

Adams County Legal Journal

Vol. 41

September 3, 1999

No. 14, pp. 81-84

ANNOUNCEMENT OF CONTINUING LEGAL EDUCATION PROGRAM

Internet Law Update. Monday, September 27, 1999 – 9:00 a.m.
Room 307, Adams County Courthouse – Credits: Substantive Law - 5,
Ethics - 1

Registration through P.B.I. 800-247-4724

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-318 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 1, 1999, 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, Adams County, Pennsylvania known and numbered as Lot No. 34 on a final plan of Abbotts Manor Phase I 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 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 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 the place of beginning.

CONTAINING 10,200 Sq. feet.

HAVING THEREON ERECTED A DWELLING KNOWN AS 76 Kinneman Road, Abbottstown, PA 17301.

BEING THE SAME PREMISES WHICH Garland Construction, Inc., a Pennsylvania Corporation, by their Deed dated August 29, 1997 and recorded in Adams County Recorder of Deeds Office on October 1, 1997 in Deed Book 1449, page 125, granted and conveyed unto Barbara A. Collins.

SEIZED IN EXECUTION AS THE PROPERTY OF BARBARA A. COLLINS UNDER ADAMS COUNTY JUDGMENT

NO. 99-S-318.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 3, 1999.

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 25, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

8/27, 9/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-346 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 1, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two certain tracts of land situated, lying and being in the Borough of Carroll Valley, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1: (LOT NO. 93)

BEGINNING at a point in the center of Deep Hollow Drive at Lot No. 92; thence by said lot, South 21 degrees 19 minutes West, 200 feet to Lot No. 100; thence by said lot, North 68 degrees 41 minutes West, 100 feet to Lot No. 94; thence by said lot, North 21 degrees 19 minutes East, 200 feet to a point in the center of said Deep Hollow Drive; thence in said

Deep Hollow Drive, South 68 degrees 41 minutes East, 100 feet to the place of BEGINNING.

TOGETHER WITH a right of way and subject to the reservations and restrictions referred to in Deed Book 371 at Page 1048.

TRACT NO. 2: (LOT NO. 94)

BEGINNING at a point in the center of Deep Hollow Drive at Lot No. 91; thence by said lot, South 21 degrees 19 minutes West, 200 feet to Lot No. 99; thence by said lot, North 68 degrees 41 minutes West, 100 feet to Lot No. 95; thence by said lot, North 21 degrees 19 minutes East, 200 feet to a point in the center of said Deep Hollow Drive; thence in said Deep Hollow Drive, South 68 degrees 41 minutes East, 100 feet to the place of BEGINNING.

TOGETHER WITH a right of way and subject to the reservations and restrictions referred to in Deed Book 329 at Page 661.

SEIZED and taken into execution as the property of **Robert G. Sprenkle & Pamela M. Sprenkle** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 5, 1999.

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 25, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

8/27, 9/3 & 10

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

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

Copyright © 1959 by Wm. W. Gaunt & Sons, Inc., for Adams County Bar Association, Gettysburg, PA 17325.
All rights reserved.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-226 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 8, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in a State Highway leading from Wrenksville to Bendersville, at corner of land now or formerly of Frank Wagaman; thence along and in said State Highway, south 41 degrees East, 155.0 feet to a spike in the east side of said road; thence through land now or formerly of Edward E. Showers and wife, south 55 degrees West 200.0 feet to an iron pin; thence through same, North 32 degrees West 149.0 feet to an iron pin at land now or formerly of Frank Wagaman; thence along land now or formerly of Frank Wagaman, North 53 degrees 15 minutes East 176.50 feet to a spike in the above mentioned State Highway; the place of BEGINNING. CONTAINING 104.92 perches.

The tract of land above described being the same which David A. Taylor, single, by deed dated September 20, 1994, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 940 at page 301 conveyed unto Scott E. Sharrah and JoAnn M. Sharrah, husband and wife, the Defendants herein.

Improved with a ranch style single family dwelling with attached single-car garage.

SEIZED and taken into execution as the property of **Scott E. Sharrah & Joanne M. Sharrah** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
June 25, 1998.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 1, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/3, 10 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-326 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, September 24, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

The Boro. of Gettysburg, Adams Cty., Comw. of PA HET a dwg. k/a 803 Highland Ave., Gettysburg, 17325. Block & Lot 14-14.

SEIZED and taken into execution as the property of **Linda C. Gregg** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
July 22, 1998.

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 18, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

8/20, 27 & 9/3

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

No. 99-S-429
ACTION TO QUIET TITLE

RICHARD A. TROSTLE, Plaintiff,
vs.

ABRAHAM SENFT, HARRY SENFT, MILDRED TROSTLE, THEODORE GEBHART, NORMAN GEBHART, their heirs and assigns, and ALL UNKNOWN DEFENDANTS, Defendants.

TO: All unknown defendants

IMPORTANT NOTICE

YOU ARE NOTIFIED that an Order Of Court has been entered on August 20, 1999, directing that within thirty (30) days after this publication you shall enter an appearance and file an Answer to the Complaint or be forever barred from asserting any right, lien, title or interest inconsistent with the interest or claims set forth in the Plaintiff's Complaint to the land described as Tax Map 116 Parcel 0032 A, Germany Township, Adams County, Pennsylvania.

By: John C. Zepp, III, Esq.
P.O. Box 204
York Springs, PA 17372

9/3

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on March 25, 1999.

The name of the corporation was GETTYSBURG ORTHOPAEDIC and SPORTS PHYSICAL THERAPY, INC. The name was subsequently amended to THE GETTYSBURG CENTER FOR ORTHOPAEDIC and SPORTS PHYSICAL THERAPY, INC.

The corporation has been incorporated as a Professional Corporation pursuant to the Pennsylvania Business Corporation Law of 1988.

Thomas R. Campbell, Esq.,
Campbell & White
122 Baltimore Street
Gettysburg, PA 17325

9/3

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that a fictitious name has been registered with the Pennsylvania Department of State on August 11, 1999, pursuant to the Fictitious Names Act of 1988 by SKIDMORE CABINETRY with the principal place of business at 1955 Mummasburg Road, Gettysburg, PA 17325.

The name and address of the person owning or interested in said is: James Weaver, 1995 Mummasburg Road, Gettysburg, PA 17325.

9/3

BOWMAN VS. S&M ENTERPRISES

1. The district courts' jurisdiction is not independent of the court of common pleas' jurisdiction.

2. When construing one section of a statute, a court must read that section not by itself, but with reference to and in light of other sections because there is a presumption that in drafting a statute, the General Assembly intended the entire statute to be effective.

3. The jurisdiction between the courts of common pleas and the district courts has long been held to be concurrent.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 98-S-295. SABRINA L. BOWMAN VS. S&M ENTERPRISES, INC.

Clyde W. Vedder, Esq., for Plaintiff

Wendy Weikal-Beauchat, Esq., for Defendants

OPINION ON DEFENDANT'S PRELIMINARY OBJECTIONS

Kuhn, J., July 29, 1998.

March 19, 1999

Plaintiff, Sabrina L. Bowman, filed a complaint on March 25, 1998, and an amended complaint on April 21, 1998. Defendant, S&M Enterprises, Inc., filed preliminary objections on April 28, 1998, arguing lack of jurisdiction. For the following reasons, the objections are overruled.

STATEMENT OF FACTS

Defendant employed Plaintiff until October 5, 1997, when Plaintiff gave notice of her resignation. Plaintiff argues that she is entitled to earnings of \$600.00, which Defendant has refused to tender. Plaintiff brought her claim pursuant to the Wage Payment and Collection Law, 43 Pa.C.S.A. § 260.1, asking that she be paid her earnings as well as liquidated damages and attorneys fees. The total damages requested include \$600.00 for earnings, costs of suit, interest, \$500.00 liquidated damages, and counsel fees.

LEGAL DISCUSSION

The Wage Payment and Collection Law provides employees a statutory remedy to recover wages and other benefits that are contractually due to them. *Oberneder v. Link Computer Corp.*, 548 Pa. 201, 204, 696 A.2d 148, 150 (1997). Plaintiff's complaint was filed in the Court of Common Pleas of Adams County pursuant to this statute. However, Defendant argues that because this action is in assumpsit and

because the amount of damages claimed is less than \$8,000.00 this matter is in the exclusive jurisdiction of the district courts pursuant to 42 Pa.C.S.A. § 1515(a)(3).¹

The Pennsylvania Constitution states that “there shall be one justice of the peace in each magisterial district” and that “[t]he jurisdiction of the justice of the peace shall be as *provided by law*.” PA Const. art. V, § 7 (emphasis added). The Legislature has established jurisdiction for the district courts in 42 Pa.C.S.A. § 1515. The relevant portion of this statute, for purposes of this case, reads as follows:

(a) **Jurisdiction.** – Except as otherwise prescribed by general rule adopted pursuant to section 503 (relating to reassignment of matters), district justices shall, under procedures prescribed by general rule, have jurisdiction of all of the following matters:

...

(3) Civil claims, except claims against a Commonwealth party as defined by section 8501 (relating to definitions), wherein the sum demanded does not exceed \$8,000, exclusive of interest and costs, in the following classes of actions:

(i) In assumpsit, except cases of real contract where the title to real estate may be in question.

(ii) In trespass, including all forms of trespass and trespass on the case.

(iii) For fines and penalties by any government agency.

A plaintiff may waive a portion of his claim of more than \$8,000 so as to bring the matter within the monetary jurisdiction of a district justice. Such waiver shall be revoked automatically if the defendant appeals the final order of the district justice or when the judgment is set aside upon certiorari.

42 Pa.C.S.A. § 1515(a)(3).²

However, the district courts’ jurisdiction is not independent of the courts of common pleas’ jurisdiction. Although the Legislature has not

¹ Plaintiff argues that her action brought under the Wage Payment and Collection Act is statutory and therefore does not fall within 42 Pa.C.S.A. § 1515(a)(3). This Court need not address this issue because even assuming this action to be one in assumpsit this Court is still vested with jurisdiction.

² The Wage Payment and Collection Law permits actions to be maintained in “any court of competent jurisdiction.” 43 P.S. § 260.9a.

specifically stated in section 1515 that the jurisdiction of the district courts is concurrent with that of the courts of common pleas, it has been provided for elsewhere. The Legislature has mandated that courts of common pleas generally have exclusive jurisdiction and share concurrent jurisdiction as follows:

- (a) **General rule.** – Except where exclusive original jurisdiction of an action or proceeding is by statute or by general rule adopted pursuant to section 503 (relating to reassignment of matters) vested in another court of this Commonwealth, the courts of common pleas shall have unlimited original jurisdiction of all actions and proceedings, including all actions and proceedings heretofore cognizable by law or usage in the courts of common pleas.
- (b) **Concurrent and exclusive jurisdiction.** - The jurisdiction of the courts of common pleas under this section shall be exclusive except with respect to actions and proceedings *concurrent jurisdiction* of which is by statute or by general rule adopted pursuant to section 503 vested in another court of this Commonwealth *or in the district justices*.

42 Pa.C.S.A. § 931(a-b) (emphasis added).

When construing one section of a statute, a court must read that section not by itself, but with reference to and in light of other sections because there is a presumption that in drafting a statute, the General Assembly intended the entire statute to be effective. *Adelphia House Partnership v. Commonwealth*, ___ Pa. Commw. ___, 709 A.2d 967 n. 13 (1998) (citations omitted). Thus, section 931 must be read in conjunction with the jurisdiction vested in the district courts in section 1515. There is no indication in section 1515 that when the Legislature provided jurisdiction to district courts in certain situations that it intended to limit the jurisdiction of the courts of common pleas. Additionally, in a similar situation, the Superior Court has held that although a district justice has jurisdiction over summary criminal offenses that it does not mean the jurisdiction of the courts of common pleas is limited in any way in also hearing these cases. *Commonwealth v. Ritter*, 268 Pa. Super. 563, 565, 408 A.2d 1146, 1147 (1979).³

³ Although *Ritter* addresses criminal summary offenses, jurisdiction for criminal and civil cases is similar enough to allow for comparison. See, *Commonwealth v. Ryan*, 484 Pa. 602, 607 n. 3, 400 A.2d 1264, 1266 n. 3 (no viable distinction between criminal and civil jurisdiction).

The jurisdiction between the courts of common pleas and the district courts has long been held to be concurrent. *See, Commonwealth v. Ritter*, 268 Pa. Super. 563, 408 A.2d 1146; *Commonwealth v. Ryan*, 484 Pa. 602, 400 A.2d 1264 (1979); *Collins v. Gessler*, 452 Pa. 471, 307 A.2d 892 (1973). Concurrent jurisdiction is a shared jurisdiction and this Court may therefore hear those claims raised before it although the claims may have also been raised before the district justice.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 29th day of July 1998, Defendant's preliminary objections are hereby overruled.

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**IN THE
COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA**

**CIVIL ACTION - LAW
MORTGAGE FORECLOSURE
NO. 98-S-1189**

**CHASE MANHATTAN MORTGAGE
CORPORATION, F/K/A
MARGARETTEN AND COMPANY,
INC., Plaintiff,**

vs.

**HARRY P. SMITH and
JUDITH O. SMITH, Defendants.**

NOTICE

TO: Judith O. Smith:

YOU ARE HEREBY notified that on December 4, 1998, Plaintiff, CHASE MANHATTAN MORTGAGE CORPORATION, F/K/A MARGARETTEN AND COMPANY, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ADAMS County, Pennsylvania, docketed to No. 98-S-1189. Wherein Plaintiff seeks to foreclose its mortgage secured on your property located, 1480 FAIRFIELD ROAD, GETTYSBURG, PA 17325, whereupon your property would be sold by the Sheriff of ADAMS County.

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

NOTICE

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

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

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

9/3

**IN THE
COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA**

**NO. 99-S-108
CIVIL ACTION - LAW
MORTGAGE FORECLOSURE**

**PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER to
the GETTYSBURG NATIONAL
BANK, Plaintiff,**

vs.

**MABLE MARR BOWLING, WILLIAM
F. BOWLING and Unknown Heirs of
MABLE MARR BOWLING, deceased,
Defendants.**

**NOTICE OF JUDGMENT AND
SHERIFF SALE OF REAL ESTATE**

TO: Mable Marr Bowling, whose last known address is 1120 Bullfrog Road, Fairfield, Pennsylvania 17320, Unknown Heirs of Mable Marr Bowling and William F Bowling, whose last known address is P. O. Box 298, York Springs, Pennsylvania 17373.

NOTICE OF JUDGMENT

TO: Mable Marr Bowling, Unknown Heirs of Mable Marr Bowling and William F. Bowling

YOU ARE HEREBY notified that on May 20, 1999, the following judgment has been entered against you in the above-captioned case:

Judgment in favor of PNC Bank, National Association, Successor by Merger to The Gettysburg National Bank, Plaintiff, and against Mable Marr Bowling and William F. Bowling in the amount of Eighteen Thousand One Hundred Thirty-Nine and 16/100 Dollars (\$18,139.16) plus interest as provided in the Note through the date of entry of judgment hereon and interest at the legal rate from the date of entry of judgment on this Complaint, and costs, and against Mable Marr Bowling, any Unknown Heirs of Mable Marr Bowling and William F. Bowling for foreclosure and sale of the mortgaged property. Judgment is entered pursuant to Pa. R.C.P. 3031 for failure to file an Answer on behalf of Defendants Mable Marr Bowling, any Unknown Heirs of Mable Marr Bowling and William F. Bowling to Plaintiff's Complaint within twenty (20) days of service thereof and after 10-day Notices were posted at the property, published in two newspapers of general circulation and sent to William F. Bowling.

I hereby certify that the proper persons to receive this notice under Pa. R.C.P. 236 are:

Mable Marr Bowling
1120 Bullfrog Road
Fairfield, PA 17320

Unknown Heirs of Mable Marr Bowling
1120 Bullfrog Road

Fairfield, PA 17320
William F. Bowling
P. O. Box 298
York Springs, PA 17372

A Mable Marr Bowling, Unknown Heirs of Mable Marr Bowling and William F. Bowling

Por este medio se le esta notificando que el May 20, 1999, el/la siguiente (Orden), (Decreto), (Fallo), ha sido anotado en contra suya en el caso mencionado en el epigrafe.

Certifico que la siguiente direccion es la del defendido/a segun indicada en el certificado de residencia:

Mable Marr Bowling
1120 Bullfrog Road
Fairfield, PA 17320

Unknown Heirs of Mable Marr Bowling
1120 Bullfrog Road
Fairfield, PA 17320

William F. Bowling
P. O. Box 298

York Springs, PA 17372

**NOTICE OF SHERIFF'S SALE OF
REAL ESTATE PURSUANT TO
PENNSYLVANIA RULE OF CIVIL
PROCEDURE 3129**

TAKE NOTICE:

That the Sheriff's Sale of Real Property (real estate) will be held:

DATE: October 8, 1999

TIME: 10:00 a.m.

LOCATION: Adams County Courthouse
111- 117 Baltimore Avenue
Gettysburg, PA 17325

THE PROPERTY TO BE SOLD is delineated in detail in a legal description mainly consisting of a statement of the measured boundaries of the property, together with a brief mention of the buildings and any other major improvements erected on the land. (SEE DESCRIPTION ATTACHED)

THE LOCATION of your property to be sold is: one tract of land situate in Freedom Township, Adams County, Pennsylvania, known and numbered as 1120 Bullfrog Road, Fairfield, Pennsylvania 17320.

THE JUDGMENT under or pursuant to which your property is being sold is docketed in the within Commonwealth and County to: PNC Bank, National Association, Successor by Merger to The Gettysburg National Bank v. Mable Marr Bowling, William F. Bowling and Unknown Heirs of Mable Marr Bowling, Deceased, No. 99-S-108, in the amount of Eighteen Thousand One Hundred Thirty-Nine and 16/100 dollars (\$18,139.16), plus interest from February 4, 1999, costs, attorneys' fees and for foreclosure of the mortgaged premises until the Sheriff Sale.

THE NAMES OF THE OWNERS OR REPUTED OWNERS of this property are: Mable Marr Bowling, William F. Bowling and Unknown Heirs of Mable Marr Bowling, Deceased.

A SCHEDULE DISTRIBUTION, being a list of the persons and/or governmental or corporate entities or agencies being entitled to receive part of the proceeds of the sale received and to be disbursed by the Sheriff (for example, to banks that hold mortgages and municipalities that are owed taxes) will be filed by the Sheriff of this County thirty (30) days after the sale and distribution of the proceeds of sale in accordance with this schedule will, in fact, be made unless someone objects by filing exceptions to it within ten (10) days of the date it is filed.

Information about the Schedule of Distribution may be obtained from the Sheriff of the Court of Common Pleas of the within County at the Courthouse address specified herein.

THIS PAPER IS A NOTICE OF THE TIME AND PLACE OF THE SALE OF YOUR PROPERTY.

IT HAS BEEN ISSUED BECAUSE THERE IS A JUDGMENT AGAINST YOU.

IT MAY CAUSE YOUR PROPERTY TO BE HELD, TO BE SOLD OR TAKEN TO PAY THE JUDGMENT.

You may have legal rights to prevent your property from being taken away. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, YOU MUST ACT PROMPTLY.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET FREE LEGAL ADVICE.

Adams County Courthouse
Court Administrator's Office
117 Baltimore Street
Gettysburg, PA 17325
(717) 337-9846

THE LEGAL RIGHTS YOU MAY HAVE ARE:

1. You may file a petition with the Court of Common Pleas of the within County to open the judgment if you have a meritorious defense against the person or company that has entered judgment against you. You may also file a petition with the same Court if you are aware of a legal defect in the obligation or the procedure used against you.
2. After the Sheriff's Sale, you may file a petition with the Court of Common Pleas of the within County to set aside the sale for a grossly inadequate price or for other proper cause. This petition MUST BE FILED BEFORE THE SHERIFF'S DEED IS DELIVERED.
3. A petition or petitions raising the legal issues or rights mentioned in the preceding paragraphs must be presented to the Court of Common Pleas of the within County. The petition must be served on the attorney for the creditor or on the creditor before presentation to the Court and a proposed order or rule must be attached to the petition.

If a specific return date is desired, such date must be obtained from the Court Administrator's Office - Civil Division, of the within County Courthouse, before a presentation to the Court.

WRIT OF EXECUTION
MORTGAGE FORECLOSURE

Judgment No. 99-S-108
Writ No. 99-S-108

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
CIVIL

PNC BANK, NATIONAL ASSOCIATION
SUCCESSOR BY MERGER to the
GETTYSBURG NATIONAL BANK,
Plaintiff,

vs.

MABLE MARR BOWLING, WILLIAM F.
BOWLING and Unknown Heirs of
MABLE MARR BOWLING, Deceased,
Defendants.

COSTS

Amount Due:	\$18,139.16
Interest:	See Inside
Attorney:	\$3.00
Prothy (PLF):	\$22.50
Sat.:	\$7.50
Forecasts (PLF):	\$194.58

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ADAMS

TO THE SHERIFF OF ADAMS
COUNTY:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property (describe property specifically):

Against Mable Marr Bowling and Unknown Heirs of Mable Marr Bowling: 1120 Bullfrog Road, Fairfield, PA 17320, and William F. Bowling, P. O. Box 298, York Springs, PA 17372.

See attached description:
Dated: July 16, 1999

Patricia A. Funt
Prothonotary of Adams County

LEGAL DESCRIPTION OF
PROPERTY

ALL the lot(s) or piece(s) of ground, situate in County of Adams, Freedom Township, State of Pennsylvania, more specifically described as:

BEGINNING at a railroad spike in the centerline of L.R. 01025, Bull Frog Road, said spike being 685.04 feet southeast of corner of land now or formerly of Frank B. Darcey, Jr. and wife; thence in the centerline of said road South 21 degrees 01 minute 15 seconds East, 150.00 feet to a railroad spike at a corner of Lot No. 4 on the hereinafter referred to survey;

thence by Lot No. 4 South 76 degrees 06 minutes 55 seconds West, 359.00 feet, through an iron pin set back 25 feet from the beginning of this course, to an iron pin on line of Lot No. 2, now or formerly of William F. Bowling; thence by said Lot No. 2 North 14 degrees 30 minutes 00 seconds West, 148.85 feet to an iron pin; thence by the same North 76 degrees 06 minutes 55 seconds East, 341.96 feet through an iron pin set back 16 feet from the end of this course, to a railroad spike in the centerline of said L.R. 01025, Bull Frog Road, the place of BEGINNING. CONTAINING 1.197 acres.

The above description was taken from a draft of survey prepared by Boyer Surveys, Richard W. Boyer, R.S., and designated as Lot No. 1, dated December 1, 1977, and identified as property of J. Leslie Bowling, owner-subdivider.

Having thereon erected a single family residence known and numbered as 1120 Bull Frog Road.

It being the same tract of land which J. Leslie Bowling and Mable Marr Bowling, his wife, by their deed dated the 22nd day of December, 1977, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 335 at Page 432, sold and conveyed unto J. Leslie Bowling and Mabel Marr Bowling, husband and wife; and J. Leslie Bowling having died on the 21st day of January, 1980, as evidenced by the opening of an estate before the Adams County Register of Wills to file number 01-80-237, title in fee simple vested in Mabel Marr Bowling.

Respectfully submitted,
Saidis, Shuff & Masland
Karl M. Ledeborn, Esquire
Supreme Court ID #59012
2109 Market Street
Camp Hill, PA 17011

9/3

FICTITIOUS NAME

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S.A. §§301, et seq., that an Application to conduct business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of B&P PARTNERSHIP was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania, on July 9, 1999. The business is located at 11 West Railroad Street, Gettysburg, Pennsylvania. The name and address of the persons who are party to the registration is Kenneth M. Bollinger, 50 Commanche Trail, Hanover, Pennsylvania, and Brett Paxton, 1206 County Line Road, York Springs, Pennsylvania.

Robert E. Campbell, Esq.
Campbell & White
122 Baltimore Street
Gettysburg, PA 17325

9/3

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 DAISY V. BAUGHMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executrix: Mary Kay Daly, 2361 Monterey Drive, Marietta, GA 30068
 Attorney: Teeter, Teeter & Teeter, Esq., 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF JOHN D. CLAPSADDLE, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania
 Executor: Larry M. Mickle, 5134 Grandview Road, Hanover, PA 17331
 Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GRACER MINNICH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executrices/Executor: Eloise C. Dubs, RD 8, Box 87, Days Mill Rd., York, PA 17403; Jack E. Minnich, 2935 Dearborn Road, York, PA 17402; Marlene A. Gladfelder, 3360 Night-N-Gale Dr., Dover, PA 17315; Barbara J. Hardwick, 14741 Eden St., Ft. Myers, FL 33908

Attorney: K.F. Ralph Rochow, Esq., 42 N. Duke St., York, PA 17401

ESTATE OF FRANCES L. RHODES, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executor: Paul J. Stevenson, VP/Trust Services Manager, Bank of Hanover & Trust Co., 25 Carlisle Street, Hanover, PA 17331
 Attorney: William W. Hafer, Esq.

ESTATE OF DOROTHY E. SCHUMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executor: Karl A. Lehman, CPA, 195 Stock Street, Suite 311, Hanover, PA 17331
 Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF DAISY R. SHEAFFER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania
 Executrix: Nancy S. Cline, 1086 Arendtsville Road, Biglerville, PA 17307
 Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF BLAKE L. TAYLOR, DEC'D

Late of Huntington Township, Adams County, Pennsylvania
 Co-Executors: Erick Warren Taylor, 1593 Center Mills Road, Aspers, PA 17304; Barbara L. Trimmer, 210 Clear View Road, Aspers, PA 17304
 Attorney: William S. Daniels, Esq., One West High Street, Suite 205, Carlisle, PA 17013

SECOND PUBLICATION

ESTATE OF RACHAEL W. BARLEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: Robert H. Heldt, 31 Twin Lakes Drive, Gettysburg, PA 17325
 Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF RICHARD ALLISON FOLKENROTH, a/k/a RICHARD A. FOLKENROTH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executrix: Betty L. Weikert, c/o Donald L. Kornfield, 17 North Church Street, Waynesboro, PA 17268
 Attorney: Donald L. Kornfield, Esq., 17 North Church Street, Waynesboro, PA 17268

ESTATE OF EDWARD N. STINE, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: PNC Bank, N.A., P.O. Box 308, Camp Hill, PA 17001-0308
 Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF RUTH E. BENDER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
 Co-Executrices: Lisbeth R. Keefer, 2540 Baltimore Pike, Gettysburg, PA 17325; Corinne D. Golden, 27 South Seasons Drive, Dillsburg, PA 17019

Attorney: Walton V. Davis, Esq., 116 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARY G. DENNIS a/k/a, MARY M. DENNIS, DEC'D

Late of Huntington Township, Adams County, Pennsylvania
 Co-Executors: Larry Dennis, 455 Rake Factory Road, Biglerville, PA 17307; Richard Dennis, 5345 Orchard Road, Fayetteville, PA 17222
 Attorney: John A. Wolfe, Esq., Wolfe & Rice, 47 West High Street, Gettysburg, PA 17325

ESTATE OF JAMES F. RILEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
 Executors: John F. Riley, 2529 Emmitsburg Road, Gettysburg, PA 17325; Betty V. Harner, 950 Ridge Road, Gettysburg, PA 17325
 Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF MILDRED K. SHINDLEDECKER, DEC'D

Late of Highland Township, Adams County, Pennsylvania
 Executor: Clyde Eugene Kepner, 1225 Brickcrafters Road, New Oxford, PA 17350
 Attorney: Puhl, Eastman, & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF ISABELLE MARY TUCKEY, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania
 Executor: Harold F. Tuckey, Box 194, 165 Fohl St., Arendtsville, PA 17303
 Attorney: Stephen F. Tuckey, Esq., 562 Race St., 3rd Floor, Harrisburg, PA 17104

ESTATE OF HILDA ETOILE ZEIGLER, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania
 Executrix: Betty Tuckey, 165 Fohl St., Box 194, Arendtsville, PA 17303
 Attorney: Stephen F. Tuckey, Esq., 562 Race St., 3rd Floor, Harrisburg, PA 17104

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-901 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, September 24, 1999, 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 Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, being known as Lot No. 24, Section A, "Charnita Inc.," bounded and described as follows:

BEGINNING at a point in the center of the intersection of Fawn Trail with Spring Trail; thence in said Fawn Trail, South 88 degrees 26 minutes 40 seconds West, 202.34 feet to a point in said Fawn Trail at lands now or formerly of Charnita, Inc.; thence by said lands, North 7 degrees 10 minutes East, 117.34 feet to Lot NO. 25; thence by said lot, North 88 degrees 26 minutes 40 seconds East, 202.34 feet to a point in the center of said Spring Trail; thence in said Spring Trail South 7 degrees 10 minutes West, 117.34 feet to the place of beginning.

HAVING THEREON ERECTED A DWELLING KNOWN AS 38 Spring Trail, Fairfield, PA 17320.

BEING THE SAME PREMISES WHICH Susan E. Liverette, a/k/a Susan E. Smith, by her Deed dated June 19, 1992 and recorded in Adams County Recorder of Deeds Office on June, 23, 1992 in Deed Book 632, page 5, granted and conveyed unto Larry E. Toms, Jr. and Janet E. Carper.

SEIZED IN EXECUTION AS THE PROPERTY OF LARRY E. TOMS, JR. AND JANET E. CARPER UNDER ADAMS COUNTY JUDGMENT NO. 98-S-901.

Map & Parcel #23-75

SEIZED and taken into execution as the property of **Larry E. Toms, Jr. & Janet E. Carper** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
July 15, 1998.

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 18, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

8/20, 27 & 9/3

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

IN RE:

JESSICA MAE JEFFRIES

No.

NAME CHANGE

CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on the 29th day of July, 1999, a Petition for Change of Name of Jessica Mae Jeffries to Jessica Mae Stevens was filed in the Court of Common Pleas of Adams County, Pennsylvania. The Court has fixed the 25th day of October, 1999, at 9:00 a.m. in Court Room No. 1 or 2, of the Adams County Court House as the time and place for hearing the Petition when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

Joseph C. Korsak, Esq.
Attorney for Petitioner

8/20, 27 & 9/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-988 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 1, 1999, 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 Mt. Joy Township, Adams County, Pennsylvania, being more particularly bounded and described as Lot No. 963-1 on a plan of lots of LAKE HERITAGE SUBDIVISION recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Miscellaneous Book 4 at Page 778, and SUBJECT to all legal highways, easements, rights-of-way and restrictions of record.

BEING THE SAME TRACT OF LAND which M. Jane Gantz, widow, by deed dated March 18, 1996, and recorded March 18, 1996, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book Volume 1160, Page 134, granted and conveyed unto Darrell Lee Schaffner and Tina Denise Schaffner, husband and wife.

SEIZED and taken into execution as the property of **Darrell Lee & Tina Denise Schaffner** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
July 27, 1998.

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 25, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10

days after 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.

8/27, 9/3 & 10

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Thursday, September 9, 1999, at 9:00 o'clock a.m.

FAVORITE--Orphans' Court Action Number OC-77-99. The First and Final Account of Adams County National Bank, Executor of the Estate of Margaret Alverta Favorite, deceased, late of Oxford Township, Adams County, Pennsylvania, including the Attorney-in-Fact Account of the Adams County National Bank.

BAUMGARTNER--Orphans' Court Action Number OC-52-99. The First and Final Account of Charles M. Sanders, Executor of the Estate of George K. Baumgartner, deceased, late of Oxford Township, Adams County, Pennsylvania.

STAUFFER--Orphans' Court Action Number OC-139-98. The First and Final Account of Joan C. Kump, Executrix of the Estate of John M. Stauffer, deceased, late of Straban Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

8/27 & 9/3

Adams County Legal Journal

Vol. 41

September 10, 1999

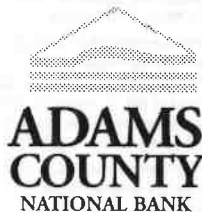
No. 15, pp. 85-88

ANNOUNCEMENT OF CONTINUING LEGAL EDUCATION PROGRAM

Internet Law Update. Monday, September 27, 1999 – 9:00 a.m. Room 307, Adams County Courthouse – Credits: Substantive Law - 5, Ethics - 1

Registration through P.B.I. 800-247-4724

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)

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

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

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

Copyright© 1959 by Wm. W. Gaunt & Sons, Inc., for Adams County Bar Association, Gettysburg, PA 17325.
All rights reserved.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-226 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 8, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in a State Highway leading from Wrenksville to Bendersville, at corner of land now or formerly of Frank Wagaman; thence along and in said State Highway, south 41 degrees East, 155.0 feet to a spike in the east side of said road; thence through land now or formerly of Edward E. Showers and wife, south 55 degrees West 200.0 feet to an iron pin; thence through same, North 32 degrees West 149.0 feet to an iron pin at land now or formerly of Frank Wagaman; thence along land now or formerly of Frank Wagaman, North 53 degrees 15 minutes East 176.50 feet to a spike in the above mentioned State Highway; the place of BEGINNING. CONTAINING 104.92 perches.

The tract of land above described being the same which David A. Taylor, single, by deed dated September 20, 1994, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 940 at page 301 conveyed unto Scott E. Sharrah and JoAnn M. Sharrah, husband and wife, the Defendants herein.

Improved with a ranch style single family dwelling with attached single-car garage.

SEIZED and taken into execution as the property of **Scott E. Sharrah & Joanne M. Sharrah** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
June 25, 1998.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 1, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/3, 10 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-108 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 8, 1999, 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 lot(s) or piece(s) of ground, situate in County of Adams, Freedom Township, State of Pennsylvania, more specifically described as:

BEGINNING at a railroad spike in the centerline of L.R. 0 1025, Bull Frog Road, said spike being 685.04 feet southeast of corner of land now or formerly of Frank B. Dorcey, Jr. and wife; thence in the centerline of said road South 21 degrees 01 minute 15 seconds East, 150.00 feet to a railroad spike at a corner of Lot No. 4 on the hereinafter referred to survey; thence by Lot No. 4 South 76 degrees 06 minutes 55 seconds West, 359.00 feet, through an iron pin set back 25 feet from the beginning of this course, to an iron pin on line of Lot No. 2, now or formerly of William F. Bowling; thence by said Lot No. 2 North 14 degrees 30 minutes 00 seconds West, 148.85 feet to an iron pin; thence by the same North 76 degrees 06 minutes 55 seconds East, 341.96 feet through an iron pin set back 16 feet from the end of this course, to a railroad spike in the centerline of said L.R. 01025, Bull Frog Road, the place of BEGINNING. CONTAINING 1.197 acres.

The above description was taken from a draft of survey prepared by Boyer Surveys, Richard W. Boyer, R.S., and designated as Lot No. 1, dated December 1, 1977, and identified as property of J. Leslie Bowling, owner-subdivider.

Having thereon erected a single family residence known and numbered as 1120 Bull Frog Road.

It being the same tract of land which J. Leslie Bowling and Mable Marr Bowling, his wife, by their deed dated the 22nd day of December, 1977, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 335 at Page 432, sold and conveyed unto J. Leslie Bowling and Mable Marr Bowling, husband and wife; and J. Leslie Bowling having died on the 21st

day of January, 1980, as evidenced by the opening of an estate before the Adams County Register of Wills to file number 01 -80-237, title in fee simple vested in Mabel Marr Bowling.

SEIZED and taken into execution as the property of **Mable Marr Bowling, William F. Bowling & Unknown Heirs of Mable Bowling, deceased** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 6, 1998.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 1, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/10, 17 & 24

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State, Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, on May 25, 1999, for the purpose of obtaining a Certificate of Incorporation of a proposed nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988. The name of the corporation is **GETTYSBURG CHRISTIAN FELLOWSHIP**.

John W. Phillips, Esq.
101 West Middle Street
Gettysburg, PA 17325

Attorney for the Corporation

9/10

STERNER VS. WAGNER

1. The rights of a mortgagee to pursue a foreclosure action against the mortgagors for failure to maintain the property in good repair, after the mortgagee has assigned the mortgage, will not be permitted where the clear wording of the written assignment speaks only to the right the said mortgagee to proceed against the mortgagors for collection of the mortgage debt.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 97-S-514. HERBERT H. STERNER VS. ROBERT E. WAGNER AND BRENDA M. STAUFFER.

John J. Mooney, III, Esq., for Plaintiff
Larry W. Wolf, Esq., for Defendants

OPINION

Kuhn, J., July 31, 1998.

Plaintiff, Herbert H. Sterner, filed a complaint against Defendants, Robert E. Wagner and Brenda M. Stauffer, on May 27, 1997, and filed an amended complaint on July 29, 1997. A non-jury trial was held before this Court on May 28, 1998.

STATEMENT OF FACTS

The relevant facts for purposes of this opinion are as follows: On April 30, 1993, Defendants executed and delivered a mortgage to Plaintiff for the amount of \$50,000.00. Plaintiff assigned the mortgage on this same day to People's Bank of Glen Rock. There is no indication that Defendants were involved in this assignment. The assignment was amended on February 14, 1996.

LEGAL DISCUSSION

The first issue that must be addressed is standing. Plaintiff's legal right to bring this particular foreclosure action relies on the interpretation of the language in the assignments. Plaintiff's original assignment of the mortgage in question to People's Bank of Glen Rock reads as follows:

ASSIGNMENT OF MORTGAGE

FOR VALUE RECEIVED, the sufficiency and receipt of which are hereby acknowledged, HERBERT H. STERNER, (Assignor), hereby assigns, grants, transfers and sets over unto PEOPLES BANK OF GLEN ROCK (Assignee), all of his right, title and interest in and to that certain Mortgage, together with the indebtedness thereby

secured in the principal sum, of \$50,000.00 dated April 30, 1993 from ROBERT E. WAGNER and BRENDA M. STAUFFER (Mortgagors) unto the Assignor, covering property lying and situate in the Commonwealth of Pennsylvania, County of Adams, which property is more fully described in Schedule A attached hereto and made a part hereof. Said Mortgage was duly recorded...in the principal amount of \$50,000.00, made and executed by the Mortgagors and payable to the order of the Assignor.

(Def's.' Exhibit 3).

This assignment clearly transfers all of Plaintiff's rights in the mortgage to People's Bank of Glen Rock. On February 14, 1996, Plaintiff and the Bank amended this original assignment to read as follows:¹

AMENDED ASSIGNMENT OF MORTGAGE

THIS AMENDED ASSIGNMENT entered into this 14th day of February 1996, by and between HERBERT H. STERNER, (hereinafter "Sterner") and PEOPLES BANK OF GLEN ROCK, (hereinafter "Bank").

WITNESSETH:

WHEREAS, by Assignment of Mortgage dated April 30, 1993, Sterner assigned his right, title and interest in and to a certain mortgage in the amount of \$50,000.00 from ROBERT E. WAGNER and BRENDA M. STAUFFER, said mortgage being recorded in the Adams County Recorder of Deeds' Record Book 719 at page 195, together with the note accompanying said mortgage; and

WHEREAS, said Assignment of Mortgage is recorded in the Adams County Recorder of Deeds' Record Book 720 at page 118; and

WHEREAS, said Assignment was intended to provide collateral security for any and all indebtedness owed by

¹ The Court notes that Defendants argue that the amended assignment is invalid because they were involved with the original assignment but not with the amendment thereto. There is no indication that Defendants were in any way involved with the original assignment. Additionally, the mortgage between the parties did not limit Plaintiff's right to assign the mortgage. Thus, the amendment of the assignment was legitimately executed without Defendants' involvement.

Sterner to Bank and was not intended to constitute an absolute assignment of his right, title and interest in and to said mortgage; and

WHEREAS, the parties hereto desire to modify the terms and conditions of said Assignment to provide for a collateral assignment instead of an absolute assignment.

NOW, THEREFORE, in consideration of the covenants contained herein and intending to be legally bound hereby the parties herein expressly agree as follows:

1. The parties do hereby agree and understand that the Assignment shall, henceforth, be interpreted as providing collateral security to the Bank for all debt now owed or hereinafter incurred by Sterner and, in conjunction therewith, it is hereby agreed and understood that the Assignment, as modified by the within Amended Assignment provides Bank with a valid perfected security interest regarding Sterner's interest in said mortgage.
2. The parties hereto further agree and understand that *Sterner shall have the right to proceed with collection efforts Sterner deems necessary or advisable, regarding collection of the mortgage debt*, in Sterner's own name, subject only to the security interest in favor of Bank. Sterner further hereby acknowledges the validity of Bank's security interest and Bank's right to immediate possession of any proceeds derived therefrom.
3. *With the exception of the foregoing modification, all other terms and conditions of the Assignment of Mortgage are hereby ratified and incorporated herein by reference thereto.*

....

(Plt.'s Exhibit 3 (emphasis added)).

A plain reading of the language in this amended assignment demonstrates that it only changes the original assignment by affording Plaintiff the right to "proceed with collection efforts...regarding collection of the mortgage debt." Plt.'s Exhibit 3. The case at hand does not assert a failure on the part of Defendants to pay the mortgage. Instead, this action was brought to foreclose the mortgage due to Defendants' failure to maintain the property in substantial repair. This ground for the foreclosure action is unrelated to collection efforts.

Therefore, pursuant to the assignments entered into between Plaintiff and the People's Bank of Glen Rock, Plaintiff has no right to bring the present cause of action.

Accordingly, the attached Order is issued.

ORDER

AND NOW, this 31st day of July 1998, Plaintiff's complaint is dismissed due to lack of standing.

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 CLARIBEL B. DEARDORFF, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Raymond D. Deardorff, 5400 Pinchtown Road, Dover, PA 17315; Gerald C. Deardorff, 2861 Taxville Road, York, PA 17404

ESTATE OF HAROLD C. MILLER, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executors: Jack Leon Miller, 320 White Oak Tree Road, York Springs, PA 17372; Joyce Ann Funt, 136 Queen Street, Box 339, Arendtsville, PA 17303

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

ESTATE OF JANEM. ROBINSON, DEC'D

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

Executor: Robert E. Robinson, c/o Gates & Gates, 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., 250 York Street, Hanover, PA 17331

ESTATE OF MARGARETE. SCHWARTZ, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator: Denise Drais, c/o Richard R. Reilly, Esq., 56 South Duke Street, York, PA 17401-1402

Attorney: Richard R. Reilly, Esq., 56 South Duke Street, York, PA 17401-1402

ESTATE OF MELVIN L. WINAND, DEC'D

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

Co-Executrices: Joan Schaeffer and Susan Becker, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., Countless, Gilbert & Andrews, 29 North Duke Street, York, PA 17401

SECOND PUBLICATION

ESTATE OF DAISY V. BAUGHMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Mary Kay Daly, 2361 Monterey Drive, Marietta, GA 30068
Attorney: Teeter, Teeter & Teeter, Esq., 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF JOHN D. CLAPSADDLE, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Larry M. Mickley, 5134 Grandview Road, Hanover, PA 17331
Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GRACER, MINNICH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices/Executor: Eloise C. Dubs, RD 8, Box 87, Days Mill Rd., York, PA 17403; Jack E. Minnich, 2935 Dearborn Road, York, PA 17402; Marlene A. Gladfelter, 3360 Night-N-Gale Dr., Dover, PA 17315; Barbara J. Hardwick, 14741 Eden St., Ft. Myers, FL 33908

Attorney: K.F. Ralph Rochow, Esq., 42 N. Duke St., York, PA 17401

ESTATE OF FRANCES L. RHODES, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Paul J. Stevenson, VP/Trust Services Manager, Bank of Hanover & Trust Co., 25 Carlisle Street, Hanover, PA 17331

Attorney: William W. Hafer, Esq.

ESTATE OF DOROTHY E. SCHUMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Karl A. Lehman, CPA, 195 Stock Street, Suite 311, Hanover, PA 17331

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

ESTATE OF DAISY R. SHEAFFER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Nancy S. Cline, 1086 Arendtsville Road, Biglerville, PA 17307

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

ESTATE OF BLAKE L. TAYLOR, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Erick Warren Taylor, 1593 Center Mills Road, Aspers, PA 17304; Barbara L. Trimmer, 210 Clear View Road, Aspers, PA 17304

Attorney: William S. Daniels, Esq., One West High Street, Suite 205, Carlisle, PA 17013

THIRD PUBLICATION

ESTATE OF RACHAEL W. BARLEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Robert H. Heldt, 31 Twin Lakes Drive, Gettysburg, PA 17325

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

ESTATE OF RICHARD ALLISON FOLKENROTH, a/k/a RICHARD A. FOLKENROTH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Betty L. Weikert, c/o Donald L. Kornfield, 17 North Church Street, Waynesboro, PA 17268

Attorney: Donald L. Kornfield, Esq., 17 North Church Street, Waynesboro, PA 17268

ESTATE OF EDWARD N. STINE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: PNC Bank, N.A., P.O. Box 308, Camp Hill, PA 17001-0308

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-988 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 1, 1999, 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 Mt. Joy Township, Adams County, Pennsylvania, being more particularly bounded and described as Lot No. 963-1 on a plan of lots of LAKE HERITAGE SUBDIVISION recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Miscellaneous Book 4 at Page 778, and SUBJECT to all legal highways, easements, rights-of-way and restrictions of record.

BEING THE SAME TRACT OF LAND which M. Jane Gantz, widow, by deed dated March 18, 1996, and recorded March 18, 1996, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book Volume 1160, Page 134, granted and conveyed unto Darrell Lee Schaffner and Tina Denise Schaffner, husband and wife.

SEIZED and taken into execution as the property of **Darrell Lee & Tina Denise Schaffner** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
July 27, 1998.

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 25, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

8/27, 9/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-318 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 1, 1999, 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, 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, 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 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 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 the place of beginning.

CONTAINING 10,200 Sq. feet.

HAVING THEREON ERECTED A DWELLING KNOWN AS 76 Kinneman Road, Abbottstown, PA 17301.

BEING THE SAME PREMISES WHICH Garland Construction, Inc. a Pennsylvania Corporation, by their Deed dated August 29, 1997 and recorded in Adams County Recorder of Deeds Office on October 1, 1997 in Deed Book 1449, page 125, granted and conveyed unto Barbara A. Collins.

SEIZED IN EXECUTION AS THE PROPERTY OF BARBARA A. COLLINS UNDER ADAMS COUNTY JUDGMENT NO. 99-S-318.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 3, 1999.

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 25, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

8/27, 9/3 & 10

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

NO. -99-S-699
ACTION TO QUIET TITLE

THOMAS E. BELL, and WANDA E. BELL, Plaintiffs,

vs.

HARVIE K. MILLER, his heirs and assigns, ADAMS COUNTY TAX CLAIM BUREAU, its successors and assigns, Defendants.

TO: HARVIE K. MILLER, his heirs and assigns

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. 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.

Court Administrator
Adams County Court House
Gettysburg, PA 17325
Phone: (717) 334-6781 Ext. 213
John C. Zepp, III, Esq.
P.O. Box 204
York Springs, PA 17372

9/10

Adams County Legal Journal

Vol. 41

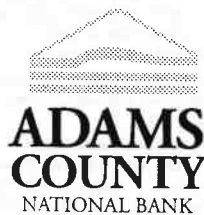
September 17, 1999

No. 16, pp. 89-94

IN THIS ISSUE

ANTRIM 1844 VS. FLOWERS
and
WILSON VS. O. F. MOSSBERG ET AL

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

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

Periodicals postage paid at Gettysburg, PA 17325.

Copyright© 1959 by Wm. W. Gaunt & Sons, Inc., for Adams County Bar Association, Gettysburg, PA 17325.

All rights reserved.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-226 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 8, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in a State Highway leading from Wenksville to Bendersville, at corner of land now or formerly of Frank Wagaman; thence along and in said State Highway, south 41 degrees East, 155.0 feet to a spike in the east side of said road; thence through land now or formerly of Edward E. Showers and wife, south 55 degrees West 200.0 feet to an iron pin; thence through same, North 32 degrees West 149.0 feet to an iron pin at land now or formerly of Frank Wagaman; thence along land now or formerly of Frank Wagaman, North 53 degrees 15 minutes East 176.50 feet to a spike in the above mentioned State Highway; the place of BEGINNING. CONTAINING 104.92 perches.

The tract of land above described being the same which David A. Taylor, single, by deed dated September 20, 1994, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 940 at page 301 conveyed unto Scott E. Sharrah and JoAnn M. Sharrah, husband and wife, the Defendants herein.

Improved with a ranch style single family dwelling with attached single-car garage.

SEIZED and taken into execution as the property of **Scott E. Sharrah & Joanne M. Sharrah** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
June 25, 1998.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 1, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/3, 10 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-108 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 8, 1999, 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 lot(s) or piece(s) of ground, situate in County of Adams, Freedom Township, State of Pennsylvania, more specifically described as:

BEGINNING at a railroad spike in the centerline of L.R. 0 1025, Bull Frog Road, said spike being 685.04 feet southeast of corner of land now or formerly of Frank B. Darcey, Jr. and wife; thence in the centerline of said road South 21 degrees 01 minute 15 seconds East, 150.00 feet to a railroad spike at a corner of Lot No. 4 on the hereinafter referred to survey; thence by Lot No. 4 South 76 degrees 06 minutes 55 seconds West, 359.00 feet, through an iron pin set back 25 feet from the beginning of this course, to an iron pin on line of Lot No. 2, now or formerly of William F. Bowling; thence by said Lot No. 2 North 14 degrees 30 minutes 00 seconds West, 148.85 feet to an iron pin; thence by the same North 76 degrees 06 minutes 55 seconds East, 341.96 feet through an iron pin set back 16 feet from the end of this course, to a railroad spike in the centerline of said L.R. 01025, Bull Frog Road, the place of BEGINNING. CONTAINING 1.197 acres.

The above description was taken from a draft of survey prepared by Boyer Surveys, Richard W. Boyer, R.S., and designated as Lot No. 1, dated December 1, 1977, and identified as property of J. Leslie Bowling, owner-subdivider.

Having thereon erected a single family residence known and numbered as 1120 Bull Frog Road.

It being the same tract of land which J. Leslie Bowling and Mable Marr Bowling, his wife, by their deed dated the 22nd day of December, 1977, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 335 at Page 432, sold and conveyed unto J. Leslie Bowling and Mabel Marr Bowling, husband and wife; and J. Leslie Bowling having died on the 21st

day of January, 1980, as evidenced by the opening of an estate before the Adams County Register of Wills to file number 01 -80-237, title in fee simple vested in Mabel Marr Bowling.

SEIZED and taken into execution as the property of **Mable Marr Bowling, William F. Bowling & Unknown Heirs of Mable Bowling, deceased** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 6, 1998.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 1, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/10, 17 & 24

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.

The fictitious name is JUST ASK BOB. The principal place of business at which business will be carried on under or through that fictitious name is 440 Brickyard Road, New Oxford, Pennsylvania, 17350.

The party to the registration is Robert L. Leppo, 440 Brickyard Road, New Oxford, Pennsylvania, 17350.

Crabbs & Crabbs
Solicitors

9/17

ANTRIM 1844 VS. FLOWERS

1. Judgment on the pleadings is properly granted when a review of pleadings, exhibits and documents properly attached thereto show no material facts in dispute and that a trial by jury is unnecessary.

2. If a contract is avoided because of duress, a complaining party may either return the benefit and consider the contract ended, or pay the reasonable value of such benefit.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 98-S-286, ANTRIM 1844, INC. VS. MICHAEL H. FLOWERS AND SUSAN FLOWERS, HUSBAND AND WIFE.

Robert L. McQuaide, Esq., for Plaintiff

Defendant pro se

OPINION ON MOTION FOR JUDGMENT OF PLEADINGS

Spicer, P.J., July 31, 1998.

Plaintiff seeks to collect a debt it claims is owing because of services and goods it provided defendants. According to the complaint, filed March 24, 1998, plaintiff operates an inn, restaurant and catering business and provides, among other things, grounds, facilities, staff, equipment, food and beverage for weddings and wedding receptions. The complaint alleges an oral contract made May 21, 1997, "the general terms of which are set forth in a one-page written memorandum. A copy of the memorandum as marked Exhibit "A" and attached hereto." ¶5. Plaintiff says it provided these goods and services to defendants on July 13, 1997. In ¶7, plaintiff alleges:

The contract price for the wedding and reception totalled (sic) \$5,184.19 to be paid in bi-weekly installments of \$400 each, with the entire balance to be paid in full no later than December 31, 1997. A statement of account prepared after the wedding and agreed to by Defendants is attached as Exhibit "C" and made a part hereof.

Exhibit "B" was signed by Michael H. Flowers, alone. The Sheriff's return indicates that defendants were each served personally with a copy of the complaint March 26, 1998. Ms. Flowers has filed no answer, but Mr. Flowers filed a handwritten document on April 29, 1998, which begins:

In reference to Civil Action No. 98-S-286, I Michael H. Flowers, do not contest the amount money owed to Antrim 1844, Inc. However I do object to the terms of repayment described (sic) in Exhibits A, B & C.

Mr. Flowers goes on to represent that he and Dorothy Mollett entered into an oral agreement with a pre-arranged work-off plan and

that five hours before the wedding, Ms. Mollett insisted that he sign the payment schedule, because Ms. Mollett's husband had a problem with the work-off plan. He states that he signed Exhibit "B" under duress. He concludes by saying, "I also feel that if a more fair repayment plan were arranged I could pay this debt off within one year."

Mr. Flowers has not described his version of a work-off plan. Exhibit "B" provides:

This is to verify payment information on the above wedding. Upon departure, I agree to pay for the liquor bill, all taxes and gratuities, and fees for the rental of the chairs. The balance of the bill can be worked off at Antrim over a six-month period, at the rate of \$8.00 per hour (rate may change based on the project), to be paid off in full by the end of 1997.

The complaint alleges that defendants paid \$400 on July 13, 1997, and that Mr. Flowers worked 23 hours (\$184). Plaintiff demands judgment for the balance of \$4600.19.

Judgment on the pleadings is properly granted when a review of pleadings, exhibits and documents properly attached thereto show no material facts in dispute and that a trial by jury is unnecessary. *Pennsylvania Financial Responsibility Assigned Claims Plan v. English*, 541 Pa. 424, 664 A.2d 84 (1995).

The Restatement, Contracts, Second distinguishes between duress by physical compulsion, where a contract is void, §174, and duress by threat, where a contract is voidable, §175. Comments state that, "Over the course of centuries, courts have greatly expanded the classes of threats that will be characterized as improper. The rule stated in §176 which determines whether a threat is improper, therefore includes types of pressure commonly known as "economic duress" or "business compulsion." The only provision in that section which might be applicable concerns threats that are a breach of the duty of good faith and fair dealing under the contract. §176(1)(d). Rules applicable to avoidance generally apply in this area. §175, comment d. Even assuming that the situation described by Mr. Flowers made his agreement voidable, he accepted performance and made partial payment. He has waited until in default to raise the issue and has not exercised the power to avoid within a reasonable time (§381). He has not returned the benefit provided by plaintiff and accepted by him (§384). In fact, it would be impossible for him to do so. His remedy, even under the best of scenarios, would be to nullify the contract price and pay only the reasonable value of plaintiff's services. See comments following §384. However, he has agreed that the amount sought by plaintiff is reasonable.

It is obvious that plaintiff is entitled to judgment. Although we think that default judgment against Ms. Flower is more appropriate, a judgment is a judgment is a judgment.

ORDER

AND NOW, this 31st day of July, 1998, judgment is entered in favor of the plaintiff and against defendants in the amount of \$4,775.63 plus costs.

WILSON VS. O. F. MOSSBERG ET AL

1. Requirements for strict liability include proof that the product was defective, that the defect existed at the time the product left the manufacturer's control, and that the defect caused the injury. Plaintiffs may produce direct evidence of a defect, but also may rely on circumstantial evidence by eliminating abnormal use or a reasonable secondary cause, and showing a malfunction.
2. Where, the lethal propensity of a gun was known or should have been known to the user, liability cannot be imposed upon the manufacturer merely because the manufacturer allegedly has failed to warn of that propensity.
3. Rulings on admissibility of evidence often involve balancing relevance against prejudice.
4. The rule has grown in Pennsylvania civil cases that "where recklessness or carelessness is at issue, proof of intoxication is relevant, but the mere fact of consuming alcohol is inadmissible as unfairly prejudicial, unless it reasonably establishes intoxication."

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 92-S-650. ROBERT L. WILSON AND BARBARA WILSON VS. O. F. MOSSBERG AND SONS, INC., AND REDDINGS HARDWARE, INC.

Terry S. Hyman, Esq., for Plaintiffs

Thomas B. Schmidt, Esq., for Defendant Mossberg

William P. Douglas, Esq., for Defendant Reddings

OPINION ON MOTION IN LIMINE

Spicer, P.J., August 4, 1998.

Plaintiffs' complaint, filed July 22, 1992, alleged that Robert L. Wilson (Robert) purchased a 12 gauge shotgun from Reddings Hardware, Inc., on or about August 3, 1990. The gun was manufactured by O.F. Mossberg and Sons, Inc., (Mossberg). Robert said that the shotgun barrel exploded while he was firing the weapon September 15, 1990 and that he was injured. We have learned from counsel that Robert's thumb was blown off, but was successfully reattached to his hand.

Although some allegations appear to raise issues pertaining to Mossberg's failure to warn Robert of the gun's dangerous condition and peculiar characteristics, (¶12 e), the court has been assured that a metallurgical defect in the barrel is the sole basis for liability that will be advanced at trial.

After two pretrial conferences (July 13, 1993 and April 15, 1998), the case was scheduled for jury trial during this court's August 1998 term. Plaintiff has filed motions in limine seeking to exclude certain kinds of evidence at trial. Oral argument was followed by another conference (July 31, 1998) during which Plaintiffs' counsel indicated that he will proceed on a malfunction theory at trial and that Robert will not testify that he inspected the barrel before firing the shot that blew the barrel apart. He seeks to preclude Mossberg from inquiring into how many beers Robert may have drunk and any evidence concerning state of the art or industry standards in manufacturing firearms.

Issues will be addressed as follows:

Malfunction theory: Plaintiffs proceed under Restatement Torts, Second §402 A. Requirements for strict liability under this section include proof that the product was defective, that the defect existed at the time the product left the manufacturer's control, and that the defect caused the injury. Plaintiffs may produce direct evidence of a defect, but also may rely on circumstantial evidence by eliminating abnormal use or a reasonable secondary cause, and showing a malfunction. *Woodin v. J.C. Penney Co., Inc.*, 427 Pa. Super. 488, 629 A.2d 974 (1993), alloc. dn. 537 Pa. 612, 641 A.2d 312 (1994).

Plaintiffs argue that evidence of Robert's contributory negligence is irrelevant and has no place in a strict liability case. While this is generally true, one should recognize that plaintiffs' burden includes causation and elimination of abnormal use.

As Supreme Court has indicated, these requirements may be two descriptions of the same subject.

Where, as here, the lethal propensity of a gun was known or should have been known to the user, liability cannot be imposed upon the manufacturer merely because the manufacturer allegedly has failed to warn of that propensity. As stated by Dean Prosser,

“(t)here appears to be no reason to doubt that strict liability has made no change in the rule, well settled in the negligence cases, that the seller of the product is not to be held liable when the consumer makes an abnormal use of it. Sometimes this has been put on the ground that the manufacturer has assumed responsibility only for normal uses; sometimes it has gone off on ‘proximate cause.’ ”

Prosser, *The Fall of the Citadel*, 50 Minn.L. Rev 791 (1966) (footnote omitted).

Sherk v. Daisy-Heddon, Etc., 498 Pa. 594, 600, 450 A.2d 615, 618 (1982).¹

Defect: Plaintiffs contend that the shotgun barrel was defective. Mossberg's position is that an obstruction, such as wadding from a reloaded shell, stuck in the barrel after a prior shot and formed an obstruction. While Mossberg is free to offer expert testimony that no metallurgical defect existed, it may not prove its point by showing that its manufacturing process conformed to industry standards, or that it manufactured the gun according to an existing state of the art. Plaintiffs do not seek punitive damages, and such evidence is inadmissible. *Nigro v. Remington Arms Co., Inc.*, 432 Pa. Super. 60, 637 A.2d 983 (1983), alloc. gr. 538 Pa. 673, 649 A.2d 674 (1994), citing *Lewis v. Coffing Hoist Div., Duff-Norton Co.* 515 Pa. 334, 528 A.2d 590 (1987).

Mossberg's expert may describe the manufacturing process and efforts of quality control, but may not refer to industry standards. To be relevant, any opinion must relate to the specific barrel in question.

Robert's possible consumption of alcoholic beverages: Plaintiffs say Robert will not testify that he examined the barrel before firing the damaging shot. Therefore, they argue that evidence of alcohol consumption is irrelevant. However, we are unclear whether Robert might say that he usually sighted through the barrel before discharging the gun. Mossberg argues that it should be allowed to explore the possibility that Robert drank a few beers, if this occurs.

Rulings on admissibility of evidence often involve balancing relevance against prejudice. *Bannar v. Miller*, Pa. Super. , 701 A.2d 242 (1997). Pa. R.E. 403. Although consumption of alcohol may be relevant as pertaining to Robert's powers of perception and memory, the rule has grown in Pennsylvania civil cases that "where recklessness or carelessness is at issue, proof of intoxication is relevant, but the mere fact of consuming alcohol is inadmissible as unfairly prejudicial, unless it reasonably establishes intoxication." *Whyte v. Robinson*, 421 Pa. Super. 33, 39, 617 A.2d 380, 383 (1992). The rule was followed in *Madonna v. Harley Davidson, Inc.*, Pa. Super. ,708 A.2d 507 (1998), where intoxication was admitted in a products liability case to show that a motorcycle accident was solely the result of the user's conduct, and was not related in any way with a product defect.

Mossberg argues that consumption by Robert relates to credibility, not negligence. The argument appears superficially plausible, it loses

¹ For general discussions of weapons and use, see *Unavoidably Unsafe Products*, 70 ALR4th 16, and *Misuse of Weapons and Ammunition*, 59 ALR4th 102.

persuasiveness upon closer examination. Implicit in the contention is that Robert's negligence in failing to discover and remove an obstruction, presumably wadding from a previous shot, and not a metallurgical defect, was the cause of barrel rupture. Although cases applying the rule involve mishaps on the highway (cars, bicycles, motorcycles and pedestrians), the rule announced in *Whyte*, id., is not so limited. This case falls within the rule, and we think for good reason. A jury could be expected to react strongly to indications that Robert drank three or four beers. We see no difference in prejudice between a drink-and-drive and a drink-and-shoot case.

For reasons explained, we grant plaintiffs' motion in limine.

ORDER

AND NOW, this 4th day of August, 1998, the court grants plaintiffs' motion in limine and rules that evidence of state of the art or industry standards shall not be admissible at trial. Inquiry into Robert L. Wilson's consumption of alcoholic beverages shall be precluded unless defendants reasonably establish intoxication.

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 JESSE E. BERKHEIMER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
Co-Executrices: Carolyn S. Lightner, 101 Sherry Drive, McSherrystown, PA 17344; Helen C. Slaybaugh, 324 Main Street, McSherrystown, PA 17344

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

ESTATE OF PATRICIA J. WONDER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Melissa M. Sneringer, 285 South Street, Hanover, PA 17331

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

SECOND PUBLICATION

ESTATE OF CLARIBEL B. DEARDORFF, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Raymond D. Deardorff, 5400 Pinchtown Road, Dover, PA 17315; Gerald C. Deardorff, 2861 Taxville Road, York, PA 17404

ESTATE OF HAROLD C. MILLER, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executors: Jack Leon Miller, 320 White Oak Tree Road, York Springs, PA 17372; Joyce Ann Funt, 136 Queen Street, Box 339, Arendtsville, PA 17303

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

ESTATE OF JANE M. ROBINSON, DEC'D

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

Executor: Robert E. Robinson, c/o Gates & Gates, 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., 250 York Street, Hanover, PA 17331

ESTATE OF MARGARET E. SCHWARTZ, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator: Denise Drais, c/o Richard R. Reilly, Esq., 56 South Duke Street, York, PA 17401-1402

Attorney: Richard R. Reilly, Esq., 56 South Duke Street, York, PA 17401-1402

ESTATE OF MELVIN L. WINAND, DEC'D

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

Co-Executrices: Joan Schaeffer and Susan Becker, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., Countless, Gilbert & Andrews, 29 North Duke Street, York, PA 17401

THIRD PUBLICATION

ESTATE OF DAISY V. BAUGHMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Mary Kay Daly, 2361 Monterey Drive, Marietta, GA 30068
Attorney: Teeter, Teeter & Teeter, Esq., 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF JOHN D. CLAPSADDLE, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Larry M. Mickle, 5134 Grandview Road, Hanover, PA 17331
Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GRACE R. MINNICH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices/Executor: Eloise C. Dubs, RD 8, Box 87, Days Mill Rd., York, PA 17403; Jack E. Minnich, 2935 Dearborn Road, York, PA 17402; Marlene A. Gladfeiter, 3360 Night-N-Gale Dr., Dover, PA 17315; Barbara J. Hardwick, 14741 Eden St., Ft. Myers, FL 33908

Attorney: K.F. Ralph Rochow, Esq., 42 N. Duke St., York, PA 17401

ESTATE OF FRANCES L. RHODES, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Esq. J. Stevenson, VP/Trust Services Manager, Bank of Hanover & Trust Co., 25 Carlisle Street, Hanover, PA 17331

Attorney: William W. Hafer, Esq.

ESTATE OF DOROTHY E. SCHUMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Karl A. Lehman, CPA, 195 Stock Street, Suite 311, Hanover, PA 17331

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

ESTATE OF DAISY R. SHEAFFER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Nancy S. Cline, 1086 Arendtsville Road, Biglerville, PA 17307

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

ESTATE OF BLAKE L. TAYLOR, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Erick Warren Taylor, 1593 Center Mills Road, Aspers, PA 17304; Barbara L. Trimmer, 210 Clear View Road, Aspers, PA 17304

Attorney: William S. Daniels, Esq., One West High Street, Suite 205, Carlisle, PA 17013

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-423 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 8, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the north-eastern edge of Bonnie Field Circle and Lot No. 61 of the hereinafter referenced subdivision plan; thence along said north-eastern edge of Bonnie Field Circle the following two (2) courses and distances:

(1) North forty-eight (48) degrees forty-five (45) minutes zero (00) seconds west, fifty (50) feet to a point;

(2) By a curve to the right whose radius is one hundred ninety and nineteen hundredths (190.19) feet and whose long chord bearing is north forty-one (41) degrees fifty-eight (58) minutes eighteen (18) seconds west, forty-four and ninety hundredths (44.90) feet for an arc distance of forty-five (45) feet to a point at Lot No. 59 of said plan;

Thence along same, north fifty-four (54) degrees forty-eight (48) minutes twenty-three (23) seconds east, one hundred ten (110.0) feet to a point at lands now or formerly of John E. Biemiller; thence along same, south thirty-eight (38) degrees forty (40) minutes zero (00) seconds east, sixty-nine and eighty-eight hundredths (69.88) feet to a point at Lot No. 61 of said plan; thence along same, south forty-one (41) degrees fifteen (15) minutes (00) seconds west, one hundred (100) feet to a point on the northeastern edge of Bonnie Field Circle, the point and place of beginning.

Containing 8,737.5 square feet, and identified as Lot No. 60 on a plan of lots known as Bonnie Field, prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Plat Book 9 at page 24.

Under and subject, nevertheless, to all those restrictions recorded in Adams County Miscellaneous Book 27 at page 302.

BEING known as 31 Bonniefield Court, Gettysburg, PA.

Tax Parcel No. 9-74

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 11, 1999.

TO ALL PARTIES IN INTEREST AND

CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 1, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/17, 24 & 10/1

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Sec. 311 of the Act of Assembly of December 16, 1982, 54 PA C.S.A. 311, that an application for registration of a fictitious name was filed on July 21, 1999 with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the conducting of a business under the fictitious name of THE ESTATE SETTLEMENT COMPANY with its principal office or place of business at 30 West Middle Street, Gettysburg, PA 17325. The name and address of the person owning or interested in said business is: Alan K. Patrono, 30 West Middle Street, Gettysburg, PA 17325.

9/17

Adams County Legal Journal

Vol. 41

September 24, 1999

No. 17, pp. 95-100

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-858 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, 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 Southerly side of Oxwood Circle in the Borough of New Oxford, County of Adams and Commonwealth of Pennsylvania known and numbered as Lot No. 16 on a final plan of Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58 page 41A, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Southerly right of way line of Oxwood Circle at a corner of Lot No. 15 on said Plan; thence extending along the right of way line North 66 degrees 19 minutes 12 seconds East 20 feet to a corner of Lot No. 17 on said Plan; thence extending along the said Lot No. 17 South 23 degrees 40 minutes 48 seconds East 125 feet to a point; thence South 66 degrees 19 minutes 12 seconds West 20 feet to a corner of Lot No. 15 on said Plan; thence extending along the said Lot No. 15 North 23 degrees 40 minutes 48 seconds West 125 feet to the point and place of beginning.

Tax Parcel #7-91

TITLE TO SAID PREMISES IS VESTED IN Aurelio DeJesus, Jr. by Deed from Philip R. Garland t/a Garland Construction, dated 8/26/97 and recorded 8/28/97 in Record Book 1431 page 223.

PREMISES BEING KNOWN AS 9 OXWOOD CIRCLE, NEW OXFORD, PA 17350

SEIZED and taken into execution as the property of **Aurelio DeJesus, Jr.** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/24, 10/1 & 8

NOTICE OF ACTION IN MORTGAGE FORECLOSURE

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
NO. 98-S-858

CONTIMORTGAGE CORPORATION
VS.

AURELIO DEJESUS JR.

NOTICE

TO: Aurelio Dejesus Jr.

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TAKE NOTICE that the real estate located on the Southerly side of Oxwood Circle in the Borough of New Oxford, County of Adams and Commonwealth of Pennsylvania known and numbered as Lot No. 16 on a final plan of Oxford Commons known as 9 Oxwood Circle, New Oxford, PA 17350 was scheduled to be sold at the Sheriff's Sale on November 5, 1999 at 10:00 a.m., in the Sheriff's Office in the Adams County Courthouse, located at 111 Baltimore Street, Gettysburg, PA 17325 to enforce the Court Judgment of \$75,079.23, obtained by Contimortgage Corporation (the mortgagee), against you.

Prop. sit. in the City of New Oxford, County of Adams, and State of Pennsylvania.

Being Premises: 9 Oxwood Circle, New Oxford, PA 17350. Improvements consist of residential property. **Sold as the property of Aurelio Dejesus Jr.**

TERMS OF SALE:

THE HIGHEST AND BEST BIDDER
SHALL BE THE BUYER.

The purchaser will be required to pay the full amount of his bid by twelve o'clock noon on the day of sale, and if complied with, a deed will be tendered by the Sheriff at the next Court of Common Pleas for

Adams County conveying to the purchaser all the right title, interest and claim which the said defendant has in and to the said property at the time of levying the same. If the above conditions be not complied with on the part of the purchaser, the property will again be offered for sale by the Sheriff at two o'clock P.M., on the same day. The said purchaser will be held liable for the deficiencies and additional cost of said sale.

NOTICE is further given to all parties in interest and claimants. Schedule of proposed distributions will be filed by the Sheriff of Adams County and distributions will be made in accordance with the said schedule unless exceptions are filed thereto within ten (10) day thereafter.

Frank Federman, Esquire
2 Penn Center, Suite 900
Philadelphia, PA 19102
(215) 563-7000
Attorney for Plaintiff

9/24

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed by SLUSSER'S TOOL SALES INC., with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania. The corporation is incorporated under the Pennsylvania Business Corporation Law of 1988.

Teeter, Teeter & Teeter
Solicitors

9/24

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

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

Copyright© 1959 by Wm. W. Gaunt & Sons, Inc., for Adams County Bar Association, Gettysburg, PA 17325.
All rights reserved.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-108 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 8, 1999, 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 lot(s) or piece(s) of ground, situate in County of Adams, Freedom Township, State of Pennsylvania, more specifically described as:

BEGINNING at a railroad spike in the centerline of L.R. 0 1025, Bull Frog Road, said spike being 685.04 feet southeast of corner of land now or formerly of Frank B. Darcey, Jr. and wife; thence in the centerline of said road South 21 degrees 01 minute 15 seconds East, 150.00 feet to a railroad spike at a corner of Lot No. 4 on the hereinafter referred to survey; thence by Lot No. 4 South 76 degrees 06 minutes 55 seconds West, 359.00 feet, through an iron pin set back 25 feet from the beginning of this course, to an iron pin on line of Lot No. 2, now or formerly of William F. Bowling; thence by said Lot No. 2 North 14 degrees 30 minutes 00 seconds West, 148.85 feet to an iron pin; thence by the same North 76 degrees 06 minutes 55 seconds East, 341.96 feet through an iron pin set back 16 feet from the end of this course, to a railroad spike in the centerline of said L.R. 01025, Bull Frog Road, the place of BEGINNING. CONTAINING 1.197 acres.

The above description was taken from a draft of survey prepared by Boyer Surveys, Richard W. Boyer, R.S., and designated as Lot No. 1, dated December 1, 1977, and identified as property of J. Leslie Bowling, owner-subdivider.

Having thereon erected a single family residence known and numbered as 1120 Bull Frog Road.

It being the same tract of land which J. Leslie Bowling and Mable Marr Bowling, his wife, by their deed dated the 22nd day of December, 1977, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 335 at Page 432, sold and conveyed unto J. Leslie Bowling and Mabel Marr Bowling, husband and wife; and J. Leslie Bowling having died on the 21st day of January, 1980, as evidenced by the opening of an estate before the Adams County Register of Wills to file number 01 -80-237, title in fee simple vested in Mabel Marr Bowling.

SEIZED and taken into execution as the property of **Mable Marr Bowling, William F. Bowling & Unknown Heirs of Mable Bowling, deceased** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 6, 1998.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 1, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-98 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE TWO TRACTS of land Situate, lying and being in Butler Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1:

BEGINNING at a point for a corner in the center of the state highway leading from Route 234 to Route 15; thence running by land now or formerly of Melvin Miller, South 55 degrees West 210 feet to an iron pin; thence running by land now or formerly of Ivan Huff, North 23 degrees West, 154.2 feet to an iron pin; thence running by land of the same North 59 degrees East, 210 feet to a point in the aforesaid highway, marked by an iron pin set on the West side of said highway; thence running in the center of said highway, South 23 degrees East, 141 feet to a point in the center of the aforesaid highway the place of beginning. Containing 110 perches and 48 square feet.

TRACT NO. 2:

BEGINNING at a point for a corner in the center of the state highway leading from Route 234 to Route 15; thence running by land now or formerly of Melvin Miller, and in the center of said highway, South 23 degrees East, 75 feet to a point in the center of said highway; thence running by land now or formerly of Raymond W. and Alice I. Swartzbaugh, South 59 degrees West 210 feet to an iron pin for a corner; thence running by land now or formerly of Ivan Huff North 23 degrees West 75 feet to an iron pin; thence running by land of the same, North 59 degrees East, 210 feet to a point in the center of the state highway the place of beginning. Containing 57 perches and 217 square feet.

Map # G-8, Parcel # 42

TITLE TO SAID PREMISES IS VESTED IN David Allen Arentz and Barbara Ann Arentz, his wife by Deed from Mina E. Newberry, widow dated 8/10/84, recorded 8/13/84, in Deed Book 384, Page 1066.

PREMISES BEING KNOWN AS 870 RENTZEL ROAD, TOWNSHIP OF BUTLER ADAMS COUNTY, PENNSYLVANIA

SEIZED and taken into execution as the property of **David Allen & Barbara Ann Arentz** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 31, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/24, 10/1 & 8

CRABBS VS. KEAGY

1. Juries have the power to compromise both as to assessment of casual negligence and the amount of damages.
2. The jury is free to believe all, some, or none of the testimony presented by a witness. However, this rule is tempered by the requirement that the verdict must not be a product of passion, prejudice, partiality, or corruption, or must bear some reasonable relation to the loss suffered by the plaintiff as demonstrated by uncontroverted evidence presented at trial. The synthesis of these conflicting rules is that a jury is entitled to reject any and all evidence up until the point at which the verdict is so disproportionate to the uncontested evidence as to defy common sense and logic.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 95-S-651. JOELLE E. CRABBS VS. BURNELL R. KEAGY.

Richard A. Sadlock, Esq., for Plaintiff
Donald R. Dorer, Esq., for Defendant

OPINION ON MOTION FOR NEW TRIAL

Spicer, P.J., August 6, 1998.

This case arises out of a vehicular accident that occurred February 2, 1994, on State Route 97, in Mt. Joy Township, Adams County, Pennsylvania. SR 97 is the highway that is commonly called the Baltimore Pike and runs from Gettysburg southward to Littlestown. Defendant, who was proceeding north, struck the rear of plaintiff's car as she was making a turn.

The complaint, filed July 19, 1995, originally sought damages for both Joelle L. Crabbs and Fred Crabbs, her husband. However, the consortium claim of Mr. Crabbs was subsequently dismissed and trial proceeded on Ms. Crabbs' claim alone.

Although defendant's negligence was not in real dispute, both the severity of impact and the extent of plaintiff's injuries were. Ms. Crabbs was involved in a similar accident shortly before the one in dispute (October 26, 1993). The following testimony, describing the accident, is fairly typical of the contrast:

Q Can you describe for us now the accident, what it felt like, what happened?

A The car—I was thrown forward in the car. I was still moving when I was hit very very slowly. I was in the process of making a right hand turn. The car was pushed forward five, seven feet perhaps.

Q Did you bring your vehicle to a stop?

A Yes.

Q I believe you started to describe your body movement during the accident. Can you describe that in a little bit greater detail what happened to you physically in the vehicle?

A I was physically thrown forward with considerable force. I had just— what all do you want me to go into at this time?

Q Go ahead.

A I was at the chiropractor that very day, suffered some neck pain, headaches at that period of time. I was not wearing my neck brace at the time of the accident. It intensified everything.

Q In terms of your body movement during the accident, did you strike anything?

A In the emergency room they felt that I must have—

MR. DORER: Objection

THE COURT: I'm sorry, you can't tell what they said.

BY MR. SADLOCK:

Q You can only describe what you know and recall personally.

A Okay. I had blood bursts which they're called in my eyes which means I was hit with considerable force.

N.T. Trial, pp. 12, 13

Defendant, on the other hand, while conceding he may have pushed plaintiff's vehicle, described the impact as a bump. Id. p. 66. He also testified as follows:

Q Was your car damaged in that accident?

A Not at all.

Q Was there any mark at all on the front bumper at all?

A There was a little rubber mark. I have a plastic bumper on my car. There was no damage. I must have went under the bumper guard of her car. There was a little black mark which I took my finger and wiped out. That was the extent of the damage.

BY MR. SADLOCK:

Q You agree there was damage to Ms. Crabbs' vehicle?

A I could hardly see any damage. I don't think the investigating officer saw any either.

Q He's not testifying for you? He's not here present?

A You're asking me questions. I'm trying to answer you.

Id. p. 65

At trial, plaintiff described considerable pain, discomfort and suffering which she attributed to the later accident. She described extensive medical treatment and presented medical bills totalling \$40,670.54 (Plaintiff's exhibit 1; the recoverable amount submitted to the jury was \$30,670.54).

Medical testimony was presented by video deposition. Two physicians who testified on behalf of plaintiff (Doctors J. Joseph Danyo and Michael F. Lupinacci) generally supported her contention that the second accident caused new physical injuries as well as exacerbating pre-existing conditions. However, Dr. Danyo recognized that plaintiff may have suffered neck pain and migraine headaches even before the October 26, 1993 accident and Dr. Lupinacci's testimony did not amount to a bold declaration:

Q Was there any worsening of these symptoms in the February, 1994 accident?

A The patient reported that all of those symptoms had worsened in that accident.

Q And given your – your training and experience, doctor, is that consistent to have a soft tissue injury that can be made worse following another traumatic experience such as a second vehicle accident?

A Yes, it can certainly happen.

Deposition, p. 11

Defendant's expert, Dr. Perry Eagle said that plaintiff may have suffered cervical sprain, that her objective manifestations were normal, and that most of her medical expenses were unreasonable, excessive and unnecessary.

Following trial, the jury awarded plaintiff \$7,000.00 for medical bills and nothing for pain and suffering. Plaintiff filed a motion for a new trial limited to damages, arguing that the verdict was inadequate and inconsistent. We address these in reverse order.

Inconsistency: Plaintiff concedes that juries have the power to compromise both as to assessment of causal negligence and the amount of damages. *Carlson v. Bubash*, 432 Pa. Super. 514, 639

A.2d 458 (1994), alloc. dn. 540 Pa. 592, 655 A.2d 982 (1995). Plaintiff contends, however, that when a jury awards medical bills it has found compensable injury and that failure to award damages for pain and suffering amounts to an inconsistency which must be rectified by the grant of a new trial. She brings to our attention the following:

Where a jury awards a plaintiff his medical expenses, they make a finding that the expenses were related to the defendant's actions in injuring the plaintiff. *Catalano v. Bujack*, 148 Pa. Cmwlth. 269, 611 A.2d 314 (1992), alloc. granted 534 Pa. 642, 626 A.2d 1159 (1993). However, by not awarding any pain and suffering, the jury also makes a finding that the plaintiff did not suffer as a result of his injuries and subsequent surgery. *Id.* Such findings are inherently inconsistent. *Id.* *Dougherty v. McLaughlin*, 432 Pa. Super.129, 134, 637 A.2d 1017, 1020 (1994).

The Commonwealth Court decision upon which Superior Court based its holding was vacated by Supreme Court, our highest court saying:

As to whether Commonwealth Court's was within these guidelines, we must first consider the court's rationale for remanding. The rationale was that the verdict was inconsistent and inadequate. We disagree. It would appear that the jury simply disbelieved evidence of damages in excess of what it awarded. It is not for any reviewing court to dictate what evidence a jury must believe. (footnote omitted).

In this case, the jury apparently did not believe that pain and suffering, for example, or missed work, resulted from the injury which Bujak caused. It did believe that medical and incidental expenses were incurred as a result of the injury, and it awarded damages for those claims. The jury made its determinations, and it is not for this court, absent evidence of unfairness, mistake, partiality, prejudice, corruption, exorbitance, excessiveness, or a result that is offensive to the conscience and judgment of the court, to disturb them.

***Catalano v. Bujack*, 537 Pa.155, 161, 642 A.2d 448, 451 (1994).**

This judge feels bound by Supreme Court's decision and declines to follow the Superior Court's decision, *supra*. Therefore, we rule that plaintiff is not entitled to a new trial on the basis of inconsistency.

Inadequacy: Supreme Court, in commenting on when new trials should be awarded to avoid injustice in civil cases has said (all citations are omitted):

We agree that the jury is free to believe all, some, or none of the testimony presented by a witness. However, this rule is tempered by the requirement that the verdict must not be a product of passion, prejudice, partiality, or corruption, or must bear some reasonable relation to the loss suffered by the plaintiff as demonstrated by uncontroverted evidence presented at trial. The synthesis of these conflicting rules is that a jury is entitled to reject any and all evidence up until the point at which the verdict is so disproportionate to the uncontested evidence as to defy common sense and logic.

Neison v. Hines, 539 Pa. 516, 520, 653 A.2d 634, 637 (1995).

The court went on to discuss the “shocks the conscience” standard and held that where uncontradicted evidence established a violent collision and injuries that could be expected to result therefrom, an award for pain and suffering was required. In contrast, the court also said:

We find those cases affirming a trial court’s refusal to grant a new trial distinguishable. In *Holland v. Zelnick*, 329 Pa. Super. 469, 478 A.2d 885 (1984), the plaintiff was the operator of a motor vehicle struck from behind in an accident consisting of a mere “bump.” At trial, Plaintiff’s expert medical witnesses attributed her pain and suffering to the accident. The defendant’s medical witnesses testified that neither he nor the plaintiff’s witnesses could find any objective evidence of pain, and that the plaintiff’s pain was subjective and was brought on by stress. The jury awarded no damages and the trial court refused to grant a new trial. The Superior Court affirmed the trial court’s holding that “the jury rejected the testimony of the plaintiff’s expert medical witness and accepted the testimony of the defendant’s expert.” *Holland*, 329 Pa. Super at 474, 478 A.2d at 887. *Id.*, 539 Pa at 526, 653 A.2d at 639.

In the case before us, it is obvious that the jury accepted the testimony of defendant and Dr. Eagle. Although Dr. Eagle did not offer an explanation for subjective pain, he neither confirmed it nor any injury. Furthermore, his testimony indicated that plaintiff may have faked some of her responses during his examination. He said that in tests of every muscle on plaintiff’s left side, “each broke

down.” Deposition, page 19. Because each muscle was serviced by a different nerve, he described this as “an unusual and unphysiologic response.” Id. He described other unusual findings, including progressively stronger grips (40, 50, and 60 pounds) of her left hand. Id. page 21.

Although we cannot say that we agree with the verdict, it is supported by evidence and does not shock this judge’s conscience.

The attached order is entered.

ORDER

And now, this 6th day of August, 1998, the court denies plaintiff’s request for a new trial.

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 MINNIE L. FLINCHBAUGH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executor: Kenneth E. Flinchbaugh, 28 Oak Lane, Stevens, PA 17578
 Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF DOLORES L. GRIMM, DEC'D

Late of Reading Township, Adams County, Pennsylvania
 Co-Executors: Keith M. Grimm and Kathy M. Julius, c/o 29 North Duke Street, York, PA 17401
 Attorney: Sharon E. Myers, Esq., 29 North Duke Street, York, PA 17401

ESTATE OF KATHRYN GITT SCHULTZ, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executors: Chester Gitt Schultz, 1037 Black Horse Tavern Road, Gettysburg, PA 17325; Granville Radcliffe Schultz, Jr., 928 Sunset Avenue, Gettysburg, PA 17325
 Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF JESSE E. BERKHEIMER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Co-Executrices: Carolyn S. Lightner, 101 Sherry Drive, McSherrystown, PA 17344; Helen C. Slaybaugh, 324 Main Street, McSherrystown, PA 17344
 Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF PATRICIA J. WONDER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania
 Executrix: Melissa M. Sneeringer, 285 South Street, Hanover, PA 17331
 Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF CLARIBEL B. DEARDORFF, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executors: Raymond D. Deardorff, 5400 Pinchtown Road, Dover, PA 17315; Gerald C. Deardorff, 2861 Taxville Road, York, PA 17404

ESTATE OF HAROLD C. MILLER, DEC'D

Late of Latimore Township, Adams County, Pennsylvania
 Executors: Jack Leon Miller, 320 White Oak Tree Road, York Springs, PA 17372; Joyce Ann Funt, 136 Queen Street, Box 339, Arendtsville, PA 17303
 Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 25 South Washington Street, Gettysburg, PA 17325

ESTATE OF JANE M. ROBINSON, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania
 Executor: Robert E. Robinson, c/o Gates & Gates, 250 York Street, Hanover, PA 17331
 Attorney: Samuel A. Gates, Esq., 250 York Street, Hanover, PA 17331

ESTATE OF MARGARET E. SCHWARTZ, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Administrator: Denise Draiss, c/o Richard R. Reilly, Esq., 56 South Duke Street, York, PA 17401-1402
 Attorney: Richard R. Reilly, Esq., 56 South Duke Street, York, PA 17401-1402

ESTATE OF MELVIN L. WINAND, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania
 Co-Executrices: Joan Schaeffer and Susan Becker, c/o 29 North Duke Street, York, PA 17401
 Attorney: Sharon E. Myers, Esq., Countless, Gilbert & Andrews, 29 North Duke Street, York, PA 17401

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-423 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 8, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the north-eastern edge of Bonnie Field Circle and Lot No. 61 of the hereinafter referenced subdivision plan; thence along said north-eastern edge of Bonnie Field Circle the following two (2) courses and distances:

(1) North forty-eight (48) degrees forty-five (45) minutes zero (00) seconds west, fifty (50) feet to a point;

(2) By a curve to the right whose radius is one hundred ninety and nineteen hundredths (190.19) feet and whose long chord bearing is north forty-one (41) degrees fifty-eight (58) minutes eighteen (18) seconds west, forty-four and ninety hundredths (44.90) feet for an arc distance of forty-five (45) feet to a point at Lot No. 59 of said plan;

Thence along same, north fifty-four (54) degrees forty-eight (48) minutes twenty-three (23) seconds east, one hundred ten (110.0) feet to a point at lands now or formerly of John E. Biemiller; thence along same, south thirty-eight (38) degrees forty (40) minutes zero (00) seconds east, sixty-nine and eighty-eight hundredths (69.88) feet to a point at Lot No. 61 of said plan; thence along same, south forty-one (41) degrees fifteen (15) minutes (00) seconds west, one hundred (100) feet to a point on the northeastern edge of Bonnie Field Circle, the point and place of beginning.

Containing 8,737.5 square feet, and identified as Lot No. 60 on a plan of lots known as Bonnie Field, prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Plat Book 9 at page 24.

Under and subject, nevertheless, to all those restrictions recorded in Adams County Miscellaneous Book 27 at page 302.

BEING known as 31 Bonniefield Court, Gettysburg, PA.

Tax Parcel No. 9-74

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 11, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 1, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/17, 24 & 10/1

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW
NO. 98-S-1155

NORWEST MORTGAGE INC.

vs.

ROBERT W. ALLEWALT
LILIANA ALLEWALT

NOTICE

TO: LILIANA ALLEWALT:

YOU ARE HEREBY notified that on NOVEMBER 23, 1998, Plaintiff, NORWEST MORTGAGE INC., filed an Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ADAMS County, Pennsylvania, docketed to No. 98-S-1155. Wherein Plaintiff seeks to foreclosure its mortgage secured on your property located, 495 COLUMBUS AVENUE, LITTLESTOWN, PA 17340, whereupon your property would be sold by the Sheriff of ADAMS County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

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

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CAN-

NOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

9/24