

Adams County Legal Journal

Vol. 43

December 7, 2001

No. 28, pp. 158-160

IN THIS ISSUE

GUARDIAN IN HOME SERVICES VS. SULLIVAN ET AL

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-506 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described two (2) tracts of land, with the improvements thereon erected, situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

TRACT NO. 1: BEGINNING for a corner at an iron pin at the Northwest corner of lands now or formerly of Lester G. Mummert and Julia L. A. Mummert, his wife; thence along said lands, South twenty (20) degrees twenty-five (25) minutes East, sixty-three and five-tenths (63.5) feet to an iron pin at a corner of lands now or formerly of Mummert and lands now or formerly of Robert F. Hoover and Stella M. Hoover, his wife; thence along said Hoover's land, South seventy (70) degrees West, two hundred eighty-seven and two one-hundredths (287.02) feet to an iron pin at lands now or formerly of Howard Wetzel; thence along said Wetzel's land, North nineteen (19) degrees West, forty-nine and five-tenths (49.5) feet to an iron pin at lands now or formerly of Edna F. Krug, of which this tract was a part; thence along said

Krug's land, North sixty-seven (67) degrees thirty-three (33) minutes East, two hundred eighty-five and five-tenths (285.5) feet to an iron pin, the place of BEGINNING. (The above description, courses and distances were taken from a survey made by Donald W. Resh, Registered Surveyor, bearing date June 9, 1956.)

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

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

Premises being: 1320 Carlisle Pike, Hanover, PA 17331

Tax Parcel No. #L-13-53

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 28, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/21, 30 & 12/7

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. 01-S-856 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground situate in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin on the Northern property line of West Middle Street at corner of lands formerly of John H. Kadel; thence along the Northern property line of West Middle Street, North 85 degrees West, 20.5 feet to an iron pin; thence by lot now or formerly of Hristos D. Koutsokostas and Aglaria Y. Koutsokostas, husband and wife, and running through the center of a double brick house, North 5 degrees East, 85 feet to an iron pin on line of lands now or formerly of Gerald D. Shealer and Suzanne E. Shealer, husband and wife; thence by said lands of Gerald D. Shealer and Suzanne E. Shealer, husband and wife, South 85 degrees East, 20.5 feet to an iron pin on line of lands now or formerly of John H. Kadel; thence by said lands formerly of John H. Kadel, South 5 degrees West, 85 feet to the iron pin on the Northern property line of West Middle Street, the place of BEGINNING.

BEING THE SAME PREMISES which Lois R. Rose by deed dated July 17, 1998 and recorded July 17, 1998 in the Recorder's Office in and for Adams County, Pennsylvania in Deed Book Volume 1623, Page 135, granted and conveyed unto Nancy A. Starnier, the mortgagor herein.

PARCEL NO.: (16) 009-0010A

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 28, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/21, 30 & 12/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-130 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin on the North side of a 28-foot wide street (proposed) known as Maple Avenue at the Southwest corner of land now or formerly of Izora L. Black; thence along the North side of proposed Maple Avenue North 89 degrees West, 95.8 feet to an iron pin on line of land now or formerly of Pennsylvania State College; thence along the line of land of Pennsylvania State College North 4 degrees West, 182.6 feet to an iron pin at the Southern edge of a 14-foot proposed alley; thence along the Southern edge of said 14-foot proposed alley, South 88 degrees 52 minutes East, 104.9 feet to an iron pin at the Northwest corner of land now or formerly of Izora L. Black; thence along said land of Izora L. Black South 1 degree, 14 minutes East, 182.1 feet to an iron pin on the North side of proposed Maple Avenue, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Dolores J. Hart, single and Judy E. Brown, single, as joint tenants with the right of survivorship by reason of the following:

BEING THE SAME premises which Allen I. McDonnell, etux, etal by Deed dated 5/2/72 and recorded ___/___/___ in the County of Adams in Deed Book 300 Page 38 conveyed unto Dolores J. Brown.

AND BEING THE SAME premises which Dolores J. Brown now Dolores J. Hart, widow by Deed dated 6/18/93 and recorded 6/18/93 in the County of Adams

in Record Book 740 Page 303 conveyed unto Dolores J. Hart, single and Judy E. Brown, single, as joint tenants with the right of survivorship.

Premises being: 37 Maple Avenue, Biglerville, PA 17307

Tax Parcel No. 3-18

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 28, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/21, 30 & 12/7

FICTITIOUS NAME NOTICE

NOTICE IS GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on November 9, 2001, pursuant to the Fictitious Name Act, setting forth that Richard A. Detwiler, Diane E. Detwiler, of 6189 Hilltop Drive East, Spring Grove, Pennsylvania 17362, Richard W. Becker, Sr., of 996 South Hilltop Drive, Spring Grove, Pennsylvania 17362 and Richard W. Becker, Jr., of 6175 Hilltop Drive East, Spring Grove, Pennsylvania 17362, are the only persons owning or interested in a business, the character of which is operating a mini storage facility and that the name, style and designation under which said business is and will be conducted is RT 94 MINI STORAGE and the location where said business is and will be conducted is 3395 Carlisle Pike, New Oxford, Pennsylvania 17350.

Guthrie, Nonemaker, Guthrie & Yingst
Solicitor

12/7

GUARDIAN IN HOME SERVICES VS. SULLIVAN ET AL

1. In order to sustain a demurrer, it is essential that plaintiff's complaint indicate on its face that the claim cannot be sustained and that the law will not permit recovery.
2. When the facts in a pleading conflict with the exhibits, the Court should use the facts as reflected in the exhibits. Furthermore, a demurrer does not admit facts that conflict with documents that are part of the record.
3. An agency relationship is adequately pleaded when the alleged agent is identified and an agency relationship is averred in the complaint.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 00-S-796, GUARDIAN IN HOME SERVICES, INC. VS. JESSICA SULLIVAN, HEATHER HERNANDEZ, FARAH HERNANDEZ AND THE ESTATE OF GOLDA H. COLLINS, DECEASED.

Joseph A. Macaluso, Esq., for Plaintiff
Timothy Nieman, Esq., for Defendants
Kuhn, J., April 17, 2001

OPINION REGARDING THE ESTATE OF GOLDA H. COLLINS'S PRELIMINARY OBJECTION IN THE NATURE OF A DEMURRER

Plaintiff, Guardian In Home Service, Inc. filed a Complaint against several defendants, including the Estate of Golda H. Collins (hereinafter the Estate) for services provided to Golda H. Collins pursuant to a Service Agreement dated June 11, 1999. The Estate filed preliminary objections to the Complaint in the nature of demurrer contending that Plaintiff has no cause of action, under the contract, against the Estate. Essentially, the Estate contends that J. Barclay Collins, the son of Golda H. Collins, is the real party to the contract. The matter is before the Court for disposition under Adams County Local Rule 211.

A demurrer tests the legal sufficiency of a complaint by admitting every well-pleaded material fact set forth in the pleading to which it is addressed as well as all inferences reasonably deducible therefrom, but not conclusions of law; in order to sustain a demurrer, it is essential that plaintiff's complaint indicate on its face that the claim cannot be sustained and that the law will not permit recovery.

(Citations omitted). *Frankel v. Northeast Land Company*, 391 Super. Ct. 226, ___, 570 A.2d 1065, 1067-68 (1990).

STATEMENT OF FACTS

Golda H. Collins, now deceased, was receiving non-medical, in-home caregiver services from Plaintiff from June 21, 1999 through March 7, 2000. (Compl. ¶ 1, 5, 12, 16, 31.) This service was provided under a Service Agreement, dated June 11, 1999. (Compl. Ex. D.) The Service Agreement lists Golda Collins as the “client” directly under the title of the document and at the beginning of the signature blocks. (Compl. Ex. D.) The Service Agreement is signed by J. Barclay Collins on the line marked “authorized signature”. (Compl. Ex. D.)

Each paragraph of the Service Agreement refers to “I” as the person who is promising to be obliged to Plaintiff. “I” is not defined in the Service Agreement, neither is “client” nor “authorized signature”.

Plaintiff alleges in the Complaint that J. Barclay Collins was acting as Golda H. Collins’s agent when he signed the Service Agreement. (Compl. ¶ 12.) Plaintiff acknowledges that J. Barclay Collins made all of the payments for services through his personal bank account using his personal checks. (Compl. ¶ 28, Ex. J.)

LEGAL DISCUSSION

The Estate argues that J. Barclay Collins was the person who contracted with Plaintiff, not Golda H. Collins, and therefore her estate cannot be held liable for sums allegedly due under the contract. The Estate recognizes that the Complaint is adequate in that it avers that J. Barclay Collins was acting on behalf of Golda H. Collins. Nevertheless, the Estate asserts that the Service Agreement conflicts with the statement that he acted as her agent in entering into the contract. Thus, the Estate argues that agency is not well pled.

When the facts in a pleading conflict with the exhibits, the Court should use the facts as reflected in the exhibits. Furthermore, a demurrer does not admit facts that conflict with documents that are part of the record. *Framlau v. Delaware Co.*, 223 Pa. Super. 272, 299 A.2d 335 (1972).

The Service Agreement attached to the Complaint shows that Golda H. Collins is the person who will be receiving services from Guardian. It also shows that J. Barclay Collins was the person asserting to be authorized to sign for those services from Plaintiff. It is not clear who is being obligated to pay Plaintiff, whether that be the client listed at the beginning and the end of the contract or the authorized signer to the contract. Because the Service Agreement is not clear in that respect, the Complaint is not in conflict with the exhibits. The facts regarding the capacity in which J. Barclay Collins signed the Agreement will have to be developed by way of further answer or discovery. For example, one is unable to discern from the Complaint whether or to what extent Golda H. Collins was personally aware of the contract, her participation in its execution, her mental capacity, or the extent of authority she had given to her son to act on her behalf.

An agency relationship is adequately pleaded when the alleged agent is identified and an agency relationship is averred in the complaint. *Lynch v. Wolfinger*, 163 Super. Ct. 405, 62 A.2d 95 (1948) (finding a pleading adequate when it averred that the alleged agent was a “duly constituted and authorized agent’, and that he secured an able and willing purchaser....” *Id.* at ___, 62 A.2d at 96); Pa.R.C.P. 1019, 42 Pa.C.S.A. In the Complaint, Plaintiff specifically avers that J. Barclay Collins was the agent of Golda Collins for the purpose of entering the contract. The Agreement shows the signature of J. Barclay Collins in the line marked “authorized signature”. These facts together adequately aver an agency relationship between J. Barclay Collins and Golda Collins for the purpose of deciding demurrer.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 17th day of April 2001, in accordance with the attached Opinion, the Estate of Golda H. Collins’s Preliminary Objection in the Nature of Demurrer is denied. Said Defendant is granted twenty (20) days from the date of mailing of this Order to file its answer to the Complaint.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-734 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin on the western edge of the paved area of Legislative Route 01002, at the northernmost corner of land now or formerly of James R. Bigham, thence by said land of James R. Bigham and passing through a reference iron pin set back 12.50 feet from the last mentioned point, South 47 degrees 45 minutes 00 seconds West, 484.00 feet to an iron pin on line of land now or formerly of Donald G. Mason; thence by said land of Donald G. Mason, North 42 degrees 15 minutes 00 seconds West, 180.00 feet to an iron pin; thence by same, North 47 degrees 45 minutes 15 seconds East, 487.26 feet to an iron pin on line of land now or formerly of It's A New Dawn, Inc.; thence by said land It's A New Dawn, Inc., passing through a 5/8 inch rebar marking the corner of land now or formerly of James W. Bigham, and by said land of James W. Bigham, and re-entering the right of way of Legislative Route 01002, South 41 degrees 12 minutes 40 seconds East, 180.00 feet to an iron pin, the place of BEGINNING. CONTAINING 2.008 Acres, more or less.

The above description was taken from a draft of survey prepared by Boyer Surveys, dated April 29, 1982, designating the above as Lot No. 1.

Being known as 745 Camp Gettysburg, Gettysburg, PA 17325

PARCEL NO.: D15-0022C

BEING THE SAME PREMISES which Paul E. Miller, Jr., and Melva Eileen Miller, husband and wife by deed dated September 17, 1998 and recorded September 17, 1998 in the Recorder's Office in and for Adams County, Pennsylvania in Deed Book Volume 1663, Page 230, granted and conveyed unto Douglas R. Caskey and Lori A. Caskey, husband and wife, the mortgagors herein.

SEIZED and taken into execution as the property of **Douglas R. Caskey & Lori A. Caskey** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 28, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10

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

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

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

11/30, 12/7 & 14

NOTICE

In re: First and Final Account of PNC Bank National Association (formerly Gettysburg National Bank), of Camp Hill, Pennsylvania, Guardian of the Estate of Nicole Lee Gebhart, Adams County Orphans' Court No. OC-39-92.

NOTICE IS HEREBY GIVEN that the First and Final Account of PNC Bank National Association (formerly Gettysburg National Bank) has been filed in the Office of the Clerk of Orphans' Court and will be presented to the Court of Common Pleas of Adams County, Pennsylvania, at Gettysburg, Pennsylvania, for confirmation and approval on December 31, 2001, at 9:00 a.m.

This Account will be available for inspection and review at the Clerk of Court's Office, Adams County Courthouse, or at the office of Walton V. Davis, 63 West High Street, Gettysburg, Pennsylvania. Any objection or claims against the guardianship estate must be made at or prior to the date for confirmation, and may be filed with the said Clerk of Courts or raised in Court at the time and date stated above. Any claims or objections not raised may be lost.

Walton V. Davis, Esq.
Attorney for Guardian

11/30 & 12/7

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an application for registration of the fictitious name T & S COMPUTER SYSTEMS PLUS for the conduct of a business in Adams County, Pennsylvania, with its principal office at 207 South Queen Street, Littlestown, Pennsylvania 17340, was filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania on the 25th day of October, 2001, pursuant to the Act of Assembly dated December 16, 1982, Act 295 (54 Pa. C.S. Section 311).

The names and address of the only persons owning or interested in said business is Tobiah R. Rothlingshofer and Sarah J. Rothlingshofer, 175 Kensington Drive, Littlestown, Pennsylvania 17340.

Stonesifer and Kelley, P.C.
Solicitor

12/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-867 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the Borough of New Oxford, Adams County, PA which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a Declaration dated September 13, 1996 and recorded October 18, 1996 in Record Book 58, Page 41 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such Declaration as Unit Declaration No. 38 and more fully bounded and described in such Declaration, together with a proportionate undivided interest in the Common Elements as defined in such Declaration.

TITLE TO SAID PREMISES IS VESTED IN James J. Eline, Jr. by Deed from Philip R. Garland t/d/b/a Garland Construction dated 12/19/97 and recorded 12/29/97 in Record Book 1497, Page 219.

Premises being: 15 Oxford Court, New Oxford, PA 17350

Tax Parcel No. MAP 5, PARCEL 184-A

SEIZED and taken into execution as the property of **James J. Eline, Jr.** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 28, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/30, 12/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-888 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in the center of Township Road T-424 (Low Dutch Road) at corner of land now or formerly of Henry L. Horne; thence in said Township Road T-424, North eighteen (18) degrees twenty-nine (29) minutes fifty (50) seconds East, two hundred twenty-nine and twenty-six hundredths (229.26) feet to a railroad spike at corner of other land now or formerly of Raymond B. Koenig; thence by said other land of Raymond B. Koenig, South seventy-one (71) degrees forty-three (43) minutes twenty-five (25) seconds East, seven hundred twenty-six and ninety-two hundredths (726.92) feet to a steel pin on line of land now or formerly of Stephen B. Fisher; thence by said land of Stephen B. Fisher, South sixteen (16) degrees four (04) minutes twenty (20) seconds West, two hundred twenty-nine and forty-three hundredths (229.43) feet to a steel pin at corner of land now or formerly of Henry L. Horne, aforesaid; thence by said land of Henry L. Horne, North seventy-one (71) degrees forty-three (43) minutes twenty-five (25) seconds West, seven hundred thirty-six and sixty-two hundredths (736.62) feet to a railroad spike in the center line of Township Road T-424 (Low Dutch Road), the place of BEGINNING. CONTAINING 3.851 Acres.

THE above description was taken from a draft of survey prepared by Donald E. Worley, P.L.S., dated August 16, 1983, revised September 9, 1983, designating the above as a 3.851 Acre tract, and recorded in Plat Book 39 at page 49.

Premises being: 2590 Low Dutch Road, Gettysburg, PA 17325

Tax Parcel No. MAP G15, PARCEL 23B

SEIZED and taken into execution as the property of **Donny L. Ennis & Carol L. Ennis** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 28, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/30, 12/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN Lot of land with improvements thereon situate in the Borough of Gettysburg, Adams County, Pennsylvania, known, numbered and designated as Lot No. 17 on a plan of lots entitled "Breckenridge Village" made by D. P. Raffensperger Associates, Engineers and Surveyors dated May 7, 1971, which plan is of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1 at Page 90.

Subject to the restrictions, conditions and agreements referred to in the above recited deed and contained in Deed Book 302 at Page 302.

Being known as 361 Village Drive, Gettysburg, PA 17325

Property ID No. 9-143

TITLE OF SAID PREMISES IS VESTED IN **Bennie R. Green, Sr.** and **Pamela A. Green**, husband and wife, as tenants of an estate by the entireties by deed from **Pamela A. Green**, formerly known as **Pamela A. Foster**, and **Bennie R. Green, Sr.**, her husband, dated 6/29/1994, recorded 7/6/1994, in Deed Book 908, Page 307.

SEIZED and taken into execution as the property of **Bennie R. Green, Sr. & Pamela A. Green** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-844 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in Germany Township and Adams County which is bounded and limited as follows:

BEGINNING at an iron pin planted for a corner at land now or formerly of James D. Spalding and Creamery Road; thence Southeast along said land 272 feet, more or less, to lands now or formerly of William Messenger; thence Southwest along lands now or formerly of said Messenger fifty-five feet to lands now or formerly of Daniel Leppo; thence along lands now or formerly of said Leppo Northwest 272 feet, more or less, to the public (Creamery) Road; thence along said road Northeast fifty-five feet to the place of BEGINNING. Iron pins having been planted at each of the aforementioned corners.

Being known as 27 Kindig Road, Littlestown, PA 17340

Property ID No. 112-J-17

TITLE TO SAID PREMISES IS VESTED IN **Brian Robert Hatter** and **Lisa Scott Hatter**, husband and wife, as tenants by the entireties by deed from **Shirley M. Griffith**, dated 11/21/1987, recorded 12/7/1987, in Deed Book 474, Page 1150.

SEIZED and taken into execution as the property of **Brian Robert Hatter & Lisa Scott Hatter** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/7, 14 & 21

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 MIRIAM O. HACKMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Karen B. Hackman, 5597 Seminary Road, Apt. 1015, Falls Church, VA 22041-3504

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

ESTATE OF MARY E. HARTMAN, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executors: Russell L. Hartman, Jr., 525 Tract Road, Fairfield, PA 17320; Carolyn A. Kane, 471 Tract Road, Fairfield, PA 17320

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

ESTATE OF KENNETH BERT HUFFMAN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executrix: Michelle McCullom a/k/a Michelle McCullom, 1 Iris Court, Hanover, PA 17331

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

ESTATE OF EMILY D. KALTENSTEIN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: E. Scott Tomlinson, 630 Wheeler School Road, Whiteford, MD 21160-1109

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

ESTATE OF RUTH K. MILLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Joseph D. Miller, 1865 Hilltown Road, Biglerville, PA 17307; David L. Miller, 1857 Hilltown Road, Biglerville, PA 17307

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

ESTATE OF MILDRED E. NARY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Clayton R. Wilcox, Esq., 234 Baltimore Street, Gettysburg, PA 17325; G. Edward Hughes, 408 Lyttle Blvd., Hazard, KY 41701

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

ESTATE OF EVELYN R. WEAVER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Mary V. Myers, 822 Hanover Road, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF EARL R. KEEFER a/k/a EARL ROBERT KEEFER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Paul J. Wheeler, 1350 Fish & Game Road, Littlestown, PA 17340

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

ESTATE OF HELEN E. NEELY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: George Phillips and Genevieve Phillips, c/o Michael Gilledder, Esq., 144 Morton Road, Springfield, PA 19064

Attorney: Michael Gilledder, Esq., 144 Morton Road, Springfield, PA 19064

ESTATE OF MARIE A. WOLF, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Co-Executors: Larry Wolf and Brenda Menges, c/o 106 Harrisburg Street, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews, PC, CGA Law Firm

THIRD PUBLICATION

ESTATE OF MARY A. BECKER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: Melony A. Leidy, c/o Gates & Gates, 250 York Street, Hanover, PA 17331

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

ESTATE OF ANN (NM!) HOPKINS, DEC'D

Late of the Borough of Boonauville, Adams County, Pennsylvania

Executrix: Joyce A. Gill, 21 Sunset Drive, Gettysburg, PA 17325

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

ESTATE OF IDAMAE F. KANE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

PNC Bank, N.A., Attn: Linda J. Lundberg, P.O. Box 308, Camp Hill, PA 17001-0308

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

ESTATE OF CHARLES G. LAWRENCE, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executors: Joseph C. Lawrence, 127 South Madison Street, Hanover, PA 17331; Steven W. Lawrence, 36 Moul Avenue, Hanover, PA 17331; Karen S. Thomas, 45 Browns Dam Road, Lot 16, New Oxford, PA 17350; Donald P. Lawrence, 31139 Swan Road, Sorrento, FL 32776; Wanda K. Sipling, 28 Clearview Road, Hanover, PA 17331

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

ESTATE OF JOHN ALLEN ROSER, SR., DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: John A. Roser, Jr., 2990 Meadow View Rd., Manheim, PA 17545-8319

ESTATE OF AVE MARIA SMALL, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Chester Small, P.O. Box 184, Cashtown, PA 17310

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

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 01-S-1043

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

COLUMBIA NATIONAL INC., Plaintiff
vs.

DIANE M. RILEY and GARY A. SHULTZ,
MORTGAGORS AND REAL OWNERS,
Defendants

THIS FIRM IS A DEBT COLLECTOR
AND WE ARE ATTEMPTING TO COLLECT
A DEBT OWED TO OUR CLIENT.
ANY INFORMATION OBTAINED FROM
YOU WILL BE USED FOR THE PURPOSE
OF COLLECTING THE DEBT.

TO: Diane M. Riley and Gary A. Shultz,
Mortgagors and Real Owners,
Defendants, whose last known address
is 140 Georgetown Road, Gardners, PA
17324:

You are hereby notified that Plaintiff,
Columbia National Inc. has 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. 01-S-1043, wherein
Plaintiff seeks to foreclose on the mortgage
secured on your property located,
140 Georgetown Road, Gardners,
Pennsylvania 17324, whereupon your
property would be sold by the Sheriff of
Adams County.

NOTICE

YOU HAVE BEEN SUED IN COURT.
If you wish to defend against the claims
set forth in the above, you must take
action within twenty (20) days after this
complaint and notice are served, by
entering a written appearance personally
or by attorney and filing in writing with
the Court your defenses or objections to
the claims set forth against you. You are
warned that if you fail to do so the case
may proceed without you and a judgment
may be entered against you by the

Court without further notice for any
money claimed in the complaint or for
any other claim or relief requested by the
plaintiff. You may lose money or property
or other rights important to you.

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

PENNSYLVANIA BAR ASSOCIATION
P.O. Box 186
Harrisburg, PA 17108
800-692-7375

LEGAL SERVICES INC.
432 S. Washington Street
Gettysburg, PA 17325
(717) 334-7623

Joseph A. Goldbeck, Jr.
Attorney for Plaintiff
Goldbeck McCafferty & McKeever
Suite 500, The Bourse Building
111 S. Independence Mall East
Philadelphia, PA 19106
(215) 627-1322

12/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution,
Judgment No. 01-S-898 issuing out of
the Court of Common Pleas of Adams
County, and to me directed, will be
exposed to Public Sale on Friday, the 25th
day of January, 2002, at 10:00 o'clock
in the forenoon at the Courthouse in the
Borough of Gettysburg, Adams County,
PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property
known, named and identified in the
declaration referred to below as South
Branch Estates, located in the Township
of Oxford, Adams County, Pennsylvania
which has heretofore been submitted to
the provisions of the Pennsylvania
Uniform Condominium Act, 68 P.S.A.
Section 3101, et seq., by the recording in
the Office of the Recorder of Deeds in
and for Adams County, PA, of a land
development plan dated October 6,

1995, last revised December 14, 1995
and recorded in Book 69, page 23
(together with all amendments and
supplements thereto recorded on or before
the date hereof) being all designated in
such plan as Unit No. 31 as more fully
bounded and described in such plan,
together with a proportionate undivided
interest in the Common Elements as
defined in a Declaration Plan recorded in
the Office of the Recorder of Deeds, in
and for York County, PA in Record Book
1271, page 34.

UNDER AND SUBJECT to any and all
covenants, conditions, restrictions, rights
of way, easements and agreements of
record, including (but not limited to)
those contained in the instruments
recorded in the aforesaid Recorder's
Office in Record Book 69, page 23.

TOGETHER with the limited common
elements appurtenant as more fully
shown of Plan 1271, page 34.

Premises being: 81 Fiddler Drive, New
Oxford, PA 17350

Tax Parcel No. #1-52

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

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

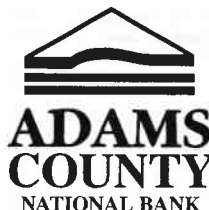
TO ALL PARTIES IN INTEREST AND
CLAIMANTS: You are notified that a
schedule of distribution will be filed by
the Sheriff in his office on February 18,
2002, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 10
days after the filing thereof. Purchaser
must settle for property on or before filing
date.

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

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

12/7, 14 & 21

Quality Customer Service.
Our promise to you every day.



Member FDIC

Adams County Legal Journal

Vol. 43

December 14, 2001

No. 29, pp. 161-165

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-77 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

PREMISES "A"

ALL that tract of land, together with the improvements thereon erected, being known as No. 120 Knox Road, situate, lying and being in the Township of Highland, Adams County, Pennsylvania;

CONTAINING 138 Perches, more or less.

PARCEL #D13-12

BEING THE SAME PREMISES which Jacob C. Kump and Louise Kump, husband and wife, by Deed dated February 11, 1971 and recorded in Deed Book Vol. 290, Page 281, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "B"

ALL that tract of land, together with the improvements thereon erected, being known as No. 1041 McLaughlin Road, situate in Liberty Township, Adams County, Pennsylvania;

CONTAINING 6 acres and 66 perches, more or less.

PARCEL #D15-33

BEING THE SAME PREMISES which Ruth E.L. Fair, by Deed dated July 25, 1971 and recorded in Deed Book Vol. 319, Page 723, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "C"

ALL that tract of land, together with the improvements thereon erected, being known as No. 110 Knox Road, situate in Highland Township, Adams County, Pennsylvania;

CONTAINING 2.1702 Acres.

PARCEL #D13-12A

BEING THE SAME PREMISES which George O. Brown and Shirley A. Brown, husband and wife, by Deed dated March 14, 1980 and recorded in Deed Book Vol. 350, Page 1003, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "D"

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

County, Pennsylvania, being Parcel C of Section AE, Chamita Map, Adams County Mapping Department

CONTAINING 29.61 Acres.

PARCEL #AE0-9999C

BEING THE SAME PREMISES which Bernard V. Miller, Sheriff of the County of Adams, by Deed dated January 23, 1981 and recorded in Deed Book Vol. 355, Page 990, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "E"

ALL THOSE CERTAIN tracts of land, together with the improvements thereon erected, being known as No. 239 Bair Road, situate, lying and being in the Township of Berwick, Adams County, Pennsylvania;

PURPART NO. 1 - CONTAINING fifty-two hundredths (.52) acre; and

PURPART NO. 2 - CONTAINING 14.581 acres.

PARCEL #K11-49A

PURPART NO. 1 - BEING THE SAME PREMISES which Robert McMaster and Peggy A. McMaster, his wife, by Deed dated June 5, 1987 and recorded in Deed Book Vol. 459, Page 896, Adams County records, granted and conveyed unto Robert W. Weikert; and

PURPART NO. 2 - BEING THE SAME PREMISES which Preston N. Myers, Executor of the Estate of John W. Sager, Deceased, by Deed dated June 11, 1987 and recorded in Deed Book Vol. 459, Page 983, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "F"

ALL that tract of land situate, lying and being in Highland Township, Adams County, Pennsylvania;

CONTAINING 10.765 acres.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Highland, Adams County, Pennsylvania, as more fully described in Deed from Robert W. Weikert and Winifred A. Weikert, husband and wife, Grantors, to Michael L. Smith and Nina M. Smith, husband and wife, Grantees, dated October 12, 1990 and recorded in Deed Book Vol. 570, Page 96, Adams County records.

PARCEL #D13-16A

BEING PART OF THE SAME PREMISES which Grace E. Hoak,

widow, by Deed dated January 29, 1988 and recorded in Deed Book Vol. 479, Page 103, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "G"

ALL those two tracts of land situate in Highland Township, Adams County, Pennsylvania, bounded and described as follows:

PURPART NO. 1

TRACT NO. 1 - CONTAINING 1 acre and 156 perches; and

TRACT NO. 2 - CONTAINING 5 acres and 8 perches.

PURPART NO. 2

ALL that tract of land situate in Highland Township, Adams County, Pennsylvania;

CONTAINING 5,170 square feet.

PURPART NO. 1 - BEING THE SAME PREMISES which Peace Light Inn Co., a Pennsylvania business corporation, by Deed dated June 6, 1973 and recorded in Deed Book Vol. 307, Page 415, Adams County records, granted and conveyed unto Robert W. Weikert; EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Highland, Adams County, Pennsylvania, CONTAINING 10,015 square feet, and being more fully described in Deed from Robert W. Weikert, Grantor, to Dennis R. Bishop, Grantee, dated September 30, 1999 and recorded in Deed Book Vol. 1923, Page 230, Adams County records; and

PURPART NO. 2 - BEING THE SAME PREMISES which Dennis R. Bishop, by Deed dated September 30, 1999 and recorded in Deed Book Vol. 1923, Page 237, Adams County records, granted and conveyed unto Robert W. Weikert.

PARCEL #D14-51

PREMISES "H"

ALL that tract of land, together with the improvements thereon erected, being known as No. 226 Railroad Lane, situate, lying and being in Highland Township, Adams County, Pennsylvania;

CONTAINING 97 Acres and 48 perches, more or less.

PARCEL #D12-23

BEING THE SAME PREMISES which Charles T. Lotreck and Joanne E. Lotreck, his wife, by Deed dated December 26, 1986 and recorded in

(continued on page 2)

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.

Deed Book Vol. 445, Page 720, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "I"

ALL THOSE CERTAIN four (4) tracts of land, together with the improvements thereon erected, being known as No. 1395 Knoxlyn-Orrtanna Road, situate, lying and being in Hamiltonban and Highland Townships, Adams County, Pennsylvania;

TRACT NO. 1 - CONTAINING 350 Acres and 146 Perches;

TRACT NO. 2 - CONTAINING 5 Acres and 132 Perches, neat measure;

LESS AND EXCEPTING from the above described Tract No. 2, a tract of land containing 1.203 acres, more or less, which I.Z. Musselman Orchards, Inc., by Deed dated June 3, 1983, and recorded in Adams County Deed Book Vol. 368, Page 575, Adams County records, granted and conveyed unto Dennis Ray Bowling.

TRACT NO. 3 - CONTAINING 54 Acres and 153 perches, more or less;

TRACT NO. 4 - CONTAINING 44 Perches of land, more or less.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Hamiltonban and the Township of Highland, Adams County, Pennsylvania, as more fully described in Deed from Robert W. Weikert and Winifred A. Weikert, husband and wife, Grantors, to Steven P. Donaldson, David G. Donaldson, and Beverly M. Benner, Grantees, dated October 20, 1992 and recorded in Deed Book Vol. 645, Page 1062, Adams County records.

PARCEL #D13-1

BEING PART OF THE SAME PREMISES which Lois M. Wilson, individually and as Attorney-in-Fact for William B. Wilson, her husband, et al., by Deed dated February 14, 1990 and recorded in Deed Book Vol. 546, Page 1005, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "J"

ALL that tract of land, together with the improvements thereon erected, being known as No. 1084 Knoxlyn-Orrtanna Road, situate, lying and being in the Township of Highland, County of Adams, State of Pennsylvania;

CONTAINING 70 Acres and 20 Perches, neat measure.

PARCEL #D13-13

BEING THE SAME PREMISES which Charles H. McCadden and Lydia R. McCadden, husband and wife, by Deed dated January 4, 1967 and recorded in Deed Book Vol. 260, Page 320, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "K"

ALL that tract of land, together with the improvements thereon erected, being known as No. 25 Railroad Lane, situate, lying and being in Highland Township, Adams County, Pennsylvania;

CONTAINING 152 Acres and 20 Perches, more or less.

PARCEL #D13-2

BEING THE SAME PREMISES which Howard A. Knouse, Administrator of the Estate of John E. Stoner, by Deed dated February 23, 1965 and recorded in Deed Book Vol. 250, Page 463, Adams County records, granted and conveyed unto Robert W. Weikert and Joseph N. Welty; and

BEING THE SAME PREMISES which Joseph N. Welty and Miriam A. Welty, his wife, by Deed dated February 1, 1966 and recorded in Deed Book Vol. 255, Page 136, Adams County records, granted and conveyed an undivided one-half interest in and to said premises unto Robert W. Weikert.

PREMISES "L"

ALL that tract of land, together with the improvements thereon erected, being known as No. 721 Carrolls Tract Road, situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania;

CONTAINING one hundred fourteen (114) Acres and one hundred twelve (112) Perches.

PARCEL #C13-17

BEING THE SAME PREMISES which Howard L. Weikert and Sara C. Weikert, husband and wife, by Deed dated May 3, 1957 and recorded in Deed Book Vol. 217, Page 422, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

SEIZED and taken into execution as the property of **Robert W. Weikert & Winifred A. Weikert** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/14, 21 & 28

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. OC-2-87

IN RE: Estate of Eva A. Kuhn, late of Adams County, Pennsylvania, an incompetent

NOTICE

NOTICE HEREBY IS GIVEN that Adams County National Bank, Guardian of the Estate of Eva A. Kuhn, an incompetent, has filed its First and Final Account and Proposed Schedule of Distribution in the Office of the Clerk of Courts of Common Pleas of Adams County, Pennsylvania, Orphans' Court Division, and that the same will be presented to said Court for confirmation of the Account December 31, 2001, at 9:00 o'clock a.m., at the Adams County Courthouse, Gettysburg, Pennsylvania.

Peggy J. Breighner
Clerk of said Court

Puhl, Eastman & Thrasher
Attorneys

12/14 & 21

COMMONWEALTH VS. BOARTS

1. A petition for a writ of habeas corpus "is the proper means for testing the finding that the Commonwealth has sufficient evidence to establish a prima facie case."...Proof of a prima facie case consists of the following: "the Commonwealth is required to present evidence with regard to each of the material elements of the charge and to establish sufficient probable cause to warrant the belief that the accused committed the offense."

2. It is not necessary to prove a defendant's guilt beyond a reasonable doubt. Reliance upon circumstantial evidence is acceptable.

3. Constructive possession is an inference arising from a set of facts that possession of the contraband was more likely than not.

4. The fact that another person may also have control and access does not eliminate the defendant's constructive possession; two actors may have joint control and equal access and thus both may constructively possess the contraband.

5. The fact that the contraband is located in an area usually accessible only to the defendant may lead to an inference that he placed it there and knew of its presence.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-148-01, COMMONWEALTH VS. DAVID BOARTS.

Christine Simpson, Esq., Assistant District Attorney, for
Commonwealth

Steve Rice, Esq., for Defendant

Kuhn, J., April 19, 2001

MEMORANDUM OPINION

Before this Court is Defendant's Petition for a Writ of Habeas Corpus wherein he challenges the sufficiency of the evidence presented at the preliminary hearing to establish a prima facie case and seeks dismissal. The issue focuses on whether Defendant, David Boarts, had constructive possession of drug paraphernalia found in his residence at a time when he was not present. The record is based upon a transcript prepared from a tape used by Defendant's counsel at the preliminary hearing.

The following evidence was presented at the preliminary hearing. On November 10, 2000, Detective Tim Guise of the Cumberland Township Police Department, along with members of the Adams County Sheriff's Department, went to 10D Apple Avenue to serve a bench warrant on Michael Costello. The door was answered by Paul Kemig who identified himself as a business partner of Defendant, David Boarts. Mr. Kemig indicated his presence was related to a home-based computer business being conducted at the premises.

The officers were invited into the residence. In plain view on a coffee table in the living room the officer observed a pack of rolling papers, two sets of hand scales and two marijuana smoking pipes. The officer observed a door behind a couch in the living room. As he moved the couch to open the door in search of Costello, he found a water pipe commonly used to smoke marijuana. Later, Defendant returned to the residence and admitted he lived there and was the sole lessee. Defendant was charged with Possession of Drug Paraphernalia, 35 P.S. §780-113(a)(32).

The standard by which we determine Defendant's motion was set forth in *Commonwealth v. Lutz*, 661 A.2d 405, 407 (Pa. Super. 1995).

The focus of a pre-trial habeas corpus is on whether the Commonwealth possesses sufficient evidence to require a defendant to be held in government custody until he may be brought to trial . . . A petition for a writ of habeas corpus "is the proper means for testing the finding that the Commonwealth has sufficient evidence to establish a prima facie case." . . . Proof of a prima facie case consists of the following: "the Commonwealth is required to present evidence with regard to each of the material elements of the charge and to establish sufficient probable cause to warrant the belief that the accused committed the offense." . . . (citations omitted).

President Judge Oscar F. Spicer of this court described the process in *Commonwealth v. Jones*, 37 ACLJ 35 (1995), as follows,

The function of the court is to review the evidence and determine if it would justify submission to the jury at a trial in the case. Evidence must be read in a light most favorable to the Commonwealth, which will be also given the benefit of all reasonable inferences deducible therefrom.

It is not necessary to prove a defendant's guilt beyond a reasonable doubt. *Commonwealth v. Martin*, 727 A.2d 1136, ___ (Pa. Super. 1999); alloc. den. 745 A.2d 1220 (Pa. 1999). Reliance upon circumstantial evidence is acceptable. *Commonwealth v. Zelosko*, 686 A.2d 825 (Pa. Super. 1996).

The issue here is whether there is prima facie evidence that Defendant had constructive possession of the seized items. "Constructive possession is an inference arising from a set of facts

that possession of the contraband was more likely than not.” *Commonwealth v. Muarick*, 507 A.2d 1212, 1213 (Pa. 1986).

When contraband is not found on the defendant’s person, the Commonwealth must establish “constructive possession”, that is, the power to control the contraband and the intent to exercise that control . . . The fact that another person may also have control and access does not eliminate the defendant’s constructive possession; two actors may have joint control and equal access and thus both may constructively possess the contraband . . . As with any other element of a crime, constructive possession may be proven by circumstantial evidence . . . The requisite knowledge and intent may be inferred from examination of the totality of the circumstances . . . The fact that the contraband is located in an area usually accessible only to the defendant may lead to an inference that he placed it there and knew of its presence . . .

Commonwealth v. Haskins, 677 A.2d 328, 330 (Pa. Super. 1996).

Here, Defendant admitted he was the sole lessee of the residence and that he lived there. The water pipe was found behind a couch, which is an area usually accessible only to the resident of the premises. Therefore, we have no difficulty holding that there was prima facie evidence of Defendant’s constructive possession of the water pipe.

The items found on the coffee table pose a more difficult analysis. Had Mr. Kemig not been present, the inference that the paraphernalia belonged to Defendant would have been sufficient for the case to proceed to trial. However, the presence of Mr. Kemig compromises the issue because of the relatively few details which are set forth in the record, i.e. how long was Defendant absent from the residence, how long had Mr. Kemig been there before the police arrived, was there any evidence of recent use of the pipes. One could certainly speculate that Mr. Kemig brought these items to the residence during Defendant’s absence. Unlike the water pipe found behind the couch, the items found on the coffee table were not hidden away in an area normally accessible only to the occupant of the premises.

Initially, we reject any notion, under these circumstances, that a possible business relationship between Mr. Kemig and Defendant

was sufficient for joint constructive possession as was the case in *Commonwealth v. Macolino*, 469 A.2d 132 (Pa. 1983), (drugs found in area of equal access in residence occupied by husband and wife) or *Commonwealth v. Mudrick*, 507 A.2d 1212 (Pa. 1986) (drugs found in area of equal access in residence occupied by the defendant and his girlfriend).

We have found no case on point to guide us in determining whether there is sufficient evidence to bind a case to court when, as here, the defendant arrives home after police have discovered paraphernalia in plain view but where a non-resident was present when the items were found. Several cases have been helpful but not conclusive.

In *Commonwealth v. Tirpak*, 272 A.2d 476 (Pa. 1971), seven persons were found in a room where an open jar containing marijuana and an ash tray containing four marijuana cigarette butts were found. Our Supreme Court ruled that none of those guests could be found guilty of constructive possession. Interestingly, the party's hostess pleaded guilty to possession of controlled substances.

In *Commonwealth v. Fortune*, 318 A.2d 327 (Pa. 1974), police showed a search warrant to a woman seated at the front window of the residence to be searched. The woman ran and the police entered the residence. Police found 21 packets of heroin on the floor between the kitchen and a rear shed. The woman who fled and three men were seated in the living room. Fortune, who resided at the premises, descended from the second floor as the police were gathering the packets of heroin. Our Supreme Court determined there to be insufficient evidence of constructive possession to warrant Fortune's conviction. Of note was the fact that no drugs were found on Fortune, no drugs were found elsewhere on the premises, the drugs that were found were not in a place normally accessible only to the resident, the drugs were found in plain view in closer proximity to four persons other than Fortune, and there was no evidence that Fortune had knowledge of the presence of drugs. The Court stated that "We cannot assume that a resident of a home, where guests are present, knows of the full contents of the premises." 318 A.2d at 329.

In *Commonwealth v. Chenet*, 373 A.2d 1107 (Pa. 1977) a search warrant was being served at Chenet's trailer. A search began after Chenet's roommate and the roommate's girlfriend arrived at the trailer. Marijuana seeds were found on the kitchen floor, marijuana

cigarette butts were found in an ashtray in the living room along with a baggie containing marijuana residue, and 80 grams of marijuana was found in a milk delivery box attached to the trailer hitch. Chenet arrived at the residence almost two hours after the search was completed. The court concluded that because no drugs were found in Chenet's room or on his person and because the items found in and around the trailer were equally accessible to the other two persons, he could not be found to have constructive possession of those items.

Finally, in *Commonwealth v. Luddy*, 422 A.2d 601 (Pa. Super. 1981), the evidence was also insufficient to support a conviction for possession of marijuana found in the crisper compartment of the refrigerator in Luddy's kitchen. Luddy was one of four adults living in the house. At the time the police conducted a search, five other adults, including Luddy's three sons, were present. No marijuana was found on Luddy's person or in her room. There was no direct evidence that Luddy was aware of the presence of the marijuana or how long it was present.

In the matter sub judice, factors tending to demonstrate insufficient evidence of constructive possession include that no drugs or paraphernalia was found on Defendant's person and these particular items were found in plain view in an area to which Mr. Kemig had easy access. In addition, there is no evidence how long Defendant was away from the premises, when Mr. Kemig arrived, or whether other items personal to Defendant or Mr. Kemig were found near the subject paraphernalia. Factors tending to establish constructive possession include Defendant's status as lessee and occupant of the premises, the water pipe found hidden behind the couch, and Mr. Kemig's statement that he did not know to whom the items on the coffee table belonged.

While we concede that, at present, the evidence is equivocal, nevertheless, because we are dealing with a pre-trial motion, the totality of the circumstances appears sufficient, however slightly, to warrant dismissal of Defendant's petition.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 19th day of April, 2001, Defendant's Petition for Writ of Habeas Corpus, filed February 12, 2001, is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-734 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin on the western edge of the paved area of Legislative Route 01002, at the northernmost corner of land now or formerly of James R. Bigham, thence by said land of James R. Bigham and passing through a reference iron pin set back 12.50 feet from the last mentioned point, South 47 degrees 45 minutes 00 seconds West, 484.00 feet to an iron pin on line of land now or formerly of Donald G. Mason; thence by said land of Donald G. Mason, North 42 degrees 15 minutes 00 seconds West, 180.00 feet to an iron pin; thence by same, North 47 degrees 45 minutes 15 seconds East, 487.26 feet to an iron pin on line of land now or formerly of It's A New Dawn, Inc.; thence by said land It's A New Dawn, Inc., passing through a 5/8 inch rebar marking the corner of land now or formerly of James W. Bigham, and by said land of James W. Bigham, and re-entering the right of way of Legislative Route 01002, South 41 degrees 12 minutes 40 seconds East, 180.00 feet to an iron pin, the place of BEGINNING. CONTAINING 2.008 Acres, more or less.

The above description was taken from a draft of survey prepared by Boyer Surveys, dated April 29, 1982, designating the above as Lot No. 1.

Being known as 745 Camp Gettysburg, Gettysburg, PA 17325

PARCEL NO.: D15-0022C

BEING THE SAME PREMISES which Paul E. Miller, Jr., and Melva Eileen Miller, husband and wife by deed dated September 17, 1998 and recorded September 17, 1998 in the Recorder's Office in and for Adams County, Pennsylvania in Deed Book Volume 1663, Page 230, granted and conveyed unto Douglas R. Caskey and Lori A. Caskey, husband and wife, the mortgagors herein.

SEIZED and taken into execution as the property of **Douglas R. Caskey & Lori A. Caskey** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 28, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10

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

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

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

11/30, 12/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-830 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

BEGINNING at a steel pin in the center of Oxford Road, S.R. 1016, at corner of Lot No. 3 and the northernmost corner of Lot No. 1 herein on the hereinafter described plan of lots; thence in the center of said road South 29 degrees 50 minutes 29 seconds East, 357.52 feet to a steel pin at the northernmost corner of Lot No. 2; thence by Lot No. 2, through a steel pin set back 27.66 feet from the beginning of this course, South 45 degrees 23 minutes 38 seconds West, 337.62 feet to a steel pin on line of Lot No. 3; thence by Lot No. 3, North 29 degrees 42 minutes 07 seconds West, 292.45 feet to a concrete monument set; thence continuing by Lot No. 3, through a steel pin set back 27.66 feet from the end of this course, North 36 degrees 48 minutes 48 seconds East, 400 feet to a steel pin in the center of Oxford Road, S.R. 1016, the place of BEGINNING.

Tax Parcel #22-H-06-31

Being known as 4580 Oxford Road, York Springs, PA 17372

SEIZED and taken into execution as the property of **David E. Altice** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-867 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the Borough of New Oxford, Adams County, PA which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a Declaration dated September 13, 1996 and recorded October 18, 1996 in Record Book 58, Page 41 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such Declaration as Unit Declaration No. 38 and more fully bounded and described in such Declaration, together with a proportionate undivided interest in the Common Elements as defined in such Declaration.

TITLE TO SAID PREMISES IS VESTED IN James J. Eline, Jr. by Deed from Philip R. Garland 1/d/b/a Garland Construction dated 12/19/97 and recorded 12/29/97 in Record Book 1497, Page 219.

Premises being: 15 Oxford Court, New Oxford, PA 17350

Tax Parcel No. MAP 5, PARCEL 184-A

SEIZED and taken into execution as the property of **James J. Eline, Jr.** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 28, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/30, 12/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-888 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in the center of Township Road T-424 (Low Dutch Road) at corner of land now or formerly of Henry L. Horne; thence in said Township Road T-424, North eighteen (18) degrees twenty-nine (29) minutes fifty (50) seconds East, two hundred twenty-nine and twenty-six hundredths (229.26) feet to a railroad spike at corner of other land now or formerly of Raymond B. Koenig; thence by said other land of Raymond B. Koenig, South seventy-one (71) degrees forty-three (43) minutes twenty-five (25) seconds East, seven hundred twenty-six and ninety-two hundredths (726.92) feet to a steel pin on line of land now or formerly of Stephen B. Fisher; thence by said land of Stephen B. Fisher, South sixteen (16) degrees four (04) minutes twenty (20) seconds West, two hundred twenty-nine and forty-three hundredths (229.43) feet to a steel pin at corner of land now or formerly of Henry L. Horne, aforesaid; thence by said land of Henry L. Horne, North seventy-one (71) degrees forty-three (43) minutes twenty-five (25) seconds West, seven hundred thirty-six and sixty-two hundredths (736.62) feet to a railroad spike in the center line of Township Road T-424 (Low Dutch Road), the place of BEGINNING. CONTAINING 3.851 Acres.

THE above description was taken from a draft of survey prepared by Donald E. Worley, P.L.S., dated August 16, 1983, revised September 9, 1983, designating the above as a 3.851 Acre tract, and recorded in Plat Book 39 at page 49.

Premises being: 2590 Low Dutch Road, Gettysburg, PA 17325

Tax Parcel No. MAP G15, PARCEL 23B

SEIZED and taken into execution as the property of **Donny L. Ennis & Carol L. Ennis** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 28, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/30, 12/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN Lot of land with improvements thereon situate in the Borough of Gettysburg, Adams County, Pennsylvania, known, numbered and designated as Lot No. 17 on a plan of lots entitled "Breckenridge Village" made by D. P. Raffenstperger Associates, Engineers and Surveyors dated May 7, 1971, which plan is of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1 at Page 90.

Subject to the restrictions, conditions and agreements referred to in the above recited deed and contained in Deed Book 302 at Page 302.

Being known as 361 Village Drive, Gettysburg, PA 17325

Property ID No. 9-143

TITLE OF SAID PREMISES IS VESTED IN **Bennie R. Green, Sr.** and **Pamela A. Green**, husband and wife, as tenants of an estate by the entireties by deed from **Pamela A. Green**, formerly known as **Pamela A. Foster**, and **Bennie R. Green, Sr.**, her husband, dated 6/29/1994, recorded 7/6/1994, in Deed Book 908, Page 307.

SEIZED and taken into execution as the property of **Bennie R. Green, Sr. & Pamela A. Green** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-844 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in Germany Township and Adams County which is bounded and limited as follows:

BEGINNING at an iron pin planted for a corner at land now or formerly of James D. Spalding and Creamery Road; thence Southeast along said land 272 feet, more or less, to lands now or formerly of William Messinger; thence Southwest along lands now or formerly of said Messinger fifty-five feet to lands now or formerly of Daniel Leppo; thence along lands now or formerly of said Leppo Northwest 272 feet, more or less, to the public (Creamery) Road; thence along said road Northeast fifty-five feet to the place of BEGINNING. Iron pins having been planted at each of the aforementioned corners.

Being known as 27 Kindig Road, Littlestown, PA 17340

Property ID No. 112-J-17

TITLE TO SAID PREMISES IS VESTED IN **Brian Robert Hatter** and **Lisa Scott Hatter**, husband and wife, as tenants by the entireties by deed from **Shirley M. Griffith**, dated 11/21/1987, recorded 12/7/1987, in Deed Book 474, Page 1150.

SEIZED and taken into execution as the property of **Brian Robert Hatter & Lisa Scott Hatter** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/7, 14 & 21

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 HARRY W. BOWERS, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Co-Executrices: Dorothy L. Bigham, 800 Camp Gettysburg Road, Gettysburg, PA 17325; Joyce A. Woodward, 2400 Taneytown Road, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., 47 W. High Street, Gettysburg, PA 17325

ESTATE OF GORDON M. DUTTERER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Karl H. Silex, CPA, 100 West Pennsylvania Avenue, Towson, MD 21204

ESTATE OF MARY A. GROFT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: James E. Groft, 645 Poplar Road, New Oxford, PA 17350

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

ESTATE OF RICHARD E. KAMMERER a/k/a RICHARD E. KAMMERER, SR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

ESTATE OF STELLA M. LARUE, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Jerry D. LaRue, 490 Baltimore Street, York Springs, PA 17372

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

ESTATE OF MILFORD R. STULTZ, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Administratrix: Gloria J. Rinehart, 5 Johns Avenue, Gettysburg, PA 17325

Attorney: Francis Worley, Esq., 225 Latimore Valley Road, York Springs, PA 17372

ESTATE OF DANIEL L. SULLIVAN, DEC'D

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

Executrix: Judy Ann Kurtz, c/o 135 South Duke Street, York, PA 17403

Attorney: Richard H. Mylin, III, Esq.

SECOND PUBLICATION

ESTATE OF MIRIAM O. HACKMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Karen B. Hackman, 5597 Seminary Road, Apt. 1015, Falls Church, VA 22041-3504

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

ESTATE OF MARY E. HARTMAN, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executors: Russell L. Hartman, Jr., 525 Tract Road, Fairfield, PA 17320; Carolyn A. Kane, 471 Tract Road, Fairfield, PA 17320

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

ESTATE OF KENNETH BERT HUFFMAN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executrix: Michelle McCullum a/k/a Michelle McCullom, 1 Iris Court, Hanover, PA 17331

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

ESTATE OF EMILY D. KALTENSTEIN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: E. Scott Tomlinson, 630 Wheeler School Road, Whiteford, MD 21160-1109

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

ESTATE OF RUTH K. MILLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Joseph D. Miller, 1865 Hilltown Road, Biglerville, PA 17307; David L. Miller, 1857 Hilltown Road, Biglerville, PA 17307

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

ESTATE OF MILDRED E. NARY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Clayton R. Wilcox, Esq., 234 Baltimore Street, Gettysburg, PA 17325; G. Edward Hughes, 408 Lyttle Blvd., Hazard, KY 41701

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

ESTATE OF EVELYN R. WEAVER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Mary V. Myers, 822 Hanover Road, Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF EARL R. KEEFER a/k/a EARL ROBERT KEEFER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Paul J. Wheeler, 1350 Fish & Game Road, Littlestown, PA 17340

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

ESTATE OF HELEN E. NEELY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: George Phillips and Genevieve Phillips, c/o Michael Gilfedder, Esq., 144 Morton Road, Springfield, PA 19064

Attorney: Michael Gilfedder, Esq., 144 Morton Road, Springfield, PA 19064

ESTATE OF MARIE A. WOLF, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Co-Executors: Larry Wolf and Brenda Menges, c/o 106 Harrisburg Street, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews, PC, CGA Law Firm

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-898 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69, page 23 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 31 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for York County, PA in Record Book 1271, page 34.

UNDER AND SUBJECT to any and all covenants, conditions, restrictions, rights of way, easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in Record Book 69, page 23.

TOGETHER with the limited common elements appurtenant as more fully shown of Plan 1271, page 34.

Premises being: 81 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. #1-52

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-74 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that improved tract of land situate on the East and West sides of Railroad Lane, T-346, being known as No. 370 Railroad Lane, in Highland Township, Adams County, Pennsylvania;

CONTAINING 81.898 Acres.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Highland, Adams County, Pennsylvania, as more fully described in Deed from Todd D. Weikert and Laurie L. Weikert, husband and wife, Grantors, to Roberta M. Brown, Grantee, dated October 1, 1999 and recorded in Deed Book Vol. 1924, Page 326, Adams County records.

PARCEL #D12-20

BEING PART OF THE SAME PREMISES which Adams County National Bank, Executor of the Will of John H. Aiken, deceased, by Deed dated June 25, 1996 and recorded in Deed Book Vol. 1219, Page 331, Adams County records, granted and conveyed unto Todd D. Weikert and Laurie L. Weikert, husband and wife.

SEIZED and taken into execution as the property of **Todd D. Weikert & Laurie L. Weikert** and to be sold by me

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

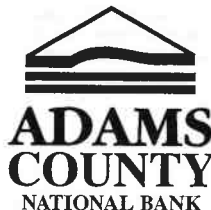
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/14, 21 & 28

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



Member FDIC

Adams County Legal Journal

Vol. 43

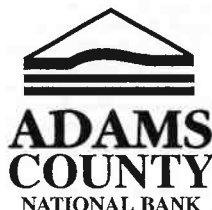
December 21, 2001

No. 30, pp. 166-173

IN THIS ISSUE

ADAMS CO. TAX CLAIM BUREAU VS. BIRTIC ET AL

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. 01-S-844 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in Germany Township and Adams County which is bounded and limited as follows:

BEGINNING at an iron pin planted for a corner at land now or formerly of James D. Spalding and Creamery Road; thence Southeast along said land 272 feet, more or less, to lands now or formerly of William Messinger; thence Southwest along lands now or formerly of said Messinger fifty-five feet to lands now or formerly of Daniel Leppo; thence along lands now or formerly of said Leppo Northwest 272 feet, more or less, to the public (Creamery) Road; thence along said road Northeast fifty-five feet to the place of BEGINNING. Iron pins having been planted at each of the aforementioned corners.

Being known as 27 Kindig Road, Littlestown, PA 17340

Property ID No. 112-J-17

TITLE TO SAID PREMISES IS VESTED IN Brian Robert Hatter and Lisa Scott Hatter, husband and wife, as tenants by the entireties by deed from Shirley M. Griffith, dated 11/21/1987, recorded 12/7/1987, in Deed Book 474, Page 1150.

SEIZED and taken into execution as the property of **Brian Robert Hatter & Lisa Scott Hatter** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost,

whichever may be the higher, shall be paid forthwith to the Sheriff.

12/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN Lot of land with improvements thereon situate in the Borough of Gettysburg, Adams County, Pennsylvania, known, numbered and designated as Lot No. 17 on a plan of lots entitled "Breckenridge Village" made by D. P. Raffensperger Associates, Engineers and Surveyors dated May 7, 1971, which plan is of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1 at Page 90.

Subject to the restrictions, conditions and agreements referred to in the above recited deed and contained in Deed Book 302 at Page 302.

Being known as 361 Village Drive, Gettysburg, PA 17325

Property ID No. 9-143

TITLE OF SAID PREMISES IS VESTED IN Bennie R. Green, Sr. and Pamela A. Green, husband and wife, as tenants of an estate by the entireties by deed from Pamela A. Green, formerly known as Pamela A. Foster, and Bennie R. Green, Sr., her husband, dated 6/29/1994, recorded 7/6/1994, in Deed Book 908, Page 307.

SEIZED and taken into execution as the property of **Bennie R. Green, Sr. & Pamela A. Green** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/7, 14 & 21

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. OC-2-87

IN RE: Estate of Eva A. Kuhn, late of Adams County, Pennsylvania, an incompetent

NOTICE

NOTICE HEREBY IS GIVEN that Adams County National Bank, Guardian of the Estate of Eva A. Kuhn, an incompetent, has filed its First and Final Account and Proposed Schedule of Distribution in the Office of the Clerk of Courts of Common Pleas of Adams County, Pennsylvania, Orphans' Court Division, and that the same will be presented to said Court for confirmation of the Account December 31, 2001, at 9:00 o'clock a.m., at the Adams County Courthouse, Gettysburg, Pennsylvania.

Peggy J. Breighner
Clerk of said Court

Puhl, Eastman & Thrasher
Attorneys

12/14 & 21

ADAMS CO. TAX CLAIM BUREAU VS. BIRTIC ET AL

1. The burden of proving compliance with the statute is with the Tax Bureau. It is well settled that a valid tax sale requires strict compliance with the notice provisions of the statute to guard against deprivation of property without due process of law.

2. For purposes of Section 602 notice, addressing notices with “et al” or “et ux” has been found to be insufficient.

3. When determining who certified mail notification is required to be sent, an “owner” is the person whose name appears as owner of record on any deed or instrument of conveyance. Every owner must be considered distinct from each of the other owners and therefore separate and individual notice must be sent by certified mail to each named owner.

4. Notices must also include a description of the property to be sold. We find the Bureau’s description of the property in terms of the Borough and parcel number adequate.

5. ...delivery was to be made by certified mail, *restricted delivery*. Restricted delivery is defined exclusively by the provisions of the United States Postal Service Domestic Mail Manual (DMM). Restricted delivery is available solely to specifically named individuals or those agents authorized in writing via a Postal Form 3849 to receive delivery.

6. Without having met the statutory mailing or posting requirements, the sale will be invalid unless the Bureau can prove the owners had actual notice of the sale.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 00-S-1011, ADAMS COUNTY TAX CLAIM BUREAU VS. EDWARD L. BIRTIC, ISABELLA L. BIRTIC AND MARTIN BEYNON.

David K. James, III, Esq., for Plaintiff

Gary J. Imblum, Esq., for Defendants

Spicer, P.J., May 3, 2001

OPINION ON PETITION TO SET ASIDE TAX SALE

Petitioners, Edward L. Birtic, his wife Isabella L. Birtic and Martin Beynon, an accountant, have filed timely exceptions and objections to the tax sale of their property located at 529 South Queen Street, Littlestown, Adams County, Pennsylvania. Real estate taxes were not paid on the property for tax years 1998 and 1999.¹ Thus the County Tax Claim Bureau sold the property at a tax sale on September 22, 2000 pursuant to the Real Estate Tax Sale Law, 72 P.S.

¹ In addition, year 2000 taxes were not paid and were added to the upset price along with a municipal lien for delinquent water and sewer bills.

§ 5860.101 et seq. On April 9, 2001, a hearing² was held on this matter. Petitioners allege that the Bureau failed to comply with various notice requirements of Sections 308³, 602⁴ and 607⁵ of the statute and therefore the tax sale was defective and should be invalidated. Specifically, the following issues have been raised:

1. The notice of filing of return and entry of claim was addressed only to Edward L. Birtic, Jr., et al., rather than to all three owners.
2. The notice of filing of return and entry of claim did not include the "owner occupied" language found in 72 P.S. § 5860.308(a).
3. The notice of sale to owners and that which was published named the owner as Edward L. Birtic, Jr., et al., and described of the property by Borough and parcel number.

²Husband appeared for the hearing, wife and accountant did not. Birtic explained that his wife is 73 years old, with health problems and he did not want to put her through any difficulty. All three petitioners are represented by the same counsel, Gary Imblum, Esquire.

³72 P.S. § 5860.308. Notice of filing of returns and entry of claim

(a) Not later than the thirty-first day of July of each year, the bureau shall give only one notice of the return of said taxes and the entry of such claim in one envelope for each delinquent taxable property, by United States registered mail or United States certified mail, return receipt requested, postage prepaid, addressed to the owners at the same address listed on the form returned by the tax collector for taxes that are delinquent. In the case of property owned by joint tenants, tenants in common, or husband and wife as tenants by the entireties, the bureau may give the notice required by this section by forwarding only one notice addressed to such joint tenants, tenants in common or husband and wife at the same post office address.Each mailed and posted notice shall, (1) show all the information shown on the claim entered, (2) state that if payment of the amount due the several taxing districts for said taxes is not made to the bureau on or before the thirty-first day of December next following, and no exceptions thereto are filed, the said claim shall become absolute, (3) state that on July first of the year in which such notice is given a one (1) year period for discharge of tax claim shall commence or has commenced to run, and that if full payment of taxes is not made during that period as provided by this act, the property shall be advertised for and exposed to sale under this act, and (4) state that there shall be no redemption after the actual sale.

(a.1) In addition to the requirements of subsection (a)(1), (2), (3) and (4), each mailed and posted notice shall state that the owner of any owner-occupied real estate can apply for an extension of the period for discharge of tax claim for up to twelve (12) additional months under and subject to the provisions of sections 502.1 and 503.1.

4. Isabella L. Birtic and Martin Beynon did not sign for the certified notice of sale.
5. The upset sale price indicated on the notice of sale to the owners differed from the upset sale price that was published.
6. The notice of actual sale did not contain the actual language as found in 72 P.S. § 5860.607(a.1)(2).

⁴72 P.S. § 5860.602. Notice of sale

- (a) At least thirty (30) days prior to any scheduled sale the bureau shall give notice thereof, not less than once in two (2) newspapers of general circulation in the county, if so many are published therein, and once in the legal journal, if any, designated by the court for the publication of legal notices. Such notice shall set forth (1) the purposes of such sale, (2) the time of such sale, (3) the place of such sale, (4) the terms of the sale including the approximate upset price, (5) the descriptions of the properties to be sold as stated in the claims entered and the name of the owner.
- (b) Where the owner is unknown and has been unknown for a period of not less than five years, the name of the owner need not be included in such description.
- (c) The description may be given intelligible abbreviations.
- (d) Such published notice shall be addressed to the "owners of properties described in this notice and to all persons having liens, judgments or municipal or other claims against such properties."
- (e) In addition to such publications, similar notice of the sale shall also be given by the bureau as follows:
 - (1) At least thirty (30) days before the date of the sale, by United States certified mail, restricted delivery, return receipt requested, postage prepaid, to each owner as defined by this act.
 - (2) If return receipt is not received from each owner pursuant to the provisions of clause (1), then, at least (10) days before the date of the sale, similar notice of the sale shall be given to each owner who failed to acknowledge the first notice by United States first class mail, proof of mailing, at his last known post office address by virtue of the knowledge and information possessed by the bureau, by the tax collector for the taxing district making the return and by the county office responsible for assessments and revisions of taxes. It shall be the duty of the bureau to determine the last post office address known to said tax collector and county assessment office.
 - (3) Each property scheduled for sale shall be posted at least ten (10) days prior to the sale.
- (f) The published notice, the mail notice and the posted notice shall each state that the sale of any property may, at the option of the bureau, be stayed if the owner thereof or any lien creditor of the owner on or before the actual sale enters into an agreement with the bureau to pay the taxes in installments, in the manner provided by this act.

7. The notice of sale addressed to Martin Beynon was not posted on the property.

8. Failure to adhere to the formal notice requirements is not excused even if the owners had actual notice prior to the sale.

The parties stipulated as to issues 1, 2, 3 and 5.

It is the Bureau's position that notice was proper as to Edward L. Birtic, Jr.; and therefore, the sale is valid at least to his interest. They also argue Isabella Birtic and Martin Beynon lack standing to object since they did not sign the objections or appear personally at the hearing.

At the hearing, the court heard testimony from Danielle Asper, Thomas Leedy and Edward L. Birtic.

The following evidence was presented: The subject property was deeded on December 2, 1988 to Edward L. Birtic, Isabella L. Birtic and Martin Beynon, trustees, of 3132 Murray Road, Finksburg, Maryland. Danielle Asper, Director of the Adams County Tax Bureau, testified that in response to information from the tax collector, return of claim notices were mailed to Edward L. Birtic, Jr., et al., at 3132 Murray Road, Finksburg, Maryland, by certified mail, on June 15, 1999 for tax year 1998 and on June 29, 2000 for tax year 1999. Both receipts were returned with the signature "E.L. Birtic." Thereafter, individual notices of public sale were sent by certified mail, restricted delivery to Edward L. Birtic, Jr., Isabella L. Birtic, and Martin Beynon, showing an upset price of \$2,391.71. Publication of the notices occurred in the *Gettysburg Times* and the *Hanover Evening Sun* listing the owners as Edward L. Birtic Jr., et

⁵72 P.S. § 5860.607. Bureau's consolidated return to court; notice; confirmation; appeal

(a.1)(2) All notices required by this subsection shall contain the following provisions and be in the following form set in at least 10-point type in a box as follows:

WARNING

"YOUR PROPERTY HAS BEEN SOLD AT A TAX SALE ON _____ FOR THE COLLECTION FOR DELINQUENT TAXES INCURRED IN _____.

YOU MAY FILE OBJECTIONS OR EXCEPTIONS TO THE SALE IMMEDIATELY BUT NO LATER THAN THIRTY (30) DAYS FOLLOWING THE CONFIRMATION NISI OF THE RETURN BY THE COURT.

IF YOU HAVE ANY QUESTIONS PLEASE CALL YOUR ATTORNEY, THIS TAX CLAIM BUREAU AT THE FOLLOWING TELEPHONE NUMBER _____, OR THE COUNTY LAWYER REFERRAL SERVICE."

al., describing the property by parcel number and listing the upset price as \$3,554.93. The actual upset price at the sale was \$5,466.39.

Thomas Leedy, a county employee who posts properties, testified that he posted the subject property with notices as to Edward L. Birtic and Isabella L. Birtic on August 3, 2000, and provided affidavits verifying the same. Leedy could not specifically recall posting the property as to Martin Beynon.

Mr. Birtic testified that he received and signed the return claims. Later he received and signed for all three notices of sale when he met up with the postman on the date of delivery. He further stated, over the Bureau's objection⁶, that he signed their names after the postman told him he could do so.

Initially we address the Bureau's standing argument. Even though Mrs. Birtic and Mr. Beynon did not appear at the hearing or sign the objections, their interests were represented by counsel. Standing arises from a party having a substantial interest in the subject matter. We find that Isabella Birtic and Martin Beynon have standing, as owners, to object and file exceptions to the tax sale in question.

The burden of proving compliance with the statute is with the Tax Bureau. *In re Tax Sale of 28.8525 Acres in Middlecreek Township Tax Sale No. 12434*, Pa. Cmwlth. , 688 A.2d 1239 (1997); *Rinier v. Tax Claim Bureau of Delaware County*, 146 Pa. Cmwlth. 568, 606 A.2d 635 (1992). It is well settled that a valid tax sale requires strict compliance with the notice provisions of the statute to guard against deprivation of property without due process of law. *In re Upset Sale, Tax Claim Bureau of Bucks County*, 48 Pa. Cmwlth. 435, 410 A.2d 376 (1980). Our Supreme Court has said "the strict provisions of the Real Estate Tax Sale Law were never meant to punish taxpayers who omitted through oversight or error (from which the best of us are never exempt) to pay their taxes. Tax acts were rather meant to protect the local government against wilful, persistent long standing delinquents for whom we hold no brief, and to whom the appellate court decisions have consistently given short shrift." *Teslovich v.*

⁶The Bureau objected to this testimony as hearsay. Hearsay is an out of court statement offered for the truth of the matter asserted and is generally inadmissible because it is inherently unreliable. Pa. R.E. 801. Birtic's testimony was in response to the question "why did you sign?" As given, the statement was not hearsay since it was not being offered for its truth, but only to show Birtic's state of mind.

Johnson, 486 Pa. 622, 406 A.2d 1374 (1979) (quoting *Ross Appeal*, 366 Pa. 100, 107, 76 A.2d 749, 753 (1950)).

With these concepts in mind we begin our review.

Section 308 claims: There is no dispute that the notice of return claim was addressed to Edward L. Birtic, et al. The Bureau argues that this is consistent with the statute since the tax collector's report to the Bureau indicated Edward L. Birtic, Jr., as the owner and after determining there were other owners the addition of "et al" by the Bureau met the statutory requirements. For purposes of Section 602 notice, addressing notices with "et al" or "et ux" has been found to be insufficient. *LaBracio v. Northumberland County*, 78 Pa. Cmwlth. 533, 467 A.2d 1221 (1983); *C. Everett, Inc. v. Ayres*, 22 Pa. Cmwlth. 422, 349 A.2d 514 (1975).

When determining who certified mail notification is required to be sent, an "owner" is the person whose name appears as owner of record on any deed or instrument of conveyance. *Krumbine v. Lebanon Tax Claim Bureau*, 541 Pa. 384, 663 A.2d 158 (1995). Every owner must be considered distinct from each of the other owners and therefore separate and individual notice must be sent by certified mail to each named owner. *Teslovich, supra* 406 A.2d at 1377.

Although Section 308 states that all notices "shall" contain the information concerning owner-occupied property, we agree with the Bureau that the owners in this case were not prejudiced by the lack thereof. To require strict compliance with this notice requirement where the property owners were not occupying the property would hold form over substance. The same can be said for petitioner's Section 607 claim.

Section 602 claims: Section 602 requires notice of sale be given by publication, certified mail and by posting the property. 72 P.S. § 5860.602. All notices are to include inter alia, the approximate upset price. Although this case poses an additional wrinkle in that here we have three different prices, we find the case at bar similar to the case cited by Bureau. In *In re Moskowitz*, 68 Pa. Cmwlth 29, 447 A.2d 1114 (1982), the court found that even though the upset price indicated in the published notices differed from the actual upset price, the sale was valid since the published notice was correct at the time of publishing. In this case, petitioners argue that the upset price

in the mailed notice differed from the published upset price and therefore the sale should be invalid. Unlike the owners in *Casanta v. Clearfield County Tax Claim Bureau*, 62 Pa. Cmwlth. 216, 435 A.2d 681 (1981), petitioners did not make any attempt to satisfy the unpaid taxes.

Notices must also include a description of the property to be sold. Description by metes and bounds is not required, but will be sufficient if it adequately identifies the premises and apprises the owners, the collector and public of the land being sold. *In re Tax Sale of Bolen's Real Estate*, 393 Pa. 377, 143 A.2d 339 (1958). We find the Bureau's description of the property in terms of the Borough and parcel number adequate; however, for reasons previously indicated, listing other owners as "et al" is not sufficient. A specific exception exists as to when the owner need not be included in the description, such is not the case here. 72 P.S. § 5860.602(b).

There is no dispute that the Bureau mailed certified notices to each owner of the property as mandated by the statute. The problem is that one owner signed for the other two. Referring to the return receipt cards, delivery was to be made by certified mail, *restricted delivery*. Restricted delivery is defined exclusively by the provisions of the United States Postal Service Domestic Mail Manual (DMM). Restricted delivery is available solely to specifically named individuals or those agents authorized in writing via a Postal Form 3849 to receive delivery. *Polarine v. Tax Claim Bureau of the County of Chester*, 125 Pa. Cmwlth., 622, 557 A.2d 1175 (1989). No evidence was presented that Edward Birtic, Jr. was authorized to accept restricted delivery mailings.

From the testimony presented at the hearing we are unable to find that the property was properly posted with notice of the sale as to Martin Beynon. Although Leedy testified how a property would be posted with notice, he could not specifically recall posting the property with Beynon's notice and no affidavit was produced.

Without having met the statutory mailing or posting requirements, the sale will be invalid unless the Bureau can prove the owners had actual notice of the sale. *Matter of Tax Sales By the Tax Claim Bureau of Dauphin County*, Pa. Cmwlth., 651 A.2d 1157 (1994), *alloc. dn.* 544 Pa. 650, 664 A.2d 978 (1995). It is not difficult to decide that Edward Birtic, Jr., had actual notice of the sale. Mailing,

posting and publication were sufficient as to Edward. However, the Bureau has failed to establish that it met the statutory notice requirements for Isabella Birtic or Martin Beynon, nor can notice be inferred from the facts before us. No evidence was presented to show that Isabella or Martin actually knew of the sale.

Since a fractional interest of real property can be sold at a tax sale we will not set aside the entire sale. 72 P.S. § 5860.305. *Bourexix v. Adams County Tax Claim Bureau*, 42 ACLJ 73 (2000), *rev'd on other grounds*, No. 1378 C.D. 1999, mem. (Pa. Cmwlth., 2000).

Accordingly, the attached order is entered.

ORDER

AND NOW, this 3rd day of May, 2001, exceptions to the tax sale filed by Edward L. Birtic are denied, and exceptions filed by Isabella Birtic and Martin Beynon are sustained. The sale as to Isabella Birtic's and Martin Beynon's interests is invalidated. Purchasers at the sale shall have twenty days to rescind their purchase, in which case the sale as to all owners shall be invalidated. If the purchasers elect not to rescind, the Tax Claim Bureau will execute and deliver a corrective deed conveying only the interest of Edward L. Birtic.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-898 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69, page 23 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 31 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for York County, PA in Record Book 1271, page 34.

UNDER AND SUBJECT to any and all covenants, conditions, restrictions, rights of way, easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in Record Book 69, page 23.

TOGETHER with the limited common elements appurtenant as more fully shown of Plan 1271, page 34.

Premises being: 81 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. #1-52

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-880 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point along the right of way line of Stayman Way at corner of Lot No. 71 of the hereinafter referred to subdivision plan, thence along the right of way line of Stayman Way, South 35 degrees 08 minutes 03 seconds East, 55 feet to a point at corner of Lot No. 73 of the hereinafter referred to subdivision plan; thence continuing along Lot No. 73, South 54 degrees 51 minutes 57 seconds West, 233.55 feet to a point along Lot No. 472 of the hereinafter referred to subdivision plan; thence continuing along Lot No. 472, North 12 degrees 18 minutes 39 seconds West, 59.67 feet to a point at corner of Lot No. 71 aforesaid; thence continuing along Lot No. 71, North 54 degrees 51 minutes 57 seconds East, 210.41 feet to a point along the right of way line of Stayman Way, the point and place of BEGINNING. CONTAINING 12,209 Square Feet and being designated as Lot No. 72 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated July 15, 1994, as revised, Project No. 921060, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, page 89.

The improvements thereon being known as No. 41 Stayman Way.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 41 Stayman Way, Littlestown, PA 17340

SOLD as the property of **SHERI A. RIPLEY** and **DOUGLAS A. RIPLEY**

TAX PARCEL #7-202

SEIZED and taken into execution as the property of **Douglas A. & Sheri A. Ripley** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/21, 28 & 1/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-830 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

BEGINNING at a steel pin in the center of Oxford Road, S.R. 1016, at corner of Lot No. 3 and the northernmost corner of Lot No. 1 herein on the hereinafter described plan of lots; thence in the center of said road South 29 degrees 50 minutes 29 seconds East, 357.52 feet to a steel pin at the northernmost corner of Lot No. 2; thence by Lot No. 2, through a steel pin set back 27.66 feet from the beginning of this course, South 45 degrees 23 minutes 38 seconds West, 337.62 feet to a steel pin on line of Lot No. 3; thence by Lot No. 3, North 29 degrees 42 minutes 07 seconds West, 292.45 feet to a concrete monument set; thence continuing by Lot No. 3, through a steel pin set back 27.66 feet from the end of this course, North 36 degrees 48 minutes 48 seconds East, 400 feet to a steel pin in the center of Oxford Road, S.R. 1016, the place of BEGINNING.

Tax Parcel #22-H-06-31

Being known as 4580 Oxford Road, York Springs, PA 17372

SEIZED and taken into execution as the property of **David E. Altice** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-906 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the curb face projection of East York Street at corner of land now or formerly of James Kriel; thence along said East York Street, North 58 degrees 07 minutes 00 seconds East, 44.79 feet to a point on curb face projection of East York Street, at corner of land now or formerly of Troy Hughes; thence along said land of Troy Hughes, passing through a steel rod set back 6.50 feet from the last mentioned point, South 37 degrees 10 minutes 40 seconds East, 193.46 feet to an existing steel rod; thence South 50 degrees 23 minutes 30 seconds West, 42.65 feet to an existing pipe at corner of land now or formerly of James Kriel, aforesaid; thence by said land of James Kriel, and passing through a railroad spike set back 13.70 feet from the next mentioned point, North 37 degrees 45 minutes 00 seconds West, 199.41 feet to a point on curb face projection of East York Street, the point and place of BEGINNING. CONTAINING 8.560 square feet.

TOGETHER with the right and privilege unto the parties of the second part, their heirs and assigns, of repairing and maintaining a drainage tile on lands presently, or formerly of Ralph B. Shetter located adjacent to the lot hereby conveyed all as set forth in the deed from John M. Bream and Dessa M. Bream, husband and wife, to Ralph B. Shetter, dated April 16, 1943, recorded in Deed Book 192 at page 304; and together with any other further rights in respect to said drain over the lands of Ralph B. Shetter as presently used and maintained and as may have been enlarged by written agreement prior to the date hereof.

TITLE TO SAID PREMISES IS VESTED IN Mark H. Brown by Deed from Randall B. Inskip and Judith G. Inskip, his wife dated 3/17/95 and recorded 3/20/95 in Record Book 1006, Page 277.

Premises being: 269 East York Street, Biglerville, PA 17307

Tax Parcel No. MAP 4 PARCEL 33

SEIZED and taken into execution as the property of **Mark H. Brown** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18,

2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/21, 28 & 1/4

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation for BOWMAN BLOCK AND HEAD SERVICE, INC. were filed with the Department of State of the Commonwealth of Pennsylvania on December 3, 2001, under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444.

Guthrie, Nonemaker, Guthrie & Yingst
Solicitor

12/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-77 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

PREMISES "A"

ALL that tract of land, together with the improvements thereon erected, being known as No. 120 Knox Road, situate, lying and being in the Township of Highland, Adams County, Pennsylvania;

CONTAINING 138 Perches, more or less.

PARCEL #D13-12

BEING THE SAME PREMISES which Jacob C. Kump and Louise Kump, husband and wife, by Deed dated February 11, 1971 and recorded in Deed Book Vol. 290, Page 281, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "B"

ALL that tract of land, together with the improvements thereon erected, being known as No. 1041 McGlaughlin Road, situate in Liberty Township, Adams County, Pennsylvania;

CONTAINING 6 acres and 66 perches, more or less.

PARCEL #D15-33

BEING THE SAME PREMISES which Ruth E.L. Fair, by Deed dated July 25, 1971 and recorded in Deed Book Vol. 319, Page 723, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "C"

ALL that tract of land, together with the improvements thereon erected, being known as No. 110 Knox Road, situate in Highland Township, Adams County, Pennsylvania;

CONTAINING 2.1702 Acres.

PARCEL #D13-12A

BEING THE SAME PREMISES which George O. Brown and Shirley A. Brown, husband and wife, by Deed dated March 14, 1980 and recorded in Deed Book Vol. 350, Page 1003, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "D"

ALL that tract of land situate, lying and being in Liberty Township, Adams County, Pennsylvania, being Parcel C of Section AE, Charnita Map, Adams County Mapping Department

CONTAINING 29.61 Acres.

PARCEL #AE0-9999C

BEING THE SAME PREMISES which Bernard V. Miller, Sheriff of the County of Adams, by Deed dated January 23, 1981

and recorded in Deed Book Vol. 355, Page 990, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "E"

ALL THOSE CERTAIN tracts of land, together with the improvements thereon erected, being known as No. 239 Bair Road, situate, lying and being in the Township of Berwick, Adams County, Pennsylvania;

PURPART NO. 1 - CONTAINING fifty-two hundredths (.52) acre; and

PURPART NO. 2 - CONTAINING 14.581 acres.

PARCEL #K11-49A

PURPART NO. 1 - BEING THE SAME PREMISES which Robert McMaster and Peggy A. McMaster, his wife, by Deed dated June 5, 1987 and recorded in Deed Book Vol. 459, Page 896, Adams County records, granted and conveyed unto Robert W. Weikert; and

PURPART NO. 2 - BEING THE SAME PREMISES which Preston N. Myers, Executor of the Estate of John W. Sager, Deceased, by Deed dated June 11, 1987 and recorded in Deed Book Vol. 459, Page 983, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "F"

ALL that tract of land situate, lying and being in Highland Township, Adams County, Pennsylvania;

CONTAINING 10.765 acres.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Highland, Adams County, Pennsylvania, as more fully described in Deed from Robert W. Weikert and Winifred A. Weikert, husband and wife, Grantors, to Michael L. Smith and Nina M. Smith, husband and wife, Grantees, dated October 12, 1990 and recorded in Deed Book Vol. 570, Page 96, Adams County records.

PARCEL #D13-16A

BEING PART OF THE SAME PREMISES which Grace E. Hoak, widow, by Deed dated January 29, 1988 and recorded in Deed Book Vol. 479, Page 103, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "G"

ALL those two tracts of land situate in Highland Township, Adams County, Pennsylvania, bounded and described as follows:

PURPART NO. 1

TRACT NO. 1 - CONTAINING 1 acre and 156 perches; and

TRACT NO. 2 - CONTAINING 5 acres and 8 perches.

PURPART NO. 2

ALL that tract of land situate in Highland Township, Adams County, Pennsylvania;

CONTAINING 5,170 square feet.

PURPART NO. 1 - BEING THE SAME PREMISES which Peace Light Inn Co., a Pennsylvania business corporation, by Deed dated June 6, 1973 and recorded in Deed Book Vol. 307, Page 415, Adams County records, granted and conveyed unto Robert W. Weikert; EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Highland, Adams County, Pennsylvania, CONTAINING 10,015 square feet, and being more fully described in Deed from Robert W. Weikert, Grantor, to Dennis R. Bishop, Grantee, dated September 30, 1999 and recorded in Deed Book Vol. 1923, Page 230, Adams County records; and

PURPART NO. 2 - BEING THE SAME PREMISES which Dennis R. Bishop, by Deed dated September 30, 1999 and recorded in Deed Book Vol. 1923, Page 237, Adams County records, granted and conveyed unto Robert W. Weikert.

PARCEL #D14-51

PREMISES "H"

ALL that tract of land, together with the improvements thereon erected, being known as No. 226 Railroad Lane, situate, lying and being in Highland Township, Adams County, Pennsylvania;

CONTAINING 97 Acres and 48 perches, more or less.

PARCEL #D12-23

BEING THE SAME PREMISES which Charles T. Lotreck and Joanne E. Lotreck, his wife, by Deed dated December 26, 1986 and recorded in Deed Book Vol. 445, Page 720, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "I"

ALL THOSE CERTAIN four (4) tracts of land, together with the improvements thereon erected, being known as No. 1395 Knoxlyn-Orrtanna Road, situate, lying and being in Hamiltonban and Highland Townships, Adams County, Pennsylvania;

TRACT NO. 1 - CONTAINING 350 Acres and 146 Perches;

TRACT NO. 2 - CONTAINING 5 Acres and 132 Perches, neat measure;

LESS and EXCEPTING from the above described Tract No. 2, a tract of land containing 1.203 acres, more or less, which I.Z. Musselman Orchards, Inc., by Deed dated June 3, 1983, and recorded in Adams County Deed Book Vol. 368, Page 575, Adams County records, granted and conveyed unto Dennis Ray Bowling.

(continued on page 6)

TRACT NO. 3 - CONTAINING 54 Acres and 153 perches, more or less;

TRACT NO. 4 - CONTAINING 44 Perches of land, more or less.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Hamiltonban and the Township of Highland, Adams County, Pennsylvania, as more fully described in Deed from Robert W. Weikert and Winifred A. Weikert, husband and wife, Grantors, to Steven P. Donaldson, David G. Donaldson, and Beverly M. Benner, grantees, dated October 20, 1992 and recorded in Deed Book Vol. 645, Page 1062, Adams County records.

PARCEL #D13-1

BEING PART OF THE SAME PREMISES which Lois M. Wilson, individually and as Attorney-in-Fact for William B. Wilson, her husband, et al., by Deed dated February 14, 1990 and recorded in Deed Book Vol. 546, Page 1005, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "J"

ALL that tract of land, together with the improvements thereon erected, being known as No. 1084 Knoxlyn-Orttanna Road, situate, lying and being in the Township of Highland, County of Adams, State of Pennsylvania;

CONTAINING 70 Acres and 20 Perches, neat measure.

PARCEL #D13-13

BEING THE SAME PREMISES which Charles H. McCadden and Lydia R. McCadden, husband and wife, by Deed dated January 4, 1967 and recorded in Deed Book Vol. 260, Page 320, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "K"

ALL that tract of land, together with the improvements thereon erected, being known as No. 25 Railroad Lane, situate, lying and being in Highland Township, Adams County, Pennsylvania;

CONTAINING 152 Acres and 20 Perches, more or less.

PARCEL #D13-2

BEING THE SAME PREMISES which Howard A. Knouse, Administrator of the Estate of John E. Stoner, by Deed dated February 23, 1965 and recorded in Deed Book Vol. 250, Page 463, Adams County records, granted and conveyed unto Robert W. Weikert and Joseph N. Welty; and

BEING THE SAME PREMISES which Joseph N. Welty and Miriam A. Welty, his wife, by Deed dated February 1, 1966 and recorded in Deed Book Vol. 255, Page 136, Adams County records, grant-

ed and conveyed an undivided one-half interest in and to said premises unto Robert W. Weikert.

PREMISES "L"

ALL that tract of land, together with the improvements thereon erected, being known as No. 721 Carrolls Tract Road, situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania;

CONTAINING one hundred fourteen (114) Acres and one hundred twelve (112) Perches.

PARCEL #C13-17

BEING THE SAME PREMISES which Howard L. Weikert and Sara C. Weikert, husband and wife, by Deed dated May 3, 1957 and recorded in Deed Book Vol. 217, Page 422, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

SEIZED and taken into execution as the property of **Robert W. Weikert & Winifred A. Weikert** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-74 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that improved tract of land situate on the East and West sides of Railroad Lane, T-346, being known as No. 370 Railroad Lane, in Highland Township, Adams County, Pennsylvania;

CONTAINING 81.898 Acres.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Highland, Adams County, Pennsylvania, as more fully described in Deed from Todd D. Weikert and Laurie L. Weikert, husband and wife, Grantors, to Roberta M. Brown, Grantee, dated October 1, 1999 and recorded in Deed Book Vol. 1924, Page 326, Adams County records.

PARCEL #D12-20

BEING PART OF THE SAME PREMISES which Adams County National Bank, Executor of the Will of John H. Aiken, deceased, by Deed dated June 25, 1996 and recorded in Deed Book Vol. 1219, Page 331, Adams County records, granted and conveyed unto Todd D. Weikert and Laurie L. Weikert, husband and wife.

SEIZED and taken into execution as the property of **Todd D. Weikert & Laurie L. Weikert** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/14, 21 & 28

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 EARL J. BRUMGARD, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Personal Representatives: Burnell Brumgard, 66 Bollinger Rd., Littlestown, PA 17340; Jean L. Good, 15 Sterling Circle, Dover, DE 19901-6117

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

ESTATE OF NORVILLE W. ECKARD, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF ELIZABETH L. NICHOLS a/k/a BETTY L. NICHOLS, BETTY E. NICHOLS & BETTY L. BREAM, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Marshall H. Nichols, 11041 Treyburn Drive, Glen Allen, VA 23059

Attorney: Jesse C. Robinson, Esq., Barley, Snyder, Senft & Cohen, LLC, 126 East King Street, Lancaster, PA 17602

ESTATE OF BETTY J. RIGGEE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Dorothy M. (Shindledecker) Barger a/k/a Dorothy M. Harris, 1020 North Browns Dam Drive, New Oxford, PA 17350

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

ESTATE OF SARA E. STARNER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Neil Starnier and Laura Starnier, 1490 Coon Road, Aspers, PA 17304

Attorney: J. Ward Cooper, Esq., 4401 Carlisle Road, Gardners, PA 17324

SECOND PUBLICATION

ESTATE OF HARRY W. BOWERS, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Co-Executrices: Dorothy L. Bigham, 800 Camp Gettysburg Road, Gettysburg, PA 17325; Joyce A. Woodward, 2400 Taneytown Road, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., 47 W. High Street, Gettysburg, PA 17325

ESTATE OF GORDON M. DUTTERER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Karl H. Silex, CPA, 100 West Pennsylvania Avenue, Towson, MD 21204

ESTATE OF MARY A. GROFT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: James E. Groft, 645 Poplar Road, New Oxford, PA 17350

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

ESTATE OF RICHARD E. KAMMERER a/k/a RICHARD E. KAMMERER, SR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

ESTATE OF STELLA M. LARUE, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Jerry D. LaRue, 490 Baltimore Street, York Springs, PA 17372

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

ESTATE OF MILFORD R. STULTZ, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Administratrix: Gloria J. Rinehart, 5 Johns Avenue, Gettysburg, PA 17325

Attorney: Francis Worley, Esq., 225 Latimore Valley Road, York Springs, PA 17372

ESTATE OF DANIEL L. SULLIVAN, DEC'D

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

Executrix: Judy Ann Kurtz, c/o 135 South Duke Street, York, PA 17403

Attorney: Richard H. Mylin, III, Esq.

THIRD PUBLICATION

ESTATE OF MIRIAM O. HACKMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Karen B. Hackman, 5597 Seminary Road, Apt. 1015, Falls Church, VA 22041-3504

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

ESTATE OF MARY E. HARTMAN, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executors: Russell L. Hartman, Jr., 525 Tract Road, Fairfield, PA 17320; Carolyn A. Kane, 471 Tract Road, Fairfield, PA 17320

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

ESTATE OF KENNETH BERT HUFFMAN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executrix: Michelle McCullum a/k/a Michelle McCullom, 1 Iris Court, Hanover, PA 17331

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

ESTATE OF EMILY D. KALTENSTEIN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: E. Scott Tomlinson, 630 Wheeler School Road, Whiteford, MD 21160-1109

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

ESTATE OF RUTH K. MILLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Joseph D. Miller, 1865 Hilltown Road, Biglerville, PA 17307; David L. Miller, 1857 Hilltown Road, Biglerville, PA 17307

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

ESTATE OF MILDRED E. NARY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Clayton R. Wilcox, Esq., 234 Baltimore St., Gettysburg, PA 17325; G. Edward Hughes, 408 Lyttle Blvd., Hazard, KY 41701

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

ESTATE OF EVELYN R. WEAVER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Mary V. Myers, 822 Hanover Road, Gettysburg, PA 17325

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

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, December 31, 2001, at 9:00 o'clock a.m.

BORTNER—Orphans' Court Action Number OC-122-01. The First and Final Account of Henry W. Mowery, Executor of the Estate of Miriam S. Bortner, deceased, late of Conewago Township, Adams County, Pennsylvania.

WENTZ—Orphans' Court Action Number OC-125-01. The First and Final Account of Bernard I. Wentz, Administrator of the Estate of Harold W. Wentz a/k/a Harold William Wentz, deceased, late of Berwick Township, Adams County, Pennsylvania.

TURNER—Orphans' Court Action Number OC-136-01. The First and Final Account of Paul Becker, Executor of the Estate of Irene R. Turner, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

FEESER—Orphans' Court Action Number OC-51-98. The Second and Final Account of Anthony Thomas Feeser and Kathy Ann Powers, Co-Executor of the Estate of Burnell A. Feeser, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

STAUB—Orphans' Court Action Number OC-138-01. The First and Final Account of Michael J. Staub and Robert W. Staub, Executors of the Estate of Raymond F. Staub, deceased, late of Oxford Township, Adams County, Pennsylvania.

NULL—Orphans' Court Action Number OC-139-01. The First and Final Account of Adams County National Bank, Executor of the Last Will and Testament of Mary Louise Null, deceased, late of Cumberland Township, Adams County, Pennsylvania.

LOW—Orphans' Court Action Number OC-141-01. The First and Final Account of Stephen M. Snyder, Executor under the Will of Francis Gream Low, deceased, late of 5 Sunset Drive, Bonneauville, Adams County, Pennsylvania.

HOFFMAN—Orphans' Court Action Number OC-142-01. The First and Final Account of Bank of Hanover and Trust Company, Executor of the Last Will and Testament of LaRue H. Hoffman, deceased, late of Straban Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

12/21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-972 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the South property line of Park Street where the same is intersected by the West property line of Sunset Avenue; thence running along said property line of Sunset Avenue, South 34 degrees 15 minutes West, 101.6 feet to an iron pin at corner of lot now or formerly of Fred J. Kane; thence along same, North 55 degrees 45 minutes West, 138 feet to an iron pin; thence North 34 degrees 15 minutes East, 101.6 feet to an iron pin on the South property line of Park Street; thence running along the property line of said Park Street, South 55 degrees 45 minutes East, 138 feet to a point at the intersection of Park Street and Sunset Avenue, the place of BEGINNING. (Gettysburg Borough Tax Map 12, Parcel 12)

Being known as 358 Park Street, Gettysburg, PA 17325

Property ID No. 12-12

TITLE TO SAID PREMISES IS VESTED IN Michael H. Flowers and Susan A. Flowers, husband and wife, as tenants of the estate by the entireties by deed from Dale E. Deardorff and William K. Grover, executors of the will of Mildred D. Shover, deceased, dated 12/28/1996, recorded 1/3/1997, in Deed Book 1312, Page 313.

SEIZED and taken into execution as the property of **Michael H. & Susan A. Flowers** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/21, 28 & 1/4

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW NO. 01-S-1055

ACTION IN DIVORCE

ANDREW LEE AUTEN, Plaintiff vs.

KATHRYN ANN AUTEN, Defendant

NOTICE TO DEFEND AND CLAIM RIGHTS

TO: Kathryn Ann Auten

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the Court. A judgment may also be entered against you for any other claim or relief requested in these papers by the Plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary, Room 104, Adams County Courthouse, Gettysburg, Pennsylvania 17325.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

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

COURT ADMINISTRATOR
Adams County Courthouse
Gettysburg, PA 17325
717-337-9846

12/21

Adams County Legal Journal

Vol. 43

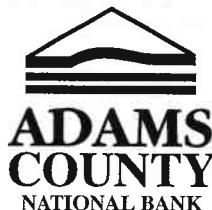
December 28, 2001

No. 31, pp. 174-178

IN THIS ISSUE

RICHARDSON ET AL VS. KNOUSE FOODS

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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. 00-S-824 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a stone at corner of land now or formerly of William Smith Heirs; thence along land now or formerly of William Smith Heirs, South 45 degrees West, 519 feet to a stone at corner of land now or formerly of Grace E. Fox and Raymond B. Fox; thence along land on or formerly of Grace E. Fox and Raymond B. Fox, crossing State Highway Route 01015 leading from Fairfield to Greenstone and crossing Tom's Creek, North 36 1/2 degrees West, 250 feet to center of a big rock at line of land now or formerly of William Smith Heirs; thence by land now or formerly of William Smith Heirs, North 45 degrees East, 519 feet to a stone; thence by land now or formerly of same, crossing Tom's Creek and crossing the aforesaid State Highway, South 36 1/2 degrees East, 250 feet to a stone; the place of BEGINNING.

EXCEPTING, HOWEVER, THEREFROM, that certain lot or piece of land otherwise conveyed by Warren R. Dannelley and Laura M. Dannelley, husband and wife, to Paul C. McGlaughlin and wife, dated April 9, 1963 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 243 at page 1023.

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

BEGINNING at the corner of lands of Grantors and said land known as Lot No. 2 on a certain subdivision, thence South 45 degrees 00 minutes 00 seconds East, 50.00 feet to a point; thence South 45 degrees 03 minutes 21 seconds West, 435.05 feet to a point; thence North 45 degrees 00 minutes 00 seconds West, 50.00 feet to a point at the corner of Lot No. 5 thence continuing along Lot No. 5

North 45 degrees 06 minutes 51 seconds East, 213.05 feet to a point at the corner of Lots No. 4 and 5; thence continuing by Lot No. 4 North 45 degrees 00 minutes 00 seconds East, 70.00 feet to a point at the corner of Lots No. 3 and 4; thence continuing by Lot No. 3 North 45 degrees 00 minutes 00 seconds East, 100.00 feet to a point at the corner of Lots No. 2 and 3; thence continuing by Lot No. 2 North 45 degrees 00 minutes 00 seconds East, 52.00 feet to the place of BEGINNING.

The above description is known as Lot No. 7 and was taken from a plan of survey prepared by J. Rex Benchoff, Registered Surveyor, dated October 10, 1989 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 55 at page 66.

BEING THE SAME PREMISES WHICH Title acquired by a Deed dated 9/27/88, and recorded on 9/28/88 in Liber/Book 502, at page 636, made by Laura M. Dannelley.

Additional Deed from James R. Kinsley and Mary R. Kinsley to George W. Nicholas and Mary A. Nicholas dated 11/02/90 and recorded on 11/02/90, in Liber/Book 571, at page 1015.

SEIZED and taken into execution as the property of **George W. & Mary Nicholas** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/28, 1/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-830 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

BEGINNING at a steel pin in the center of Oxford Road, S.R. 1016, at corner of Lot No. 3 and the northernmost corner of Lot No. 1 herein on the hereinafter described plan of lots; thence in the center of said road South 29 degrees 50 minutes 29 seconds East, 357.52 feet to a steel pin at the northernmost corner of Lot No. 2; thence by Lot No. 2, through a steel pin set back 27.66 feet from the beginning of this course, South 45 degrees 23 minutes 38 seconds West, 337.62 feet to a steel pin on line of Lot No. 3; thence by Lot No. 3, North 29 degrees 42 minutes 07 seconds West, 292.45 feet to a concrete monument set; thence continuing by Lot No. 3, through a steel pin set back 27.66 feet from the end of this course, North 36 degrees 48 minutes 48 seconds East, 400 feet to a steel pin in the center of Oxford Road, S.R. 1016, the place of BEGINNING.

Tax Parcel #22-H-06-31

Being known as 4580 Oxford Road, York Springs, PA 17372

SEIZED and taken into execution as the property of **David E. Altice** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/14, 21 & 28

RICHARDSON ET AL VS. KNOUSE FOODS

1. Courts in Pennsylvania have uniformly held that the mechanic's lien statute must be strictly construed. The purpose behind the cross indexing requirement in the statute is to maximize the likelihood that the public, especially potential subcontractors, will be able to determine whether a Stipulation against filing Mechanic's Liens exists.

2. The Adams County indexing system cross-indexes the owner and contractor. Clearly owner and contractor appear both under search name/defendant and under the number 2 or other party portion of the index. This system certainly provides constructive notice for the public, including potential subcontractors....

3. In the contest of a Stipulation Against Filing Mechanic's Liens, there really is no "plaintiff" or "defendant", but merely parties to the agreement or stipulation. It is reasonable to interpret the pre-computer age 1963 mechanic's lien statute, which uses the terms "plaintiff" and "defendant" as basically requiring "cross-indexing" of owners and contractors as parties to a stipulation or agreement in such a way that the public and potential subcontractors could discover the existence of such a stipulation or agreement by entering the name of either the owner or the contractor in the indexing system in use at the time of the search.

4. A nonqualified foreign corporation doing business in this Commonwealth within the meaning of Subchapter B (relating to qualification), shall not be permitted to maintain any action or proceeding in any court of this Commonwealth until the corporation has obtained a certificate of authority.

5. Claimants'/Plaintiffs' have provided no authority to convince this Court that such filing (Stipulation Against Liens) falls within the meaning of maintaining any action or proceeding.

In the Court of Common Pleas of Adams County, Pennsylvania, No. 586 of 1999, G. G. RICHARDSON, INC. VS. KNOUSE FOODS COOPERATIVE, INC.; No. 00-TL-23, NORTHWEST REFRIGERATION CONTRACTORS, INC. VS. KNOUSE FOODS COOPERATIVE, INC.; and No. 00-TL-129, SCHMITT ELECTRIC, INC. VS. KNOUSE FOODS COOPERATIVE, INC.

Thomas A. Beckley, Esq., and Thomas O. Williams, Esq., for
Plaintiffs

Jonathon H. Rudd, Esq., for Defendants

Bigham, J., May 7, 2001

OPINION ON OWNERS'/DEFENDANTS' PRELIMINARY OBJECTIONS TO CLAIMANTS'/PLAINTIFFS' MECHANICS' LIENS CLAIMS AND COMPLAINTS

STATEMENT OF FACTS

Claimant/Plaintiff G.G. Richardson, Inc. filed a Mechanic's Lien Claim and Complaint on December 13, 1999, and December 20,

1999, respectively. Claimant/Plaintiff Northwest Refrigeration Contractors, Inc. filed a Mechanic's Lien Claim and Complaint on January 26, 2000 and February 4, 2000, respectively. Claimant Schmitt Electric, Inc. filed a Mechanics' Lien Claim on April 4, 2000 but Schmitt has not yet filed a Complaint.

All of the claims asserted in this action involve the construction of Knouse's new controlled atmosphere storage facility located at 1545 Gablers Road, Peach Glen, Adams County, Pennsylvania. Knouse entered into a contract with Food Plant Construction, Inc. (hereafter Food Plant) to construct the new facility. Claimants/Plaintiffs are all subcontractors of Food Plant, who allegedly has not fully paid Claimants/Plaintiffs.

On July 6, 1998, Food Plant and Knouse executed a Stipulation Against Liens. The Stipulation was filed with the Prothonotary of Adams County on July 7, 1998.

LEGAL DISCUSSION

Knouse submits in its preliminary objections that the Stipulation bars the Claimants'/Plaintiffs' Mechanics' Lien Claims and Complaints. Claimants/Plaintiffs submit that the Stipulation was not properly indexed in the Prothonotary's office. Section 402 of the Mechanic's Lien Law of 1963 49 P.S. §1402, specifically states "that a waiver of liens must be indexed listing both the owner as plaintiff and the contractor as defendant as well as listing the contractor as plaintiff and the owner as defendant." *Id.*

Courts in Pennsylvania have uniformly held that the mechanic's lien statute must be strictly construed [*Delmont Mechanical Services, Inc. v. Kenver Corp.*, 677 A.2d 1241 (Pa. Super 1996)]. The purpose behind the cross indexing requirement in the statute is to maximize the likelihood that the public, especially potential subcontractors, will be able to determine whether a Stipulation against filing Mechanic's Liens exists. Since the result of a properly filed and indexed Stipulation against Mechanic's Lien is the waiver of a subcontractor's right to file a Mechanic's Lien Claim, it is vital that potential subcontractors have a way to determine the existence of such a document.

The Prothonotary of Adams County submitted an affidavit in this case indicating that owner and contractor were both properly indexed

in the Adams County Prothonotary judgment index. Claimants'/Plaintiffs' contend that the indexing was improper because owner and contractor were not each separately listed as plaintiff and as defendant. Claimants'/Plaintiffs' cite *Kelly Systems, Inc. v. Nardo*, C.C.P. York County N.94-ML-003643-01, Opinion dated January 25, 1996, in support of their position. The Prothonotary of York County filed an affidavit relating to indexing in that case as well.

Appendix A, attached to the York County Opinion, demonstrates that looking up contractor as defendant you find owner as plaintiff but when looking under owner as defendant you do not find contractor as plaintiff. The York County indexing system actually did not use the word "defendant" or "plaintiff" but rather "against party" and "for party". The York County Court did not find fault with the lack of the words "plaintiff" and "defendant", but rather the failure of the indexing system to place the contractor in the "for party".

The Adams County indexing system, as demonstrated by the copies attached to the Prothonotary's affidavit, cross-indexes the owner and contractor. In Adams County, there is also no reference to "plaintiff" or "defendant", just a search name and then the number 2 appears on the screen or print-out indicating the other party. Clearly owner and contractor appear both under search name/defendant and under the number 2 or other party portion of the index. This system certainly provides constructive notice for the public, including potential subcontractors, because it is possible that the potential subcontractor or member of the public knows the name of the owner but not the contractor or knows the name of the contractor but not the owner. Either way, the Adams County indexing system allows the searcher to find the stipulation against liens. In Claimants'/Plaintiffs' brief, they refer to the *Kelly Systems, Inc. v. Nardo* York County case as having facts which are "almost identical" to the facts in this case. The key word is "almost". The facts are sufficiently different to explain why this Court feels that a different result is necessary. The facts in this case are such that cross-indexing actually took place and constructive notice results.

The requirement that the mechanic's lien statute be strictly construed is a fair requirement, but to adopt Claimants'/Plaintiffs' point of view under this set of facts would require an unreasonably strict

interpretation of the mechanic's lien law. Claimants'/Plaintiffs' seem to be arguing semantics because the words "plaintiff" and "defendant" do not appear in the Adams County indexing system when the words "plaintiff" and "defendant" clearly appear in the statute. In the context of a Stipulation Against Filing Mechanic's Liens, there really is no "plaintiff" or "defendant", but merely parties to the agreement or stipulation. It is reasonable to interpret the pre-computer age 1963 mechanic's lien statute, which uses the terms "plaintiff" and "defendant" as basically requiring "cross-indexing" of owners and contractors as parties to a stipulation or agreement in such a way that the public and potential subcontractors could discover the existence of such a stipulation or agreement by entering the name of either the owner or the contractor in the indexing system in use at the time of the search. It should also be noted that the exhibits provided by the Adams County Prothonotary indicate that the document or matter which is the subject of the indexing is a "STIP AGAINST LIENS".

Claimants'/Plaintiffs' reliance upon *Site Improvements, Incorporated v. Central and Western Chester County Industrial Development Authority*, 437 A.2d.962 Pa. Super. 1981 is misplaced. That particular citation actually supports the position adopted by this Court.

Claimants'/Plaintiffs' next issue is that Food Plant did not obtain a certificate of authority to do business in Pennsylvania, citing 15 Pa.C.S.A.§4121(a). That section states "A foreign business corporation, before doing business in this Commonwealth, shall procure a certificate of authority to do so from the Department of State, in the manner provided in this subchapter. A foreign business corporation shall not be denied a certificate of authority by reason of the fact that the laws of the jurisdiction governing its incorporation and internal affairs differ from the laws of this Commonwealth." *Id.*

Owner/Defendant Knouse Foods Cooperative, Inc., argues that the only penalty created by the Legislature for failing to obtain a Certificate of Authority to do business in Pennsylvania is that "A nonqualified foreign business corporation doing business in this Commonwealth within the meaning of Subchapter B (relating to qualification), shall not be permitted to maintain any action or proceeding in any court of this Commonwealth until the corporation has obtained a certificate of authority." 15 Pa.C.S.A.§4141.

Claimants'/Plaintiffs' assert that the filing of a Stipulation Against Liens constitutes maintaining an action or proceeding. Owner or Food Plant filed the Stipulation Against Liens to provide public notice that such an agreement existed.

Claimants'/Plaintiffs' have provided no authority to convince this Court that such filing falls within the meaning of maintaining any action or proceeding.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 7th day of May, 2001, Defendant's Preliminary Objections to Plaintiffs' Mechanics' Liens Claims and Complaints are sustained.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-880 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point along the right of way line of Stayman Way at corner of Lot No. 71 of the hereinafter referred to subdivision plan, thence along the right of way line of Stayman Way, South 35 degrees 08 minutes 03 seconds East, 55 feet to a point at corner of Lot No. 73 of the hereinafter referred to subdivision plan; thence continuing along Lot No. 73, South 54 degrees 51 minutes 57 seconds West, 233.55 feet to a point along Lot No. 472 of the hereinafter referred to subdivision plan; thence continuing along Lot No. 472, North 12 degrees 18 minutes 39 seconds West, 59.67 feet to a point at corner of Lot No. 71 aforesaid; thence continuing along Lot No. 71, North 54 degrees 51 minutes 57 seconds East, 210.41 feet to a point along the right of way line of Stayman Way, the point and place of BEGINNING. CONTAINING 12,209 Square Feet and being designated as Lot No. 72 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated July 15, 1994, as revised, Project No. 921060, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, page 89.

The improvements thereon being known as No. 41 Stayman Way.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 41 Stayman Way, Littlestown, PA 17340

SOLD as the property of SHERI A. RIPLEY and DOUGLAS A. RIPLEY

TAX PARCEL #7-202

SEIZED and taken into execution as the property of Douglas A. & Sheri A. Ripley and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/21, 28 & 1/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-906 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the curb face projection of East York Street at corner of land now or formerly of James Krief; thence along said East York Street, North 58 degrees 07 minutes 00 seconds East, 44.79 feet to a point on curb face projection of East York Street, at corner of land now or formerly of Troy Hughes; thence along said land of Troy Hughes, passing through a steel rod set back 6.50 feet from the last mentioned point, South 37 degrees 10 minutes 40 seconds East, 193.46 feet to an existing steel rod; thence South 50 degrees 23 minutes 30 seconds West, 42.65 feet to an existing pipe at corner of land now or formerly of James Krief, aforesaid; thence by said land of James Krief, and passing through a railroad spike set back 13.70 feet from the next mentioned point, North 37 degrees 45 minutes 00 seconds West, 199.41 feet to a point on curb face projection of East York Street, the point and place of BEGINNING. CONTAINING 8.560 square feet.

TOGETHER with the right and privilege unto the parties of the second part, their heirs and assigns, of repairing and maintaining a drainage tile on lands presently, or formerly of Ralph B. Shetter located adjacent to the lot hereby conveyed all as set forth in the deed from John M. Bream and Dessa M. Bream, husband and wife, to Ralph B. Shetter, dated April 16, 1943, recorded in Deed Book 192 at page 304; and together with any other further rights in respect to said drain over the lands of Ralph B. Shetter as presently used and maintained and as may have been enlarged by written agreement prior to the date hereof.

TITLE TO SAID PREMISES IS VESTED IN Mark H. Brown by Deed from Randall B. Inskip and Judith G. Inskip, his wife dated 3/17/95 and recorded 3/20/95 in Record Book 1006, Page 277.

Premises being: 269 East York Street, Biglerville, PA 17307

Tax Parcel No. MAP 4 PARCEL 33

SEIZED and taken into execution as

the property of Mark H. Brown and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/21, 28 & 1/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-857 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a steel pin on the West side of Pennsylvania State Legislative Route No. 01070 at Lot No. 10 on the plan of lots hereinafter referred to; thence along the West side of said State Highway, South four (4) degrees twenty-two (22) minutes East, one hundred (100) feet to a steel pin at Lot No. 8; thence binding on Lot No. 8, South eighty-five (85) degrees thirty-eight (38) minutes West, two hundred (200) feet to a point at lands now or formerly of S. Edward Murphy; thence along said lands, North four (4) degrees twenty-two (22) minutes West, one hundred (100) feet to Lot No. 10 aforesaid; thence binding on Lot No. 10, North eighty-five (85) degrees thirty-eight (38) minutes East, two hundred (200) feet to a steel pin, the place of BEGINNING. (CONTAINING 20,000 square feet and being known on a plot or plan of a series of lots laid out by S. Edward Murphy and bearing date of July 31, 1969, and recorded in Plot Book 1, page 55, and known as "Pine Grove Heights" as Lot No. 9.)

HAVING ERECTED THEREON a dwelling known as 939 Pine Grove Road, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Garry L. Miller and Bonnie L. Miller, by Deed dated December 3, 1997 and recorded December 3, 1997 in Adams County Deed Book 1485, Page 338, granted and conveyed unto Carl R. Kauffman, III.

UNDER AND SUBJECT, NEVERTHELESS, to the following restrictions, which shall be binding upon the Grantee, his heirs and assigns:

1. Each tract shall be used for residential purposes only and no improvements shall be erected or placed thereon except one private dwelling house for occupancy by not more than two families with garage appurtenant thereto. No such building shall be erected thereon unless the exterior surfaces thereof shall be of brick, stone, clapboard, aluminum, vinyl, or a combination of such materials; and such improvements shall contain a first floor of the minimum side of 768 square feet in the case of a one and one-half (1-1/2) story building.

2. No structures or improvements of any kind shall be erected upon the tract hereby conveyed within sixty (60) feet of the property line of the tract herein conveyed along Legislative Route 01070 as shown on the aforesaid plan, nor within seven and one-half (7-1/2) feet of the boundaries between this tract and Tract No. 8 and the lots adjoining thereto on either side. The restriction imposed in this paragraph shall not apply to open porches, except that no such porch shall extend within seven and one-half (7-1/2) feet of the side boundaries of the tract herein and hereby conveyed.

3. No trailer or trailers shall be placed upon the tract herein conveyed for any length of time, nor shall any garage or basement of any dwelling be used for temporary or permanent residence or occupancy.

4. No animals shall be kept or maintained upon the tract herein conveyed except one (1) domestic cat and one (1) domestic dog.

SEIZED IN EXECUTION AS THE PROPERTY OF CARL R. KAUFFMAN, III UNDER ADAMS COUNTY JUDGMENT NO. 01-S-857.

MAP & PARCEL #K17-89

SEIZED and taken into execution as the property of Carl R. Kauffman, III and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/28, 1/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-402 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, with the appurtenances belonging thereto, situate, lying and being in the Village of Irishtown in Oxford Township, Adams County, Pennsylvania, bounded by lands now or formerly of John L. Jenkins, William S. Jenkins, Edgar L. Jenkins and the public road running through Irishtown, as follows:

BEGINNING at a stone for a corner on said public road; thence with the same North, twelve and one-fourth (12-1/4) degrees East, ten and six-tenths (10.6) perches to a corner of land now or formerly of John L. Jenkins; thence with the same North seventy-four and one-half (74-1/2) degrees West, seventeen and seven-tenths (17.7) perches to a corner of lands now or formerly of W. S. Jenkins; thence with the same South twenty-nine and one-half (29-1/2) degrees West, ten and seven-tenths (10.7) perches to a corner of lands now or formerly of Edgar L. Jenkins; thence with the same South seventy-three and one-half (73-1/2) degrees East, twenty and nine-tenths (20.9) perches to the point and place of BEGINNING. CONTAINING one (1) acre and forty-two (42) perches of land neat measure.

Being known as 890 Irishtown Road.

Tax I.D. No. J13-27

SEIZED and taken into execution as the property of Steven A. Neiderer and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/28, 1/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-77 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

PREMISES "A"

ALL that tract of land, together with the improvements thereon erected, being known as No. 120 Knox Road, situate, lying and being in the Township of Highland, Adams County, Pennsylvania;

CONTAINING 138 Perches, more or less.

PARCEL #D13-12

BEING THE SAME PREMISES which Jacob C. Kump and Louise Kump, husband and wife, by Deed dated February 11, 1971 and recorded in Deed Book Vol. 290, Page 281, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "B"

ALL that tract of land, together with the improvements thereon erected, being known as No. 1041 McGlaughlin Road, situate in Liberty Township, Adams County, Pennsylvania;

CONTAINING 6 acres and 66 perches, more or less.

PARCEL #D15-33

BEING THE SAME PREMISES which Ruth E.L. Fair, by Deed dated July 25, 1971 and recorded in Deed Book Vol. 319, Page 723, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "C"

ALL that tract of land, together with the improvements thereon erected, being known as No. 110 Knox Road, situate in Highland Township, Adams County, Pennsylvania;

CONTAINING 2.1702 Acres.

PARCEL #D13-12A

BEING THE SAME PREMISES which George O. Brown and Shirley A. Brown, husband and wife, by Deed dated March 14, 1980 and recorded in Deed Book Vol. 350, Page 1003, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "D"

ALL that tract of land situate, lying and being in Liberty Township, Adams County, Pennsylvania, being Parcel C of Section AE, Charnita Map, Adams County Mapping Department

CONTAINING 29.61 Acres.

PARCEL #AE0-9999C

BEING THE SAME PREMISES which Bernard V. Miller, Sheriff of the County of Adams, by Deed dated January 23, 1981

and recorded in Deed Book Vol. 355, Page 990, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "E"

ALL THOSE CERTAIN tracts of land, together with the improvements thereon erected, being known as No. 239 Bair Road, situate, lying and being in the Township of Berwick, Adams County, Pennsylvania;

PURPART NO. 1 - CONTAINING fifty-two hundredths (.52) acre; and

PURPART NO. 2 - CONTAINING 14.581 acres.

PARCEL #K11-49A

PURPART NO. 1 - BEING THE SAME PREMISES which Robert McMaster and Peggy A. McMaster, his wife, by Deed dated June 5, 1987 and recorded in Deed Book Vol. 459, Page 896, Adams County records, granted and conveyed unto Robert W. Weikert; and

PURPART NO. 2 - BEING THE SAME PREMISES which Preston N. Myers, Executor of the Estate of John W. Sager, Deceased, by Deed dated June 11, 1987 and recorded in Deed Book Vol. 459, Page 983, Adams County records, granted and conveyed unto Robert W. Weikert.

PREMISES "F"

ALL that tract of land situate, lying and being in Highland Township, Adams County, Pennsylvania;

CONTAINING 10.765 acres.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Highland, Adams County, Pennsylvania, as more fully described in Deed from Robert W. Weikert and Winifred A. Weikert, husband and wife, Grantors, to Michael L. Smith and Nina M. Smith, husband and wife, Grantees, dated October 12, 1990 and recorded in Deed Book Vol. 570, Page 96, Adams County records.

PARCEL #D13-16A

BEING PART OF THE SAME PREMISES which Grace E. Hoak, widow, by Deed dated January 29, 1988 and recorded in Deed Book Vol. 479, Page 103, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "G"

ALL those two tracts of land situate in Highland Township, Adams County, Pennsylvania, bounded and described as follows:

PURPART NO. 1

TRACT NO. 1 - CONTAINING 1 acre and 156 perches; and

TRACT NO. 2 - CONTAINING 5 acres and 8 perches.

PURPART NO. 2

ALL that tract of land situate in Highland Township, Adams County, Pennsylvania;

CONTAINING 5,170 square feet.

PURPART NO. 1 - BEING THE SAME PREMISES which Peace Light Inn Co., a Pennsylvania business corporation, by Deed dated June 6, 1973 and recorded in Deed Book Vol. 307, Page 415, Adams County records, granted and conveyed unto Robert W. Weikert; EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Highland, Adams County, Pennsylvania, CONTAINING 10,015 square feet, and being more fully described in Deed from Robert W. Weikert, Grantor, to Dennis R. Bishop, Grantee, dated September 30, 1999 and recorded in Deed Book Vol. 1923, Page 230, Adams County records; and

PURPART NO. 2 - BEING THE SAME PREMISES which Dennis R. Bishop, by Deed dated September 30, 1999 and recorded in Deed Book Vol. 1923, Page 237, Adams County records, granted and conveyed unto Robert W. Weikert.

PARCEL #D14-51

PREMISES "H"

ALL that tract of land, together with the improvements thereon erected, being known as No. 226 Railroad Lane, situate, lying and being in Highland Township, Adams County, Pennsylvania;

CONTAINING 97 Acres and 48 perches, more or less.

PARCEL #D12-23

BEING THE SAME PREMISES which Charles T. Lotreck and Joanne E. Lotreck, his wife, by Deed dated December 26, 1986 and recorded in Deed Book Vol. 445, Page 720, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "I"

ALL THOSE CERTAIN four (4) tracts of land, together with the improvements thereon erected, being known as No. 1395 Knoxlyn-Ortanna Road, situate, lying and being in Hamiltonban and Highland Townships, Adams County, Pennsylvania;

TRACT NO. 1 - CONTAINING 350 Acres and 146 Perches;

TRACT NO. 2 - CONTAINING 5 Acres and 132 Perches, neat measure;

LESS AND EXCEPTING from the above described Tract No. 2, a tract of land containing 1.203 acres, more or less, which I.Z. Musselman Orchards, Inc., by Deed dated June 3, 1983, and recorded in Adams County Deed Book Vol. 368, Page 575, Adams County records, granted and conveyed unto Dennis Ray Bowling.

(continued on page 6)

TRACT NO. 3 - CONTAINING 54 Acres and 153 perches, more or less;

TRACT NO. 4 - CONTAINING 44 Perches of land, more or less.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Hamiltonban and the Township of Highland, Adams County, Pennsylvania, as more fully described in Deed from Robert W. Weikert and Winifred A. Weikert, husband and wife, Grantors, to Steven P. Donaldson, David G. Donaldson, and Beverly M. Benner, Grantees, dated October 20, 1992 and recorded in Deed Book Vol. 645, Page 1062, Adams County records.

PARCEL #D13-1

BEING PART OF THE SAME PREMISES which Lois M. Wilson, individually and as Attorney-in-Fact for William B. Wilson, her husband, et al., by Deed dated February 14, 1990 and recorded in Deed Book Vol. 546, Page 1005, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "J"

ALL that tract of land, together with the improvements thereon erected, being known as No. 1084 Knoxlyn-Orrtanna Road, situate, lying and being in the Township of Highland, County of Adams, State of Pennsylvania;

CONTAINING 70 Acres and 20 Perches, neat measure.

PARCEL #D13-3

BEING THE SAME PREMISES which Charles H. McCadden and Lydia R. McCadden, husband and wife, by Deed dated January 4, 1967 and recorded in Deed Book Vol. 260, Page 320, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

PREMISES "K"

ALL that tract of land, together with the improvements thereon erected, being known as No. 25 Railroad Lane, situate, lying and being in Highland Township, Adams County, Pennsylvania;

CONTAINING 152 Acres and 20 Perches, more or less.

PARCEL #D13-2

BEING THE SAME PREMISES which Howard A. Knouse, Administrator of the Estate of John E. Stoner, by Deed dated February 23, 1965 and recorded in Deed Book Vol. 250, Page 463, Adams County records, granted and conveyed unto Robert W. Weikert and Joseph N. Welty; and

BEING THE SAME PREMISES which Joseph N. Welty and Miriam A. Welty, his wife, by Deed dated February 1, 1966 and recorded in Deed Book Vol. 255, Page 136, Adams County records, granted and conveyed an undivided one-half

interest in and to said premises unto Robert W. Weikert.

PREMISES "L"

ALL that tract of land, together with the improvements thereon erected, being known as No. 721 Carrolls Tract Road, situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania;

CONTAINING one hundred fourteen (114) Acres and one hundred twelve (112) Perches.

PARCEL #C13-17

BEING THE SAME PREMISES which Howard L. Weikert and Sara C. Weikert, husband and wife, by Deed dated May 3, 1957 and recorded in Deed Book Vol. 217, Page 422, Adams County records, granted and conveyed unto Robert W. Weikert and Winifred A. Weikert, husband and wife.

SEIZED and taken into execution as the property of **Robert W. Weikert & Winifred A. Weikert** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-892 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of February, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN property situated in the Borough of Biglerville in the County of Adams and Commonwealth of Pennsylvania, being described as follows:

BEGINNING at the intersection of Penn Street with Ditzler Avenue; thence along the northern side of Ditzler Avenue North 82 degrees 48 minutes 15 seconds West 48.19 feet to a point; thence along the northern edge of Ditzler Avenue by a curve to the right an arc distance of 31.81 feet, a radius of 12,314.32 feet, the long chord of which is North 82 degrees 52 minutes 41 seconds West

31.81 feet to a point; thence by land now or formerly of Clair F. Ditzler and wife North 6 degrees 43 minutes 50 seconds East 120.19 feet to a steel pin; thence by the same South 82 degrees 40 minutes 48 seconds East, 79.82 feet to a steel pin at the western side of Penn Street; thence along the western radius of 2126.69 feet, the long chord of which is South 6 degrees 15 minutes 11 seconds West 69.98 feet to a point; thence by the western side of Penn Street South 7 degrees 11 minutes 45 seconds West 50 feet to the intersection corner of Penn Street and Ditzler Avenue the place of BEGINNING. CONTAINING 9,637 Square Feet, neat measure.

BEING KNOWN AS 165 Penn Street, Biglerville, PA 17307

PARCEL No.: (5) 005-0013

BEING THE SAME PREMISES which Arie P. Krayo and Nancy E. Sharrah-Krayo, husband and wife, by Deed dated May 5, 1999 and recorded May 6, 1999 in the Recorder's Office in and for Adams County, Pennsylvania in Deed Book Volume 1825, Page 105, granted and conveyed unto Linda S. Russo, the mortgagor herein.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 25, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/28, 1/4 & 11

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 DONALD G. HECKENLUBER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Mary K. Heckenluber, 413 Heckenluber Road, Biglerville, PA 17307

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

SECOND PUBLICATION

ESTATE OF EARL J. BRUMGARD, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Personal Representatives: Burnell Brumgard, 66 Bollinger Rd., Littlestown, PA 17340; Jean L. Good, 15 Sterling Circle, Dover, DE 19901-6117

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

ESTATE OF NORVILLE W. ECKARD, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF ELIZABETH L. NICHOLS a/k/a BETTY L. NICHOLS, BETTY E. NICHOLS & BETTY L. BREAM, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Marshall H. Nichols, 11041 Treyburn Drive, Glen Allen, VA 23059

Attorney: Jesse C. Robinson, Esq., Barley, Snyder, Senft & Cohen, LLC, 126 East King Street, Lancaster, PA 17602

ESTATE OF BETTY J. RIGGEEAL, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Dorothy M. (Shindledecker) Barger a/k/a Dorothy M. Harris, 1020 North Browns Dam Drive, New Oxford, PA 17350

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

ESTATE OF SARA E. STARNER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Neil Starner and Laura Starner, 1490 Coon Road, Aspers, PA 17304

Attorney: J. Ward Cooper, Esq., 4401 Carlisle Road, Gardners, PA 17324

THIRD PUBLICATION

ESTATE OF HARRY W. BOWERS, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Co-Executrices: Dorothy L. Bigham, 800 Camp Gettysburg Road, Gettysburg, PA 17325; Joyce A. Woodward, 2400 Taneytown Road, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., 47 W. High Street, Gettysburg, PA 17325

ESTATE OF GORDON M. DUTTERER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Karl H. Silex, CPA, 100 West Pennsylvania Avenue, Towson, MD 21204

ESTATE OF MARY A. GROFT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: James E. Groft, 645 Poplar Road, New Oxford, PA 17350

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

ESTATE OF RICHARD E. KAMMERER a/k/a RICHARD E. KAMMERER, SR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

ESTATE OF STELLA M. LARUE, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Jerry D. LaRue, 490 Baltimore Street, York Springs, PA 17372

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

ESTATE OF MILFORD R. STULTZ, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Administratrix: Gloria J. Rinehart, 5 Johns Avenue, Gettysburg, PA 17325

Attorney: Francis Worley, Esq., 225 Latimore Valley Road, York Springs, PA 17372

ESTATE OF DANIEL L. SULLIVAN, DEC'D

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

Executrix: Judy Ann Kurtz, c/o 135 South Duke Street, York, PA 17403

Attorney: Richard H. Mylin, III, Esq.

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, December 31, 2001, at 9:00 o'clock a.m.

BORTNER—Orphans' Court Action Number OC-122-01. The First and Final Account of Henry W. Mowery, Executor of the Estate of Miriam S. Bortner, deceased, late of Conewago Township, Adams County, Pennsylvania.

WENTZ—Orphans' Court Action Number OC-125-01. The First and Final Account of Bernard I. Wentz, Administrator of the Estate of Harold W. Wentz a/k/a Harold William Wentz, deceased, late of Berwick Township, Adams County, Pennsylvania.

TURNER—Orphans' Court Action Number OC-136-01. The First and Final Account of Paul Becker, Executor of the Estate of Irene R. Turner, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

FEESER—Orphans' Court Action Number OC-51-98. The Second and Final Account of Anthony Thomas Feeser and Kathy Ann Powers, Co-Executor of the Estate of Burnell A. Feeser, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

STAUB—Orphans' Court Action Number OC-138-01. The First and Final Account of Michael J. Staub and Robert W. Staub, Executors of the Estate of Raymond F. Staub, deceased, late of Oxford Township, Adams County, Pennsylvania.

NULL—Orphans' Court Action Number OC-139-01. The First and Final Account of Adams County National Bank, Executor of the Last Will and Testament of Mary Louise Null, deceased, late of Cumberland Township, Adams County, Pennsylvania.

LOW—Orphans' Court Action Number OC-141-01. The First and Final Account of Stephen M. Snyder, Executor under the Will of Francis Gream Low, deceased, late of 5 Sunset Drive, Bonneauville, Adams County, Pennsylvania.

HOFFMAN—Orphans' Court Action Number OC-142-01. The First and Final Account of Bank of Hanover and Trust Company, Executor of the Last Will and Testament of LaRue H. Hoffman, deceased, late of Straban Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

12/21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-972 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the South property line of Park Street where the same is intersected by the West property line of Sunset Avenue; thence running along said property line of Sunset Avenue, South 34 degrees 15 minutes West, 101.6 feet to an iron pin at corner of lot now or formerly of Fred J. Kane; thence along same, North 55 degrees 45 minutes West, 138 feet to an iron pin; thence North 34 degrees 15 minutes East, 101.6 feet to an iron pin on the South property line of Park Street; thence running along the property line of said Park Street, South 55 degrees 45 minutes East, 138 feet to a point at the intersection of Park Street and Sunset Avenue, the place of BEGINNING. (Gettysburg Borough Tax Map 12, Parcel 12)

Being known as 358 Park Street, Gettysburg, PA 17325

Property ID No. 12-12

TITLE TO SAID PREMISES IS VESTED IN Michael H. Flowers and Susan A. Flowers, husband and wife, as tenants of the estate by the entireties by deed from Dale E. Deardorff and William K. Grover, executors of the will of Mildred D. Shover, deceased, dated 12/28/1996, recorded 1/3/1997, in Deed Book 1312, Page 313.

SEIZED and taken into execution as the property of **Michael H. & Susan A. Flowers** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 18, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/21, 28 & 1/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-74 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of January, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that improved tract of land situate on the East and West sides of Railroad Lane, T-346, being known as No. 370 Railroad Lane, in Highland Township, Adams County, Pennsylvania;

CONTAINING 81.898 Acres.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM ALL THAT CERTAIN tract of land situate, lying and being in the Township of Highland, Adams County, Pennsylvania, as more fully described in Deed from Todd D. Weikert and Laurie L. Weikert, husband and wife, Grantors, to Roberta M. Brown, Grantee, dated October 1, 1999 and recorded in Deed Book Vol. 1924, Page 326, Adams County records.

PARCEL #D12-20

BEING PART OF THE SAME PREMISES which Adams County National Bank, Executor of the Will of John H. Aiken, deceased, by Deed dated June 25, 1996 and recorded in Deed Book Vol. 1219, Page 331, Adams County records, granted and conveyed to Todd D. Weikert and Laurie L. Weikert, husband and wife.

SEIZED and taken into execution as the property of **Todd D. Weikert & Laurie L. Weikert** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 11, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/14, 21 & 28