1,668.01
Garland Construction	7-104A	\$525.90
Garland Construction	7-104A-1	\$861.01
Mott, Harold E. & Cathleen M.	7-96	\$957.48
Slike, Donald E. & Rose Marie	4-55	\$2,251.50
Garland Construction	7-91	\$957.48
Myers, Jessica	5-184A-2	\$335.94
McGee, Claudine & Dillon, Mary	5-184A-30	\$782.17
Rohrbaugh, Bradley D. O.	2-34	\$4,109.49
OXFORD TOWNSHIP		
Red Hill Enterprises, Inc.	K11-105F-10, 1970 Rembrandt	\$42.23
Kamot, Sana E.	J11-131M	\$474.18
Wildasin, Tina M. & Steven Miller	10-26	\$787.26
Crebs, Anita A.	K11-103B	\$217.66
Peters, Jack L.	J11-151B	\$2,917.45
Scarff, Dean & Laura	K11-105F-19, 1973 Shultz	\$7.02
Kessel, Gregory E. & Debbie K.	J12-111	\$1,774.20
Ketterman, Barry & Barbara	K11-26C-13, 1997 Liberty	\$733.35
Hundermark, Christy	K11-26C-4, 1997 So.	\$241.92
Stapleton, Mark A. & Sharon L.	J12-89A	\$1,412.49
Ward, Sheryl	K11-26C-35, 1998 Fleetwood Heritage Point	\$755.79
Crebs, Anita A.	K11-103B	\$201.25
Orndorff, Shawn	K11-105F-23, Skyline	\$184.93
Rorrer, Ted E. & Rachel E.	1-53-30	\$737.54
READING TOWNSHIP		
Eichelberger, David M. & Susan	10-100	\$204.87
Altland, Ian	J8-45-107, Claremont by Fleetwood	\$282.48
Reading Township	J8-107	\$312.79
Quinn, Michael K. & Agnes	J8-110A	\$167.36
Sullivan, Ronald W.	J9-70F	\$1,289.53
Whitworth, Douglas I.	J8-78	\$74.27

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Markey, Stanley L. & Roberta E.	J9-23A	\$1,969.18
Pate, Albert E.	K6-15J	\$2,928.90
Spangler, Matthew W. & Alma	L7-5-34, 1990 Commodore	\$599.52
Slothour, Lynn D. III	J8-45-123, 1978 Hillcrest	\$1.96
Meckley, Thomas & Robin Armstrong	L7-5-16, 1999 Claremont by Fleetwood	\$517.80
Miner, Steven	L7-5-18, 1972 Sheraton	\$44.88
Eichelberger, David M. & Susan	1-101	\$1,944.23
Shetter, Michael	L7-5-56, 1987 Colony Park	\$287.73
Millhimes, Harold & Shannon	J8-45-116, 1997 Liberty	\$461.25
Bethco Inc.	L7-37	\$573.93
Stevens, Randy & Betsy	L8-50	\$185.16
Ness, Dennis & Ann Marie	K8-57	\$553.26
Carter, Kimbra L.	J8-45-6, Cranbrook	\$66.97
Chapman, David	J5-40-1	\$73.97
Forbes, Jeremy D. & Peggy L.	12-68	\$85.98
Harmon, Randal	L7-5-43, Commodore	\$87.97
Kray, Charles C. & Sara C.	1-21	\$2,270.55
STRABAN TOWNSHIP		
Ashley, Rebecca S.	4-52, H-0271	\$1,865.85
Dubbs, Donald L. Sr.	H12-95B	\$561.99
Jenkins, Joseph M.	32-7	\$1,472.01
Junkins, Timothy	G12-124-124, 1974 Kirkwood	\$76.18
Powell, Judy	G12-124-23, 1966 Schult	\$61.93
Gonzales, Jose	G10-16B-2, 1972 Stylecraft	\$76.18
Magara, Michael E. & Michelle	G12-124-86, 1988 Fleetwood	\$220.32
McKenna, Edward J. & Patricia E.	G10-13	\$8,446.38
Nowak, Johann & Mary	H10-17-153, 1993 Skyline	\$780.34
Oberlin, Kathy	H11-18	\$6,000.00
Shaffer, Theodore & Shannon	G12-7-1, 1990 Redman	\$714.18
Taughinbaugh, Jere W.	H10-61, Vindale	\$397.73
Taughinbaugh, Jere W. & Sue E. Bucher	H10-62	\$180.50
Group, Nancy	H10-17-130, 1986 Skyline	\$445.12
West Edge Inc. & Harry Pappas	G12-49A	\$65,615.83
West Edge Inc. & Harry Pappas	G12-54	\$1,053.59
Bolen, Donald L. Jr. & Marcey J.	H10-17-147-147, 1988 Sunliner	\$410.89
Sullivan, Thelma / Barry	G12-124-77, Lagrande	\$96.71
Herbs, Dave & Carrie Monahan	H10-17-152, 1995 Skyline	\$1,232.54
Bevard, David L. & Bertha A.	H10-17-149, 1993 Sunliner	\$979.81
Hartman, Rosemarie	H10-17-155, 1993 Skyline	\$640.32
Flynn, Thomas I. & Anna N.	G12-14C, American Mobile Home	\$389.18
Greenpoint Credit	G12-124-36, 1988 Redman	\$192.70
Zartman, Peggy A.	H11-14-1-1, 1975 Newport	\$83.16
Callaway, John J. & Bonnie Michele Still-Hammond & Mary Francis Callaway	H9-10	\$1,694.36
Walls, Thomas L. & Dorothy E.	H11-23	\$706.16
Cruz, Marcus & Sharon	G12-124-44, 1979 Dupont	\$176.33
Scott, Karen	H10-17-141, 1986 Sunliner	\$510.78
Shealer, Rebecca A.	H11-13	\$226.37
Thomas, Robert W. & Elizabeth	H10-64	\$2,396.06
Reese, George & Glenda	G10-16BB-00B, 1991 Commodore	\$180.45
Jacoby, Earl	G10-16B-19, Astro	\$30.25
Krout, Charles & Cathy	G12-124-85, Liberty	\$107.21
Reams, Linda K.	1-6, H-0428	\$3,302.63
Harris, Richard A. & Ronda L.	21-79	\$570.94
Pelletier, John M. & Laura A.	1-117	\$822.53

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Moreno, Armando & Esperonzo	H10-17-125, Fleetwood	\$601.89
Sargent, Timothy & Jenny Brown	H10-17-178	\$1,000.00
Thomas, Robert W. & Elizabeth	I10-64	\$1,234.90
Smith, Daniel L. & Sandra K.	J9-16	\$4,033.03
TYRONE TOWNSHIP		
Bly, Barry W. & Mary M.	I8-12	\$1,046.73
Bly, Barry W. & Mary M.	I8-12A	\$472.32
Goff, Randal R.	I9-6	\$1,814.70
Miller, Nancy S. & Terry	F3-11C	\$1,541.61
Taylor, Danny E. & Shelley R.	G4-33	\$2,780.91
Green Point Finance	H7-75-8, Southern Energy	\$1,330.77
Miller, Dan W.	H7-75-103, 1996 Fleetwood	\$815.07
Hernandez, Brantly J.	H7-75-87, 1995 Skyline	\$745.35
Rudolph, Patrick J. & Sara A.	I9-16A-13, 1970 MH	\$85.82
Hudson United Bank	H7-75-12	\$932.88
Johnson, James C. & Sandra L.	H6-24C	\$2,321.67
Woodson, William & Wanda	H7-75-93, 1996 Imperial	\$1,417.91
Bradley, Brenda & David Mobley	H7-75-125, 1998 Fleetwood	\$294.55
Chesney, Brian R. & Sherry E.	H7-75-155, Kernington	\$859.46
Stambaugh, Denise	H7-75-148, Suncrest	\$246.89
Gardner, III Kenneth E.	H7-75-27, Suncrest	\$742.73
Green, Michael L.	H7-75-154, Suncrest	\$232.27
Hudson United Bank	H7-75-91, Imperial	\$1,156.56
Chase Manhattan Bank	H7-75-24	\$190.63
Reaves, Gregory R. & Racheal	H7-75-124, Capewood	\$1,337.53
Stambaugh, Denise	H7-75-148	\$147.72
Bucher, John C. & Dorothy M.	G5-23C	\$1,451.06
Stamer, Scott B.	G4-107B	\$384.21
Green, Michael L.	H7-75-154, Suncrest by Fleetwood	\$16.57
UNION TOWNSHIP		
Kelley, Donald W. & Annette L.	K17-37B	\$630.12
Berwager, Darin L. & Catherine McMaster	K16-25	\$1,240.84
Stern, Eric J.	K17-81	\$751.23
Stern, Eric J.	K18-6G	\$1,505.52
Blettner, Kerry D.	K17-29	\$180.97
Blettner, Kerry David	K17-25	\$198.22
Foltz, Sharon	K18-13H	\$490.33
Waite, Michael L.	K17-81	\$1,742.93
White, Jack W. Flora Victoria	L18-15	\$1,508.02
Mason-Dixon Contracting, Inc.	K17-167	\$642.01
YORK SPRINGS BOROUGH		
Harter, Forrest J.	5-40	\$502.57
Curl, Sharon M., Ronald Tasker, Donald A. Gilbert, & Harmon D. Cornman, & Robert Pitzer	2-56	\$166.47
Slike, Donald E. & Rose Marie	1-25	\$867.91
Miller, Thomas M. & Carol A.	5-35	\$1,864.11
CARROLL VALLEY BOROUGH		
Boothe, Louise M. & Nancy K. Beavers	22-119, WA-0271	\$225.16
Comp, Charles F. & Joyce	37-1, Section P	\$77.60
Gach, Robert J. & Patricia R.	7-10, K-0271	\$2,100.49
Gibson, James G. & Sandra E.	32-18, I-0082	\$1.20
Givings, Dorothy F. & Mary Sitgraves	41-87, RI-0048	\$208.86
Quinn, Michael K.	47-15, R-0056	\$175.32
McClellan, John B.	19-63, D-0032	\$99.32
Sanders, Edward C. & Deborah L.	43-76, RD-0058	\$2,432.71

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Sedr, William W. & Dolores C.	18-49, C-0023	\$65.08
Virostek, Geraldine A.	18-17, A-0081CR	\$242.99
Delaney, Charles G. & Mildred M. & William	22-76, WA-0201	\$139.15
Tadych, Hilary	46-114	\$144.72
McKinney, Valerie S.	37-9, RI 93	\$245.87
Smith, Joel	13-34	\$197.57
Dunaway, Paul & Kenneth	19-28, D-0210	\$355.83
Dunaway, Paul & Kenneth	24-80, C-0086	\$281.64
Dunaway, Paul & Kenneth	35-104, B-0023CR	\$188.34
Wivell, Jay & Michelle	43-119, RD-0103	\$127.54
Sanders, Edward C. & Deborah L.	43-75, RD-0057	\$48.67
Wilder, Harold	29-63, B-0043	\$188.34
Jester, Robert S. & Mary Ellen	3-55, K-0307	\$2,597.14
Dick, Bryon D. & Kathy A.	34-108, E-0070	\$5.24
Hart, Gary	47-49, R-0091	\$146.15
Hoffman, Elwood & Margaret	19-26, D-0208	\$82.57
Gorman, Charles J. Jr.	47-57, R-0099	\$50.79
Hogan, Bartholomew	43-123, RD-0099	\$38.65
Hogan, Bartholomew P.	46-6, RC-0047	\$26.97
Johnson, Catherine A.	28-22, W-0113	\$78.71
Watkins, Dolores M.	25-124, D-0068	\$73.30
Coelius, Patricia L. & Hugo	44-9, RB 0096	\$137.16
Dubick, Leona R.	16-43, WA-0075	\$30.70
Hewitt, Kenneth F. & Kyra M.	24-66, C-0081	\$332.36
Borough of Carroll Valley	47-100, R-0041	\$30.70
Roksandich, Patrick & Terry L.	29-54, B-0034	\$29.97
Stevens, Gerald M. & Gladys	43-44, RD-0035	\$139.15
Stevens, Gerald M. & Gladys	43-45, RD 0034	\$139.15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-8 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in the Borough of Bendersville, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point located on the East side of South Main Street at the Northwest corner of land of Eugene L. Lupp; thence along said East side of South Main Street North 30 degrees 15 minutes West 82.5 feet, more or less, to a point located on the South side of a 10 foot public alley; thence along said South side of a 10 foot public alley North 59 degrees 45 minutes East 132 feet, more or less, to a point located on the West side of a 20 foot public alley; thence along said West side of a 20 foot public alley South 30 degrees 15 minutes East of 82.5 feet, more or less to a point located at the Northeast corner of land of Eugene L. Lupp; thence by said land of Eugene L. Lupp South 59 degrees 45 minutes West 132 feet, more or less, to a point located on the East side of South Main Street, the place of BEGINNING.

The description herein is taken from records found in the Adams County Mapping Office, Bendersville, Map No. 4, Parcel No. 56.

BEING the same premises which Edward C. Wallen and Darlene K. Wallen, by deed dated 12/28/90 and recorded 1/03/91 in the Recorder's Office in and for Adams, Pennsylvania in Deed Book Volume 0576 Page 1057, granted and conveyed unto Jeffrey L. Stoops, the mortgagor herein.

Parcel ID Number: 3-004-0056

SEIZED and taken into execution as the property of **Jeffrey Stoops** 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 September 30, 2002, 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.

7/19, 26 & 8/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-178 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in the Borough of East Berlin, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point where the northern boundary line of King Street is intersected by the eastern boundary line of Sixth Street; thence along Sixth Street, North 28 3/4 degrees East, 223.9 feet to a 20 feet alley; thence by said alley, South 64 degrees East, 39.75 feet to a lot formerly of Caroline Wignad; thence by said lot formerly of Caroline Wignad, South 13 degrees West, 232.7 feet to King Street; thence along King Street, North 61 1/4 degrees West, 104 feet to a point, the place of BEGINNING.

IT BEING the same premises which Beatrice W. Lauer, by her Attorney in Fact, Raymond W. Lauer, by deed dated June 19, 1998, and about to be recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, granted and conveyed unto Paul R. Edmiston and Ann E. Edmiston, husband and wife, who are the Mortgagors herein.

Premises being: 551 West King Street, East Berlin, PA 17316

Tax Parcel No. 10-003-0005-000

SEIZED and taken into execution as the property of **Paul R. Edmiston & Ann E. Edmiston** 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 7, 2002, 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.

7/26, 8/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-477 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the easterly right of way line of Kinneman Road in the Borough of Abbottstown, County of Adams, and State of Pennsylvania known and numbered as Lot No. 33, on a plan for Abbotts Manor recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the easterly right of way line of the said Kinneman Road, at a corner of Lot No. 32 on said plan; thence extending along the said Lot No. 32 South 88 degrees 36 minutes 40 seconds East 110 feet to a point; thence South 1 degree 23 minutes 20 seconds West 85 feet to a point, at a corner of Lot No. 34; thence extending along the said Lot No. 34 South 88 degrees 36 minutes 40 seconds West 120 feet to a point on the easterly right of way line of Kinneman Road; thence extending along the said right of way line of Kinneman Road North 1 degree 23 minutes 20 seconds East 85 feet to the point and place of BEGINNING.

CONTAINING 10,200 Sq. Ft.

Premises being: 68 Kinneman Road, Abbottstown, PA 17301

Tax Parcel No. #5-33

SEIZED and taken into execution as the property of **Christopher A. Bless & Kimberlyn M. Bless** 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 7, 2002, 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.

7/26, 8/2 & 9

LEGAL NOTICE

NOTICE IN THE COURT OF
COMMON PLEAS OF ADAMS
COUNTY IN AND FOR THE
COMMONWEALTH OF
PENNSYLVANIA

CIVIL

IN RE: Dismissal of Action for failure to Proceed Under Pa.R.J.A. 1901(c) and Local Rule of Court No. 10(e)

Pursuant to the provisions of Pa.R.J.A. 1901(c) and Local Rule of Court No. 10(e) notice is given hereby that the following cases will be listed by the Adams County Prothonotary for general call before the Adams County Court on Wednesday, September 11, 2002 at 9:00 a.m. to request the Court to dismiss for failure to proceed unless good cause for continuing the proceedings shall be given on or before that date.

Paul Eldridge and Wilma Eldridge vs. Brian Hoffheins—85-S-336

Randy J. and Janis A. Miller, individually and as natural parents and guardians of Timothy Ryan Miller vs. Syntex Laboratories, Inc.—85-S-708

Ignacio Carbajal vs. W.W. Babcock Company, Inc., Cosner Mfg., Co., and Cosner Company—92-S-876

David Nocket vs. Ski Liberty and Ski Liberty Operating Corp.—93-S-73

David L. Fitzgerald vs. Sheree A. Fitzgerald—93-S-807

Mervin Z. Martin, t/a Martin's Harness Shop vs. Wendy David and David Eden—93-S-929

Michael P. Rokandandich vs. Jeffrey S. Hemler—93-S-1003

Hockley and O'Donnell Insurance Agency vs. Krystal Cadillac Oldsmobile GMC Truck, Inc., Westedge Inc., Krystal Cadillac Jeep and Eagle, Harry Pappas and Marha Pappas—93-S-1099

The Gettysburg Hospital vs. Stephen A. Hill and Patricia M. Hill—94-S-10

Kande L. Robey, individually, and as parent and natural guardian of Shawn M. Frame, a minor—94-S-650

Kevin S. Meeker vs. Anderson Real Estate, Inc., ERA Vernon E. Anderson Real Estate, Kevin Anderson, Larry Altland and Henry Hicks—94-S-828

Ruth N. Malone vs. James E. Malone—94-S-1078

Gettysburg Hospital vs. John Lance and Christina Lance—95-S-13

Dominic DeFloria and Lois DeFloria vs. Stanley Hoke, Audrey Hoke and Paul Mikeseil—95-S-857

Adam L. Stotsky, Jr. vs. David D. Williams and Kathy A. Williams—95-S-1156

Dusan Bratic vs. Paul Hook and Marcia Hook—95-S-1172

William A. McIntrye, Sr., Wayne McIntrye and Brian McIntrye, t/d/b/a William A. McIntrye & Sons, a partnership vs. James A. McIntrye and Judith B. McIntrye—96-S-107

Thomas Michael Wood vs. Karen Lynn Pennington—96-S-349

Jana Biser and Paul Biser vs. Alfredo Kaguyutan, M.D., Kaguyutan Medical Associates, Inc. and Gettysburg Hospital—96-S-361

Donald and Mary Herring vs. Wayne Andrew, d/b/a Andrew & Sons Excavating—96-S-483

Clarence A. Williams, Jr., individually and trading as Williams Trucking and Rosemary Williams vs. Robert O. Hinton and George Transfer, Inc.—96-S-638

Edward V. Deboesser, Jr., Fausto D. Delgrosso, Betty J. Redding, Raymond Redding, Jr., Karen A. Patterson, Thomas A. Laser, Carl L. Ricker, Ann E. Dentry, Philip O. Neth and Frances F. Lorenzo vs. Board of Supervisors of Freedom Township, Adams County, Pennsylvania—96-S-654

Robert J. Simons, Jr. vs. Brenda R. Simons—96-S-882

Frances A. Valora vs. Williams Valora, Jr.—96-S-1012

In Re: Condemnation by the Commonwealth of Pennsylvania Department of Transportation, of right of way for State Route 0116, Section 004, in the Borough of Carroll Valley—97-S-230

Linda K. Sterner vs. Cyril L. Staub and Julie K. Staub, his wife—97-S-233

Jay F. Linn vs. George P. Howes—97-S-482

James L. Stipe vs. Peter A. Rondeau, individually and P.A. Rondeau Real Estate, Inc.—97-S-706

John Andrew David Tarbet and Laura Kay Tarbet vs. James A. Ford and Judy Ford d/b/a Mount View Construction Company and Mount View Construction Company—97-S-741

Larry and Marlene Larson vs. Metropolitan Property & Casualty Insurance Company—97-S-746

Keith E. Myers and Wanda Myers vs. Timothy R. McKee, M.D.—97-S-885

Vernon Huebschman vs. Kathleen A. Huebschman—97-S-904

Anne Marie Grove vs. The Penn Warranty Corporation—97-S-905

Bryan McKinley Brayboy vs. Duane E. Oaster—97-S-949

Eugene A. Mummert vs. Karman E. Mummert—97-S-995

James H. Champlain and Mary J. Champlain vs. Curtis Gladfelter—97-S-1009

Mark D. Ruise vs. Danielle Nicholson—97-S-1012

Hoffman Homes vs. Michael Lippy—97-S-1013

Taneytown Bank & Trust Company vs. Mary B. Phillips—97-S-1059

June O'Brien vs. Arthur O'Brien—97-S-1116

Julie A. Cromer, Executrix of the Estate of James M. Yingling vs. Martha R. Yingling—97-S-1203

Paul G. Brown vs. Rodney Cornell Tasker, Carol C. Cleaver, Cooper Motors Inc. and Amanda Beth Mohan—97-S-1204

Mark A. Puglisi vs. Dorothy E. Griffith, personal representative of the last Will and Testament of Beatrice Ward, deceased—98-S-8

Elisa A. Laughman vs. Philip L. Laughman—98-S-23

Amanda Mohan, as parent and natural guardian of Olivia Beth Garner vs. Paul Gilmore Brown, Rodney Cornell Tasker and Carol C. Cleaver—98-S-61

Joseph W. Wentz vs. Basil Crabster—98-S-73

Sherry Krom Baadte vs. Laura B. Hickman—98-S-76

Gettysburg Hospital vs. Michael W. Leister—98-S-78

Laurie Goldberg vs. Sylvania Shoe Mfg. Corp., Alan H. Pearlstein and Audrey Levine—98-S-83

Cam & Sons, Inc. vs. Robin Weese and Tim Weese—98-S-129

Edward Trostle vs. Drew Thomas—98-S-152

Amy Louise Carmichael vs. William Carmichael—98-S-168

Julianne Waters vs. Samuel Harrison Waters, Jr.—98-S-173

Michael Investments, Inc. vs. Janice Bamgardner, Lincoln Eubanks and Tinese Lewis—98-S-185

Mary E. Martin vs. John L. Sweeney, Jr.—98-S-198

Jeremy M. Peters and Debra Peters vs. Tammy L. Peters—98-S-204

Katrina M. Wivell vs. Wayne E. Wivell, Sr.—98-S-210

F.X. Ryan and Associates LTD. vs. Family Service Corp. of America and Oak Lawn Memorial Gardens—98-S-253

Fleet Real Estate Funding Corp. vs. Ned L. Mummert—98-S-270

Gerald F. Maloney and Maria T. Medici vs. John R. Jacobs—98-S-274

Stanley A. Wagner vs. Susan C. Wagner—98-S-309

Adams County National Bank vs. Barbara Hartman, William A. Bigham, Inc. t/d/b/a Coldwell Banker Bigham, Realtors and Ronald F. Kump, Ronald F. Kump Real Estate—98-S-324

Bank of New York vs. Cynthia A. Teal—98-S-346

(continued on page 15)

- Schuchart, Inc. vs. Tate Engineering Systems, Inc.—98-S-350
- Bank of Hanover and Trust Company vs. Wayne R. Mancha and Sandra L. Mancha—98-S-358
- Lisa D. Shultz vs. Kenneth Shultz—98-S-377
- Marshall L. Miller, Inc. vs. Keya L. Johnson—98-S-378
- Crystal L. Millard vs. Michael D. Millard—98-S-387
- Allen D. Schaeffer, by his agent, Jay Wantz vs. David J. Olderich and Virginia F. Sherman—98-S-388
- Commonwealth of Pennsylvania Department of Transportation vs. Edward C. Wallen, Jr.—98-S-389
- Bankers Trust Company of California as custodian and/or trustee of MCA Mortgage Corp. vs. Kathleen V. Mock a/k/a Kathleen V. Stine—98-S-402
- Clinton Harrison vs. Adams County Prison—98-S-422
- Michael C. Wallen, executor of the Estate of Elizabeth Lucille Wallen, a/k/a Lucille E. Wallen vs. Wanda L. Cook—98-S-441
- PJAX Freight Systems vs. Krystal Cadillac Olds GMC Truck—98-S-477
- Automotive Lift Services Inc. vs. George Reed—98-S-490
- Tammy Marie Hardman vs. Daryll L. Flagle—98-S-491
- Willie Mae Hilbert vs. Glenn L. Hilbert—98-S-495
- Bryan J. Crawford vs. Helga I. Crawford—98-S-578
- Helen Fike vs. Todor Gamunev and Mary Gamunev—98-S-624
- GE Capital Mortgage Services Inc. vs. Patrick Warner and Diane Warner—98-S-632
- Iris Josephine Albaugh vs. Crystal Lee Spence and Scott Lee Gardiner—98-S-639
- Frederick Gary White vs. Douglas Frizier—98-S-642
- James Small vs. Adams County Prison and Adams County Commissioners—98-S-645
- Doris L. Miller vs. Daryll L. Flagle—98-S-660
- Maurice H. Krug vs. Rita J. Sullivan—98-S-667
- Franchot E. Strickhouser vs. Frances M. Strickhouser—98-S-710
- Charles G. Dickey vs. John Knaub and Kathryn Knaub—98-S-711
- Wayne Stewart vs. Nathan W. Keefer and Jeremy Crum—98-S-727
- Philp Soslowitz vs. Allstate Insurance Company—98-S-774
- Theresa Slick vs. Allstate Insurance—98-S-775
- Adams County Interfaith Housing Corporation vs. Betty Crowl—98-S-777
- Mary Krichten vs. Patrick Krichten—98-S-806
- First Union Home Equity Corp. vs. Roby D. Smothers and Lora M. Smothers—98-S-850
- Wyatt Investors, Inc. and Arnold Forbes vs. Franck C. Myers—98-S-879
- John Boyd Morrow vs. Adams County Prison and Adams County Commissioners—98-S-916
- Janice A. Whitson vs. Stephen Wayne Kennedy—98-S-921
- David and Julie J. Adcock vs. York Springs Modular Homes Sales—98-S-931
- York Springs Modular Homes Sales vs. David and Julie Adcock—98-S-932
- Commercial Credit Corporation vs. Margaret V. Marsh and Clyde J. Marsh and United States of America—98-S-959
- Sherri L. Tamburo vs. John Kelly and Joan Kelly—98-S-971
- Jennifer L. Diehl vs. Duane J. Diehl, Jr.—98-S-980
- Michael R. Romberger vs. Paula Ann Romberger—98-S-1007
- Bengie and Angela Biggus vs. Victor Triolo—98-S-1028
- Brenda Lee Small vs. William H. Small—98-S-1041
- Edward G. Shock vs. James Langley vs. Danny Bryant—98-S-1059
- Linda Kane-Taylor and Donald John Taylor vs. Carol A. Nell—98-S-1066
- Helen Jenyk vs. George H. Lawrence—98-S-1091
- Clayton Wheatley vs. Lydia Morales—98-S-1092
- Esmeralda A. Miller and Joseph Miller vs. Janitex Rug Service Corp. and Alan R. Knodle—98-S-1097
- Jovita Acedo vs. Janitex Rug Service Corp and Alan R. Knodle—98-S-1098
- Beeler Box Co. vs. IFS LTD.—98-S-1110
- Nancy J. Hughes vs. Troy Hughes—98-S-1114
- Croydon Ostriche, executor in the Estate of Ruth M. Thompson vs. Frank L. Thompson—98-S-1139
- Eric Rummel vs. Mobile-R-U—98-S-1142
- Melissa Ann Bowling vs. Michael Todd Bowling—98-S-1162
- Eric Rummel vs. Eugene L. Gilotty—98-S-1168
- Barbara A. Green vs. Norman M. Green—98-S-1181
- Paul Phillip Felsch vs. Melissa Elaine Felsch—98-S-1195
- Susan P. Downey vs. Robert G. Downey—98-S-1210
- Douglas A. Weaver and Richard E. Weaver, Inc. vs. Brian G. Weaver—98-S-1221
- Larry G. Reynold vs. John D. Gochenour—98-S-1230
- Karen Kraft vs. United Airlines, Inc.—98-S-1254
- Richard W. Koser vs. Diane E. Koser—99-S-3
- Fayanna Charlton vs. Nathaniel Tyler—99-S-5
- James W. Leake vs. Tracy Myers, Carolyn Myers and Richard Lynn Repp—99-S-43
- Daniel B. Ulrich vs. Jean L. Ulrich—99-S-51
- Paula A. Romberger vs. Michael R. Romberger—99-S-90
- Chase Manhattan Mortgage Corp. vs. Kevin J. Barton and Billie A. Barton—99-S-97
- Vera Ellen Kugler vs. Steven Michael Kugler—99-S-144
- Jacqueline A. Tribby vs. Jeffry J. Tribby—99-S-194
- East Side Auto Sales vs. Sonya Alicea—99-S-204
- Hertz Corporation vs. John E. Germann, III—99-S-241
- Irwin Mortgage Corp. vs. Donald M. Fomey and Sandra L. Fomey—99-S-245
- G. Nathan Jefferson vs. C. Dean Osborn, Margaret Osborn, Richard T. Costolo, Genesis International Trading, LTD and Vertex Manufacturing—99-S-266
- Joshua Cordero vs. Alfredo Dominges—99-S-272
- Bandy L. Wills vs. Matthew Shew—99-S-302
- Bank of New York vs. Elizabeth Talpas Shealer—99-S-331
- Bobbi Lynn Meekins vs. Robert R. Meekins—99-S-350
- Vicki L. Markel, formerly Vicki L. Crawford vs. Bryan J. Crawford—99-S-361
- Melinda K. Smith and David C. Smith vs. Melissa I. Laughman—99-S-362
- Robert L. Ranalli vs. Ronda Ranalli—99-S-365
- Larry E. Miller vs. Colleen I. Martin—99-S-400
- Stacey L. White vs. William A. White—99-S-426
- David Lease vs. Paul Karl and Jennifer Karl—99-S-432
- Eichelbergers, Inc. vs. R. Scott Hartman & Co.—99-S-448
- Melinda K. Smith and David C. Smith vs. Melissa I. Laughman—99-S-449
- Adams County Tax Claim Bureau vs. Douglas and Cynthia Dixon—99-S-456

(continued on page 16)

Thomas N. Flannery vs. Robert K. Goetz Demolition—99-S-486

Karen S. Rivera vs. Santos R. Rivera—99-S-496

Tina Marie Crandell vs. Rylan Larry Crandell—99-S-510

Associates Commercial Corporation vs. John R. Daus—99-S-521

Advanta National Bank vs. Robert Topper—99-S-531

Dann and Cheryl Berkheimer, individually and on behalf of their minor child, Stephen Patrick Berkheimer vs. Thomas Lytle—99-S-534

Harbor Financial Mortgage Corp. vs. Richard C. Hargerman—99-S-553

Joseph Sgroi and Carol Sgroi vs. James E. Mosemann, trading as J.E. Mosemann Builder—99-S-575

Kathleen Strausbaugh vs. Reid Patrick Meredith—99-S-586

David R. Crumbacker vs. Breta S. Crumbacker—99-S-602

Margaret E. DeCheubell vs. John F. DeCheubell—99-S-610

Karen Sue Kingan vs. Christopher Charles Kingan—99-S-622

Carol L. Basore vs. Commonwealth of Pennsylvania Department of Transportation—99-S-652

Joan M. Reese vs. Debra A. Snyder—99-S-654

Knouse Foods, Inc. vs. Fisfis Industries, Inc., v/a Fisfis Food Service—99-S-688

Joan M. Reese vs. Debra A. Snyder, formerly Debra A. Reese vs. David T. Reese—99-S-725

Eleanor M. Moore vs. John L. Moore—99-S-733

Mary Carriker vs. James Brant—99-S-738

Robert W. Barhight vs. Cheryl A. Barhight—99-S-828

Robin L. Blake vs. Michael Grazziano—99-S-836

Alaska Seaboard Partners vs. Kathy L. Eckard—99-S-886

John Ortiz and Rosalind Hoffman vs. Carol Norris and Royal Lepage—99-S-934

Rodney J. Miller vs. Gary Bishop and Diane Bishop—99-S-963

Lawrence H. Bullis vs. Brian P. Coble—99-S-973

Maragrita Mejias vs. Parksville Properties—99-S-974

Peoples State Bank vs. Dawn L. Hoff—99-S-984

Ben Novak vs. Nicholas R. Acacio—99-S-1052

Ben Novak vs. Nicholas R. Acacio and Advanced Transportation Services, Inc.—99-S-1080

David Lease vs. Valentine Thamazé—99-S-1153

8/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-437 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a leitz spike in the center line of Table Rock Road L.R. #01006 at corner of Lot "B" on the hereinafter referred to Preliminary & Final Plan; thence by Lot "B" South 78 degrees 59 minutes 15 seconds East, 217.71 feet to a steel rod at Lot "A" on the hereinafter referred to Preliminary & Final Plan; thence by Lot "A" South 11 degrees 14 minutes 40 seconds West, 116.14 feet to a steel rod at land now or formerly of Paul D'Agostino; thence by same North 78 degrees 45 minutes 22 seconds West, 38.26 feet to a steel rod at land now or formerly of Ellanora E. McKinney; thence by same North 11 degrees 14 minutes 40 seconds East, 6.12 feet to a steel rod at corner of Lot "D" on the hereinafter referred to Preliminary & Final Plan; thence by Lot "D" North 11 degrees 14 minutes 40 seconds East, 15.00 feet to a steel rod at corner of Lot "D" (erroneously stated in prior deed as Lot "C"); thence running along Lot "D" aforesaid North 79 degrees 07 minutes 11 seconds West, 178.85 feet to a leitz spike in the center line of Table Rock Road L.R. #01006; thence in said center line North 10 degrees 52 minutes 50 seconds East, 95.28 feet to a leitz spike in the center line of Table Rock Road L.R. #01006 at corner of Lot "B", the place of BEGINNING. CONTAINING 21,470 Square Feet and being known as Lot "C" on the hereinafter referred to Preliminary & Final Plan.

The above description was taken from a Preliminary & Final Plan, Ralph L. Bowling "Oakland Estates", as prepared by Adams County Surveyors, dated April 6, 1983, and revised May 3, 1983, and December 27, 1983, being Drawing No. E-377 and recorded in the Office of the Recorder of Deeds of Adams County in Plat Book 40 at page 13.

The above tract of land being the same which James M. Fair and Susan A. Fair, his wife, and Kathy M. Gill and Dewey L. Gill, Jr., her husband, by deed dated October 2, 1998, and recorded on

October 5, 1998 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1673 at page 282, granted and conveyed unto James M. Fair and Susan A. Fair, husband and wife, the mortgagors herein named.

Property ID# F12-205

SEIZED and taken into execution as the property of **James M. Fair & Susan A. Fair** 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 September 30, 2002, 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.

7/19, 26 & 8/2

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation-Domestic Nonprofit Corporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on June 25, 2002, for the purpose of incorporating a proposed domestic nonprofit business corporation to be organized under the Pennsylvania Business Corporation Law of 1988, P.C. 1444, No. 177. The name of the corporation is ADAMS COUNTY IRISH FESTIVAL, INC. and the purpose for which the corporation will be organized is to create and provide cultural and educational programs which celebrate Irish/American heritages.

Stonesifer and Kelley, P.C.

8/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-330 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of land situate, lying and being in Berwick Township, Adams County, Pennsylvania, further bounded and limited as follows, to-wit:

BEGINNING for a corner at an existing steel pin on the southerly edge of Appplewood Drive at previously approved Lot No. 3 as shown on the hereinafter referred to Subdivision Plan; thence along said previously approved Lot No. 3, the following two (2) courses and distances: 1) South eleven (11) degrees fifty-eight (58) minutes seven (07) seconds West three hundred twenty-six and twenty-three hundredths (326.23) feet to an existing steel pin; 2) South seventy-two (72) degrees seven (07) minutes three (03) seconds West three hundred eighty-six and twenty-seven hundredths (386.27) feet to an existing steel pin at lands now or formerly of Charles R. Chubb as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Charles R. Chubb, South eighty-five (85) degrees five (05) minutes twenty (20) seconds West two hundred fifty-five and eighty hundredths (255.80) feet to a steel pin (set) at lands now or formerly of Warren T. Becker as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Warren T. Becker, North thirty-two (32) degrees fifty-one (51) minutes thirty (30) seconds West, one thousand four hundred twenty-six and thirty-seven hundredths (1,426.37) feet to an existing stone at lands now or formerly of Raymond G. Burkett and Martha E. Fisher as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Raymond G. Burkett and Martha E. Fisher and also along lands now or formerly of Paul C. Sipe, Jr. as shown on the hereinafter referred to Subdivision Plan, North twenty-six (26) degrees no (00) minutes no (00) seconds East eight hundred forty-five and twenty-eight hundredths (845.28) feet to a steel pin (set) at lands now or formerly of Donald J. Sneeringer as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Donald J. Sneeringer and also along lands now or formerly of Paul C. Sipe, Jr. as shown on the hereinafter referred to Subdivision Plan, North eighty-eight (88) degrees fifty-two (52) minutes ten (10) seconds East seven hundred thirty-five and ninety

hundredths (735.90) feet to an existing steel pin at lands now or formerly of Elmer H. Miller, Jr. as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Elmer H. Miller, Jr., South thirteen (13) degrees forty-eight (48) minutes thirty (30) seconds East three hundred eighteen and forty-two hundredths (318.42) feet to a point at lands now or formerly of Mitchell O. Diviney as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Mitchell O. Diviney, South thirteen (13) degrees twenty-one (21) minutes ten (10) seconds East two hundred sixty-six and forty-one hundredths (266.41) feet to a steel pin (set) at lands now or formerly of John C. Leese as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of John C. Leese, South seventy-eight (78) degrees fifty-nine (59) minutes twenty-two (22) seconds West one hundred fifty-eight and thirty-seven hundredths (158.37) feet to an existing steel pin at previously approved Lot No. 5 on the hereinafter referred to Subdivision Plan; thence along said previously approved Lot No. 5, the following two (2) courses and distances: 1) South forty-nine (49) degrees fifty-nine (59) minutes twenty-four (24) seconds West one hundred eighty-eight and twenty-five hundredths (188.25) feet to an existing steel pin; 2) South forty (40) degrees no (00) minutes thirty-six (36) seconds East, seven hundred twenty-seven and thirty-five hundredths (727.35) feet to an existing steel pin at lands now or formerly of Robert E. Lawyer as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Robert E. Lawyer, the following three (3) courses and distances: 1) South eleven (11) degrees fifty-eight (58) minutes seven (07) seconds West one hundred seventy and two hundredths (170.02) feet to an existing steel pin; 2) South seventy-eight (78) degrees one (01) minute fifty-three (53) seconds East four hundred forty-two and sixty-three hundredths (442.63) feet to a point; 3) by a curve to the right having a radius of two hundred eighty (280.00) feet, the long chord of which is South sixty-six (66) degrees forty-nine (49) minutes one (01) second East one hundred eight and ninety-one hundredths (108.91) feet for an arc distance of one hundred nine and sixty-one hundredths (109.61) feet to a point on the northerly edge of Appplewood Drive aforesaid, where it intersects with Township Road (T-706) as shown on the hereinafter referred to Subdivision Plan; thence in and along Township Road (T-306), South twenty-eight (28) degrees fifty-three (53) minutes fifty-three (53) seconds East one hundred sixty-two and forty-one hundredths (162.41) feet to a point in the centerline of SR-0194

(Abbottstown Pike) as shown on the hereinafter referred to Subdivision Plan; thence crossing said SR-0194 (Abbottstown Pike) North seventy-eight (78) degrees six (06) minutes twelve (12) seconds West twenty-seven and fifty-nine hundredths (27.59) feet to a point on the aforesaid southerly edge of Appplewood Drive; thence in and along the southerly edge of Appplewood Drive, the following three (3) courses and distances: 1) by a curve to the left having a radius of two hundred thirty (230.00) feet, the long chord of which is North thirty-two (32) degrees twelve (12) minutes one (01) second West sixty-three and forty-seven hundredths (63.47) feet for an arc distance of sixty-three and sixty-seven hundredths (63.67) feet to an existing steel pin; 2) by a curve to the left having a radius of two hundred thirty (230.00) feet, the long chord of which is North fifty-nine (59) degrees forty (40) minutes fifty-two (52) seconds West one hundred forty-nine and thirty-eight hundredths (149.38) feet for an arc distance of one hundred fifty-two and fourteen hundredths (152.14) feet to a point; 3) North seventy-eight (78) degrees one (01) minute fifty-three (53) seconds West three hundred forty-two and sixty-three hundredths (342.63) feet to the point and place of BEGINNING. CONTAINING 42.276 acres.

The above description was taken from a Survey prepared by Mort, Brown and Assoc. for TRIPLO, INC., dated April 3, 1989, bearing File No. E-496.

IT BEING the same tract of land which Donald R. Lawyer, unmarried, and John F. Lingg and Lindy L. Lingg, husband and wife, by deed dated May 7, 1990, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 577, page 89, granted and conveyed unto Joseph A. Lawrence and Wanda J. Lawrence.

SEIZED and taken into execution as the property of **Joseph A. Lawrence & Wanda J. Lawrence** 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 7, 2002, 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.

7/26, 8/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-338 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a steel rod located in the right-of-way of Carrolls Tract Road (Township Route T-314) and at the Southwestern side of a 12 foot unused unimproved alley; thence along said Southwest side of said alley, South 52 degrees 15 minutes 00 seconds East, 135.00 feet to an existing steel rod located at corner of land of Paul Metz; thence by said land of Metz, South 37 degrees 45 minutes 00 seconds West 120.00 feet to an existing steel rod located along the Northeastern side of the right-of-way of Third Street (private); thence along said right-of-way of said Third Street, North 52 degrees 15 minutes 00 seconds West, 135.00 feet to a magnetic spike located 8 feet East of the center line of the aforementioned Carrolls Tract Road; thence in Carrolls Tract Road, North 37 degrees 45 minutes 00 seconds East, 120.00 feet to a steel rod located in the right-of-way of Carrolls Tract Road and at the Southwestern side of a 12 foot unused unimproved alley, the place of BEGINNING. CONTAINING 16,200 square feet (0.372).

The above description is taken from a boundary survey prepared for Orrtanna United Methodist Church by Adams County Surveyors dated March 27, 1997, Drawing B-928.

Being known and designated as Map C-12; Parcel 98

BEING the same premises which Orrtanna United Methodist Church, a/k/a Orrtanna Methodist Church, by Deed dated April 7, 1997 and recorded in the Office of the Recorder of Deeds of Adams County on April 10, 1997, in Deed Book 1353, Page 161, granted and conveyed unto Clifford E. Strausbaugh and Amanda L. Strausbaugh.

Grenen & Birsic, P.C.

By: /s/Kristine M. Faust, Esq.

Attorneys for Plaintiff

One Gateway Center, Nine West
Pittsburgh, PA 15222
(412) 261-7650

Parcel No.: (18) C12-98

SEIZED and taken into execution as the property of **Clifford E. Strausbaugh**

& Amanda L. Strausbaugh and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 30, 2002, 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.

7/19, 26 & 8/2

NOTICE

NOTICE IS HEREBY GIVEN that Brian T. Coffey intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 11th day of September, 2002, and that he intends to practice law as an Assistant District Attorney in the Office of the District Attorney, County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

8/2, 9 & 16

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF J. STEWART HELLER a/k/a JAMES STEWART HELLER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executors: Harold E. Heller, 730 Center Mills Road, Aspers, PA 17304; John J. Heller, 1035 Center Mills Road, Aspers, PA 17304

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

ESTATE OF MARIE E. ROTH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: John W. Roth, II, 6109 Bluebird Avenue, Harrisburg, PA 17112; Kimberly K. White, 23 Barlow Street, Gettysburg, PA 17325

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

ESTATE OF JAMES E. STEPHENS, SR., DEC'D

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

Nancy A. Stephens, 206 Middle Street, York Springs, PA 17372

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

SECOND PUBLICATION

ESTATE OF HUGH L. ALEXANDER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrices: Virginia M. Link, 3318 Chapman Road, Randallstown, MD 21133; Lorraine V. Lee, 23 Crescent Lane, Littlestown, PA 17340

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

ESTATE OF JON R. ANDERSON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Eric R. Anderson, 21788 Willesden Jct. Ter., Sterling, VA 20166

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

ESTATE OF ROBERT A. BIDDINGER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Amy M. Drumm, 11228 Harney Road, Emmitsburg, MD 21727

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325; John N. Burdette, Esq., 22 West Second Street, Frederick, MD 21701

ESTATE OF LILLIAN M. BURGOON, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Executrix: Helen B. McDannell, 740 North Duke Street, Apartment 6-G, Lancaster, PA 17602

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

ESTATE OF RUTH M. FLICKINGER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Shirley Shafer, Richard Flickinger, Joyce Vinson, Roger Flickinger, c/o Shirley Shafer, 1220 Good Intent Road, Gettysburg, PA 17325

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

ESTATE OF MILDRED R. SPANGLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executrices: Rebecca E. Schrom & Nancy E. Reeve, 66 Kevin Drive, York, PA 17404

Attorney: Claudia L. DeArment, Esq.

ESTATE OF ROSANNA E. WRIGHT, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Co-Executors: James F. Wright, 12546 Timber Hollow Place, Germantown, MD 20874; Nancy Elizabeth Lerch, 944 North 27th Street, Allentown, PA 18104

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

THIRD PUBLICATION

ESTATE OF JOHN F. EBERSOLE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator c.t.a.: Elizabeth E. Ebersole, 4221 Nantucket Drive, Mechanicsburg, PA 17050

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

ESTATE OF NADINE M. LONG, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Earl J. Long, 116 Beck Mill Road, Hanover, PA 17331

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

ESTATE OF ELAINE H. McTIGHE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Carolyn L. Carter, 165 Hanover St., Gettysburg, PA 17325

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

ESTATE OF ETHEL E. PATTERSON, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Shirley Ann Staley, 2741 Taneytown Road, Gettysburg, PA 17325

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

ESTATE OF JOHN M. ROWLAND, JR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Sue A. Short, 6506 Morningside Ct., Middletown, MD 21769

Attorney: Tracy M. Sheffer, Esq., Battersby & Sheffer, P.O. Box 215, Fairfield, PA 17320

Adams County Legal Journal

Vol. 44

August 9, 2002

No. 11, pp. 55-64

IN THIS ISSUE

COMMONWEALTH VS. O'CONNOR ET AL

*This opinion continued from last two issues (7/26/2002 & 8/2/2002)
and concludes in this issue*

LEGAL NOTICE

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL—LAW
NO. 02-S-270
Action to Quiet Title

ROGER W. SCHLAGHECK and
ROSARIO SCHLAGHECK, husband
and wife, Plaintiffs

vs.

CHARLES H. FOGEL, his heirs, admin-
istrators, successors and assigns,
Defendant

TO: Charles H. Fogel, his heirs, admin-
istrators, successors and assigns

You are notified that an Order has been entered on July 24, 2002, directing that within thirty (30) days after this publication, you shall commence an Action in Ejectment or other appropriate action against the Plaintiffs above to assert any claim you may have in and to the mortgage herein described or be forever barred from asserting any right, lien, title or interest inconsistent with the interest or claim set forth in Plaintiffs' Complaint with respect to the mortgage herein described:

Mortgage in favor of Charles H. Fogel, dated March 15, 1973 and recorded in the Office of the Recorder of Deeds of Adams County,

Pennsylvania in Mortgage Book 48 at page 535.

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

8/9

INCORPORATION NOTICE

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

The name of the corporation is New Road Enterprises, Inc.

PUHL, EASTMAN & THRASHER
220 Baltimore Street
Gettysburg, PA 17325

8/9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-477 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the easterly right of way line of Kinneman Road in the Borough of Abbottstown, County of Adams, and State of Pennsylvania known and numbered as Lot No. 33, on a plan for Abbotts Manor recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the easterly right of way line of the said Kinneman Road, at a corner of Lot No. 32 on said plan; thence extending along the said Lot No. 32 South 88 degrees 36 minutes 40 seconds East 110 feet to a point; thence South 1 degree 23 minutes 20 seconds West 85 feet to a point, at a corner of Lot No. 34; thence extending along the said Lot No. 34 South 88 degrees 36 minutes 40 seconds West 120 feet to a point on the easterly right of way line of Kinneman Road; thence extending along the said right of way line of Kinneman Road North 1 degree 23 minutes 20 seconds East 85

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

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feet to the point and place of BEGINNING.

CONTAINING 10,200 Sq. Ft.

Premises being: 68 Kinnerman Road, Abbottstown, PA 17301

Tax Parcel No. #5-33

SEIZED and taken into execution as the property of **Christopher A. Bless & Kimberlyn M. Bless** 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 7, 2002, 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.

7/26, 8/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-178 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in the Borough of East Berlin, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point where the northern boundary line of King Street is intersected by the eastern boundary line of Sixth Street; thence along Sixth Street, North 28 3/4 degrees East, 223.9 feet to a 20 feet alley; thence by said alley, South 64 degrees East, 39.75 feet to a lot formerly of Caroline Wignad; thence by said lot formerly of Caroline Wignad, South 13 degrees West, 232.7 feet to King Street; thence along King Street, North 61 1/4 degrees West, 104

feet to a point, the place of BEGINNING.

IT BEING the same premises which Beatrice W. Lauer, by her Attorney in Fact, Raymond W. Lauer, by deed dated June 19, 1998, and about to be recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, granted and conveyed unto Paul R. Edmiston and Ann E. Edmiston, husband and wife, who are the Mortgagors herein.

Premises being: 551 West King Street, East Berlin, PA 17316

Tax Parcel No. 10-003-0005-000

SEIZED and taken into execution as the property of **Paul R. Edmiston & Ann E. Edmiston** 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 7, 2002, 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.

7/26, 8/2 & 9

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on May 29, 2002, the Petition of Regina Helen Dutterer was filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a decree to change her name to Virginia Helen Dutterer.

The Court has fixed the 21st day of August, 2002, at 9:00 a.m. in the Adams County Court House, Gettysburg, Pennsylvania, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer in the said Petition should not be granted.

Barley, Snyder, Sentt & Cohen

7/26, 8/2 & 9

NOTICE

NOTICE IS HEREBY GIVEN that Brian T. Coffey intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 11th day of September, 2002, and that he intends to practice law as an Assistant District Attorney in the Office of the District Attorney, County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

8/2, 9 & 16

COMMONWEALTH VS. O'CONNER ET AL

Continued from last issue (8/2/2002)

D. Separation of Powers

Defendants argue that when Act 63 imposes upon the courts an obligation to certify that an approved ignition interlock system has been installed in every vehicle owned by a D.U.I. repeat offender the legislature has imposed an executive function upon the court in violation of the fundamental concept of the separation of powers. We agree.

This issue was discussed extensively in an April 19, 2001, Opinion written by the Court of Common Pleas of Lebanon County in *Commonwealth v. Riggs*, (No. 2000-11119). Because of the cogent analysis set forth therein, we borrow extensively therefrom. The Riggs' court aptly described this Commonwealth's approach to the issuance and suspension of driving privileges.

Pennsylvania Motor Vehicle Code sets forth a statutory scheme which requires the executive branch of government to issue and regulate motor vehicle licenses. The legislature has directed the Pennsylvania Department of Transportation (an executive agency) to issue driver's licenses (75 Pa. C.S.A. §1510), maintain records regarding driver's licenses (75 Pa. C.S.A. §1516), accept surrender of a license (75 Pa. C.S.A. §1540), and complete various other functions relative to driver's licenses within Pennsylvania. In fact, §1531 of the Vehicle Code specifically states: "The department shall administer an integrated system limited to the authority granted to the department in this title for revocation and suspension of operating privileges and for driver education, testing and control . . ." 75 Pa. C.S.A. §1531.

Within this statutory scheme, the courts play a relatively minor role. Of course, the judiciary of this Commonwealth determines whether an individual commits one of the offenses which may have subsequent license implications. However, the courts' role is limited to determining guilt. Thereafter, "license suspensions are collateral civil consequences rather than criminal penalties". *Commonwealth v. Duffey*, 639 A.2d 1174 (Pa. 1994). Under our statutory scheme, actual imposition of a license suspension "has been vested in an administrative

agency over which the criminal judge has no control and for which he has no responsibility.” *Commonwealth Department of Transportation v. McCafferty*, 758 A.2d 1155, 1162 (Pa. 2000) citing *Duffey, supra.* at 1177.

Slip Opinion p. 9-10.

With this scheme in place, Act 63 imposes upon the courts a duty to certify to D.O.T. that the offender has installed an approved interlock system on each motor vehicle owned by that person. This requirement essentially places upon the courts a duty to perform a task which, under the Vehicle Code, has been an executive branch function (determining when an individual is eligible for re-instatement of operating privileges). D.O.T., rather than the courts, is in a better position to determine how many vehicles a person “owns.” D.O.T. is also in a better position to determine whether the system installed is “approved”. It is common knowledge that D.O.T. has driver’s licensing centers throughout the Commonwealth, presumably with computer access to title, registration and licensing records. A driver seeking restoration of operating privileges could easily appear at one of those centers and accomplish with more accuracy and efficiency a task the courts are not equipped to address.

Commonwealth argues that the interlock certification process is no different than the reporting process set forth in 75 Pa. C.S.A. §1548(f). This analogy is unpersuasive. Similarity does not equate constitutionality. Furthermore, to our knowledge, §1548(f) has not yet faced a challenge whether those duties placed upon the courts also violate the separation of powers doctrine.

As stated in Riggs,

Where one branch of government seeks to infringe upon the exclusive responsibility of another, that effort should be struck down. See *L.J.S. v. State Ethics Commission*, 744 A.2d 798 (Pa. Cmwlth. 2000). Stated differently, “no branch should exercise the functions exclusively committed to the other branch.” *Sweeney v. Tucker*, 375 A.2d 698, 705 (Pa. 1977). Even a statute enacted pursuant to the legislature’s police power which furthers a laudable public policy must be struck down if it is found to interfere with another co-equal branch of government. See *Commonwealth v. Stern*, 701 A.2d 568

(Pa. 1977); *Heller v. Frankston*, 464 A.2d 581, 584 (Pa. Cmwlth. 1983).

...

Our Supreme Court has recognized that “the separation of powers doctrine has historically protected the judiciary against incursions into areas other than its conduct of adversary litigation”. *In Re: 42 Pa. C.S.S. 1703*, 394 A.2d 444, 449 (Pa. 1978). With respect to the IGNITION INTERLOCK LAW, we believe that the legislature has attempted to impose executive regulatory responsibilities on the judicial branch of government in violation of the doctrine of separation of powers. For this reason also, we believe the IGNITION INTERLOCK LAW as drafted is unconstitutional.

Slip Opinion p. 9-11.

E. Equal Protection

Defendants argue that Act 63 violates the Equal Protection Clause of the 14th Amendment to the United States Constitution⁴ and Article I, Section 26 of the Pennsylvania Constitution.⁵ They contend that within the class of repeat D.U.I. offenders, the Act arbitrarily discriminates between owners, non-owners, lessors and operators of motor vehicles. For reasons set forth below, we disagree.⁶

Equal protection claims are analyzed by the same standards whether under the federal or state constitutions. *Commonwealth v. Albert*, 758 A.2d 1149, 1151 (Pa. 2000). It has been written that,

The essence of the constitutional principle of equal protection under the law is that like persons in like

⁴The 14th Amendment provides that no State shall “deny to any person within its jurisdiction the equal protection of the laws.”

⁵§26. Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.

⁶The two courts which, to our knowledge, have addressed this issue ruled that Act 63 violates equal protection. *Commonwealth v. Mockaitis*, (C.P. Cumberland Co., No. 00-1692 Criminal Term; slip opinion dated February 12, 2001) and *Commonwealth v. Riggs*, *supra*. We hold these jurists in the highest esteem and understand why they found the equal protection aspect of Act 63 to be troublesome. However, we respectfully disagree with their conclusion because of the strong presumption of constitutionality given the statute.

circumstances will be treated similarly. ...However, it does not require that all persons under all circumstances enjoy identical protection under the law. ...The right to equal protection under the law does not absolutely prohibit the Commonwealth from classifying individuals for the purpose of receiving different treatment...and does not require equal treatment of people having different needs...The prohibition against treating people differently under the law does not preclude the Commonwealth from resorting to legislative classifications...provided that those classifications are reasonable rather than arbitrary and bear a reasonable relationship to the object of the legislation...In other words, a classification must rest upon some ground of difference which justifies the classification and has a fair and substantial relationship to the object of the legislation.

Judicial review must determine whether any classification is founded on a real and genuine distinction rather than an artificial one...A classification, though discriminatory, is not arbitrary or in violation of the equal protection clause if any state of facts reasonably can be conceived to sustain that classification...In undertaking its analysis, the reviewing court is free to hypothesize reasons the legislature might have had for the classification...If the court determines that the classifications are genuine, it cannot declare the classification void even if it might question the soundness or wisdom of the distinction.

Curtis v. Kline, 666 A.2d 265, 267-8 (Pa. 1995) (citations omitted).

When determining the validity of an equal protection claim, the first step is to determine which of three separate tests are applicable to the analysis. Those tests are identified as: strict scrutiny (where a law is strictly scrutinized because it affects a fundamental right or applies to a suspect class such as race or religion and requires a compelling governmental purpose to survive); intermediate scrutiny (where the law applies to important rights or sensitive classifications such as gender classification and requires a heightened standard of scrutiny); and

rational basis (where the first two tests do not apply; this is the least restrictive class and is upheld if there is any rational basis for the classification). *Smith v. Coyne*, 722 A.2d 1022, 1025 (Pa. 2000); *Commonwealth v. McMullen*, 756 A.2d 58, 61-2 (Pa. Super. 2000).

Act 63 impacts one's ability to drive legally upon the highways of Pennsylvania. Driving is a privilege and not a right. *Plowman v. Commonwealth, Department of Transportation*, 635 A.2d 124, 126 (Pa. 1993); *Correll v. Commonwealth; Department of Transportation*, 726 A.2d 427, 429 (Pa. Cmwlth. Ct. 1999). Therefore, neither a fundamental or important right, nor a suspect or sensitive classification is involved here. Thus, our analysis proceeds under the rational basis test.

The rational basis test, in turn, involves a two-step analysis: 1) whether the challenged statute promotes any legitimate state interest or public value and, if so, 2) whether the classification created by the statute is reasonably related to accomplishing that state interest. *Commonwealth v. Albert*, *supra*. 758 A.2d at 452 (Pa. 2000); *Curtis v. Kline*, *supra*., 666 A.2d at 269. The first prong requires little discussion. The state clearly has a legitimate interest in keeping a recidivist D.U.I. offender from operating a motor vehicle with alcohol in his/her blood system.⁷ Where we depart from our sister courts of Cumberland and Lebanon Counties is in the analysis of the second prong of the rational basis test.

As noted, Act 63 encompasses a legitimate attempt to make it more difficult for repeat D.U.I. offenders to operate a vehicle while under the influence of alcohol.⁸ The *Mockaitis* opinion suggested that the legislative goal could be legitimately accomplished by simply limiting the offender to a restricted license which would prohibit operation of a vehicle without an ignition interlock system. While attractive for its simplicity, that approach does not address the real problem, which is easy access to a vehicle by a person who has consumed alcohol. The vehicle to which that person has the easiest access is the one

⁷The approved ignition interlock system must prevent the vehicle from being started or operated if the drivers' alcohol level is .025% or greater. 42 Pa. C.S.A. §7001. Studies have shown that where ignition interlock systems have been ordered, recidivism rates are substantially reduced.

⁸D.U.I. is a serious problem in Adams County. During the six years 1995-2000, inclusive, a total of 5,761 criminal cases were filed in the county of which 1,674 (29.1%) were D.U.I.s. We have no statistics showing how many were multiple offenders but we know from experience that the number is significant.

he/she owns. Experience proves that many persons operate vehicles without valid licenses.⁹ Placing a restriction on a license, without more, has little deterrent impact upon the drunk who, emboldened by the effects of alcohol, is determined to operate his/her vehicle.

Defendants contend that persons who do not own vehicles are treated differently than persons who own vehicles. A person who owns a vehicle and installs an approved ignition interlock system can obtain a restricted license after a one-year suspension. Defendants argue that a person who does not own a vehicle must serve a two-year suspension because he/she is unable to certify installation of an approved system. We disagree with that interpretation of Act 63.

There is no question that Act 63 could have been drafted more clearly. However, in attempting to ascertain the intent of a statute, we are to presume that the legislature did not intend a result which is absurd or unreasonable. 1 Pa. C.S.A. §1922(2). After a mandatory one-year suspension following a D.U.I. conviction, Act 63 provides that a person is eligible to apply for a restricted license if D.O.T. receives certification that an approved system has been installed in "each motor vehicle owned by the person." Such certification would require, of necessity, identification of the vehicle in which the system has been installed. If it is certified that the person does not own a motor vehicle, then, in essence, there would be a certification that a system has been installed on every vehicle owned by him. Any other interpretation would be absurd and unreasonable because it would allow persons with easy access to a vehicle to get back on the highway before persons not so easily disposed.

Defendants also argue that Act 63 would deny persons who lease vehicles access to a restricted license at the end of one year's suspension. Again, for the same reasons that non-owners would be eligible to apply for such licenses, lessees would be treated similarly. We acknowledge that unlike a non-owner who may not have ready access to a vehicle, a lessee may have ready access to a leased vehicle. As noted, this legislation is not a model of good draftmanship and, perhaps, leases should have been addressed. However, a lessee, like a non-owner, having a restricted license is only permitted to operate a vehicle equipped with an approved system. §7003(2). One would

⁹We have read statistics suggesting that over 80% of all D.U.I. offenders still drive without a valid license while undergoing a suspension for D.U.I.

anticipate that a person with a long-term lease would arrange with the leasing company authorization for installation of an approved system.¹⁰

Defendants further contend it is unreasonable to require owners of two or more vehicles to install ignition interlock systems on each vehicle owned. They cite the fact that employees or family members rather than the offender may be operating the vehicle and that an excessive cost burden would be placed upon the offender. Although this concern may be legitimate, it does not make the classification unreasonable. Owners of several vehicles generally own that number because they can afford to do so. They are required to pay registration fees and insurance for each vehicle whether they do or do not drive the vehicle. The multi-vehicle owner whose license is suspended is prohibited from driving any vehicle even if his operation has customarily been limited to only one of those vehicles. We have little sympathy for one crying foul for economic reasons when compared with the economic, physical, and emotional damage that results from D.U.I. related accidents on our highways.¹¹ In addition, the financial burden of fines, costs, fees and insurance upon a defendant and his/her family, together with the familial, social and employment stress created by license suspensions, is staggering in our society.

Without question, others may be inconvenienced by the requirements of Act 63 but those persons are not raising the issue now before the Court. Instead, the very persons whose access to vehicles is of concern to the legislature are the ones seeking relief. Generalizations are often dangerous, however, one wonders whether relatives or employees of persons who abuse alcohol would willingly sacrifice some inconvenience, knowing that their loved one or employer will find it more difficult to drink and drive.

¹⁰This certainly is not a fool-proof approach to keeping drunk drivers off the roadway. Non-owners, short-term lessees and any other repeat offender can get into any car and drive while under the influence of alcohol; albeit illegally. However, the issue being discussed is not whether Act 63 is the best approach but rather whether this approach to risk management can withstand constitutional scrutiny.

¹¹When discussing the plight of someone charged with D.U.I., we often hear the expression "But for the grace of God there go I." However, we are not discussing the situation where a law abiding citizen made an error in judgment in consuming too much wine over dinner and then driving home. Act 63 is aimed at impacting the repeat offender who tested fate not once, but multiple times. Besides, it is not the "social drinker" who most often is arrested for D.U.I. A high percentage are persons who abuse alcohol regularly and have driven under the influence many times before being caught.

F. Ex Post-Facto

Defendants claim Act 63 violates ex post facto law under Article I, Section 10 of the United States Constitution¹² and Article I, Section 17 of the Pennsylvania Constitution¹³ because it increases punishment for conduct committed before the effective date of the Act. The argument seems to be directed to persons who were convicted of a second or subsequent offense and a suspension was imposed prior to the effective date of the Act. Defendants suggest that at the end of those suspensions, the person would have to comply with Act 63.

We need not even engage in an ex post facto law discussion for two reasons. First, Defendants completely misinterpret Act 63. Section 7003 which sets forth the requirements for restoration of one's operating privileges only applies to "persons convicted of a second or subsequent violation of 75 Pa. C.S. §3731 on or after the effective date of this section." Act 63, §3 and 4. Therefore, the Act does not apply to the scenario envisioned by Defendants. Second, none of these defendants have suggested that they are so situated.

G. Substantive Due Process

Next, Defendants contend that Act 63 violates substantive due process because it interferes with the fundamental right of interstate travel. Specifically, they claim that a person subject to Act 63 could not relocate to another state and have the interlock system properly maintained and calibrated. We find this argument void of merit.

First, Act 63 can only impose its requirements upon two classes of persons: those who are licensed in another state and whose privileges to operate a vehicle in the state are suspended because of a D.U.I. conviction and those who wish to obtain or maintain a valid Pennsylvania license. The person who has a license from another state would only have to install an interlock system in order to legally drive in Pennsylvania after the first year of suspension. If the individual resides in or moves to another state and has, or is able to obtain, a valid license from that state, his/her suspension would be limited to the confines of Pennsylvania. If because of 75 Pa. C.S.A. §1546 and the Driver's License Compact, 75 Pa. C.S.A. §1581, et

¹² §10 provides that "[n]o State shall . . . pass any . . . ex post facto law."

¹³ §17. No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities shall be passed.

seq., a license obtained in another state is suspended, the interlock provisions would not apply to operation of a vehicle in that state; only in Pennsylvania.

Defendants argue that maintenance and calibration of the interlock system would not be obtainable for an out-of-state resident. We do not necessarily agree that the statement is factual and Defendants have not produced evidence to establish otherwise.

While travel interstate is a fundamental right, each state has the right to impose restrictions upon the privilege of driving a vehicle within the confines of that state. Minor restrictions on vehicular travel do not deny the right to interstate travel. For example, requiring vehicles to be licensed and registered and requiring vehicles to meet certain safety standards imposes no more of a restriction on interstate travel than limiting one's license or operating privileges to compliance with Act 63. Where highway safety is concerned, courts seem reluctant to strike down laws on the basis that they interfere with the right to travel.

H. Procedural Due Process

Finally, Defendants contend that Act 63 violates the right of procedural due process because it allegedly does not give the licensee the opportunity to challenge whether a) there has been a prior conviction akin to 75 Pa. C.S.A. Section 3731, b) the interlock device has been properly installed, or c) he owns a given vehicle.

It has been said that "While procedural due process is a flexible notion which calls for such protections as demanded by the individual situation, the essential requisites are notice and meaningful opportunity to be heard." *Commonwealth, Department of Transportation v. Clayton*, 684 A.2d 1060, 1064 (Pa. 1996). There is no doubt that procedural due process must be met before one's operating privilege can be suspended. *Id.*

Act 63 provides that at the time of sentencing, the court shall order the installation of the interlock device before the restoration of operating privileges. Thus, the licensee is given notice that he/she will be subject to the interlock provisions. The suspension and reinstatement of operating privileges resulting from D.U.I. convictions is governed by provisions of the Vehicle Code. 75 Pa. C.S.A. §1532(b)(3), §1540, §1541, §1548. The Vehicle Code also provides for judicial review of suspensions and/or denial of driving privileges.

75 Pa. C.S.A. §1550. There is no reason to believe that review process is not available to address Defendants' concerns.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 31st day of December, 2001, for the reasons set forth in the attached Opinion, the motion for modification of sentence filed by each defendant is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-330 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of land situate, lying and being in Berwick Township, Adams County, Pennsylvania, further bounded and limited as follows, to-wit:

BEGINNING for a corner at an existing steel pin on the southerly edge of Applewood Drive at previously approved Lot No. 3 as shown on the hereinafter referred to Subdivision Plan; thence along said previously approved Lot No. 3, the following two (2) courses and distances: 1) South eleven (11) degrees fifty-eight (58) minutes seven (07) seconds West three hundred twenty-six and twenty-three hundredths (326.23) feet to an existing steel pin; 2) South seventy-two (72) degrees seven (07) minutes three (03) seconds West three hundred eighty-six and twenty-seven hundredths (386.27) feet to an existing steel pin at lands now or formerly of Charles R. Chubb as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Charles R. Chubb, South eighty-five (85) degrees five (05) minutes twenty (20) seconds West two hundred fifty-five and eighty hundredths (255.80) feet to a steel pin (set) at lands now or formerly of Warren T. Becker as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Warren T. Becker, North thirty-two (32) degrees fifty-one (51) minutes thirty (30) seconds West, one thousand four hundred twenty-six and thirty-seven hundredths (1,426.37) feet to an existing stone at lands now or formerly of Raymond G. Burkett and Martha E. Fisher as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Raymond G. Burkett and Martha E. Fisher and also along lands now or formerly of Paul C. Sipe, Jr. as shown on the hereinafter referred to Subdivision Plan, North twenty-six (26) degrees no (00) minutes no (00) seconds East eight hundred forty-five and twenty-eight hundredths (845.28) feet to a steel pin (set) at lands now or formerly of Donald J. Sneeringer as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Donald J. Sneeringer and also along lands now or formerly of Paul C. Sipe, Jr. as shown on the hereinafter referred to Subdivision Plan, North eighty-eight (88) degrees fifty-two (52) minutes ten (10) seconds East seven hundred thirty-five and ninety

hundredths (735.90) feet to an existing steel pin at lands now or formerly of Elmer H. Miller, Jr. as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Elmer H. Miller, Jr., South thirteen (13) degrees forty-eight (48) minutes thirty (30) seconds East three hundred eighteen and forty-two hundredths (318.42) feet to a point at lands now or formerly of Mitchell O. Diviney as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Mitchell O. Diviney, South thirteen (13) degrees twenty-one (21) minutes ten (10) seconds East two hundred sixty-six and forty-one hundredths (266.41) feet to a steel pin (set) at lands now or formerly of John C. Leese as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of John C. Leese, South seventy-eight (78) degrees fifty-nine (59) minutes twenty-two (22) seconds West one hundred fifty-eight and thirty-seven hundredths (158.37) feet to an existing steel pin at previously approved Lot No. 5 on the hereinafter referred to Subdivision Plan; thence along said previously approved Lot No. 5, the following two (2) courses and distances: 1) South forty-nine (49) degrees fifty-nine (59) minutes twenty-four (24) seconds West one hundred eighty-eight and twenty-five hundredths (188.25) feet to an existing steel pin; 2) South forty (40) degrees no (00) minutes thirty-six (36) seconds East, seven hundred twenty-seven and thirty-five hundredths (727.35) feet to an existing steel pin at lands now or formerly of Robert E. Lawyer as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Robert E. Lawyer, the following three (3) courses and distances: 1) South eleven (11) degrees fifty-eight (58) minutes seven (07) seconds West one hundred seventy and two hundredths (170.02) feet to an existing steel pin; 2) South seventy-eight (78) degrees one (01) minute fifty-three (53) seconds East four hundred forty-two and sixty-three hundredths (442.63) feet to a point; 3) by a curve to the right having a radius of two hundred eighty (280.00) feet, the long chord of which is South sixty-six (66) degrees forty-nine (49) minutes one (01) second East one hundred eight and ninety-one hundredths (108.91) feet for an arc distance of one hundred nine and sixty-one hundredths (109.61) feet to a point on the northerly edge of Applewood Drive aforesaid, where it intersects with Township Road (T-706) as shown on the hereinafter referred to Subdivision Plan; thence in and along Township Road (T-306), South twenty-eight (28) degrees fifty-three (53) minutes fifty-three (53) seconds East one hundred sixty-two and forty-one hundredths (162.41) feet to a point in the centerline of SR-0194

(Abbottstown Pike) as shown on the hereinafter referred to Subdivision Plan; thence crossing said SR-0194 (Abbottstown Pike) North seventy-eight (78) degrees six (06) minutes twelve (12) seconds West twenty-seven and fifty-nine hundredths (27.59) feet to a point on the aforesaid southerly edge of Applewood Drive; thence in and along the southerly edge of Applewood Drive, the following three (3) courses and distances: 1) by a curve to the left having a radius of two hundred thirty (230.00) feet, the long chord of which is North thirty-two (32) degrees twelve (12) minutes one (01) second West sixty-three and forty-seven hundredths (63.47) feet for an arc distance of sixty-three and sixty-seven hundredths (63.67) feet to an existing steel pin; 2) by a curve to the left having a radius of two hundred thirty (230.00) feet, the long chord of which is North fifty-nine (59) degrees forty (40) minutes fifty-two (52) seconds West one hundred forty-nine and thirty-eight hundredths (149.38) feet for an arc distance of one hundred fifty-two and fourteen hundredths (152.14) feet to a point; 3) North seventy-eight (78) degrees one (01) minute fifty-three (53) seconds West three hundred forty-two and sixty-three hundredths (342.63) feet to the point and place of BEGINNING. CONTAINING 42.276 acres.

The above description was taken from a Survey prepared by Mort, Brown and Assoc. for TRIPLO, INC., dated April 3, 1989, bearing File No. E-496.

IT BEING the same tract of land which Donald R. Lawyer, unmarried, and John F. Lingg and Lindy L. Lingg, husband and wife, by deed dated May 7, 1990, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 577, page 89, granted and conveyed unto Joseph A. Lawrence and Wanda J. Lawrence.

SEIZED and taken into execution as the property of **Joseph A. Lawrence & Wanda J. Lawrence** 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 7, 2002, 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.

7/26, 8/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1045 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

No. 01-S-1045

Judgment: \$121,355.29

Anthony R. Distasio, Esquire

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

BEGINNING at a chisel mark set on the curb line of Fourth Street at the southern edge of Lot No. 3 as shown on said plan; thence along the southern edge of said Lot No. 3 North 87 degrees 10 minutes 00 seconds East 130.00 feet to a point at Lot No. 8 as shown on said plan; thence by same South 02 degrees 50 minutes 00 seconds East 20.00 feet to a point in the northern edge of Lot No. 1 as shown on said plan; thence along said Lot No. 1 South 87 degrees 10 minutes 00 seconds West 130.00 feet to a chisel mark set on the curb line of Fourth Street; thence along same North 02 degrees 50 minutes 00 seconds West 20.00 feet to a chisel mark set at the point and place of BEGINNING.

CONTAINING 2,600 square feet, more or less.

BEING Map 4, Parcel 90

Address of the mortgaged premises: 18 Fourth Street, Borough of Biglerville, Adams County, Pennsylvania

BEING SOLD SUBJECT to a mortgage held by Chase Manhattan Mortgage Corporation, dated July 31, 1997 in the original amount of \$74,500.00 and recorded in Record Book 1416, page 126.

SEIZED and sold as the property of Laura L. Greer under Judgment No. 01-S-1045.

SEIZED and taken into execution as the property of **Laura L. Greer** 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 7, 2002, 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.

8/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-293 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center line of Township Road T-440, at the Southernmost corner of Lot No. 5, now or formerly of Charlotte Long; thence in the center line of Township Road T-440, South 45 degrees 40 minutes 45 seconds West, 46.30 feet to a point at corner of land now or formerly of Raymond E. Gebhart, Jr.; thence by said land now or formerly of Raymond E. Gebhart, Jr., North 44 degrees 19 minutes 15 seconds West 50.00 feet to a steel pin; thence by the same, on a curve to the left, having a radius of 886.70 feet an arc distance of 49.99 feet and a bearing and chord distance of North 45 degrees 56 minutes 09 seconds West, 49.98 feet to a steel pin; thence by same, North 47 degrees 33 minutes 03 seconds West, 22.02 feet to a steel pin; thence by same, North 45 degrees 40 minutes 45 seconds East, 48.95 feet to a steel pin at corner of Lot No. 5, aforesaid; thence by said Lot No. 5, and for a portion of this course running through the center of a party wall separating Lot Nos. 4 and 5, and passing through a steel pin set back 25.00 feet from the next mentioned point, South 44 degrees 19 minutes 15 seconds East, 121.94 feet to a point, the place of BEGINNING.

Map #: (06)-6-38

Being known as: 7A Pin Oak Drive,
Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Cheryl A. Monty** 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 7, 2002, 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.

8/9, 16 & 23

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Wednesday, August 21, 2002, at 9:00 o'clock a.m.

HOLLABAUGH—Orphans' Court Action Number OC-80-02. The First and Final Account of Janet A. Cutshall and Jay M. Cutshall, Executors of E. Ernest Hollabaugh a/k/a Elmer Ernest Hollabaugh, deceased, late of Cumberland Township, Adams County, Pennsylvania.

GREENHOLT—Orphans' Court Action Number OC-82-02. The First and Final Account of John A. Greenholt, Executor of the Estate of Harold J. Greenholt a/k/a John Greenholt, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

SHAND—Orphans' Court Action Number OC-83-02. The First and Final Account of PNC Bank, Executor of the Estate of J. Douglas Shand a/k/a Jack D. Shand, deceased, late of the Borough of Gettysburg, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

8/9 & 16

ESTATE NOTICES

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

FIRST PUBLICATION**ESTATE OF JOHN MCCLELLAN ACKER, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

LETTERS TESTAMENTARY on said estate having been granted to the undersigned, all persons indebted thereto are requested to make immediate payment, and those having claims or demands against the same will present them without delay for settlement to the undersigned, residing at c/o William W. Hafer, Esquire, 215 Baltimore Street, Hanover, Pennsylvania 17331.

Executors: John Steven Acker

Attorney: William W. Hafer, Esq.

ESTATE OF C. EARL BAUMGARDNER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Richard E. Baumgardner, 703 Chambersburg Rd., Gettysburg, PA 17325; Larry E. Baumgardner, 342 E. Railroad Street, Gettysburg, PA 17325; Karen H. Weishaar, Box 12, Cashtown, PA 17310

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

ESTATE OF ELVA M. BLANCHARD, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Elaine H. Cantwell, 4107 Diehl Avenue, Taneytown, MD 21787; Gladys S. Waddell, 20 Leppo Road, Westminster, MD 21158

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

ESTATE OF MADALYN B. BLOOM, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Nadaga I. Poist, 310 North Queen Street, Littlestown, PA 17340

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

ESTATE OF KATHRYN M. FERNER, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: James H. Showvaker, 1321 Hoffman Home Road, Littlestown, PA 17340

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

ESTATE OF MARGARET V. GORDON, DEC'D

Late of Littlestown Borough, Adams County, Pennsylvania

Executor: Robert L. Gordon, 1162 Mt. Hope Road, Fairfield, PA 17320

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

ESTATE OF DORIE RICHARD KINT, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Bonnie J. Flynn, 261 Smith Road, Gettysburg, PA 17325; Rodney C. Kint, 1412 Old Harrisburg Road, Gettysburg, PA 17325; Connie R. Johnson, 38 Clarke Lane, Falling Waters, WV 25419-7070

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

ESTATE OF ROBERT A. LENTZ, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Debra S. Flickinger, 1270 Hilltown Road, Biglerville, PA 17307

Attorney: Gary J. Heim, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110

SECOND PUBLICATION**ESTATE OF J. STEWART HELLER a/k/a JAMES STEWART HELLER, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

Executors: Harold E. Heller, 730 Center Mills Road, Aspers, PA 17304; John J. Heller, 1035 Center Mills Road, Aspers, PA 17304

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

ESTATE OF MARIE E. ROTH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: John W. Roth, II, 6109 Bluebird Avenue, Harrisburg, PA 17112; Kimberly K. White, 23 Barlow Street, Gettysburg, PA 17325

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

ESTATE OF JAMES E. STEPHENS, SR., DEC'D

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

Nancy A. Stephens, 206 Middle Street, York Springs, PA 17372

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

THIRD PUBLICATION**ESTATE OF HUGH L. ALEXANDER, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrices: Virginia M. Link, 3318 Chapman Road, Randallstown, MD 21133; Lorraine V. Lee, 23 Crescent Lane, Littlestown, PA 17340

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

ESTATE OF JON R. ANDERSON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Eric R. Anderson, 21788 Willesden Jct. Ter., Sterling, VA 20166

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

ESTATE OF ROBERT A. BIDDINGER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Amy M. Drumm, 11228 Harney Road, Emmitsburg, MD 21727

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325; John N. Burdette, Esq., 22 West Second Street, Frederick, MD 21701

ESTATE OF LILLIAN M. BURGOON, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Executrix: Helen B. McDannell, 740 North Duke Street, Apartment 6-G, Lancaster, PA 17602

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

ESTATE OF RUTH M. FLICKINGER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Shirley Shafer, Richard Flickinger, Joyce Vinson, Roger Flickinger, c/o Shirley Shafer, 1220 Good Intent Road, Gettysburg, PA 17325

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

ESTATE OF MILDRED R. SPANGLER,
DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Co-Executrices: Rebecca E. Schrom
& Nancy E. Reeve, 66 Kevin Drive,
York, PA 17404

Attorney: Claudia L. DeAment, Esq.

ESTATE OF ROSANNA E. WRIGHT,
DEC'D

Late of the Borough of Bendersville,
Adams County, Pennsylvania

Co-Executors: James F. Wright, 12546
Timber Hollow Place, Germantown,
MD 20874; Nancy Elizabeth Lerch,
944 North 27th Street, Allentown,
PA 18104

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution,
Judgment No. 02-S-373 issuing out of
the Court of Common Pleas of Adams
County, and to me directed, will be ex-
posed to Public Sale on Friday, the 13th
day of September, 2002, at 10:00 o'clock
in the forenoon at the Courthouse in the
Borough of Gettysburg, Adams County,
PA, the following Real Estate, viz.:

Docket # 02-S-373

ALL THAT CERTAIN unit in the prop-
erty known, named and identified in the
Declaration referred to below as Oxford
Commons Condominiums, located in the
Borough of New Oxford, Adams County,
PA which has heretofore been submitted
to the provisions of the Pennsylvania
Uniform Condominium Act, 68 P S A
Section 3101, et seq, by the recording in
the Office of the Recorder of Deeds in
and for Adams County, PA, of a
Declaration dated September 13, 1996
and recorded October 18, 1996 in
Record Book 58, page 41 (together with
all amendments and supplements there-
to recorded on or before the date hereof)
being all designated in such Declaration
as Unit Declaration No. 32 as more fully
bounded and described in such
Declaration, together with a proportion-
ate undivided interest in the Common
Elements as defined in such Declaration.

Tax Parcel # 5-184-A (34)

Property Address: 18 Oxford Court,
New Oxford, PA 17350

Improvements: A residential dwelling.

Sold as the property of: Karen E.
Bream

SEIZED and taken into execution as
the property of **Karen E. Bream** 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 7, 2002,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions 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.

8/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution,
Judgment No. 02-S-479 issuing out of
the Court of Common Pleas of Adams
County, and to me directed, will be ex-
posed to Public Sale on Friday, the 13th
day of September, 2002, at 10:00 o'clock
in the forenoon at the Courthouse in the
Borough of Gettysburg, Adams County,
PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situ-
ate in the Township of Union, Adams
County, Pennsylvania, bounded and lim-
ited as follows, to wit:

BEGINNING for a corner at an existing
iron pin at the Northeast corner of other
lands now or formerly of Gary L. Wolf, as
shown on hereinafter referred to
Subdivision Plan; thence along land now
or formerly of Robert J. Brown North
Fifty-six (56) degrees Four (4) minutes
Forty-five (45) seconds East one hun-
dred ninety-four and five-tenths (194.5)
feet to an existing iron pin; thence along
other lands of William H. Sheaffer and M.
Henrietta Sheaffer, his wife, twenty-eight
(28) degrees, twenty (20) minutes, fifty-
three (53) seconds East three hundred
forty and seventy-five hundredths
(340.75) feet to an iron pin; thence con-
tinuing along said last mentioned lands
South twenty-two (22) degrees, thirty
(30) minutes East two hundred (200) feet
to an iron pin set on the Northern line of
a proposed fifty (50) foot wide street;
thence along the Northern line of said
proposed street South sixty-seven (67)
degrees, thirty (30) minutes West, fifteen
(15) feet to an existing iron pin on the
Northern line of said proposed street;
thence along the Eastern boundary line
of lands now or formerly of Donald L.
Berwager North twenty-two (22)
degrees, thirty (30) minutes West, two
hundred (200) feet to an existing iron pin
at the Northern corner of said
Berwager's land; thence along the
Northern edge of said Donald L.
Berwager's land South sixty-seven (67)
degrees, thirty (30) minutes West, two

hundred ten and two-tenths (210.2) feet
to an existing iron pin at the Southeast
corner of lands now or formerly of Jerry
A. Fisher; thence along said last men-
tioned lands now or formerly of Jerry A.
Fisher and lands of Gary L. Wolf, North
twenty-two (22) degrees, thirty-one (31)
minutes, fifty-five (55) seconds West,
three hundred and forty-six hundredths
(300.46) feet to an existing iron pin,
being the point and place of BEGIN-
NING.

TITLE TO SAID PREMISES IS VEST-
ED IN Robert R. Putman and Linda J.
Putman, his wife by Deed from Dennis A.
Enns and Carolyn M. Enns, his wife
dated 12/12/89, and recorded 12/19/89,
in Record Book 542, Page 423.

Premises being: 1070 Pine Grove
Road, Hanover, PA 17331

Tax Parcel No. #K18-8A

SEIZED and taken into execution as
the property of **Linda J. Putman** 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 7, 2002,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions 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.

8/9, 16 & 23

Adams County Legal Journal

Vol. 44

August 16, 2002

No. 12, pp. 65-67

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LARSEN VS. LARSEN

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-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 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate in the Township of Union, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at an existing iron pin at the Northeast corner of other lands now or formerly of Gary L. Wolf, as shown on hereinafter referred to Subdivision Plan; thence along land now or formerly of Robert J. Brown North Fifty-six (56) degrees Four (4) minutes Forty-five (45) seconds East one hundred ninety-four and five-tenths (194.5) feet to an existing iron pin; thence along other lands of William H. Sheaffer and M. Henrietta Sheaffer, his wife, twenty-eight (28) degrees, twenty (20) minutes, fifty-three (53) seconds East three hundred forty and seventy-five hundredths (340.75) feet to an iron pin; thence continuing along said last mentioned lands South twenty-two (22) degrees, thirty (30) minutes East two hundred (200) feet to an iron pin set on the Northern line of a proposed fifty (50) foot wide street; thence along the Northern line of said proposed street South sixty-seven (67) degrees, thirty (30) minutes West, fifteen (15) feet to an existing iron pin on the Northern line of said proposed street; thence along the Eastern boundary line of lands now or formerly of Donald L. Berwager North twenty-two (22) degrees, thirty (30) minutes West, two hundred (200) feet to an existing iron pin at the Northern corner of said Berwager's land; thence along the Northern edge of said Donald L. Berwager's land South sixty-seven (67) degrees, thirty (30) minutes West, two hundred ten and two-tenths (210.2) feet to an existing iron pin at the Southeast corner of lands now or formerly of Jerry A. Fisher; thence along said last mentioned lands now or formerly of Jerry A. Fisher and lands of Gary L. Wolf, North twenty-two (22) degrees, thirty-one (31) minutes, fifty-five (55) seconds West, three hundred and forty-six hundredths

(300.46) feet to an existing iron pin, being the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Robert R. Putman and Linda J. Putman, his wife by Deed from Dennis A. Enns and Carolyn M. Enns, his wife dated 12/12/89, and recorded 12/19/89, in Record Book 542, Page 423.

Premises being: 1070 Pine Grove Road, Hanover, PA 17331

Tax Parcel No. #K18-8A

SEIZED and taken into execution as the property of **Linda J. Putman** 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 7, 2002, 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.

8/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-241 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that improved tract of land situate on the East side of North Second Street, in the Borough of McSherrystown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a spike on the East curb line of Church Street, now North Second Street, at Tract No. 11; thence by said curb line, North 14 1/4 degrees West 23.9 feet to a spike at lands now or

formerly of Mary D. Reese and Cindy L. Reese; thence by the same, North 67 3/4 degrees East, 170.7 feet to a stake at a sixteen (16) feet alley; thence by the same South 14 1/4 degrees East, 23.5 feet to a post at Tract No. 11; thence by Tract No. 11, lands now or formerly of Robert I. Gouker and Mary J. Gouker, South 65 1/4 degrees West, 132 feet to a stake; thence by the same South 75 3/4 degrees West, 39 feet to a spike, the place of BEGINNING.

BEING the same premises which Guy W. Sheely, Jr. and Nancy L. Sheely, by Deed dated May 1, 1996 and recorded in the Office of the Recorder of Deeds of Adams County on May 3, 1996, in Deed Book Volume 1188, Page 20, granted and conveyed unto Scott W. Miller and Cristi L. Gass.

Grene & Birsic, P.C.

By: /s/Kristine M. Faust, Esq.

Attorneys for Plaintiff

One Gateway Center, Nine West

Pittsburgh, PA 15222

(412) 281-7650

Parcel No.: 28-001-0013

SEIZED and taken into execution as the property of **Cristi L. Gass & Scott W. Miller** 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 7, 2002, 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.

8/16, 23 & 30

LARSEN VS. LARSEN

1. No spouse is entitled to commence an action for divorce or annulment (under the Domestic Relations Code) unless at least one of the parties has been a bona fide resident in this Commonwealth for at least six months immediately previous to the commencement of the action.

2.military service is the one exception to the rule requiring residence within the Commonwealth for at least six months.

3. A service person's domicile is presumed to be the domicile as of his time of enlistment. A service person's domicile generally remains unchanged while that person is temporarily stationed in another state on temporary duty. Military personnel may acquire a new domicile if circumstances show an intent to abandon the original and adopt a new domicile.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 01-S-931, JOSEPH KEILHOLTZ LARSEN VS. KIMBERLY ANN (MYERS) LARSEN.

Samuel E. Teeter, Esq., for Plaintiff
Defendant *pro se*

Bigham, J., January 8, 2002

OPINION ON DEFENDANT'S PRELIMINARY OBJECTION WITH RESPECT TO JURISDICTION

BRIEF STATEMENT OF FACTS

Plaintiff filed a divorce action against Defendant on August 24, 2001 in Adams County, Pennsylvania. Defendant raises a preliminary objection with respect to jurisdiction. Defendant alleges she and Plaintiff have not lived in Pennsylvania since 1985 and the parties currently reside in Maryland and have resided in Maryland for the past seven years. Defendant has filed a complaint for custody and support in Maryland.

Plaintiff asserts his legal residence and domicile is Adams County, Pennsylvania because this is where Plaintiff was enlisted. Although Plaintiff has been assigned to Fort Meade, Maryland, Plaintiff asserts Pennsylvania remains his domicile because of his military status in Pennsylvania.

LEGAL DISCUSSION

The Domestic Relations Code states:

“No spouse is entitled to commence an action for divorce or annulment under this part unless at least one of the

parties has been a bona fide resident in this Commonwealth for at least six months immediately previous to the commencement of the action. Both parties shall be competent witnesses to prove their respective residence, and proof of actual residence within this Commonwealth for six months shall create a presumption of domicile within this Commonwealth.”

23 Pa.C.S.A. §3104.

Defendant has the absolute right to file for divorce in Maryland. However, Plaintiff filed for divorce in Pennsylvania. Although Plaintiff has been assigned to Fort Meade, military service is the one exception to the rule requiring residence within the Commonwealth for at least six months. *Bernard v. Bernard*, 447 Pa.Super. 118, 668 A.2d 546 (1995).

The Supreme Court of Pennsylvania has stated:

“A service person’s domicile is presumed to be the domicile as of his time of enlistment. A service person’s domicile generally remains unchanged while that person is temporarily stationed in another state on temporary duty. Military personnel may acquire a new domicile if circumstances show an intent to abandon the original and adopt a new domicile.”

Milam v. Milam, 677 A.2d 1207, 1210 (1996).

Because Plaintiff was enlisted in Pennsylvania, Plaintiff’s domicile is in Pennsylvania absent a showing of intent to abandon Pennsylvania as Plaintiff’s domicile. There is no showing of intent in this case.

Accordingly, the attached order is entered.

ORDER OF COURT

AND NOW, this 8th day of January, 2002, IT IS ORDERED THAT Defendant’s Preliminary Objection with regard to jurisdiction is overruled.

The question before this Court is not whether plaintiff or defendant should have or could have filed a divorce action in Maryland, but whether plaintiff’s circumstances qualify for jurisdiction in Pennsylvania. The answer is yes, they do, as explained in the

accompanying opinion. This is not to say that plaintiff or defendant may not file a divorce action in Maryland. Provided the jurisdictional requirements as established under Maryland law are met, plaintiff or defendant may still have the right to file a divorce action in Maryland, even though an action has been commenced in Pennsylvania.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1045 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

No. 01-S-1045

Judgment: \$121,355.29

Anthony R. Distasio, Esquire

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

BEGINNING at a chisel mark set on the curb line of Fourth Street at the southern edge of Lot No. 3 as shown on said plan; thence along the southern edge of said Lot No. 3 North 87 degrees 10 minutes 00 seconds East 130.00 feet to a point at Lot No. 8 as shown on said plan; thence by same South 02 degrees 50 minutes 00 seconds East 20.00 feet to a point in the northern edge of Lot No. 1 as shown on said plan; thence along said Lot No. 1 South 87 degrees 10 minutes 00 seconds West 130.00 feet to a chisel mark set on the curb line of Fourth Street; thence along same North 02 degrees 50 minutes 00 seconds West 20.00 feet to a chisel mark set at the point and place of BEGINNING.

CONTAINING 2,600 square feet, more or less.

BEING Map 4, Parcel 90

Address of the mortgaged premises: 18 Fourth Street, Borough of Biglerville, Adams County, Pennsylvania

BEING SOLD SUBJECT TO a mortgage held by Chase Manhattan Mortgage Corporation, dated July 31, 1997 in the original amount of \$74,500.00 and recorded in Record Book 1416, page 126.

SEIZED and sold as the property of Laura L. Greer under Judgment No. 01-S-1045.

SEIZED and taken into execution as the property of **Laura L. Greer** 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 7, 2002, 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.

8/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-293 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center line of Township Road T-440, at the Southernmost corner of Lot No. 5, now or formerly of Charlotte Long; thence in the center line of Township Road T-440, South 45 degrees 40 minutes 45 seconds West, 46.30 feet to a point at corner of land now or formerly of Raymond E. Gebhart, Jr.; thence by said land now or formerly of Raymond E. Gebhart, Jr., North 44 degrees 19 minutes 15 seconds West 50.00 feet to a steel pin; thence by the same, on a curve to the left, having a radius of 886.70 feet an arc distance of 49.99 feet and a bearing and chord distance of North 45 degrees 56 minutes 09 seconds West, 49.98 feet to a steel pin; thence by same, North 47 degrees 33 minutes 03 seconds West, 22.02 feet to a steel pin; thence by same, North 45 degrees 40 minutes 45 seconds East, 48.95 feet to a steel pin at corner of Lot No. 5, aforesaid; thence by said Lot No. 5, and for a portion of this course running through the center of a party wall separating Lot Nos. 4 and 5, and passing through a steel pin set back 25.00 feet from the next mentioned point, South 44 degrees 19 minutes 15 seconds East, 121.94 feet to a point, the place of BEGINNING.

Map #: (06)-6-38

Being known as: 7A Pin Oak Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Cheryl A. Monty** 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 7, 2002, 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.

8/9, 16 & 23

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Wednesday, August 21, 2002, at 9:00 o'clock a.m.

HOLLABAUGH—Orphans' Court Action Number OC-80-02. The First and Final Account of Janet A. Cutshall and Jay M. Cutshall, Executors of E. Ernest Hollabaugh a/k/a Elmer Ernest Hollabaugh, deceased, late of Cumberland Township, Adams County, Pennsylvania.

GREENHOLT—Orphans' Court Action Number OC-82-02. The First and Final Account of John A. Greenholt, Executor of the Estate of Harold J. Greenholt a/k/a John Greenholt, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

SHAND—Orphans' Court Action Number OC-83-02. The First and Final Account of PNC Bank, Executor of the Estate of J. Douglas Shand a/k/a Jack D. Shand, deceased, late of the Borough of Gettysburg, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

8/9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-379 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in the Borough of Carroll Valley, Adams County, Pennsylvania, being (Lot No. 128 of Section R1) as recorded in Adams County Plat Book 1A at page 83, bounded and described as follows:

BEGINNING at an iron pin at corner of land now or formerly of Thomas M. Baker, along Lot No. 134 on the plan of lots referred to below; thence by said Lot No. 134, North 88 degrees 44 minutes 20 seconds West 165.59 feet to a point; thence by Lots Nos. 133, 132, 131, and 130, North 87 degrees 22 minutes 40 seconds West 369.89 feet to a point in the center line of Maple Trail; thence in the center line of Maple Trail, North 71 degrees 25 minutes 20 seconds East 334.15 feet to a point at land now or formerly of Thomas M. Baker; thence by land now or formerly of Thomas M. Baker, South 59 degrees 47 minutes 20 seconds East 252.62 feet to an iron pin along Lot No. 134, the place of BEGINNING.

The foregoing description was taken from a Plan of Lots of Gordon L. Brown, Registered Surveyor, dated May 29, 1970, bearing Drawing No. E-306-S, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1A at Page 83.

TITLE TO SAID PREMISES IS VESTED IN Frederick Joseph Hoff, III and Lori Jean Hoff, his wife by Deed from Gertrude A. Weaver, formerly Gertrude A. Tucker, and Robert A. Weaver, her husband dated 6/25/1993 and recorded 6/28/1993 in Record Book 744, Page 272.

Premises being: 14 Maple Trail, Fairfield, PA 17320

Tax Parcel No. 38-60

SEIZED and taken into execution as the property of **Frederick Joseph Hoff, III & Lori Jean Hoff** 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 21, 2002, 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.

8/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-956 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Franklin Township, Adams County, Pennsylvania, known and numbered as 5287 Chambersburg Road, Orrtanna, Pennsylvania, the description below was obtained from a draft of survey dated July 23, 1974, prepared by Boyer-Price Surveys, Inc., as revised November 11, 1974, bounded and described as follows:

BEGINNING at a P.K. nail located in a private lane at the northeast corner of land now or formerly of Paul L. Ingles and wife, said point also being the southwest corner of the tract of land herein described; thence by said land now or formerly of Paul L. Ingles and wife and running through a reference iron pin located twenty-five (25) feet from the beginning of this course, North thirty-four (34) degrees, sixteen (16) minutes West, a distance of seventy-nine and seventy-four one-hundredths (79.74) feet to an iron pin at land now or formerly of James Sharrah; thence by said land now or formerly of James Sharrah, North forty-eight (48) degrees, two (02) minutes, twenty (20) seconds East, a distance of seventy-four and thirty-seven one-hundredths (74.37) feet to an iron pin at land now or formerly of Daniel J. Parr; thence by said land now or formerly of Daniel J. Parr, South thirty-three (33) degrees, thirty-nine (39) minutes, ten (10) seconds East, a distance of ninety-nine and thirteen one-hundredths (99.13) feet to a point on the north side of the aforementioned private lane; thence in said private lane, South sixty-three (63) degrees, ten (10) minutes, fifteen (15) seconds West, a distance of seventy-three and twenty-five one-hundredths (73.25) feet to a P.K. nail located in said private lane, the place of BEGINNING. CONTAINING 6,545 square feet.

BEING the same premises which Richard D. Enders and Norma J. Enders, husband and wife, by Deed dated October 24, 1994, and recorded in Deed Book 0954, Page 0341, Adams County

Records, granted and conveyed unto Thomas L. Sharar, single man, and Joann S. Sharar, widow, as joint tenants with the right of survivorship and not as tenants in common;

AND the said Thomas L. Sharar departed this life and title vested in Joann S. Sharar by operation of law.

TOGETHER with a perpetual right-of-way over an existing private lane leading from U.S. Route 30 to the tract hereby conveyed, said private lane being indicated on the above recited draft of survey.

Tax Map ID No.: (12)B09-0146.

SEIZED and taken into execution as the property of **Joann S. Sharar** 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 21, 2002, 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.

8/16, 23 & 30

NOTICE

NOTICE IS HEREBY GIVEN that Brian T. Coffey intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 11th day of September, 2002, and that he intends to practice law as an Assistant District Attorney in the Office of the District Attorney, County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

8/2, 9 & 16

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF MADELINE C. KLINE, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania
 Executrix: Cynthia A. Kline, 2 Autumn Trail, Fairfield, PA 17320
 Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF DOLORES L. LYNN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania
 Executor: Larry J. Lynn, 1815 Kenneth Lane, Choctow, OK 73020
 Attorney: Eileen C. Finucane, Esq., Finucane Law Office LLP, 14 North Main Street, Suite 500, Chambersburg, PA 17201

ESTATE OF SARAH E. MOUL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Administrator/Executrix: Annie C. Meyer, 492 Little Creek Road, Spring Grove, PA 17362
 Attorney: Nathaniel W. Boyd, IV, Esq., 23 East Princess Street, York, PA 17403

ESTATE OF EVELYN E. SOUTHARD, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executors: J. D. Lantz & Elaine Lantz
 Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF JOHN MCCLELLAN ACKER, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania
 Executor: John Steven Acker, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331
 Attorney: William W. Hafer, Esq., c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

ESTATE OF C. EARL BAUMGARDNER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania
 Executors: Richard E. Baumgardner, 703 Chambersburg Rd., Gettysburg, PA 17325; Larry E. Baumgardner, 342 E. Railroad Street, Gettysburg, PA 17325; Karen H. Weishaar, Box 12, Cashtown, PA 17310
 Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF ELVA M. BLANCHARD, DEC'D

Late of Franklin Township, Adams County, Pennsylvania
 Elaine H. Cantwell, 4107 Diehl Avenue, Taneytown, MD 21787; Gladys S. Waddell, 20 Leppo Road, Westminster, MD 21158
 Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MADALYN B. BLOOM, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
 Nadaga I. Poist, 310 North Queen Street, Littlestown, PA 17340
 Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF KATHRYN M. FERNER, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania
 Executor: James H. Showvaker, 1321 Hoffman Home Road, Littlestown, PA 17340
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARGARET V. GORDON, DEC'D

Late of Littlestown Borough, Adams County, Pennsylvania
 Executor: Robert L. Gordon, 1162 Mt. Hope Road, Fairfield, PA 17320
 Attorney: Larry W. Wolf, Esq., 215 Broadway, Hanover, PA 17331

ESTATE OF DORIE RICHARD KINT, DEC'D

Late of Highland Township, Adams County, Pennsylvania
 Bonnie J. Flynn, 261 Smith Road, Gettysburg, PA 17325; Rodney C. Kint, 1412 Old Harrisburg Road, Gettysburg, PA 17325; Connie R. Johnson, 38 Clarke Lane, Falling Waters, WV 25419-7070
 Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF ROBERT A. LENTZ, DEC'D

Late of Franklin Township, Adams County, Pennsylvania
 Executrix: Debra S. Flickinger, 1270 Hilltown Road, Biglerville, PA 17307
 Attorney: Gary J. Heim, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110

THIRD PUBLICATION

ESTATE OF J. STEWART HELLER a/k/a JAMES STEWART HELLER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania
 Executors: Harold E. Heller, 730 Center Mills Road, Aspers, PA 17304; John J. Heller, 1035 Center Mills Road, Aspers, PA 17304
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARIE E. ROTH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Co-Executors: John W. Roth, II, 6109 Bluebird Avenue, Harrisburg, PA 17112; Kimberly K. White, 23 Barlow Street, Gettysburg, PA 17325
 Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF JAMES E. STEPHENS, SR., DEC'D

Late of the Borough of York Springs, Adams County, Pennsylvania
 Nancy A. Stephens, 206 Middle Street, York Springs, PA 17372
 Attorney: Thomas R. Nell, Esq., 340 Nell Road, East Berlin, PA 17316

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-302 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point in the centerline of Christ Church Road (S.R. 2023) at Lot No. 3 on the hereinafter referenced subdivision plan; thence along and with said Lot No. 3, North seventy-nine (79) degrees zero (00) minutes five (5) seconds West, three hundred twenty-five (325.00) feet to a point at lands now or formerly of Wilbert J.H. Messinger; thence along and with said last mentioned lands North ten (10) degrees fifty-nine (59) minutes fifty-five (55) seconds East, one hundred forty (140.00) feet to a steel pin (set) at lands now or formerly of Wilbert J.H. Messinger; thence along and with said last mentioned lands South seventy-nine (79) degrees zero (00) minutes five (5) seconds East, two hundred seventy-three and eighty-four hundredths (273.84) feet to a steel pin set; thence continuing South thirty-four (34) degrees zero (00) minutes five (5) seconds East, thirty-five and thirty-six hundredths (35.36) feet to a steel pin (set); thence continuing South seventy-nine (79) degrees zero (00) minutes five (5) seconds East, twenty-six and sixteen hundredths (26.16) feet to a point in the centerline of Christ Church Road (S.R. 2023); thence along and with said Christ Church Road, South ten (10) degrees fifty-nine (59) minutes fifty-five (55) seconds West, one hundred fifteen (115.00) feet to a point in the centerline of Christ Church Road, the point and place of BEGINNING.

CONTAINING 1.022 acres and known as Lot No. 4 on a Final Subdivision Plan prepared for Wilbert J.H. Messinger, by Mort, Brown and Associates, bearing date of March 17, 1988, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 54 at page 91.

SEIZED and taken into execution as the property of **Jesse R. Bible & Edith A. Bible** 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 21, 2002, 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.

8/16, 23 & 30

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately 8/7/02, a certificate for the conduct of a business in Adams County, Pennsylvania, under the fictitious name of INFORMATION MANAGEMENT BROKERS, LLC, with its principal place of business at 30 Round Top Lane, Gettysburg, PA.

8/16

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania, Department of State, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation.

The name of the proposed corporation which has been organized under the Business Corporation Law of 1988 adopted December 21, 1988, P.L. 1444, No. 177, §103, as amended, is EICHOLTZ CO.

G. Steven McKonley
Solicitor

8/16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-373 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Docket # 02-S-373

ALL THAT CERTAIN unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the Borough of New Oxford, Adams County, PA which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P S A Section 3101, et seq, by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a Declaration dated September 13, 1996 and recorded October 18, 1996 in Record Book 58, page 41 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such Declaration as Unit Declaration No. 32 as more fully bounded and described in such Declaration, together with a proportionate undivided interest in the Common Elements as defined in such Declaration.

Tax Parcel # 5-184-A (34)

Property Address: 18 Oxford Court, New Oxford, PA 17350

Improvements: A residential dwelling.

Sold as the property of: Karen E. Bream

SEIZED and taken into execution as the property of **Karen E. Bream** 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 7, 2002, 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.

8/9, 16 & 23

Adams County Legal Journal

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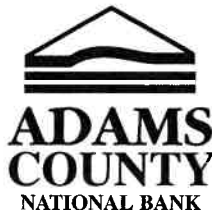
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This opinion continues to next issue (8/30/2002)

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



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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-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 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate in the Township of Union, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at an existing iron pin at the Northeast corner of other lands now or formerly of Gary L. Wolf, as shown on hereinafter referred to Subdivision Plan; thence along land now or formerly of Robert J. Brown North Fifty-six (56) degrees Four (4) minutes Forty-five (45) seconds East one hundred ninety-four and five-tenths (194.5) feet to an existing iron pin; thence along other lands of William H. Sheaffer and M. Henrietta Sheaffer, his wife, twenty-eight (28) degrees, twenty (20) minutes, fifty-three (53) seconds East three hundred forty and seventy-five hundredths (340.75) feet to an iron pin; thence continuing along said last mentioned lands South twenty-two (22) degrees, thirty (30) minutes East two hundred (200) feet to an iron pin set on the Northern line of a proposed fifty (50) foot wide street; thence along the Northern line of said proposed street South sixty-seven (67) degrees, thirty (30) minutes West, fifteen (15) feet to an existing iron pin on the Northern line of said proposed street; thence along the Eastern boundary line of lands now or formerly of Donald L. Berwager North twenty-two (22) degrees, thirty (30) minutes West, two hundred (200) feet to an existing iron pin at the Northern corner of said Berwager's land; thence along the Northern edge of said Donald L. Berwager's land South sixty-seven (67) degrees, thirty (30) minutes West, two hundred ten and two-tenths (210.2) feet to an existing iron pin at the Southeast corner of lands now or formerly of Jerry A. Fisher; thence along said last mentioned lands now or formerly of Jerry A. Fisher and lands of Gary L. Wolf, North twenty-two (22) degrees, thirty-one (31) minutes, fifty-five (55) seconds West, three hundred and forty-six hundredths

(300.46) feet to an existing iron pin, being the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Robert R. Putman and Linda J. Putman, his wife by Deed from Dennis A. Enns and Carolyn M. Enns, his wife dated 12/12/89, and recorded 12/19/89, in Record Book 542, Page 423.

Premises being: 1070 Pine Grove Road, Hanover, PA 17331

Tax Parcel No. #K18-8A

SEIZED and taken into execution as the property of **Linda J. Putman** 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 7, 2002, 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.

8/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-241 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that improved tract of land situate on the East side of North Second Street, in the Borough of McSherrystown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a spike on the East curb line of Church Street, now North Second Street, at Tract No. 11; thence by said curb line, North 14 1/4 degrees West 23.9 feet to a spike at lands now or

formerly of Mary D. Reese and Cindy L. Reese; thence by the same, North 67 3/4 degrees East, 170.7 feet to a stake at a sixteen (16) feet alley; thence by the same South 14 1/4 degrees East, 23.5 feet to a post at Tract No. 11; thence by Tract No. 11, lands now or formerly of Robert I. Gouker and Mary J. Gouker, South 65 1/4 degrees West, 132 feet to a stake; thence by the same South 75 3/4 degrees West, 39 feet to a spike, the place of BEGINNING.

BEING the same premises which Guy W. Sheely, Jr. and Nancy L. Sheely, by Deed dated May 1, 1996 and recorded in the Office of the Recorder of Deeds of Adams County on May 3, 1996, in Deed Book Volume 1188, Page 20, granted and conveyed unto Scott W. Miller and Cristi L. Gass.

Grenen & Birsic, P.C.

By: /s/Kristine M. Faust, Esq.

Attorneys for Plaintiff

One Gateway Center, Nine West

Pittsburgh, PA 15222

(412) 281-7650

Parcel No.: 28-001-0013

SEIZED and taken into execution as the property of **Christi L. Gass & Scott W. Miller** 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 7, 2002, 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.

8/16, 23 & 30

HIMMELREICH VS. ADAMS ABSTRACT ET AL

1.upon the filing of a motion for summary judgment the non-moving cannot be idle. If the non-moving party has the burden of proof at trial on an essential issue and fails to adduce sufficient evidence on that issue in response to the motion, the moving party is entitled to judgment as a matter of law.

2. Before one can breach a duty to another, that duty must be recognized.

3. As a general rule, our Supreme Court has held that "expert testimony is necessary to establish negligent practice in any profession".

4.Generally, the determination of whether expert evidence is required or not will turn on whether the issue of negligence in the particular case is one which is sufficiently clear so as to be determinable by laypersons or concluded as a matter of law, or whether the alleged breach of duty involves too complex a legal issue so as to warrant explication by expert evidence.....

5. To succeed in a fraud case, a plaintiff must establish the following elements "(1) a representation; (2) which is material to the transaction at hand; (3) made falsely, with knowledge of its falsity or recklessness as to whether it is true or false; (4) with the intent of misleading another into relying on it; (5) justifiable reliance on the misrepresentation; and (6) the resulting injury was proximately caused by the reliance.".....These elements must be proven by clear and convincing evidence.

6. A purpose behind the rules of pleading is to enable parties to ascertain, by utilizing their own professional discretion, the claims and defenses that are asserted in the case. This purpose would be thwarted if courts, rather than the parties, were burdened with the responsibility of deciphering the cause of action from a pleading of facts which obscurely support the claim in question.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 92-S-1145, MARK A. HIMMELREICH AND LISA HIMMELREICH VS. ADAMS ABSTRACT ASSOCIATES AND PENN TITLE INSURANCE COMPANY.

Charles I. Himmelreich, Esq., for Plaintiffs

Mark K. Emery, Esq., for Defendant, Adams Abstract Associates

Helen L. Gemmill, Esq., for Defendant, Penn Title Insurance Company

Kuhn, P.J., January 21, 2002

OPINION ON DEFENDANT ADAMS ABSTRACT ASSOCIATES' MOTION FOR SUMMARY JUDGMENT

Plaintiffs, Mark and Lisa Himmelreich, initiated this action against Defendants, Adams Abstract Associates (hereinafter "Adams") and Penn Title Insurance Company (hereinafter "Penn") in December, 1992. There has been a tortured procedural history which is not particularly pertinent to the issues now before the Court. Suffice it to say that Plaintiffs filed their Fourth Amended Complaint on December 20, 1999. The complaint had been pared to five counts,

specifically, Negligence (Count I), Fraud (Count II) and Violation of the Unfair Trade Practices And Consumer Protection Law (Count III) against Adams and Breach of Contract (Count IV) and Bad Faith (Count V) against Penn.

Adams filed a Motion for Summary Judgment on February 28, 2001. Because no reply was filed to the motion, on March 28, 2001, Adams filed a Motion to Grant Defendant Adams Abstract Associates' Motion for Summary Judgment As It Is Unopposed by Plaintiffs. Within several days, Plaintiffs filed answers to both Motions. Both motions are now before this Court for disposition.¹

LEGAL STANDARD

Our appellate courts have frequently set forth the standard for summary judgment as follows:

. . . Pennsylvania law provides that summary judgment may be granted only if those cases in which the record clearly shows that no genuine issues of material fact exist and that the moving party is entitled to judgment as a matter of law. . . The moving party has the burden of proving that no genuine issues of material fact exists . . . In determining whether to grant summary judgment, the trial court must view the record in the light most favorable to the non-moving party and must resolve all doubts as to the existence of a genuine issue of material fact against the moving party. Thus, summary judgment is proper only

¹ Defendant Adams argues that its Motion for Summary Judgment should be granted because Plaintiffs failed to comply with the Rules of Civil Procedure. Adams is correct in stating the pursuant to Local Rules 1035.3 and 211, Plaintiffs were required to file a responsive brief within 20 days after service of Adams' brief in support of its motion for summary judgment. Pursuant to Local Rules, Plaintiffs' brief was due on or before March 20, 2001. Plaintiffs filed their Answer to Adams Abstract's Motion for Summary Judgment on March 30, 2001, and subsequently filed their Brief in Opposition to Adams' Motion for Summary Judgment on April 2, 2001. While the Court has noted Plaintiffs' failure to comply with the Local Rules, we will not grant Defendants' Motion for Summary Judgment on this basis alone. Local Rule 210 suggests possible sanctions for failure to comply with Rule 211. We note that Rule 210(d) provides that the Court may "enter such order as the interest of justice requires". Under these circumstances, it would not be in the interest of justice to grant Adams' Motion for Summary Judgment based solely on Plaintiffs' tardiness. Plaintiffs are reminded, however, that the Court may impose sanctions in the future for continued failure to comply with Local Rules.

when the uncontroverted allegations in the pleadings, depositions, answers to interrogatories, admissions of record, and submitted affidavits demonstrate that no genuine issue of material fact exists, and that the moving party is entitled to judgment as a matter of law . . . In summary, only when the facts are so clear that reasonable minds cannot differ, may a trial court properly enter summary judgment.

Rauch v. Mike-Mayer, 783 A.2d 815, 821
(Pa. Super. 2001) (citations omitted.)

However, upon the filing of a motion for summary judgment the non-moving cannot be idle. If the non-moving party has the burden of proof at trial on an essential issue and fails to adduce sufficient evidence on that issue in response to the motion, the moving party is entitled to judgment as a matter of law. *Jackson v. City of Philadelphia*, 782 A.2d 1115, 1119 (Pa. Cmwlth. 2001).

With this standard in mind, the record reveals the following background.

STATEMENT OF FACTS

On September 13, 1991, Plaintiffs purchased property located at 120 Bittle Road, Littlestown, Adams County, Pennsylvania at a tax sale in a case docketed at 91-S-982. The property was formerly owned by Robert E. and Jacquelyn N. Foster. On November 12, 1991, a decree confirming the sale was entered and on December 23, 1991, the court authorized distribution of the sale proceeds.

After the tax sale was complete, Plaintiffs attempted to obtain a \$25,000 mortgage from the Adams County National Bank (hereinafter "ACNB") to pay off the prior mortgage with ACNB on the real estate and to cover other expenses related to the purchase of the property. ACNB required either an attorney's certificate of title or title insurance as a condition of mortgage approval. Plaintiffs selected Adams to perform this service because they were familiar with Susan White, one of Adams' employees. Adams is an abstract company that provides title insurance as an agent for Penn.

Plaintiffs were eager to move into their new home and requested that closing be held January 2, 1992. However, because the deed into Plaintiffs was only recorded on December 31, 1991, the title search was delayed and settlement was postponed until January 3, 1992.

During the title search, Ms. White became aware that the record of the tax sale did not reveal a receipt that Mr. Foster had received notice of the tax sale by certified mail.

At settlement, Ms. White reviewed the title insurance policy written through Penn with Plaintiffs and specifically; the noted exception of any possible claim Mr. Foster may file. The policy was written as an "Owner's Policy" meaning that it would cover the alleged value of the property at \$94,000 rather than a "Lender's Policy" which limited coverage to the amount of the mortgage to ACNB. As part of the settlement, Plaintiff executed an Owners Affidavit at the bottom of which, in different print, was a notation "that they received a copy of Penn Title Insurance Company, Report of Title, and that they are aware of exceptions to said policy."

On January 15, 1992, the Fosters filed a Petition Nunc Pro Tunc in the Court of Common Pleas of Adams County at docket number 91-S-982 asking that the tax sale be set aside and asking that ejectment proceedings initiated against them by Plaintiffs be stayed. The sole issue raised in the petition was the alleged lack of notice of the tax sale to Mr. Foster. By Order of the same date, a stay was entered and a hearing scheduled. In response to this petition, Plaintiffs asked that Adams and/or Penn provide legal counsel to help them defend their interest in the property. Adams advised Plaintiffs to make a claim with Penn. Penn, in turn, refused to provide such representation and Plaintiffs were therefore forced to hire their own counsel. Subsequently, on March 9, 1993, the Court of Common Pleas of Adams County upheld Plaintiffs' interest in the property. An appeal to the Commonwealth Court was denied.

LEGAL DISCUSSION

In its motion for Summary Judgment, Adams alleges that Plaintiffs have failed to adduce sufficient evidence to proceed on any of the three counts filed against it. Based upon the following analysis, this Court grants the motion.

Count I – Negligence

Plaintiffs allege that at settlement on January 3, 1992, they were advised by Adams that a copy of the Penn policy would be received within several days. They claim that despite demands for a copy, none was received until August 23, 1993, after the Fosters' appeal to Commonwealth Court was dismissed.

Under Count I, Plaintiffs allege that Adams had the following duties and breached those duties as follows:

57. Adams Abstract had a duty to:
 - a. Immediately deliver a complete copy of the title insurance policy to the Himmelreichs after the January 3, 1992 closing;
 - b. Immediately deliver a complete copy of the title insurance policy to the Himmelreichs after repeated request for the policy by the Himmelreichs;
 - c. Accurately represent at the closing on January 3, 1992 the matters which would be covered and excluded from coverage under the terms of the title insurance policy;
 - d. Accurately represent at the closing the nature and content of the documents which Adams Abstracts directed and induced the Himmelreichs to sign;
 - e. Accurately represent the value of the insurance policy;
 - f. Accurately represent whether or not any title insurance policy was necessary; and
 - g. Provide to the Himmelreichs at the closing on January 3, 1992, a complete listing of the exceptions or exclusions in the title insurance policy.
58. Adams Abstract breached its duty to the Himmelreichs by:
 - a. Failing and refusing to deliver a complete copy of the title insurance policy to the Himmelreichs after the January 3, 1992 closing;
 - b. Failing and refusing to deliver a copy of the title insurance policy to the Himmelreichs even after repeated request by the Himmelreichs for a copy of the policy;
 - c. Delivering a copy of the title insurance policy to the bank and misrepresenting to the Himmelreichs that no policy had been issued;
 - d. Misrepresenting the nature and extent of the coverage in the title insurance policy by representing that all claims against the Himmelreichs' title to and interest in the property would be covered by the insurance policy unless the claims were specifically excluded from coverage;

- g. Misrepresenting the value of the title insurance policy by representing that all legal costs, fees and expenses of litigation to protect the title to and interest in the Himmelreichs' property would be covered under the policy;
- h. Misrepresenting the nature and extent of the exclusions in the title insurance policy by representing that any claims arising at Case No. 91-S-982 in the Court of Common Pleas of Adams County, Pennsylvania were not excluded from coverage;
- i. Misrepresenting that ACNB required a title insurance policy when Adams Abstracts knew or had reason to know that no such policy was ever required; and
- j. By directing and inducing the Himmelreichs to execute documents;
 - i. Which were never fully explained to the Himmelreichs;
 - ii. Which the Himmelreichs had no time to read, and were not given the time to read; and
 - iii. Which were incorrect and inaccurate in light of the fact that Adams Abstracts knew of the ejectment proceedings and knew that the Himmelreichs were not in full possession of the residence.

Adams argues that Plaintiffs' claim for negligence must be dismissed because Plaintiffs have failed to adduce facts tending to prove that Adams breached a recognized duty to them, or that Plaintiffs suffered damages resulting from a breach of that duty. Negligence is proved by 1) a duty or standard of care; 2) a breach of that duty or standard; 3) proximate causation; and 4) actual damages. *Himmelreich v. Adams Abstract et al.*, 42 ACLJ 157, 161 (1998), citing *Carlotti v. Employees of General Electric Federal Credit Union*, 717 A.2d 564, 567 (Pa. Super. 1998).

Adams first maintains that Plaintiffs have produced no evidence establishing the relevant standard of care. Adams argues that expert testimony is necessary to establish Adams' negligence, and that Plaintiffs have failed to produce such testimony. *Id.* Plaintiffs reply that, although it may be necessary to provide expert testimony at

trial, it is not required in order to overcome a motion for summary judgment, especially where significant factual issues remain in the case.

Before one can breach a duty to another, that duty must be recognized. This Court finds that Plaintiffs have not sufficiently established the standard of care that a title insurance agent owes to persons in Plaintiffs' position. Under Pennsylvania law, a title insurance agent is defined as one

“who on behalf of the title insurer performs the following acts, in conjunction with the issuance of a title insurance report or policy:

- (1) determines insurability and issues title insurance reports or policies, or both, based upon the performance or review of a search, or an abstract of title; and
- (2) performs one or more of the following functions:
 - (i) collects or disburses premiums, escrow or security deposits or other funds;
 - (ii) handles escrow, settlements or closings;
 - (iii) solicits or negotiates title insurance business; or
 - (iv) records closing documents.

40 P.S. §910-24.

Therefore, one of the functions of a title insurance agent is to handle a real estate closing as was done in this case. Furthermore, a title insurance agent must hold a valid certificate of qualification issued by the Insurance Department. 40 P.S. §910-24.1. However, our research fails to reveal any Pennsylvania statutory or case law providing further guidance with regard to the duties of a title insurance agent during closings.

As noted above, Plaintiffs allege that Adams owed certain duties to them which were breached. However, Plaintiffs have not identified an expert nor an expert report which arguably demonstrates that Adams, as an agent for Penn and as a title abstractor was obligated to such duties.

In *Storm v. Golden*, 538 A.2d 61 (Pa. Super. 1988), the plaintiff alleged that her former attorney breached duties owed to her as part of a real estate transaction. Defendant moved for nonsuit because of

the plaintiff's failure to produce expert testimony. The Superior Court rejected plaintiff's contention that expert testimony was unnecessary because of the simplicity of the real estate transaction. The court noted that,

As a general rule, our Supreme Court has held that "expert testimony is necessary to establish negligent practice in any profession." . . . Although such a general statement is not a concrete pronouncement as to any one profession, it exhibits a recognition that when dealing with the higher standards attributed to a profession in any field a layperson's views cannot take priority without guidance as to the acceptable practice in which the professional must operate.

. . . Generally, the determination of whether expert evidence is required or not will turn on whether the issue of negligence in the particular case is one which is sufficiently clear so as to be determinable by laypersons or concluded as a matter of law, or whether the alleged breach of duty involves too complex a legal issue so as to warrant explication by expert evidence . . .

Here, the underlying question of whether legal malpractice occurred resolves around a lawyer's duty and responsibility in connection with representing a client in a real estate transaction. We do not agree with appellant's assertions that the sale of real estate is an elementary and non-technical transaction which requires only simple common sense . . . At issue is not the simplicity of the transaction but the duty and degree of care of the attorney. Whether an attorney failed to exercise a reasonable degree of care and skill related to common professional practice in handling a real estate transaction is a question of fact outside the normal of the ordinary experience of laypersons. 538 A.2d at 64-5 (citations omitted).

Substitute the term "title insurance agent" or "title abstractor" for "attorney" and the standard is clear; expert testimony must be produced in order for Plaintiffs to sustain their cause of action for negligence.

Continued to next issue (8/30/2002)

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1045 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

No. 01-S-1045

Judgment: \$121,355.29

Anthony R. Distasio, Esquire

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

BEGINNING at a chisel mark set on the curb line of Fourth Street at the southern edge of Lot No. 3 as shown on said plan; thence along the southern edge of said Lot No. 3 North 87 degrees 10 minutes 00 seconds East 130.00 feet to a point at Lot No. 8 as shown on said plan; thence by same South 02 degrees 50 minutes 00 seconds East 20.00 feet to a point in the northern edge of Lot No. 1 as shown on said plan; thence along said Lot No. 1 South 87 degrees 10 minutes 00 seconds West 130.00 feet to a chisel mark set on the curb line of Fourth Street; thence along same North 02 degrees 50 minutes 00 seconds West 20.00 feet to a chisel mark set at the point and place of BEGINNING.

CONTAINING 2,600 square feet, more or less.

BEING Map 4, Parcel 90

Address of the mortgaged premises: 18 Fourth Street, Borough of Biglerville, Adams County, Pennsylvania

BEING SOLD SUBJECT TO a mortgage held by Chase Manhattan Mortgage Corporation, dated July 31, 1997 in the original amount of \$74,500.00 and recorded in Record Book 1416, page 126.

SEIZED and sold as the property of Laura L. Greer under Judgment No. 01-S-1045.

SEIZED and taken into execution as the property of **Laura L. Greer** 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 7, 2002, 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.

8/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-956 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Franklin Township, Adams County, Pennsylvania, known and numbered as 5287 Chambersburg Road, Orrtanna, Pennsylvania, the description below was obtained from a draft of survey dated July 23, 1974, prepared by Boyer-Price Surveys, Inc., as revised November 11, 1974, bounded and described as follows:

BEGINNING at a P.K. nail located in a private lane at the northeast corner of land now or formerly of Paul L. Ingles and wife, said point also being the southwest corner of the tract of land herein described; thence by said land now or formerly of Paul L. Ingles and wife and running through a reference iron pin located twenty-five (25) feet from the beginning of this course, North thirty-four (34) degrees, sixteen (16) minutes West, a distance of seventy-nine and seventy-four one-hundredths (79.74) feet to an iron pin at land now or formerly of James Sharrah; thence by said land now or formerly of James Sharrah, North forty-eight (48) degrees, two (02) minutes, twenty (20) seconds East, a distance of seventy-four and thirty-seven one-hundredths (74.37) feet to an iron pin at land now or formerly of Daniel J. Parr; thence by said land now or formerly of Daniel J. Parr, South thirty-three (33) degrees, thirty-nine (39) minutes, ten (10) seconds East, a distance of ninety-nine and thirteen one-hundredths (99.13) feet to a point on the north side of the aforementioned private lane; thence in said private lane, South sixty-three (63) degrees, ten (10) minutes, fifteen (15) seconds West, a distance of seventy-three and twenty-five one-hundredths (73.25) feet to a P.K. nail located in said private lane, the place of BEGINNING. CONTAINING 6,545 square feet.

BEING the same premises which Richard D. Enders and Norma J. Enders, husband and wife, by Deed dated October 24, 1994, and recorded in Deed Book 0954, Page 0341, Adams County Records, granted and conveyed unto Thomas L. Sharar, single man, and

Joann S. Sharar, widow, as joint tenants with the right of survivorship and not as tenants in common;

AND the said Thomas L. Sharar departed this life and title vested in Joann S. Sharar by operation of law.

TOGETHER with a perpetual right-of-way over an existing private lane leading from U.S. Route 30 to the tract hereby conveyed, said private lane being indicated on the above recited draft of survey.

Tax Map ID No.: (12)B09-0146.

SEIZED and taken into execution as the property of **Joann S. Sharar** 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 21, 2002, 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.

8/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-379 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in the Borough of Carroll Valley, Adams County, Pennsylvania, being (Lot No. 128 of Section R1) as recorded in Adams County Plat Book 1A at page 83, bounded and described as follows:

BEGINNING at an iron pin at corner of land now or formerly of Thomas M. Baker, along Lot No. 134 on the plan of lots referred to below; thence by said Lot No. 134, North 88 degrees 44 minutes 20 seconds West 165.59 feet to a point; thence by Lots Nos. 133, 132, 131, and 130, North 87 degrees 22 minutes 40 seconds West 369.89 feet to a point in the center line of Maple Trail; thence in the center line of Maple Trail, North 71 degrees 25 minutes 20 seconds East 334.15 feet to a point at land now or formerly of Thomas M. Baker; thence by land now or formerly of Thomas M. Baker, South 59 degrees 47 minutes 20 seconds East 252.62 feet to an iron pin along Lot No. 134, the place of BEGINNING.

The foregoing description was taken from a Plan of Lots of Gordon L. Brown, Registered Surveyor, dated May 29, 1970, bearing Drawing No. E-306-S, and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1A at Page 83.

TITLE TO SAID PREMISES IS VESTED IN Frederick Joseph Hoff, III and Lori Jean Hoff, his wife by Deed from Gertrude A. Weaver, formerly Gertrude A. Tucker, and Robert A. Weaver, her husband dated 6/25/1993 and recorded 6/28/1993 in Record Book 744, Page 272.

Premises being: 14 Maple Trail, Fairfield, PA 17320

Tax Parcel No. 38-60

SEIZED and taken into execution as the property of **Frederick Joseph Hoff, III & Lori Jean Hoff** 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 21, 2002, 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.

8/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-293 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center line of Township Road T-440, at the Southernmost corner of Lot No. 5, now or formerly of Charlotte Long; thence in the center line of Township Road T-440, South 45 degrees 40 minutes 45 seconds West, 46.30 feet to a point at corner of land now or formerly of Raymond E. Gebhart, Jr.; thence by said land now or formerly of Raymond E. Gebhart, Jr., North 44 degrees 19 minutes 15 seconds West 50.00 feet to a steel pin; thence by the same, on a curve to the left, having a radius of 886.70 feet an arc distance of 49.99 feet and a bearing and chord distance of North 45 degrees 56 minutes 09 seconds West, 49.98 feet to a steel pin; thence by same, North 47 degrees 33 minutes 03 seconds West, 22.02 feet to a steel pin; thence by same, North 45 degrees 40 minutes 45 seconds East, 48.95 feet to a steel pin at corner of Lot No. 5, aforesaid; thence by said Lot No. 5, and for a portion of this course running through the center of a party wall separating Lot Nos. 4 and 5, and passing through a steel pin set back 25.00 feet from the next mentioned point, South 44 degrees 19 minutes 15 seconds East, 121.94 feet to a point, the place of BEGINNING.

Map #: (06)-6-38

Being known as: 7A Pin Oak Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Cheryl A. Monty** 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 7, 2002, 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.

8/9, 16 & 23

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 23, 2002 for the incorporation of S & S TIRE AND RETREADING, INC. under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of sales and services of new and used tires as well as retreaded tires and other auto repairs, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 301 East York Street, Biglerville, Pennsylvania 17307.

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

8/23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-302 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point in the centerline of Christ Church Road (S.R. 2023) at Lot No. 3 on the hereinafter referenced subdivision plan; thence along and with said Lot No. 3, North seventy-nine (79) degrees zero (00) minutes five (5) seconds West, three hundred twenty-five (325.00) feet to a point at lands now or formerly of Wilbert J.H. Messinger; thence along and with said last mentioned lands North ten (10) degrees fifty-nine (59) minutes fifty-five (55) seconds East, one hundred forty (140.00) feet to a steel pin (set) at lands now or formerly of Wilbert J.H. Messinger; thence along and with said last mentioned lands South seventy-nine (79) degrees zero (00) minutes five (5) seconds East, two hundred seventy-three and eighty-four hundredths (273.84) feet to a steel pin set; thence continuing South thirty-four (34) degrees zero (00) minutes five (5) seconds East, thirty-five and thirty-six hundredths (35.36) feet to a steel pin (set); thence continuing South seventy-nine (79) degrees zero (00) minutes five (5) seconds East, twenty-six and sixteen hundredths (26.16) feet to a point in the centerline of Christ Church Road (S.R. 2023); thence along and with said Christ Church Road, South ten (10) degrees fifty-nine (59) minutes fifty-five (55) seconds West, one hundred fifteen (115.00) feet to a point in the centerline of Christ Church Road, the point and place of BEGINNING.

CONTAINING 1.022 acres and known as Lot No. 4 on a Final Subdivision Plan prepared for Wilbert J.H. Messinger, by Mort, Brown and Associates, bearing date of March 17, 1988, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 54 at page 91.

SEIZED and taken into execution as the property of **Jesse R. Bible & Edith A. Bible** 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 21, 2002,

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.

8/16, 23 & 30

NOTICE

Pursuant to the August 5, 2002 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. 02-S-813).

1. Lorcin L 9 mm handgun – Serial #L043735
2. Raven Arms Model MP 25 .25 caliber handgun – Serial #1154756
3. Marlin rifle with scope 30AS/30.30 – Serial #11008553
4. Harrington & Richardson 12 gauge rifle – Serial #398684B AU45U646
5. 1 clip with six .25 caliber rounds of ammunition

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 October 10, 2002 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, Pennsylvania 17325
(717) 334-4515

Solicitor to the Adams County Sheriff
8/23, 30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-373 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Docket # 02-S-373

ALL THAT CERTAIN unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the Borough of New Oxford, Adams County PA which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P S A Section 3101, et seq, by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a Declaration dated September 13, 1996 and recorded October 18, 1996 in Record Book 58, page 41 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such Declaration as Unit Declaration No. 32 as more fully bounded and described in such Declaration, together with a proportionate undivided interest in the Common Elements as defined in such Declaration.

Tax Parcel # 5-184-A (34)

Property Address: 18 Oxford Court,
New Oxford, PA 17350

Improvements: A residential dwelling.
Sold as the property of: Karen E. Bream

SEIZED and taken into execution as the property of **Karen E. Bream** 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 7, 2002, 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.

8/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-103 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described tract of land situate in Berwick Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of the Lincoln Highway, aforesaid, at lands now or formerly of Ollie Wehler, thence by said lands and through an iron pin at the side of the highway and through a post on the property line and continuing through another post on the property line South eleven (11) degrees thirty (30) minutes East, one thousand one hundred sixty-seven (1,167) feet to a pin at an elm tree at the right-of-way line of the former East Berlin Railroad; thence by said right-of-way line, South sixty-three (63) degrees fifteen (15) minutes West, three hundred forty-six and four tenths (346.4) feet to a pin at lands of Hershey; thence by said lands and through a pin on the property line, North twenty (20) degrees West, one thousand one hundred ninety-six and one tenth (1,196.1) feet; continuing through another pin at the side of Lincoln Highway to a point in the center of the Lincoln Highway aforesaid; thence in the center of said highway, North seventy (70) degrees one (1) minute East, five hundred fifteen and five tenths (515.5) feet to a point, the place of BEGINNING.

CONTAINING 11.57 acres, more or less.

BEING THE SAME PREMISES which The Brian Trust established June 30, 1986 with Jerome I. Hoff and Eva Bering, as Trustees, t/a The Brian Realty Company, by Deed dated December 31, 1988 and recorded April 12, 1989 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 519, Page 295, et seq. granted and conveyed unto Children's Developmental Center Corp., its successors and assigns.

Adams County Parcel ID No.: L10-26

SEIZED and taken into execution as the property of **Jerome I. Hoff, Eva Bering & Children's Developmental Center Corp.** 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 21, 2002, 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.

8/23, 30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-567 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a steel pin on the West side of South Orange Street at the Southern line of lands now or formerly of Urban Robinson, and extending thence from said point along last mentioned lands South seventy (70) degrees, twenty-two (22) minutes, forty-five (45) seconds West, one hundred feet (100) feet to a steel pin at other lands now or formerly of William Himes and Helen M. Himes, his wife; thence along last mentioned lands South nineteen (19) degrees, thirty-seven (37) minutes, fifteen (15) seconds East, one hundred twenty-five (125) feet to a steel pin at lands of same; thence along lands of same North seventy (70) degrees, twenty-two (22) minutes, forty-five (45) seconds East, one hundred (100) feet to a steel pin on the West side of Orange Street; thence along the West side of Orange Street North nineteen (19) degrees, thirty-seven (37) minutes fifteen (15) seconds West, one hundred twenty-five (125) feet to the steel pin first mentioned and the place of BEGINNING. CONTAINING 12,500 square feet as shown on the plan dated September 20, 1966, and revised June 5, 1967, prepared by J. H. Rife, registered professional engineer.

PIN# 7-12

BEING the same premises which Tammy Jane Kitzmiller and Lori Ann Kitzmiller, by Deed dated May 21, 1999 and recorded May 24, 1999, in the Recorder's Office in and for Adams,

Pennsylvania, in Deed Book Volume 1836 Page 239, granted and conveyed unto Chad E. Laughman and Kristi L. Laughman, the Mortgagees herein.

SEIZED and taken into execution as the property of **Chad E. Laughman & Kristi L. Laughman** 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 21, 2002, 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.

8/23, 30 & 9/6

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF MARIE C. DAYHOFF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
 Co-Executors: Theron S. Dayhoff, Jr., 3602 Fairfield Road, Gettysburg, PA 17325; Barry R. Dayhoff, 57 Bankert Road, Hanover, PA 17331

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

ESTATE OF JOYCE R. PALMER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executrix: Michele L. Grove, 1145 Bremer Road, Dover, PA 17315

Attorney: Richard E. Thrasher, Esq., Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARIE A. SHOWERS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Elizabeth A. Overholtzer, 6026 Conover Road, Taneytown, MD 21787

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

SECOND PUBLICATION

ESTATE OF MADELINE C. KLINE, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Executrix: Cynthia A. Kline, 2 Autumn Trail, Fairfield, PA 17320

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

ESTATE OF DOLORES L. LYNN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Larry J. Lynn, 1815 Kenneth Lane, Choctow, OK 73020

Attorney: Eileen C. Finucane, Esq., Finucane Law Office LLP, 14 North Main Street, Suite 500, Chambersburg, PA 17201

ESTATE OF SARAH E. MOUL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrator/Executrix: Annie C. Meyer, 492 Little Creek Road, Spring Grove, PA 17362

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

ESTATE OF EVELYN E. SOUTHARD, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: J. D. Lantz & Elaine Lantz
 Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF JOHN MCCLELLAN ACKER, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: John Steven Acker, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF C. EARL BAUMGARDNER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Richard E. Baumgardner, 703 Chambersburg Rd., Gettysburg, PA 17325; Larry E. Baumgardner, 342 E. Railroad Street, Gettysburg, PA 17325; Karen H. Weishaar, Box 12, Cashtown, PA 17310

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

ESTATE OF ELVA M. BLANCHARD, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Elaine H. Cantwell, 4107 Diehl Avenue, Taneytown, MD 21787; Gladys S. Waddell, 20 Leppo Road, Westminster, MD 21158

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

ESTATE OF MADALYN B. BLOOM, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Nadaga I. Poist, 310 North Queen Street, Littlestown, PA 17340

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

ESTATE OF KATHRYN M. FERNER, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: James H. Showvaker, 1321 Hoffman Home Road, Littlestown, PA 17340

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

ESTATE OF MARGARET V. GORDON, DEC'D

Late of Littlestown Borough, Adams County, Pennsylvania

Executor: Robert L. Gordon, 1162 Mt. Hope Road, Fairfield, PA 17320

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

ESTATE OF DORIE RICHARD KINT, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Bonnie J. Flynn, 261 Smith Road, Gettysburg, PA 17325; Rodney C. Kint, 1412 Old Harrisburg Road, Gettysburg, PA 17325; Connie R. Johnson, 38 Clarke Lane, Falling Waters, WV 25419-7070

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

ESTATE OF ROBERT A. LENTZ, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Debra S. Flickinger, 1270 Hilltown Road, Biglerville, PA 17307

Attorney: Gary J. Heim, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-331 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the right-of-way line of Johnamac South at corner of Lot No. 463 on the subdivision plan hereinafter referred to; thence along the right-of-way line of Johnamac South North twenty-nine (29) degrees fifty-six (56) minutes fifty-three (53) seconds East, twenty (20.00) feet to a point at Lot No. 461 on the subdivision plan hereinafter referred to; thence along Lot No. 461 South sixty (60) degrees three (03) minutes seven (07) seconds East, ninety-five (95.00) feet to a point at other lands of Weinberg and D & D Partnership, designated as future Phase II of the Appler Development; thence along said last mentioned lands and along Lot No. 465 on subdivision plan hereinafter referred to South twenty-nine (29) degrees fifty-six (56) minutes fifty-three (53) seconds West, twenty (20.00) feet to a point at Lot No. 463, aforesaid; thence along Lot No. 463 North sixty (60) degrees three (03) minutes seven (07) seconds West, ninety-five (95.00) feet to a point on the right-of-way line of Johnamac South, the point and place of BEGINNING. CONTAINING 1,900 square feet and being designated as Lot No. 462 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated July 15, 1994, as revised, Project No. 921060, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, page 89.

IT BEING the same tract of land which Wyncrest, Inc., a Pennsylvania corporation, by its deed dated May 31, 1998, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1205, page 76, granted and conveyed unto Jeffrey N. Weaver and Ruth E. Weaver, his wife, MORTGAGORS, HEREIN.

Premises being: 12 Johnamac Street, a/k/a 12 Johnamac South, Littlestown, PA 17340

Tax Parcel No. 4-33

SEIZED and taken into execution as the property of **Jeffrey N. Weaver & Ruth E. Weaver** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 28, 2002, 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.

8/23, 30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-590 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a point in the center of Township Road T-497 (commonly referred to as Red Hill Road) along lands of Trimen Industries, Inc.; thence along said last mentioned lands of Trimen Industries, Inc., North thirty-six (36) degrees forty-two (42) minutes nine (09) seconds West, through a steel pin set twenty-five (25) feet from the beginning of this course and a steel pin set ninety-one and nine hundredths (91.09) feet from the terminus of this course, five hundred sixty-eight and seventy-one hundredths (568.71) feet to a steel pin (found) at lands formerly of Earl B. Bittinger, now Hershey, as shown on the hereinafter referred to subdivision plan; thence along said last mentioned lands, North forty-nine (49) degrees fifty-two (52) minutes sixteen (16) seconds East, three hundred seventy-five and fifty-three hundredths (375.53) feet to a steel pin (set) at corner of Lot No. 2 on the subdivision plan hereinafter referred to; thence along said Lot No. 2, South thirty-six (36) degrees forty-two (42) minutes nine (09) seconds East (erroneously stated in prior deed as West), through a steel pin set twenty-five and forty-three hundredths (25.43) feet from the terminus of this course, six hundred fifty-six and eighty-six hundredths (656.86) feet to a pin in the center of Township Road

T-497 (Red Hill Road); thence in and along the centerline of said Township Road T-497 the following four (4) courses and distances: (1) South sixty-six (66) degrees thirty-eight (38) minutes forty-nine (49) seconds West, one hundred eighteen and two hundredths (118.02) feet to a point; (2) South sixty-three (63) degrees nine (09) minutes thirty-five (35) seconds West, eighty-two and fifty-two hundredths (82.52) feet to a point; (3) South sixty-one (61) degrees fifty-five (55) minutes twenty-nine (29) seconds West seventy-one and seven hundredths (71.07) feet to a point; and (4) South sixty (60) degrees twenty-eight (28) minutes thirty-eight (38) seconds West, one hundred nine and thirty-three hundredths (109.33) feet to a point in the center of Township Road T-497, the point and place of BEGINNING. (CONTAINING 5,2342 acres of land.) (Being Lot No. 1 on subdivision plan prepared for Bi-Win Corporation by Donald E. Worley, bearing date August 9, 1982, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 37, page 40. Being Map #K11, Parcel #103B.

TITLE TO SAID PREMISES IS VESTED IN Anita A. Crebs by Deed from Garland Construction, Inc. dated 12/11/1998, recorded 5/3/1999, in Record Book 1822 Page 104.
Notice: Conveys title to Lot #1 only.

Premises being: 1310 Redhill Road, New Oxford, PA 17350

Tax Parcel No. 35-K11-103B

SEIZED and taken into execution as the property of **Anita A. Crebs** 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 28, 2002, 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.

8/23, 30 & 9/6

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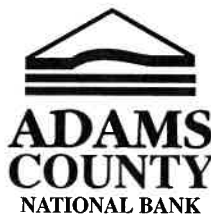
IN THIS ISSUE

HIMMELREICH VS. ADAMS ABSTRACT ET AL

This opinion continued from last issue (8/23/2002)

Commitment:

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-241 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that improved tract of land situate on the East side of North Second Street, in the Borough of McSherrystown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a spike on the East curb line of Church Street, now North Second Street, at Tract No. 11; thence by said curb line, North 14 1/4 degrees West 23.9 feet to a spike at lands now or formerly of Mary D. Reese and Cindy L. Reese; thence by the same, North 67 3/4 degrees East, 170.7 feet to a stake at a sixteen (16) feet alley; thence by the same South 14 1/4 degrees East, 23.5 feet to a post at Tract No. 11; thence by Tract No. 11, lands now or formerly of Robert I. Gouker and Mary J. Gouker, South 65 1/4 degrees West, 132 feet to a stake; thence by the same South 75 3/4 degrees West, 39 feet to a spike, the place of BEGINNING.

BEING the same premises which Guy W. Sheely, Jr. and Nancy L. Sheely, by Deed dated May 1, 1996 and recorded in the Office of the Recorder of Deeds of Adams County on May 3, 1996, in Deed Book Volume 1188, Page 20, granted and conveyed unto Scott W. Miller and Cristl L. Gass.

Grenen & Birsic, P.C.

By: /s/Kristine M. Faust, Esq.

Attorneys for Plaintiff

One Gateway Center, Nine West

Pittsburgh, PA 15222

(412) 281-7650

Parcel No.: 28-001-0013

SEIZED and taken into execution as the property of **Cristi L. Gass & Scott W. Miller** 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 7, 2002,

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.

8/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-956 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Franklin Township, Adams County, Pennsylvania, known and numbered as 5287 Chambersburg Road, Orrtanna, Pennsylvania, the description below was obtained from a draft of survey dated July 23, 1974, prepared by Boyer-Price Surveys, Inc., as revised November 11, 1974, bounded and described as follows:

BEGINNING at a P.K. nail located in a private lane at the northeast corner of land now or formerly of Paul L. Ingles and wife, said point also being the southwest corner of the tract of land herein described; thence by said land now or formerly of Paul L. Ingles and wife and running through a reference iron pin located twenty-five (25) feet from the beginning of this course, North thirty-four (34) degrees, sixteen (16) minutes West, a distance of seventy-nine and seventy-four one-hundredths (79.74) feet to an iron pin at land now or formerly of James Sharrah; thence by said land now or formerly of James Sharrah, North forty-eight (48) degrees, two (02) minutes, twenty (20) seconds East, a distance of seventy-four and thirty-seven one-hundredths (74.37) feet to an iron pin at land now or formerly of Daniel J. Parr; thence by said land now or formerly of Daniel J. Parr, South thirty-three (33) degrees, thirty-nine (39) minutes, ten (10) sec-

onds East, a distance of ninety-nine and thirteen one-hundredths (99.13) feet to a point on the north side of the aforementioned private lane; thence in said private lane, South sixty-three (63) degrees, ten (10) minutes, fifteen (15) seconds West, a distance of seventy-three and twenty-five one-hundredths (73.25) feet to a P.K. nail located in said private lane, the place of BEGINNING. CONTAINING 6,545 square feet.

BEING the same premises which Richard D. Enders and Norma J. Enders, husband and wife, by Deed dated October 24, 1994, and recorded in Deed Book 0954, Page 0341, Adams County Records, granted and conveyed unto Thomas L. Sharar, single man, and Joann S. Sharar, widow, as joint tenants with the right of survivorship and not as tenants in common;

AND the said Thomas L. Sharar departed this life and title vested in Joann S. Sharar by operation of law.

TOGETHER with a perpetual right-of-way over an existing private lane leading from U.S. Route 30 to the tract hereby conveyed, said private lane being indicated on the above recited draft of survey.

Tax Map ID No.: (12)B09-0146.

SEIZED and taken into execution as the property of **Joann S. Sharar** 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 21, 2002, 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.

8/16, 23 & 30

HIMMELREICH VS. ADAMS ABSTRACT ET AL

Continued from last issue (8/23/2002)

Despite concluding that expert testimony is necessary we are inclined not to grant summary judgment as to Count I solely because an expert has not yet been identified. There is suggestion that to do so would constitute an abuse of discretion. *Wolloch v. Aiken*, 756 A.2d 5 (Pa. Super. 2000). As noted, Plaintiffs do have an obligation to respond to the motion for summary judgment and to produce evidence which raises factual issues. The record reveals disputes as to what was said and done at settlement. Despite the fact that this case has been in litigation nine (9) years, the Court has not been advised whether Adams has served expert interrogatories upon Plaintiffs. A pre-trial conference has not been held and neither discovery deadlines nor a trial date has been set. It may be that an expert, once produced, could describe a duty consistent with Plaintiffs' contention thereby making their factual allegations regarding breach of that duty a jury question. Therefore, it would seem premature to grant the motion on the absence of expert testimony at this time.

Adams also argues that Plaintiffs have not been able to demonstrate a causal connection between Adams' alleged negligent conduct and Plaintiffs' claimed damages. Plaintiffs set forth their alleged damages in Paragraph 66 of their complaint as:

- a. Costs, fees and expenses to hire legal counsel to litigate all of the claims filed at Case No. 91-S-982;
- b. Out of pocket costs and expenses for preparing for and attending the hearings and trials in Case No. 91-S-982, and in the related matters;
- c. Loss of work and work time related to preparing for and attending hearings and trials in Case No. 91-S-982 and in the related matters;
- d. Costs, fees and expenses in defending against all of the claims instituted by Mrs. Foster or in which Mrs. Foster was a party;
- e. Damages occurring while defending the action at 91-S-982 including:
 - i. the loss of use of the property at 120 Bittle Road; and
 - ii. damages to the property at 120 Bittle Road not otherwise covered by the Himmelreichs' homeowners' policies;

- j. Costs, fees and expenses to purchase a title insurance policy which allegedly does not cover the damages sustained in this action;
- k. Costs, fees and expenses to purchase a title insurance policy which was not required by ACNB but only by Adams; and
- l. Costs, fees and expenses of this action, both current and future, together with additional lost time and wages, all of which would not have been incurred by the Himmelreichs but for Adams and Penn's failure and refusal to pay for each of the items set forth above.

Before discussing the damages issues in detail, it may be appropriate to digress momentarily. Stated briefly by Adams but ignored by Plaintiffs is the fact that Plaintiffs bought the subject property at the tax sale together with whatever defects or title problems may have existed. The purchase was not contingent upon good and marketable title or on mortgage financing. They were obligated on the purchase unless the tax sale was overturned and set aside. Their obligation existed before they approached Adams. In fact, their deed was recorded before Adams conducted a title search. One wonders how Plaintiffs could have suffered any damages at the hands of Adams when the potential for the Fosters to raise title defects and the corresponding need to defend those challenges existed before Adams was even approached in this matter.

With this in mind, we find it helpful to group the allegations of negligence (assuming them to be true) to determine what, if any, damages could have been caused.

First, there are allegations that Adams failed to give Plaintiffs a copy of the title insurance policy (§58 a, b). Plaintiffs agree that they can identify no damages incurred as a result of these allegations.

Second, there is allegation that Adams gave ACNB a copy of the policy while advising Plaintiffs that one had not been issued (§58 c). We find no item of damage related to that allegation.

Third, they allege that Adams misrepresented that ACNB required a title insurance policy (§58 i). In fact, a bank representative did advise Plaintiffs they needed either an attorney's title certificate or title insurance. Thus, they needed to incur the expense of one or the

other. The only itemized damage which relates to securing title insurance is the cost of title insurance, if any, over the cost of an attorney's certificate of title. However, Plaintiffs chose Adams to perform the service not vice versa. Adams is a title insurance agency and not a law office. No legal logic or duty would require Adams to decline Plaintiffs' request for services.

Fourth, they allege that Adams misrepresented the nature of the coverage by stating that all claims against title would be covered by the policy unless excluded, that claims which could be raised by the Fosters were not excluded, and that all cost of litigation to protect their title would be covered under the policy (§58 h, d, g). However, that allegation can hardly be considered a misrepresentation because both Adams and Penn agree that if a claim is not excluded it would be covered. Here, the dispute is whether the Fosters' claim was excluded. None of the damages Plaintiffs allege relate to the issue of whether the Fosters' claim was excluded except the cost of the current litigation. Absent a statutory or contractual duty, one is not entitled to attorneys fees in the current litigation. Likewise, one is not entitled to reimbursement for one's time and wage loss incurred in prosecuting the litigation.

Finally, Plaintiffs allege that Adams was negligent for directing them to execute the settlement documents without them being fully explained or without Plaintiffs having time to read the documents while knowing that the Fosters had possible claims against the property (§58 j). Interestingly, it was Plaintiffs who pushed for settlement within days and then insisted they could only stay for one hour. With this background, they now allege that they were rushed into signing documents without full explanation.² Despite the fact we have little sympathy for persons who put themselves in such a situation and then blame others for their plight, a careful examination of Plaintiffs' alleged damages fails to indicate that any such expenses were caused by them signing the settlement documents.

Therefore, the Court concludes that even if Plaintiffs could establish a duty owed them by Adams and a breach of that duty, they

²In 1983 our Supreme Court in *Standard Venetian Blind Co. v. American Empire Insurance Co.*, 469 A.2d 563 (Pa. 1983) rejected the notion that one who fails to read unambiguous coverage provisions of an insurance contract can avoid its terms. That decision expressly rejected the concept that an agent has a duty to explain exclusions or limitations in an insurance policy.

cannot legally establish that any of their alleged damages legally flowed from that breach.

Count II – Fraud

Under Count II, Plaintiffs allege that Adams misrepresented the need for title insurance coverage, the extent of the coverage and the exclusions. Adams argues that summary judgment is appropriate because Plaintiffs fail to demonstrate evidence sufficient to establish the elements of fraud; specifically that they misrepresented the need for title insurance or the nature of the policy provided.

As stated recently in *Kit v. Mitchell*, 771 A.2d 814, 819 (Pa. Super. 2001),

To succeed in a fraud case, a plaintiff must establish the following elements . . . “(1) a representation; (2) which is material to the transaction at hand; (3) made falsely, with knowledge of its falsity or recklessness as to whether it is true or false; (4) with the intent of misleading another into relying on it; (5) justifiable reliance on the misrepresentation; and (6) the resulting injury was proximately caused by the reliance.” . . . These elements must be proven by clear and convincing evidence.

(citations omitted).

One of the difficulties presented in this case is to ascertain what material representations Plaintiffs allege that Adams made which were false. Adams’ motion for summary judgment specifically avers that Plaintiffs failed to produce evidence of misrepresentations of the need for title insurance and the nature of the policy provided. Plaintiffs produced no evidence to the contrary. We have been presented with no specific utterance upon which to determine whether a statement was material or false. It is clear that depositions were taken of Plaintiffs, Ms. White, Mr. Mummert and Adams’ owner, Linda Moose. Adams attached relevant portions to support their motion. Plaintiffs certainly had the same opportunity to support their position but failed to do so. Rather, the only portion of the record which supports Plaintiffs’ claim of fraud is the averments in the complaint. For this reason alone, the Court could dismiss Count II.

Plaintiffs aver that Adams misrepresented the bank’s requirement to have title insurance. The record fails to reveal any statement made by Adams as to the need for title insurance or that Plaintiffs relied on

that statement. As noted above, the bank advised Plaintiffs what was needed. According to Mr. Himmelreich, they could have used bank's counsel but declined to do so and instead approached Adams.

Plaintiffs further aver that Adams misrepresented the extent of the coverage. Again, the record fails to reveal any statement made by Adams that was contrary to the coverage provided. The complaint avers the misrepresentation to be that the policy would cover all claims not excluded. The only claim at issue is the one by the Fosters. Plaintiffs acknowledge receiving a copy of the Report of Title at settlement which expressly excepted "Possible outstanding interest of Robert E. Foster; sold out at Tax Claim Bureau Sale held September 3, 1991." They also acknowledge that these exceptions were read by Ms. White at settlement while they read along. The petition filed by the Fosters to set aside the tax sale alleged that only Mr. Foster was not given proper notice of the sale. Although Mrs. Foster joined in the petition, she made no claim that she did not receive notice. She joined primarily as a party to stay ejection from the premises. Although Plaintiffs' brief argues Adams represented that the policy would issue with no exclusion for Mrs. Foster, in fact, the record fails to demonstrate that any claim by Mrs. Foster was excepted from coverage. Therefore, Plaintiffs fail to show that Adams made a misrepresentation of existing fact.

Adams also argues that there is no legal nexus between the alleged fraud and the damages claimed. For the same reasons set forth above under Count I, we agree.

Before passing on this issue, we take a brief historical side trip to show that Plaintiffs were warned to clarify their fraud claim.

On October 28, 1999, this Court issued an Opinion on Penn's preliminary objections to Plaintiffs' Second Amended Complaint. In that Opinion, because of the confusing nature of the allegations, this Court ordered Plaintiffs to "re-plead and clarify" Count IX of that Complaint in which they alleged that Penn committed fraud. *Himmelreich v. Adams Abstract, et al.*, 42 ACLJ at 165. Within Count IX, Plaintiffs had alleged that Adams, acting as agent for Penn (¶113) misrepresented the necessity and requirement for title insurance (¶116), misrepresented what was included and excluded in the policy (¶116) and then deleted the exclusion relating to 91-S-982. Plaintiffs claim that based upon these representations, they

justifiably and reasonably believed they were covered under the policy for any claim raised by the Fosters. Plaintiffs failed to re-plead Count IX, as directed. Nevertheless, Plaintiffs use similar language to make many of the same allegations in Count II of the Fourth Amended Complaint. Therefore, this Court's earlier ruling that Count IX was "confusing" is equally applicable to Count II presently. When Plaintiffs alleged that they were led to believe that any claim by the Fosters would be covered and that the exclusion for claims by the Fosters had been deleted from the policy we wrote, "[I]f the exclusion was deleted it would mean that coverage existed for the claim and that no misrepresentation has been made by the defendants. The confusion which this inconsistency generates is such that the Court is unable to clearly understand what Plaintiffs are alleging." *Id.* at 165. The same can be said again.

Our Superior Court has recognized the frustration which arises from inconsistent and confusing pleadings when it stated:

A purpose behind the rules of pleading is to enable parties to ascertain, by utilizing their own professional discretion, the claims and defenses that are asserted in the case. This purpose would be thwarted if courts, rather than the parties, were burdened with the responsibility of deciphering the cause of action from a pleading of facts which obscurely support the claim in question. Parties ought not be allowed to delegate their duties under the Rules of Procedure to our courts. *Himmelreich v. Adams Abstract, et al.*, 42 ACLJ at 165, citing *Krajisa v. Key punch, Inc.*, 424 Pa. Super. 230, 236, 622 A.2d 355, 357 (1993).

Plaintiffs still fail to clarify their allegations of fraud.

Count III – UTPCPL

Under Count III, Plaintiffs are alleging violation of the Unfair Trade Practices and Consumer Protection Law, 73 P.S. §201-1, et seq. (hereinafter "UTPCPL"). The UTPCPL permits private civil actions to be filed where a person purchases goods or services primarily for personal, family or household purposes and suffers an ascertainable loss as a result of an act or practice declared unlawful under the statute. 73 P.S. §201-9.2. Specifically, Plaintiffs claim to have purchased services (to obtain title insurance) and goods (namely

the title insurance policy). They claim to have been misled by Adams regarding the requirement to purchase title insurance and the coverage and suffered losses as a result thereof. Clearly, the purchase of title insurance in connection with the purchase of a residence qualifies as far as “personal, family or household purpose.” Unlawful acts are those acts described in 73 P.S. §201-2(4)(I)-(xii). 73 P.S. §201-3.

Despite some suggestion to do so in prior opinions (43 ACLJ at 166), Plaintiffs’ complaint does not set forth which statutory “unfair or deceptive acts” they allege were committed by Adams. Nevertheless, the Court feels safe in concluding that Plaintiffs are proceeding under Section 201-2(4)(xv) (knowingly misrepresenting that services are needed if they are not needed) and Section 201-2(4)(xxi) (engaging in any other fraudulent or deceptive conduct which creates a likelihood of misunderstanding). Each of these sections is aimed toward preventing fraudulent conduct.

Fraud has not been defined in the UTPCPL but case law holds that it is the equivalent of common law fraud, *Booze v. All State Ins. Co.*, 750 A.2d 877 (Pa. Super. 2000); *Sewak v. Lockhart*, 699 A.2d 755 (Pa. Super. 1997); *Harner v. Nikol*, 659 A.2d 617 (Pa. Cmwlth. 1995); *Prime Meats, Inc. v. Yochin*, 619 A.2d 769 (Pa. Super. 1993), alloc. den. 646 A.2d 1180 (1994).

The reasoning used and conclusion reached as to Count II (Fraud) would equally apply to this count.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 24th day of January, 2002, the Motion for Summary Judgment filed by Defendant, Adams Abstract Associates, is granted. The Complaint against said defendant is hereby dismissed.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-379 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in the Borough of Carroll Valley, Adams County, Pennsylvania, being (Lot No. 128 of Section R1) as recorded in Adams County Plat Book 1A at page 83, bounded and described as follows:

BEGINNING at an iron pin at corner of land now or formerly of Thomas M. Baker, along Lot No. 134 on the plan of lots referred to below; thence by said Lot No. 134, North 88 degrees 44 minutes 20 seconds West 165.59 feet to a point; thence by Lots Nos. 133, 132, 131, and 130, North 87 degrees 22 minutes 40 seconds West 369.89 feet to a point in the center line of Maple Trail; thence in the center line of Maple Trail, North 71 degrees 25 minutes 20 seconds East 334.15 feet to a point at land now or formerly of Thomas M. Baker; thence by land now or formerly of Thomas M. Baker, South 59 degrees 47 minutes 20 seconds East 252.62 feet to an iron pin along Lot No. 134, the place of BEGINNING.

The foregoing description was taken from a Plan of Lots of Gordon L. Brown, Registered Surveyor, dated May 29, 1970, bearing Drawing No. E-306-S, and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1A at Page 83.

TITLE TO SAID PREMISES IS VESTED IN Frederick Joseph Hoff, III and Lori Jean Hoff, his wife by Deed from Gertrude A. Weaver, formerly Gertrude A. Tucker, and Robert A. Weaver, her husband dated 6/25/1993 and recorded 6/28/1993 in Record Book 744, Page 272.

Premises being: 14 Maple Trail, Fairfield, PA 17320

Tax Parcel No. 38-60

SEIZED and taken into execution as the property of **Frederick Joseph Hoff, III & Lori Jean Hoff** 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 21, 2002, 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.

8/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-302 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point in the centerline of Christ Church Road (S.R. 2023) at Lot No. 3 on the hereinafter referenced subdivision plan; thence along and with said Lot No. 3, North seventy-nine (79) degrees zero (00) minutes five (5) seconds West, three hundred twenty-five (325.00) feet to a point at lands now or formerly of Wilbert J.H. Messenger; thence along and with said last mentioned lands North ten (10) degrees fifty-nine (59) minutes fifty-five (55) seconds East, one hundred forty (140.00) feet to a steel pin (set) at lands now or formerly of Wilbert J.H. Messenger; thence along and with said last mentioned lands South seventy-nine (79) degrees zero (00) minutes five (5) seconds East, two hundred seventy-three and eighty-four hundredths (273.84) feet to a steel pin set; thence continuing South thirty-four (34) degrees zero (00) minutes five (5) seconds East, thirty-five and thirty-six hundredths (35.36) feet to a steel pin (set); thence continuing South seventy-nine (79) degrees zero (00) minutes five (5) seconds East, twenty-six and sixteen hundredths (26.16) feet to a point in the centerline of Christ Church Road (S.R. 2023); thence along and with said Christ Church Road, South ten (10) degrees fifty-nine (59) minutes fifty-five (55) seconds West, one hundred fifteen (115.00) feet to a point in the centerline of Christ Church Road, the point and place of BEGINNING.

CONTAINING 1.022 acres and known as Lot No. 4 on a Final Subdivision Plan prepared for Wilbert J.H. Messenger, by Mort, Brown and Associates, bearing date of March 17, 1988, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 54 at page 91.

SEIZED and taken into execution as the property of **Jesse R. Bible & Edith A. Bible** 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 21, 2002, 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.

8/16, 23 & 30

NOTICE

Pursuant to the August 5, 2002 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. 02-S-813).

1. Lorcin L 9 mm handgun – Serial #L043735
2. Raven Arms Model MP 25 .25 caliber handgun – Serial #1154756
3. Marlin rifle with scope 30AS/30.30 – Serial #11008553
4. Harrington & Richardson AU gauge rifle – Serial #398684B AU45U646
5. 1 clip with six .25 caliber rounds of ammunition

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 October 10, 2002 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, Pennsylvania 17325
(717) 334-4515

Solicitor to the Adams County Sheriff
8/23, 30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-103 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described tract of land situate in Berwick Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of the Lincoln Highway, aforesaid, at lands now or formerly of Ollie Wehler; thence by said lands and through an iron pin at the side of the highway and through a post on the property line and continuing through another post on the property line South eleven (11) degrees thirty (30) minutes East, one thousand one hundred sixty-seven (1,167) feet to a pin at an elm tree at the right-of-way line of the former East Berlin Railroad; thence by said right-of-way line, South sixty-three (63) degrees fifteen (15) minutes West, three hundred forty-six and four tenths (346.4) feet to a pin at lands of Hershey; thence by said lands and through a pin on the property line, North twenty (20) degrees West, one thousand one hundred ninety-six and one tenth (1,196.1) feet; continuing through another pin at the side of Lincoln Highway to a point in the center of the Lincoln Highway aforesaid; thence in the center of said highway, North seventy (70) degrees one (1) minute East, five hundred fifteen and five tenths (515.5) feet to a point, the place of BEGINNING.

CONTAINING 11.57 acres, more or less.

BEING THE SAME PREMISES which The Brian Trust established June 30, 1986 with Jerome I. Hoff and Eva Bering, as Trustees, 1/a The Brian Realty Company, by Deed dated December 31, 1988 and recorded April 12, 1989 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 519, Page 295, et seq. granted and conveyed unto Children's Developmental Center Corp., its successors and assigns.

Adams County Parcel ID No.: L10-26

SEIZED and taken into execution as the property of **Jerome I. Hoff, Eva Bering & Children's Developmental Center Corp.** 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 21, 2002,

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.

8/23, 30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-567 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a steel pin on the West side of South Orange Street at the Southern line of lands now or formerly of Urban Robinson, and extending thence from said point along last mentioned lands South seventy (70) degrees, twenty-two (22) minutes, forty-five (45) seconds West, one hundred feet (100) feet to a steel pin at other lands now or formerly of William Himes and Helen M. Himes, his wife; thence along last mentioned lands South nineteen (19) degrees, thirty-seven (37) minutes, fifteen (15) seconds East, one hundred twenty-five (125) feet to a steel pin at lands of same; thence along lands of same North seventy (70) degrees, twenty-two (22) minutes, forty-five (45) seconds East, one hundred (100) feet to a steel pin on the West side of Orange Street; thence along the West side of Orange Street North nineteen (19) degrees, thirty-seven (37) minutes fifteen (15) seconds West, one hundred twenty-five (125) feet to the steel pin first mentioned and the place of BEGINNING. CONTAINING 12,500 square feet as shown on the plan dated September 20, 1966, and revised June 5, 1967, prepared by J. H. Rife, registered professional engineer.

PIN# 7-12

BEING the same premises which Tammy Jane Kitzmiller and Lori Ann Kitzmiller, by Deed dated May 21, 1999 and recorded May 24, 1999, in the Recorder's Office in and for Adams, Pennsylvania, in Deed Book Volume 1836 Page 239, granted and conveyed

unto Chad E. Laughman and Kristi L. Laughman, the Mortgagees herein.

SEIZED and taken into execution as the property of **Chad E. Laughman & Kristi L. Laughman** 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 21, 2002, 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.

8/23, 30 & 9/6

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Wednesday, September 11, 2002, at 9:00 o'clock a.m.

WINGERD—Orphans' Court Action Number OC-93-02. The First and Final Account of Farmers and Merchants Trust Company, Administrator under the Estate of Wilbur K. Wingerd, deceased, late of Franklin Township, Adams County, Pennsylvania.

KENNEL—Orphans' Court Action Number OC-94-02. The First and Final Account of Winfred Moritz, Executrix of the Estate of Walter Kennell, Jr., deceased, late of Straban Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

8/30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-331 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the right-of-way line of Johnamac South at corner of Lot No. 463 on the subdivision plan hereinafter referred to; thence along the right-of-way line of Johnamac South North twenty-nine (29) degrees fifty-six (56) minutes fifty-three (53) seconds East, twenty (20.00) feet to a point at Lot No. 461 on the subdivision plan hereinafter referred to; thence along Lot No. 461 South sixty (60) degrees three (03) minutes seven (07) seconds East, ninety-five (95.00) feet to a point at other lands of Weinberg and D & D Partnership, designated as future Phase II of the Appler Development; thence along said last mentioned lands and along Lot No. 465 on subdivision plan hereinafter referred to South twenty-nine (29) degrees fifty-six (56) minutes fifty-three (53) seconds West, twenty (20.00) feet to a point at Lot No. 463, aforesaid; thence along Lot No. 463 North sixty (60) degrees three (03) minutes seven (07) seconds West, ninety-five (95.00) feet to a point on the right-of-way line of Johnamac South, the point and place of BEGINNING. CONTAINING 1,900 square feet and being designated as Lot No. 462 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated July 15, 1994, as revised, Project No. 921060, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, page 89.

IT BEING the same tract of land which Wyncrest, Inc., a Pennsylvania corporation, by its deed dated May 31, 1998, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1205, page 76, granted and conveyed unto Jeffrey N. Weaver and Ruth E. Weaver, his wife, MORTGAGORS, HEREIN.

Premises being: 12 Johnamac Street, a/k/a 12 Johnamac South, Littlestown, PA 17340

Tax Parcel No. 4-33

SEIZED and taken into execution as the property of **Jeffrey N. Weaver & Ruth E. Weaver** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 28, 2002, 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.

8/23, 30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-590 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a point in the center of Township Road T-497 (commonly referred to as Red Hill Road) along lands of Trimen Industries, Inc.; thence along said last mentioned lands of Trimen Industries, Inc., North thirty-six (36) degrees forty-two (42) minutes nine (09) seconds West, through a steel pin set twenty-five (25) feet from the beginning of this course and a steel pin set ninety-one and nine hundredths (91.09) feet from the terminus of this course, five hundred sixty-eight and seventy-one hundredths (568.71) feet to a steel pin (found) at lands formerly of Earl B. Bittinger, now Hershey, as shown on the hereinafter referred to subdivision plan; thence along said last mentioned lands, North forty-nine (49) degrees fifty-two (52) minutes sixteen (16) seconds East, three hundred seventy-five and fifty-three hundredths (375.53) feet to a steel pin (set) at corner of Lot No. 2 on the subdivision plan hereinafter referred to; thence along said Lot No. 2, South thirty-six (36) degrees forty-two (42) minutes nine (09) seconds East (erroneously stated in prior deed as West), through a steel pin set twenty-five and forty-three hundredths (25.43) feet from the terminus of this course, six hundred fifty-six and eighty-six hundredths (656.86) feet to a pin in the center of Township Road

T-497 (Red Hill Road); thence in and along the centerline of said Township Road T-497 the following four (4) courses and distances: (1) South sixty-six (66) degrees thirty-eight (38) minutes forty-nine (49) seconds West, one hundred eighteen and two hundredths (118.02) feet to a point; (2) South sixty-three (63) degrees nine (09) minutes thirty-five (35) seconds West, eighty-two and fifty-two hundredths (82.52) feet to a point; (3) South sixty-one (61) degrees fifty-five (55) minutes twenty-nine (29) seconds West seventy-one and seven hundredths (71.07) feet to a point; and (4) South sixty (60) degrees twenty-eight (28) minutes thirty-eight (38) seconds West, one hundred nine and thirty-three hundredths (109.33) feet to a point in the center of Township Road T-497, the point and place of BEGINNING. (CONTAINING 5.2342 acres of land.) (Being Lot No. 1 on subdivision plan prepared for Bi-Win Corporation by Donald E. Worley, bearing date August 9, 1982, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 37, page 40. Being Map #K11, Parcel #103B.

TITLE TO SAID PREMISES IS VESTED IN Anita A. Crebs by Deed from Garland Construction, Inc. dated 12/11/1998, recorded 5/3/1999, in Record Book 1822 Page 104.
Notice: Conveys title to Lot #1 only.

Premises being: 1310 Redhill Road, New Oxford, PA 17350

Tax Parcel No. 35-K11-103B

SEIZED and taken into execution as the property of **Anita A. Crebs** 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 28, 2002, 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.

8/23, 30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-615 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN two (2) tracts of land, together with the improvements thereon erected, situate in the Borough of Carroll Valley, Adams County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1:

BEGINNING at a point in the Fairfield Road, State Route 116, at a corner of lands now or formerly of E. Wachte (Lot No. B-14CR); thence by said lands now or formerly of Wachte, South 63 degrees 54 minutes 40 seconds West, 139.55 feet to an existing pipe at steel rod at a corner of lands now or formerly of Shegrue (Lot No. B-37CR); thence by lands now or formerly of Yinger (Lot No. B-38CR) and by lands now or formerly of D. Jackson (Lot No. B-39CR) and passing through an existing pipe 142.54 feet from the beginning of this course, North 53 degrees 17 minutes 00 seconds West 188.78 feet to an existing pipe at the Southern most corner of lands formerly of Ralph B. Jackson and Lillian S. Jackson, hereinbelow described; thence by said Tract Number 2, North 67 degrees 14 minutes 00 seconds East, 178.78 feet to a point in the Fairfield Road, State Route 116; thence by the Fairfield Road, State Route 116 and by a curve to the right on a circle having a radius of 1,910.08 feet for an arc distance of 164.56 feet, the long chord of which is South 42 degrees 48 minutes 53 seconds East, 164.51 feet to a point in the Fairfield Road, State Route 116, the point and place of BEGINNING.

CONTAINING 0.591 acres, more or less.

TRACT NO. 2:

BEGINNING at a point in the Fairfield Road, State Route 116, at the Northernmost corner of tract number 1 hereinabove described, lands formerly of Ralph B. Jackson and Lillian S. Jackson; thence by said lands formerly of Ralph B. Jackson and Lillian S. Jackson, South 67 degrees 14 minutes 00 seconds West, 178.78 feet to an existing pipe at the Westernmost corner of tract number 1 hereinabove described and on line of lands now or formerly of D. Jackson (Lot No. B-39CR); thence by said lands now or formerly of D. Jackson, North 53 degrees 17 minutes 00 seconds West, 102.42 feet and passing through an existing pipe 48.66 feet from the end of

this course to a steel rod at the Southernmost corner of lot number 1 of the hereinafter mentioned draft of survey and subdivision plan, lands now or formerly of Ralph B. Jackson, et ux.; thence by said lands now or formerly of Ralph B. Jackson, et ux., North 43 degrees 29 minutes 25 seconds East, 171.55 feet and passing through a steel rod 31.65 feet from the end of this course to a point in the Fairfield Road, State Route 116, at the Easternmost corner of said lands now or formerly of Ralph B. Jackson, et ux.; thence in the Fairfield Road, State Route 116, and by a curve to the right on a circle having a radius of 1,910.08 feet with an arc distance of 173.80 feet, the long chord of which is South 47 degrees 53 minutes 19 seconds East, 173.74 feet to a point in the Fairfield Road, State Route 116, the point and place of BEGINNING.

CONTAINING 0.128 acres, more or less.

Premises being: 6385 Fairfield Road, Fairfield, PA 17320

Tax Parcel No. 35-23

THE above descriptions for Tract numbers 1 and 2 herein are taken from a draft of survey and lot addition subdivision plan prepared by Adams County Surveyors J. Riley Redding, registered professional land surveyor, number 223810-E, dated May 15, 1989 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 53 at page 10, Tract number 1 above is designated thereon as Lot Number B-13CR and Tract number 2 above is designated thereon as Lot Number 2, according to said draft of survey and the lot addition subdivision. Tract numbers 1 and 2 herein shall be designated as new lot number B-13CR.

TRACT Number 2 herein is together with and subject to a private right of way for the purpose of ingress, egress and regress, to Lot number 1, which is depicted on the draft of survey and subdivision plan as reported in Plat Book 53 at page 10. The private right of way is for the benefit of said Lot number 1 and maintenance of the existing gravel drive is to be shared equally between the owners of Lot number 1 and the owners of new Lot B-13CR over that portion used in common. The area of the private right of way is described as follows:

BEGINNING at a point in the Fairfield Road, State Route 116, at the Northernmost corner of Tract number 2 described herein immediately above, at the Easternmost corner of lands now or formerly of Ralph B. Jackson, et ux.; thence in the Fairfield Road, State Route 116, and by a curve to the right on a circle having a radius of 1,910.08 feet, for

an arc distance of 173.80 feet, the long chord of which is South 47 degrees 53 minutes 19 seconds East, 173.74 feet to a point in the Fairfield Road, State Route 116, at the Northernmost corner of Tract No. 1 described above; thence by said Tract No. 1, South 67 degrees 14 minutes 00 seconds West, 58.98 feet to a point; thence through Tract No. 2 described above, North 49 degrees 08 minutes 00 seconds West, 150.10 feet to a point; thence by other lands of Ralph B. Jackson, et ux, North 43 degrees 29 minutes 25 seconds East, 56.67 feet to a point in the Fairfield Road, State Route 116, the point and place of BEGINNING.

THIS PRIVATE right of way includes all of the cross-hatched area as depicted on the draft of survey and subdivision plan dated May 15, 1989 plus all of the additional area situated immediately to the North and Northeast of the cross-hatched to the Northeastern boundary line of Lot No. 2 as depicted on the draft of survey and subdivision plan dated May 15, 1989 as recorded in Plat Book 53, Page 10.

Premises being: 6385 Fairfield Road, Fairfield, PA 17320

Tax Parcel No. 35-23

SEIZED and taken into execution as the property of **Robert Hopkins & Deborah Hopkins** 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 28, 2002, 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.

8/30, 9/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-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 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a point at a public road known as Route No. 194 at Lot No. 1, lands now or formerly of James J. Kline, et ux.; thence along said Lot No. 1, North sixty-six (66) degrees forty-two (42) minutes East, one hundred eighty-eight and ninety-eight hundredths (188.98) feet to a point at lands now or formerly of Stewart Lucabaugh; thence along said lands, South fifty-seven (57) degrees nineteen (19) minutes East, one hundred forty-five and ninety-eight hundredths (145.98) feet to a point at Lot No. 3, land now or formerly of James J. Kline, et ux.; thence along said Lot No. 3, South sixty-six (66) degrees forty-two (42) minutes West, two hundred seventy and sixty-five hundredths (270.65) feet to a point at Route 194 aforesaid; thence along said Route No. 194, North twenty-three (23) degrees eighteen (18) minutes West, one hundred twenty-one (121) feet to a BEING and place of BEGINNING.

BEING known on a plan of a series of lots laid out by George Anderson, et al., known as Section A Oakwood Hills, which plan is recorded in the Recorder of Deeds Office of Adams County Pennsylvania, in Plat Book 1, page 51, as Lot No. 2.

Tax Parcel #L12-35D

TITLE TO SAID PREMISES IS VESTED IN Michael R. Livelsberger and Cynthia A. Livelsberger, Husband and Wife by Deed from Norman L. Alban and Dorothy E. Alban, Husband and Wife dated 11/30/1995 and recorded 12/5/1995 in Record Book 1118, Page 160.

Premises being; 1520 Abbottstown Pike, Hanover, PA 17331

SEIZED and taken into execution as the property of **Michael R. Livelsberger & Cynthia A. Livelsberger** 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 28, 2002, 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.

8/30, 9/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-684 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Easterly right of way line of Kinneman Road in the Township of Abbottstown, Adams County, Pennsylvania known and numbered as Lot No. 34 on a final plan of Abbots Manor Phase I recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Easterly right of way line of Kinneman Road at a corner of Lot No. 35 on said plan; thence extending along the said right of way line North 1 degree 23 minutes 20 seconds East 85 feet to a point at a corner of Lot No. 33 on said Plan; thence extending along the said Lot No. 33 South 88 degrees 36 minutes 40 seconds East 120 feet to a point; thence South 1 degree 23 minutes 20 seconds West 85 feet to a point at a corner of Lot No. 35 on said plan; thence extending along the said Lot No. 35 North 88 degrees 36 minutes 40 seconds West 120 feet to the point and place of BEGINNING.

CONTAINING 10,200 Square Feet.

HAVING thereon erected a dwelling known as 76 Kinneman Road, Abbottstown, Pennsylvania 17301.

TITLE TO SAID PREMISES IS VESTED IN Ronald E. Moats and Ronda J. Moats, as joint tenants with right of survivorship by Deed from The Secretary of Housing and Urban Development dated 10/3/2000 and recorded 10/6/2000 in Record Book 2140, Page 219.

Premises being: 76 Kinneman Road, Abbottstown, PA 17301

Tax Parcel No. (1) 005-0032

SEIZED and taken into execution as the property of **Ronald E. Moats & Ronda J. Moats** 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 28, 2002, 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.

8/30, 9/6 & 13

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 24, 2002, 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 THE OXFORD SCHOOL OF PERFORMING ARTS, 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.

The Oxford School of
Performing Arts, Inc.
21 Curtis Drive
East Berlin, PA 17316

8/30

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania, Department of State, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation.

The name of the proposed corporation which has been organized under the Business Corporation Law of 1988 adopted December 21, 1988, P.L. 1444, No. 177, §103, as amended, is INNSTYLE, INC.

Clayton R. Wilcox
Solicitor

8/30

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—EQUITY
NO. 02-SU-254
Action to Quiet Title

ALLEN W. BECKETT, t/d/b/a ALLEN
BECKETT CONSTRUCTION, Plaintiff
vs.

BARRY A. JONES and DIANE E.
JONES, husband and wife, PATRICK T.
SHORB and DEBRA L. LAFFERTY,
husband and wife, their heirs, adminis-
trators, successors and assigns,
Defendants

TO: Barry A. Jones and Diane E.
Jones, husband and wife, Patrick T.
Shorb and Debra L. Lafferty,
their heirs, administrators, successors
and assigns

TAKE NOTICE that on March 8, 2002,
Allen W. Beckett, t/d/b/a Allen Beckett
Construction, filed a Complaint in Action
to Quiet Title, against Barry A. Jones and
Diane E. Jones, husband and wife,
Patrick T. Shorb and Debra L. Lafferty,
their heirs, administrators, successors
and assigns, averring that Allen W.
Beckett, t/d/b/a Allen Beckett
Construction is the owner of the real
property described herein. The
Complaint requests the Court to extin-
guish any possible interest you may
have in said real estate. The subject
property is a tract of land situate in
Liberty Township, Adams County,
Pennsylvania, being Lot No. 7 in Section
AA, more particularly bounded and
described as follows:

BEGINNING at a point in the center of
Township Road T-318 at Lot No. 6;
thence by said lot, North 25 degrees 30
minutes 6 seconds West, 225 feet to Lot
No. 47; thence by said lot, North 64
degrees 29 minutes 54 seconds East,
100 feet to Lot No. 8; thence by said lot,
South 25 degrees 30 minutes 6 seconds
East, 225 feet to a point in the center of
said Township Road T-318; thence in
said Township Road T-318, South 64
degrees 29 minutes 54 seconds West,
100 feet to the place of BEGINNING.

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

BEING THE SAME WHICH Charnita,
Inc., by deed dated February 2, 1970
and recorded in the Office of the
Recorder of Deeds of Adams County,
Pennsylvania in Deed Book 282 at page
183, sold and conveyed unto Barry A.
Jones and Diane E. Jones, husband and
wife, one of the Defendants herein.

ALSO, BEING THE SAME WHICH
Dennis G. Dean and Vickie D. Dean,
husband and wife, by deed dated
November 5, 1979 and recorded in the
Office of the Recorder of Deeds of
Adams County, Pennsylvania in Record
Book 348 at page 937, sold and con-
veyed unto Patrick T. Shorb and Debra L.
Lafferty, one of the Defendants herein.

The Complaint requested the Court to
enter a Decree and Order that the title of
the property described above is in the
Plaintiff, and that the Defendants be for-
ever barred from asserting any right, lien,
title or interest in the said land inconsis-
tent with the interests of the Plaintiff as
set forth in their Complaint.

WHEREFORE, by Order dated August
13, 2002, the Court of Common Pleas of
Adams County, Pennsylvania, has
ordered that service of the Complaint be
made on the above Defendants, their
respective heirs, personal representa-
tives, successors and assigns, by publi-
cation. Plaintiff will request the Court to
enter a final judgment ordering that any
possible legal interest the Defendant
might have had in the property be extin-
guished.

NOTICE TO DEFEND

You have been sued in Court. If you
wish to defend against the claims set
forth in the Complaint filed in the Adams
County Court of Common Pleas at No.
02-SU-254 and described hereinabove,
you must take action within **twenty (20)**
days after this publication by entering a
written appearance personally or by an
attorney and filing in writing with the
Court your defenses or objections to the
claims set forth against you. You are
warned that if you fail to do so the case
may proceed without you and a judg-
ment may be entered against you by the
Court without further notice for the relief
requested by the Plaintiff. You may lose
property or other rights important to you.

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

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

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

8/30

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

NO. 02-S-381
Action to Quiet Title

KENNETH W. KIMPLE, EXECUTOR OF
THE ESTATE OF JOSEPH WILLIAM
KIMPLE, a/k/a WILLIAM J. KIMPLE,
Plaintiff

vs.

LAKE HERITAGE, INC., its distributees,
successors and assigns, AMERICAN
REALTY SERVICE CORPORATION OF
PENNSYLVANIA, LAKE HERITAGE
PROPERTY OWNERS ASSOCIATION,
INC., and WILLIAM BRAY and GEOR-
GIANNA BRAY, Defendants

NOTICE OF PRAECIPE TO ENTER
JUDGMENT BY DEFAULT

TO: Lake Heritage, Inc.
its distributees, successors and
assigns;
American Realty Service
Corporation of Pennsylvania
c/o William M. Wren, Jr.;
William Bray, and Georgianna
Bray

DATE OF NOTICE: August 20, 2002

IMPORTANT NOTICE

You are in default because you have
failed to enter a written appearance per-
sonally or by attorney and file in writing
with the court your defenses or objec-
tions to the claims set forth against you.
Unless you act within ten days from the
date of this notice, a judgment may be
entered against you without a hearing
and you may lose your property or other
important rights. You should take this
notice to a lawyer at once. If you do not
have a lawyer or cannot afford one, go to
or telephone the following office to find
out where you can get legal help.

The Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
717-337-9846, 1-888-337-9846
FAX 334-8817

Wilcox & James
By: /s/David K. James, Esq.
234 Baltimore Street
Gettysburg, PA 17325

8/30

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF STUART J. ALWINE, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Gregory S. Alwine, 2318 Ridge Road, Glenville, PA 17329

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

ESTATE OF MARTHA J. DEARDORFF, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executors: John E. Cox, Donald E. Cox and Sara A. Rupp, c/o Ten East High Street, Carlisle, PA 17013

Attorney: Edward L. Schorpp, Esq., Martson Deardorff Williams & Otto, Ten East High Street, Carlisle, PA 17013

ESTATE OF NELSON E. ELLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Robert L. Eller, 50 Ridgewood Circle, Gettysburg, PA 17325

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

ESTATE OF MARGARET C. GRAY, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executor: John Ritzert, 4084 University Drive, Suite 100, Fairfax, VA 22030

Attorney: Richard E. Thrasher, Esq., Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELMER C. PLANK, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Harold W. Plank, 75 Fern Drive, New Oxford, PA 17350; Jean L. Bolen, 2073 Hunterstown Road, Gettysburg, PA 17325

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

ESTATE OF ELVIN E. WEAVER a/k/a E. EUGENE WEAVER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Betty L. Wheeler, c/o 29 North Duke Street, York, PA 17401

Attorney: Joseph P. Clark, II, Esq., CGA Law Firm, Countess Gilbert Andrews, PC

SECOND PUBLICATION

ESTATE OF MARIE C. DAYHOFF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Theron S. Dayhoff, Jr., 3602 Fairfield Road, Gettysburg, PA 17325; Barry R. Dayhoff, 57 Bankert Road, Hanover, PA 17331

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

ESTATE OF JOYCE R. PALMER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Michele L. Grove, 1145 Bremer Road, Dover, PA 17315

Attorney: Richard E. Thrasher, Esq., Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARIE A. SHOWERS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Elizabeth A. Overholzer, 6026 Conover Road, Taneytown, MD 21787

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

THIRD PUBLICATION

ESTATE OF MADELINE C. KLINE, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Executrix: Cynthia A. Kline, 2 Autumn Trail, Fairfield, PA 17320

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

ESTATE OF DOLORES L. LYNN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Larry J. Lynn, 1815 Kenneth Lane, Choctow, OK 73020

Attorney: Eileen C. Finucane, Esq., Finucane Law Office LLP, 14 North Main Street, Suite 500, Chambersburg, PA 17201

ESTATE OF SARAH E. MOUL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrator/Executrix: Annie C. Meyer, 492 Little Creek Road, Spring Grove, PA 17362

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

ESTATE OF EVELYN E. SOUTHARD, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: J. D. Lantz & Elaine Lantz

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-41 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being partly in Germany Township and partly in Mt. Joy Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a p.k. nail West of the center line of Feeser Road (T-442) at the Northeast corner of Lot No. 4 on a plan of lots mentioned hereinafter; thence by said Lot No. 4 and through a steel rod set 25.0 feet from the beginning of this course North 55 degrees 51 minutes 30 seconds West, 216.57 feet to a steel rod; thence continuing by the same North 74 degrees 39 minutes 55 seconds West, 70.00 feet to a steel rod; thence continuing by the same South 11 degrees 13 minutes 40 seconds West, 270.00 feet to a steel rod on line of Lot No. 3 on the plan of lots mentioned hereinafter; thence by said Lot No. 3 and by Lot No. 2 on the plan of lots mentioned hereinafter North 74 degrees 39 minutes 55 seconds West, 942.74 feet to a steel rod at line of other land now or formerly of Thomas L. Greiber; thence by said Greiber land North 23 degrees 39 minutes 20 seconds East, 614.60 feet to an existing steel rod at post; thence continuing by the same and through a steel rod set 25.0 feet from the end of this course North 44 degrees 08 minutes 10 seconds East, 296.38 feet to a point near the center line of Roberts Road (T-441); thence running in and along said Roberts Road South 33 degrees 48 minutes 10 seconds East, 477.96 feet to a p.k. nail in the center line; thence continuing in the center of said road by a curve to the left, the radius of which is 461.12 feet, having an arc distance of 299.66 feet, the long chord of which is South 61 degrees 23 minutes 40 seconds East, 294.41 feet to a p.k. nail in the center line of said road; thence continuing to run in and along said road by a curve to the right, the radius of which is 550.50 feet, having an arc distance of 323.28 feet, the long chord of which is South 57 degrees 38 minutes 30 seconds East, 318.65 feet to an existing p.k. nail at the intersection of the center lines of Roberts Road and Feeser Road; thence continuing in Feeser Road South 11 degrees 13 minutes 40 seconds West, 195.28 feet to a p.k. nail West of the center line of Feeser Road (T-442), the place of BEGINNING. CONTAINING 14.083 Acres.

Improvements consist of a single family residential dwelling

BEING PREMISES: 335 Roberts Road, Littlestown, PA 17340

SOLD as the property of Gary L. Cole and Phylis Kathleen Cole

Tax Parcel #1 16 13

SEIZED and taken into execution as the property of Gary L. Cole & Phylis Kathleen Cole 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 28, 2002, 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.

8/30, 9/6 & 13

INCORPORATION NOTICE

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

The name of the corporation is THE COFFEE COTTAGE, INC.

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

8/30

FICTITIOUS NAME NOTICE

NOTICE is hereby given that an application for registration of a fictitious name has been or will be filed under the Fictitious Names Act.

- 1. The fictitious name is NICK'S KENNELS;
2. The principal place of business at which business will be carried on under or through that fictitious name is 1953 East Berlin Road, New Oxford, Pennsylvania, 17350;
3. The party to the registration is: Hanover Pet Center, Inc., 10 Carlisle Street, Hanover, PA 17331

Crabbs & Crabbs Solicitors

8/30

FICTITIOUS NAME NOTICE

NOTICE is hereby given that an application for registration of a fictitious name has been or will be filed under the Fictitious Names Act.

- 1. The fictitious name is NICK'S PUPPIES & PETS;
2. The principal place of business at which business will be carried on under or through that fictitious name is 6445 York Road, Abbottstown, Pennsylvania, 17301;
3. The party to the registration is: Hanover Pet Center, Inc., 10 Carlisle Street, Hanover, PA 17331

Crabbs & Crabbs Solicitors

8/30