

# Adams County Legal Journal

Vol. 49

June 1, 2007

No. 2, pp. 7-10

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-124 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate in Franklin Township, Adams County, Pennsylvania bounded and described as follows:

BEGINNING at a post in the turnpike road leading from Chambersburg to Gettysburg (now known as the old Lincoln Highway); thence along said road, South 58-3/4 degrees East, 60.5 feet to corner of lot now or formerly of Annie E. Riddlemoser; thence by said lot, South 31 degrees West, 12.8 perches to a 14 foot alley; thence by said

alley, North 54-3/4 degrees West, (erroneously referred to as East in the previous deed) 57 feet to a 10 foot alley; thence North 30 degrees East, 12.4 perches to the place of BEGINNING.

CONTAINING 45.2 perches, more or less.

Having thereon erected a dwelling house known and numbered as 242 Old Route 30.

BEING the same which Christopher P. Tokar and Cadace M. Tokar, husband and wife, by their deed dated June 30, 2004 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 3628, Page 306, granted and conveyed unto Patrick M. Osborn and Kathy C. Osborn, husband and wife, the Mortgagees herein.

BEING No. 242 Old Route 30, McKnightstown, Pennsylvania

BEING Tax Parcel No. Tax Map D-11, Parcel 52

SEIZED and taken into execution as the property of **Patrick M. Osborn & Kathy C. Osborn** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

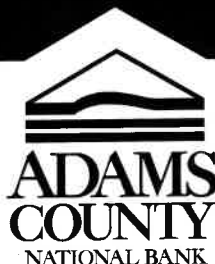
ALL claims to property must be filed with Sheriff before sale.

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.


5/25, 6/1 & 8

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**NOTICE BY THE ADAMS COUNTY CLERK OF COURTS**

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, June 5, 2007, at 9:00 a.m.

**FREUNDEL**—Orphans' Court Action Number OC-182-06. The First and Final Account of Earl Stephen Freundel and Cathy Freundel Elkiss, Executor of the Estate of Jacqueline A. Freundel, deceased, late of Mt. Joy Township, Adams County, Pennsylvania.

**BOWMAN**—Orphans' Court Action Number OC-47-07. The First and Final Account of Adams County National Bank, Executor of the Estate of Rosemarie H. Bowman, a/k/a Rosemarie J. Bowman, a/k/a Rose Marie Bowman, deceased, late of Borough of McSherrystown, Adams County, Pennsylvania.

**MILLER**—Orphans' Court Action Number OC-49-07. The First and Final Account of Adams County National Bank, Executor of the Estate of Dorothy E. Miller, deceased, late of Straban Township, Adams County, Pennsylvania.

**CEHULA**—Orphans' Court Action Number OC-50-07. The First and Final Account of Dolores Beebe, Accountant in the Estate of Leona H. Cehula, deceased, late of Conewago Township, Adams County, Pennsylvania.

**WELLMAN**—Orphans' Court Action Number OC-89-06. The First and Final Account of Victoria Adams, Executrix of the Estate of Roger G. Wellman, deceased, late of Germany Township, Adams County, Pennsylvania.

**BRACEY**—Orphans' Court Action Number OC-54-07. The First and Final Account of Margaret Legay, Executrix of the Last Will and Testament of James W. Bracey, deceased, late of Straban Township, Adams County, Pennsylvania.

Kelly A. Lawyer  
 Clerk of Courts

**SHERIFF'S SALE**

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-119 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Lynx Drive and Lot No. 149-B; thence along Lot No. 149-B, South twenty-seven (27) degrees fifty-one (51) minutes twenty-four (24) seconds East, one hundred twenty-eight and eighteen hundredths (128.18) feet to a point at Lot No. 148; thence along Lot No. 148, South seventy-four (74) degrees twenty-one (21) minutes fifty-seven (57) seconds East, thirty and fifty hundredths (30.50) feet to a point at Cheetah Drive; thence along Cheetah Drive, by a curve to the left whose radius is two hundred thirty-nine and nineteen hundredths (239.19) feet and whose chord bearing is North five (05) degrees two (02) minutes thirty-six (36) seconds West, one hundred forty (140.00) feet for an arc distance of one hundred forty-two and eight hundredths (142.08) feet to a point at the intersection of Cheetah Drive and Lynx Drive; thence along said intersections, North sixty-seven (67) degrees three (03) minutes thirty-seven (37) seconds West, twenty-one and twenty-one hundredths (21.21) feet to a point at Lynx Drive; thence along Lynx Drive, by a curve to the left whose radius is seven hundred forty (740.00) feet and whose chord bearing is South sixty-five (65) degrees twenty-nine (29) minutes forty-four (44) seconds West, sixty-five and twelve hundredths (65.12) feet to the point and place of BEGINNING.

CONTAINING 8,397 square feet and identified as Lot No. 149-A on a plan of lots entitled Lot 149, Conewago Estates, recorded in the Office of the Recorder of Deeds of Adams County.

HAVING erected thereon a dwelling known as 105 Lynx Drive, Hanover, PA 17331.

PARCEL NO. 7-63.

BEING the same premises which Mary Lee Kuhn and John H. Kuhn, her husband, by deed dated 11/21/1990 and recorded 12/05/1990 in the Recorder's Office of Adams County, Pennsylvania, Deed Book Volume 574, page 1018, granted and conveyed unto Stephen M. Staub.

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

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN that an Application has been filed under the Fictitious Names Act, 54 Pa. C.S.A. §§ 301 et seq., as amended, with the Secretary of the Commonwealth, in Harrisburg, Pennsylvania, on May 14, 2007, for conducting business under the assumed or fictitious name of GETTYSBURG ANTIQUES. The address of the principal office or place of business to be carried on under or through the fictitious name is: 15 Baltimore Street, Gettysburg, Pennsylvania 17325. The name and address of the only person who is a party to the registration is: Richard Laino, 449-1/2 Rear West Middle Street, Gettysburg, PA 17325.

Phillips & Phillips  
 Attorneys

6/1

## PNC VS. ABENDSCHEIN

1. In a mortgage foreclosure action, summary judgment is proper where the defendant admits that he had failed to make the payments due and fails to sustain a cognizable defense to the plaintiff's claim. This is so even if the mortgagors have not admitted to total amount of indebtedness in their pleading.

2. In an action for mortgage foreclosure, it is essential that judgment be entered in a specific amount as otherwise execution could not be effected thereon.

3. Where it appears that a substantial issue exists as to the amount of the outstanding obligation, summary judgment is inappropriate.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 05-S-73, PNC BANK, NATIONAL ASSOCIATION, VS. EDWARD J. ABENDSCHEIN.

Geoffrey S. Shuff, Esq., for Plaintiff

John M. Crabbs, Esq., for Defendant

George, J., June 27, 2006

### OPINION

This matter comes before the Court as a result of a Complaint in Mortgage Foreclosure filed by PNC Bank ("PNC") against Edward J. Abendschein ("Abendschein"), seeking foreclosure as the result of a loan by PNC to Abendschein in the amount of seven hundred fifty-thousand dollars (\$750,000.00). The procedural history is somewhat complicated as a result of Abendschein proceeding *pro se*. Nevertheless, that history leads us to the Motion for Summary Judgment filed by PNC, which is currently before the Court for disposition.

Consistent with prior practice in this matter, PNC's motion was met by a number of filings by Abendschein consisting of the following: Defendant's Argument Partially in Support of and Partially in Opposition to the Motion for Summary Judgment of Plaintiff, a Memorandum in Support of the Annexed Order, and an Affidavit Partially in Support of and Partially in Opposition to Plaintiff's Motion for Summary Judgment. Those documents collectively acknowledge that Abendschein stopped making payments on the mortgage on October 21, 2004, and has defaulted on his obligations under the mortgage. He claims, however, to have made a number of payments not credited by PNC including several pre-payments. Abendschein attempts to justify his default by alleging that the several pre-payments excused his failure to make the regular monthly

payment. Additionally, he suggests that although he failed to timely provide financial statements requested by PNC, his failure was *de minimis* and does not justify the amount of compensation that PNC seeks. For the reasons set forth below, judgment will be entered in favor of PNC.

“Summary judgment may be granted only in cases where the record demonstrates beyond any doubt the absence of a genuine issue of material fact and that on the facts adduced, the moving party is entitled to judgment as a matter of law.” *Gateway Towers Condo. Ass’n v. Krohn*, 845 A.2d 855, 858 (Pa.Super. 2004). In a mortgage foreclosure action, “summary judgment is proper where the defendant admits that he had failed to make the payments due and fails to sustain a cognizable defense to the plaintiff’s claim.” *Id.* Thus, the entry of summary judgment is proper if the mortgagors admit that the mortgage is in default, that they have failed to pay interest on the obligation, and that the recorded mortgage is in a specified amount. *Landau v. Western Pennsylvania National Bank*, 282 A.2d 335, 340 (Pa. 1971). “This is so even if the mortgagors have not admitted to total amount of indebtedness in their pleading.” *Cunningham v. McWilliams*, 714 A.2d 1054, 1057 (Pa.Super. 1998).

In this action, Abendschein does not dispute that he failed to make multiple payments to PNC when due. He suggests, however, that his failure was relatively minor in that he had previously made pre-payment of portions of the obligation which exceeded the amounts due and which he believed satisfied his monthly obligation. He argues that his default occurred as a result of his failure to obtain written permission from PNC to apply the pre-payments against his monthly obligation. These claims are insufficient to avoid summary judgment.

Unambiguous terms of a contract “are construed by a court as a matter of law.” *Marcinak v. Southeastern Greene Sch. Dist.*, 544 A.2d 1025, 1027 (Pa.Super. 1988). The written note at issue clearly provides that early payments by the borrower will not relieve the borrower of the obligation to continue to make payment under the payment schedule, but will reduce the principle balance due possibly resulting in fewer payments. The note further confirms the agreement of the parties that an exception to this rule will only be granted if agreed to “by lender in writing.” Both the mortgage and note contain an acceleration clause in the event of a breach by the borrower. Finally, the

mortgage includes an integration clause indicating that it contains the entire understanding and agreement between the parties, which may not be altered or amended absent a signed writing by all parties.

Significantly, Abendschein does not claim that either the mortgage or note are ambiguous. Rather, he attempts to discount this language by suggesting that he made a good faith effort to comply with the language of the note and mortgage. In support of this argument he claims to have made an offer to cure the default, which was rejected by PNC.

Abendschein's claims lack merit. His acknowledgement of the mortgage, its specified amount, and his default thereunder is sufficient to support summary judgment. See *Landau*, cited above. He cannot discount the terms of those documents, including the ramifications of default, by alleging a good faith effort contrary to the express terms of those documents. Abendschein simply failed to comply with the obligations of the mortgage and note. Moreover, since the mortgage at issue is not a residential mortgage, Abendschein has no right to cure his deficiency. See 41 P.S. § 404. Accordingly, summary judgment is proper.<sup>1</sup>

Although summary judgment will be entered in favor of PNC as to liability, further proceeding is necessary in order to resolve the issue of damages since, "In an action for mortgage foreclosure, it is

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<sup>1</sup> I am cognizant that Abendschein has raised the following claims under what he has titled to be "new matters": one count of breach of unilateral contract, one count of intentional breach of a quasi contract, and two counts of negligent breach of a quasi contract. These claims appear to relate to various transactions between Abendschein and PNC wherein Abendschein claims, alternatively, that PNC made it impossible for him to pay his obligations under the current mortgage and defrauded him of hundreds of thousands of dollars in the other financial transactions. A review of Abendschein's various pleadings indicate that the subject of these claims have resulted in separate civil actions in Adams County and Cumberland County. While Abendschein may certainly pursue whatever separate remedies he has, they are improper in the current mortgage foreclosure action. Rule of Civil Procedure 1148 authorizes only those counterclaims arising from the same transaction from which Plaintiff's cause of action arose. This rule has been narrowly interpreted by our Appellate Courts. *Cunningham v. McWilliams*, 714 A.2d at 1056. Therefore, the only counterclaims that are permitted are those which "are part of or incident to the creation of the mortgage relationship itself." *Id.* at 057. Interestingly, Abendschein's "new matters" do not allege fraudulent inducement of the mortgage; rather, they allege that disagreements between Abendschein and PNC over other accounts caused Abendschein's financial loss. This is precisely the type of counterclaim that is not cognizable under Rule 1148.

essential that judgment be entered in a specific amount as otherwise execution could not be effected thereon.” *Citicorp Mortgage v. Morrisville Hampton Village Realty Ltd.*, 662 A.2d 1120, 1123 (Pa.Super. 1995). From the reading of the various pleadings in this matter, it appears that a substantial issue exists as to the amount of the outstanding obligation. Where such an issue of fact exists, summary judgment is inappropriate. *See Gateway Towers Condo. Ass’n*, cited above. Therefore, before summary judgment may be entered on the issue of damages, trial limited to the amount of the judgment will be scheduled.

For the foregoing reasons, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 27th day of June, 2006, partial summary judgment on the issue of liability is entered in favor of the Plaintiff, PNC Bank. A half day non-jury trial limited to the issue of damages shall be held before this Court on August 22, 2006 at 1:00 p.m. in Courtroom No. 2 of the Adams County Courthouse. All discovery in this matter shall be completed on or before the close of business on August 11, 2006.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-166 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a post at corner of land now or formerly of Larry F. Green and land now or formerly of Sizer A. Burton, North 49 degrees 30 minutes West 67.65 feet to a post, thence by same, North 33 degrees West 87.45 feet to a point in State Highway Legislative Route 01054; thence by same, North 07 degrees 30 minutes West, 123.75 feet to a rock in or near creek; thence by land now or formerly of Barbara R. Klindt and crossing Marsh Creek, North 03 degrees 15 minutes West, 142.29 feet to a point at corner of land now or formerly of Kennard P. Chard and wife; thence by same, North 60 degrees 06 minutes East, 117.20 feet to a point; thence by same, North 34 degrees 18 minutes 40 seconds East, 164.03 feet to a point; thence by same, North 19 degrees 50 minutes 30 seconds West, 183.88 feet to an iron pin; thence North 66 degrees East, 454.67 feet to a point on the East side of State Highway Legislative Route 01054; thence in State Highway Legislative Route 01054 and by land now or formerly of Stewart C. Witherow and wife, South 01 degrees 13 minutes East, 518.7 feet to a spike in the intersection of Township Road T-407 with the aforesaid State Highway Legislative Route 01054; thence in said State Highway and by land now or formerly of Marshall D. Witherow and wife, South 65 degrees West, 61.84 feet to an iron pin in said State Highway; thence in said State Highway and by land now or formerly of Marshall D. Witherow and wife on a curve to the right, having a radius of 610.36 feet, and a bearing and (chord distance of) South 51 degrees 45 minutes West, 186.05 feet to a point in said State Highway; thence in said State Highway and by land now or formerly of Marshall D. Witherow and wife, South 60 degrees 31 minutes West, 60.92 feet to an iron pin in the center of said State Highway; thence by land now or formerly of Marshall D. Witherow and wife, South 40 degrees 48 minutes East, 245.29 feet to an iron pin; thence by land now or formerly of Larry F. Green, South 27 degrees West, 178.25 feet to a post,

the place of BEGINNING. CONTAINING 7.1 Acres, more or less.

Parcel # (09) E17-64

Premises Known As: 336 Marsh Creek Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Karen P. Nicholson & John W. Nicholson** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

5/25, 6/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-110 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT certain tract of land situate in Hamilton Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point in a public right-of-way known as Boy Scout Road and lands now or formerly of Richard Stegman; thence along and through said Boy Scout Road South fifty-five (55) degrees forty-five (45) minutes thirty-five (35) seconds West, two hundred and twenty hundredths (200.20) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North twenty-two (22) degrees eleven (11) minutes forty (40) seconds West, one hundred and fifty-six hundredths (100.56) feet to a point at a twenty (20) foot private right-of-way; thence along said private right-of-way, North sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds East, one hundred thirty-five and zero hundredths (135.00) feet to a point; thence continuing along the same North thirty-nine (39) degrees thirty-eight (38) minutes thirty-five (35) seconds West, twenty and thirty hundredths (20.30) feet to a point;

thence continuing along the same South sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds West, one hundred and zero hundredths (100.00) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North thirty-four (34) degrees thirty-six (36) minutes five (05) seconds West, one hundred seventy-five and forty-nine hundredths (175.49) feet to a point in the Conewago Creek; thence in and through the said Conewago Creek North fifty-seven (57) degrees twenty-four (24) minutes zero (00) seconds East, one hundred six and ninety-three hundredths (106.93) feet to a point at the edge of Conewago Creek and lands now or formerly of Richard Stegman; thence along said last mentioned lands South forty-three (43) degrees thirty-seven (37) minutes forty-five (45) seconds East, one hundred and eighty-nine and eighty-five hundredths (189.85) feet to a point; thence continuing along same South thirty-nine (39) degrees forty-nine (49) minutes forty-five (45) seconds East, ninety-nine and forty-seven hundredths (99.47) feet to the point and place of BEGINNING. CONTAINING 39,170 square feet. The above description being taken from a Boundary Survey prepared by Adams County Surveyors, dated November 11, 1991 and designated as Drawing B-673.

BEING known as Parcel Identification Number 17-J-10-0023B.

BEING the same premises which Shawn Gladfelter and Michelle Gladfelter, formerly husband and wife, by Deed dated December 1, 2005 and recorded December 15, 2005 in Deed Book 4247 Page 189, granted and conveyed unto Ronald D. Barnhart, a single man, in fee.

Premises Being: 217 Boy Scout Road, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Ronald D. Barnhart** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

5/25, 6/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-842 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate in the Township of Latimore, Adams County, Pennsylvania, being more particularly bounded and described as follows to wit:

BEGINNING at a steel pin set on the centerline of Latimore Creek Road (T634), said pin marking the common point of adjoiner of lots numbered 6 and 7 on the hereinafter mentioned plan of subdivision with the centerline of said Latimore Creek Road; thence departing from the centerline of Latimore Creek Road and extending along Lot No. 6, South 66 degrees 40 minutes 00 seconds West, through a steel pin set on the Southwestern most dedicated right-of-way line of Latimore Creek Road a distance of 25 feet from the origin of this call, for a total distance of 732.82 feet to a steel pin at lands now or formerly of Paul B. Lerew; thence extending along lands now or formerly of Paul B. Lerew, North 31 degrees 12 minutes 15 seconds West, for a distance of 151.43 feet to a steel pin at Lot No. 8 on the hereinafter mentioned plan of subdivision; thence extending along Lot No. 8, North 66 degrees 40 minutes 00 seconds East, through a steel pin set on the Southwestern most dedicated right-of-way line of Latimore Creek Road a distance of 25 feet from the terminus of this call, for a total distance of 747.14 feet to a steel pin set in the centerline of said Latimore Creek Road; thence extending in and through the centerline of Latimore Creek Road the following two courses and distances, (1) South 23 degrees 20 minutes 00 seconds East, for a distance of 34.32 feet to a pin in the centerline of said roadway at lands now or formerly of G. Henry Osborn; (2) thence continuing in and through the centerline of said roadway, South 26 degrees 30 minutes 15 seconds East, for a distance of 115.86 feet to a steel pin in the centerline of said Latimore Creek Road at Lot No. 6 on the hereinafter mentioned plan of subdivision, said pin marking the place of BEGINNING.

CONTAINING 2.546 acres and being designated as Lot No. 7 on a final amended plan of major subdivision of Misty Meadows prepared for Harmon Graves Company by Rodney Lee Decker and Associates, dated August 11, 1983, and recorded in the Office of the Recorder of Deeds in and for Adams

County, Pennsylvania, in Plan Book 39 at page 63.

Being Known As: 922 Latimore Creek Road (Latimore Township), York Springs, PA 17372

Property ID No.: 102-0004E-000

TITLE TO SAID PREMISES IS VESTED IN Paul W. Anthony and Cindy M. Anthony, as tenants of an estate by entireties by Deed from Gregory H. Eichelberger and Terry L. Eichelberger, husband and wife dated 9/30/04 recorded 10/5/04 in Deed Book 3727 Page 211.

SEIZED and taken into execution as the property of **Paul W. Anthony & Cindy M. Anthony** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

5/25, 6/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-76 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point at the corner of Hemlock Drive and Lot No. 39-B more particularly described on the hereinafter referred to subdivision plan; thence continuing along Lot No. 39-B South 47 degrees 15 minutes 36 seconds West, 139.05 feet to a point at lands now or formerly of Conewago Resources, L.P.; thence continuing along lands now or formerly of Conewago Resources, L.P., North 42 degrees 44 minutes 24 seconds West, 42.00 feet to a point at Lot No. 40-B, more particularly described on the hereinafter referred to subdivision plan; thence continuing along Lot No.

40-B, North 47 degrees 15 minutes 36 seconds East, 139.05 feet to a point at Hemlock Drive; thence continuing along Hemlock Drive, South 42 degrees 44 minutes 42 seconds East, 42.00 feet to Lot No. 39-B, the point and place of BEGINNING.

CONTAINING 5,840 square feet or .13 acres and known as Lot No. 40-A on the final subdivision plan of Chapel Ridge.

BEING the same premises which Stone Ridge Development Corporation, a Pennsylvania Corporation by Deed dated December 23, 2004 and recorded in the Adams County Recorder of Deeds Office on December 29, 2004 in Deed Book 3820, page 284, granted and conveyed unto David E. Hommerbocker and Laura J. Hommerbocker.

Premises Being: 91 Hemlock Drive, Hanover, PA 17331

SEIZED and taken into execution as the property of **David Hommerbocker a/k/a David E. Hommerbocker & Laura J. Hommerbocker** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

5/25, 6/1 & 8

## CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that a hearing is scheduled August 21, 2007, at 9:00 a.m., before the Honorable Michael A. George, Judge of the Court of Common Pleas of Adams County, Pennsylvania, at the Adams County Court House, 111-117 Baltimore Street, Gettysburg, PA 17325, on a Petition for Change of Name of Anthony Daniel Lewis requesting that his name be changed to Acea Michael Lewis.

Any person having objection to the petition should appear at the hearing.

BY /s/Larry W. Wolf, Esq.  
Attorney for Petitioner

6/1



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-75 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point at the corner of Hemlock Drive and Lot No. 39-B more particularly described on the hereinafter referred to subdivision plan; thence continuing along Lot No. 39-B, South forty-seven (47) degrees fifteen (15) minutes thirty-six (36) seconds West, one hundred thirty-nine and five hundredths (139.05) feet to a point at lands now or formerly of Conewago Resources, L.P.; thence continuing along lands now or formerly of Conewago Resources, L.P., North forty-two (42) degrees forty-four (44) minutes twenty-four (24) seconds West, forty-two (42.00) feet to a point at Lot No. 40-B, more particularly described on the hereinafter referred to subdivision plan; thence continuing along Lot No. 40-B, North forty-seven (47) degrees fifteen (15) minutes thirty-six (36) seconds East, one hundred thirty-nine and five hundredths (139.05) feet to a point at Hemlock Drive; thence continuing along Hemlock Drive, South forty-two (42) degrees forty-four (44) minutes twenty-four (24) seconds East, forty-two (42.00) feet to Lot No. 39-B, the point and place of BEGINNING. CONTAINING 5,840 square feet or .13 acres and known as Lot No. 40-A on the final subdivision plan of Chapel Ridge.

TITLE TO SAID PREMISES IS VESTED IN David E. Hommerbocker and Laura J. Hommerbocker, husband and wife, as tenants by the entireties, by Deed from Stone Ridge Development Corporation, dated 12/23/2004, recorded 12/29/2004, in Deed Book 3820, page 284.

Premises Being: 91 Hemlock Drive, Hanover, PA 17331

Tax Parcel No. 08-021-0067-000

SEIZED and taken into execution as the property of **David Hommerbocker a/k/a David E. Hommerbocker & Laura J. Hommerbocker** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are

filed thereto within 20 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.

5/25, 6/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-199 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Franklin Township, County of Adams, Commonwealth of Pennsylvania.

BEGINNING at a railroad spike set near the centerline of State Route 3015, Fairview Fruit Road, at the Southernmost corner of Lot No. 4 on the hereinafter referred to draft of survey and subdivision plan; thence in State Route 3015, Fairview Fruit Road, by a curve to the right on a circle having a radius of 1874.87 feet, having a long chord and bearing of South 21 degrees 50 minutes 05 seconds West, 169.10 feet to a point in the centerline of State Route 3015, Fairview Fruit Road; thence in said road, South 25 degrees 11 minutes 45 seconds West, 450.78 feet to a railroad spike found 1 foot East of the centerline of said road and at a corner of land now or formerly of Robert W. Weikert, et. ux; thence by said Weikert land, and by land now or formerly of Regina H. Omdorff, and passing through a 5/8th inch rebar set 25.00 feet from the last mentioned point, and passing through a 5/8th inch rebar found 232.03 feet from the last mentioned point, North 61 degrees 00 minutes 00 seconds West, 483.93 feet to a 1/2 inch pipe found; thence continuing by land of said Omdorff, North 22 degrees 59 minutes 15 seconds East, 536.46 feet to a 5/8th inch rebar set at a corner of Lot No. 4; thence by said Lot No. 4, and passing through a 5/8th inch rebar set 25.00 feet from the next mentioned point, South 70 degrees 45 minutes 00 seconds East, 496.29 feet to a railroad spike set near the centerline of State Route 3015, Fairview Fruit Road, at the Southernmost corner of Lot No. 4, the point and place of BEGINNING. CONTAINING 6.536 acres, more or less.

The above description was taken from a draft of survey and subdivision land prepared by Robert A. Sharrah,

Registered Professional Land Surveyor No. 30170-E, dated October 18, 1991 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 60 at page 24, and designating the above as Lot No. 5.

SUBJECT, NEVERTHELESS, to deed restrictions as recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 631 at page 819.

Being Known As: 140 Fairview Fruit Road (Franklin Township), Biglerville, PA 17307

Property ID No.: 12-D11-5C

TITLE TO SAID PREMISES IS VESTED IN Kegan S. Brauning and Michelle D. Brauning, husband and wife, as tenants of an estate by the entirety by Deed from Dominic Barbagallo, Jr. and H. Diane Barbagallo, husband and wife dated 3/30/05 recorded 9/8/05 in Deed Book 4118 Page 32.

SEIZED and taken into execution as the property of **Kegan S. Brauning & Michele D. Brauning** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

5/25, 6/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-N-197 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin on the Western property line of South Washington Street, which point is due South 156.1 feet from the intersection of the property lines of Steinwehr Avenue and South Washington Street and is 15 feet North of the corner of what was the garage building on the premises hereby conveyed, and extending thence due South 67.4 feet to an iron pin at the corner of lot now or formerly of E.L. Rentzel; thence by the lot now or formerly of E.L. Rentzel North 68 degrees 30 minutes West 129.4 feet to an iron pin at the Southeastern side of Steinwehr Avenue; thence by Steinwehr Avenue North 34 degrees 15 minutes East 64 feet to an iron pin, which iron pin is South 34 degrees 15 minutes West 150.55 feet from said intersection of the property lines of Steinwehr Avenue and South Washington Street, thence by lot now or formerly of Paul W. and Anna Belle Little, of which the property hereby conveyed was a part, South 69 degrees 30 minutes East 90.5 feet to the iron pin, the place of the BEGINNING.

Premises Being: 230 Steinwehr Ave., Gettysburg, PA 17325

SEIZED and taken into execution as the property of **TNR Property Management, Memories Past Historical Outfitters, LLC., Nancy A. Lare, Thomas P. Knaper & Robert A. Vanderplate** and to be sold by me.

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-200 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two tracts of land situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

TRACT NO. 1: BEGINNING at a point formerly in center line of Western Maryland Railroad at lands now or formerly of O.J. Kuykendall; thence by said lands North twenty-two (22) degrees East fifty-seven and two-tenths (57.2) perches to a stone; thence by land now or formerly of Charles Shultz South seventy-two (72) degrees East thirty-five and five-tenths (35.5) perches to a stone; thence by lands now or formerly of Jacob King North eighty-five (85) degrees East forty-four (44) perches to a point in the center of the public road leading to Lincoln Highway; thence by the center of said public road South four (4) degrees West three and two-tenths (3.2) perches; thence by the center of said public road South five (5) degrees five (5) minutes West two hundred thirty-nine and seven-tenths (239.7) feet to a point; thence North eighty-four (84) degrees fifty-five (55) minutes West two hundred thirty-eight (238) feet to a point in the right of way of the former Western Maryland Railroad; thence South forty-eight (48) degrees forty-two (42) minutes West three hundred seven and five-tenths (307.5) feet to a pin; thence South fifty-five (55) degrees forty-eight (48) minutes West three hundred twenty-two and five-tenths (322.5) feet to a stone; thence along land now or formerly of Norman Auchey North seventy-one (71) degrees two (2) minutes West ninety-one (91) feet to a point in the former Western Maryland Railroad right of way; thence along said land now or formerly of Norman Auchey South eighty (80) degrees West fifteen and five-tenths (15.5) perches to a point; thence in and through the right of way of said Western Maryland Railroad South eighty-four (84) degrees thirty (30) minutes West thirty (30) perches to the point and place of BEGINNING.

TRACT NO. 2: BEGINNING at an iron pin at corner of lot designated as No. 3 on a map of property for C.E. Ankney, surveyed by George M. Wildasin, Registered Engineer, April, 1962, which Lot No. 3 is land now or formerly of Lewis Ankney and which pin is on line of lands now or formerly of Carroll Lippy; thence by lands now or formerly of Lippy North

eighty-four (84) degrees fifty-five (55) minutes West one hundred eighty-two and three-tenths (182.3) feet to a pin at lands now or formerly of John C. Erb; thence by lands now or formerly of Erb North fifty-four (54) degrees thirty-nine (39) minutes East, one hundred seventeen and eight-tenths (117.8) feet to a point; thence by same North forty-eight (48) degrees forty-two (42) minutes East, three hundred seven and five-tenths (307.5) feet to a point at corner of lot number 6 on the aforesaid map thence by lot number 6 South eighty-four (84) degrees fifty-five (55) minutes East, thirty-eight (38) feet to a point at corner of Lot Number 5, land now or formerly of Martin L. Horn; thence by Lot No. 5 South five (5) degrees five (5) minutes West, one hundred (100) feet to a point at corner of Lot Number 4; thence by Lots Number 4 and 3 South forty-three (43) degrees thirty (30) minutes West, two hundred fifty-four (254) feet to a pin at lands now or formerly of Carroll Lippy (and known as Lot Number 1) the place of BEGINNING. CONTAINING .892 acres, more or less. Taken from the aforesaid map by George M. Wildasin, R.E.

TITLE TO SAID PREMISES IS VESTED IN Steven L. Malone, by Deed from Steven J. McGeehan, Single, dated 11/23/2005, recorded 12/05/2005, in Deed Book 4232, page 111.

Premises being: 105 Kilpatrick Road, New Oxford, PA 17350

Tax Parcel No. 32-111-0031-000

SEIZED and taken into execution as the property of **Steven L. Malone a/k/a Steven Lloyd Malone a/k/a Steven M. Malone** and to be sold by me.

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

## 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 ISABELLA CAMERON KINDNESS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Sheila C. Tobey, 365 Camp Gettysburg Road, Gettysburg, PA 17325

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

## ESTATE OF BETTY F. WEAVER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executrices: Jennifer L. Weaver, 736 Harrison Drive, Gettysburg, PA 17325; Carolyn W. Fuls, 8014 Kiwi Point, Tega Cay, SC 29708

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

## ESTATE OF WILLIS L. WEIKERT, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Judith W. Hoak, 10037 Carrigan Dr., Ellicott City, MD 21042

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

## SECOND PUBLICATION

## ESTATE OF AUDREY J. ELWAY, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Personal Representative: Betty Jane Kephart, c/o Patterson, Kiersz & Murphy, PC, 239 East Main Street, Waynesboro, PA 17268-1681

Attorney: R. Thomas Murphy, Esq., Patterson, Kiersz & Murphy, P.C., 239 East Main Street, Waynesboro, PA 17268-1681

## ESTATE OF MAUREEN B. HELLER, DEC'D

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

Kathleen Heller, 6 Mile Trail, Fairfield, PA 17320

## ESTATE OF ALICE E. MATTHEWS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Margaret E. Gilbert, 718 Brookens Rd., Fayetteville, PA 17222

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF GENEVA E. SCHAEFER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrix: Juanita Carey Guise, 331 West Meadow Drive, Mechanicsburg, PA 17055

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

## ESTATE OF WELMA N. WAGAMAN, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrices: Robin E. Barton, 713 Hanover Road, York, PA 17408; Linda K. Racer, 53 Peanut Drive, Hanover, PA 17331

Attorney: Crabbs & Crabbs, Attorneys for the Estate, 202 Broadway, Hanover, PA 17331

## THIRD PUBLICATION

## ESTATE OF GLADYS ALWINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Ann E. Fruth, 1820 Walnut Street, Camp Hill, PA 17011; T. Michael Haugh, 4721 York Road, New Oxford, PA 17350

Attorney: Jeffrey R. Boswell, Esq., Boswell, Tintner, Piccola & Alford, 315 N. Front Street, P.O. Box 741, Harrisburg, PA 17108-0741

## ESTATE OF EMMA C. LAUGHMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Rosita M. Sanders, 115 Mason Rd., Gettysburg, PA 17325; Wanda Jean Carbaugh, 119 Hamilton Drive, Abbottstown, PA 17301

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

## ESTATE OF MABEL R. ROSSMAN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Michael L. Rossman, 819 N. 21st Street, Philadelphia, PA 19130

Attorney: Welton J. Fischer, Esq., Law Offices of Welton J. Fischer, 550 Cleveland Avenue, Chambersburg, PA 17201

## ESTATE OF PAUL L. SHEARER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Personal Representatives: Joseph D. Shearer, 551 Baer Ave., Hanover, PA 17331; Carol J. Smith, 4746 Hanover Rd., Hanover, PA 17331

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

## ESTATE OF A. ISABELLE STARRY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Connie J. Galloway, 144 Gardners Station Road, Gardners, PA 17324; Keith R. Starry, 808 Pitman Hill Road, Weldon Springs, MO 63304

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

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-N-823 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

The following described real property situate in the Township of Hamiltonban, County of Adams, and Commonwealth of Pennsylvania, to wit:

ALL those three (3) tracts of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1: BEGINNING at a point on line of Lot No. 6, said point is forty feet from center of The W.M.R.R. right of way and corner of lands of John Hartman; thence by line of lands of said John Hartman, North forty-one (41) degrees East sixty (60) feet to a point on line of Lot No. 8, South forty-five (45) degrees East three hundred and forty-six (346) feet to corner of lands of Joseph Husselman; thence along lands of said Joseph Husselman, South sixty-two (62) degrees West sixty-two (62) feet to corner of Lot No. 6; thence along said lot forty-five (45) degrees West three hundred and twenty-five (325) feet to the place of BEGINNING. CONTAINING twenty thousand four hundred and sixty-five (20,465) square feet. More or less.

TRACT NO. 2: BEGINNING at a point in the Railroad Center of the Western Maryland R.R., thence by Lot No. 7, of Elisa Hull, South forty-five and one-half (45-1/2) degrees East three hundred and sixty-five (365) feet to lands of Joseph Husselman; thence by lands of Joseph Husselman, South sixty-two (62) degrees West forty-one (41) feet to a corner of lot of said John J. McSherry; thence North forty-five (45) degrees by lot of said John S. McSherry, West three hundred and fifty-one (351) feet to center of W.M.R.R., thence along center of the said railroad, South forty-one (41) degrees East forty (40) feet to the place of BEGINNING. CONTAINING three thousand nine hundred and fifty (3,950) square feet.

TRACT NO. 3: BEGINNING at a point in road, which said point is 30 feet Southeast of the center of the right of way of the Western Maryland Railroad Company, at a corner of lands now or formerly of Roger Topper, thence along lands now or formerly of Roger Topper South 42 degrees 30 minutes East, 43 feet to a point at lands now or formerly of Francis Planning; thence along same 41 degrees 30 minutes West, 60 feet to a

post at lands now or formerly of John Bennett; thence along same 45 degrees 30 minutes West, 40 feet to a point in the road aforesaid, which said point is 30 feet Southeast of the center of the right of way of the Western Maryland Railroad Company; thence along said road North 38 degrees 30 minutes East, 61.5 feet to a point at the place of BEGINNING. CONTAINING 2,490 square feet.

Tax ID# (18) C15-38

By fee simple deed from Mary C. Bennett, widow, by Mary K. Dick, her Attorney-In-Fact as set forth in Deed Book 0781, Page 0021 and recorded on 9/17/1993, Adams County Records.

The source deed as stated above is the last record of vesting filed for this property. There have been no vesting changes since the date of the above referenced source.

Premises Being: 28 Fairfield Station Lane, Fairfield, PA 17320

SEIZED and taken into execution as the property of **John Howard Johnson & Barbara Johnson** and to be sold by me.

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-227 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike set in Township Route T-348 at corner of land now or formerly of Chester Brent; thence through an iron pin set back 20.9 feet along the line from the point of beginning

and running by land now or formerly of Chester Brent and Logan Brent (now Susie Brent) South 87 degrees 45 minutes East, 280 feet to a point; thence running by land now or formerly of Logan Brent (now Susie Brent) South 2 degrees 15 minutes West, 125 feet to a point; thence running by land of the same North 87 degrees 45 minutes West, 275.97 feet through an iron pin set back 13.7 feet from the railroad spike in the road to the railroad spike in Township Route T-348; thence running in Township Route T-348 North 0 degrees 42 minutes East, 125.07 feet to a railroad spike, the place of BEGINNING.

The original description taken from a draft of survey made by Gettysburg Engineering Company on August 21, 1965, for a lot of depths of 200 feet and 195.97 feet facing the road and the extra additional 80 feet on the rear thereof being an extension.

TITLE TO SAID PREMISES IS VESTED IN John E. Hodge and Judy Ann Hodge, husband and wife, as tenants by the entireties, by Deed from Stephen E. Brent and Joan E. Brent, his wife, dated 11/16/1970, recorded 11/16/1970, in Deed Book 288, page 517.

Premises Being: 815 Belmont Road, Gettysburg, PA 17325

Tax Parcel No. 12-E-11-0012-000

SEIZED and taken into execution as the property of **Judy Ann Hodge a/k/a Judy A. Hodge a/k/a Judy E. Hodge** and to be sold by me.

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

# Adams County Legal Journal

Vol. 49

June 8, 2007

No. 3, pp. 11-16

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-124 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate in Franklin Township, Adams County, Pennsylvania bounded and described as follows:

BEGINNING at a post in the turnpike road leading from Chambersburg to Gettysburg (now known as the old Lincoln Highway); thence along said road, South 58-3/4 degrees East, 60.5 feet to corner of lot now or formerly of Annie E. Riddlemoser; thence by said lot, South 31 degrees West, 12.8 perches to a 14 foot alley; thence by said

alley, North 54-3/4 degrees West, (erroneously referred to as East in the previous deed) 57 feet to a 10 foot alley; thence North 30 degrees East, 12.4 perches to the place of BEGINNING.

CONTAINING 45.2 perches, more or less.

Having thereon erected a dwelling house known and numbered as 242 Old Route 30.

BEING the same which Christopher P. Tokar and Cadace M. Tokar, husband and wife, by their deed dated June 30, 2004 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 3628, Page 306, granted and conveyed unto Patrick M. Osborn and Kathy C. Osborn, husband and wife, the Mortgagees herein.

BEING No. 242 Old Route 30, McKnightstown, Pennsylvania

BEING Tax Parcel No. Tax Map D-11, Parcel 52

SEIZED and taken into execution as the property of **Patrick M. Osborn & Kathy C. Osborn** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

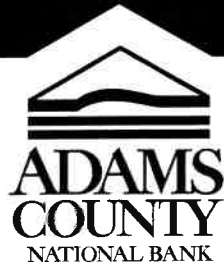
ALL claims to property must be filed with Sheriff before sale.

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.


5/25, 6/1 & 8

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-N-823 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

The following described real property situate in the Township of Hamiltonban, County of Adams, and Commonwealth of Pennsylvania, to wit:

ALL those three (3) tracts of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1: BEGINNING at a point on line of Lot No. 6, said point is forty feet from center of The W.M.R.R. right of way and corner of lands of John Hartman; thence by line of lands of said John Hartman, North forty-one (41) degrees East sixty (60) feet to a point on line of Lot No. 8, South forty-five (45) degrees East three hundred and forty-six (346) feet to corner of lands of Joseph Husselman; thence along lands of said Joseph Husselman, South sixty-two (62) degrees West sixty-two (62) feet to corner of Lot No. 6; thence along said lot forty-five (45) degrees West three hundred and twenty-five (325) feet to the place of BEGINNING. CONTAINING twenty thousand four hundred and sixty-five (20,465) square feet. More or less.

TRACT NO. 2: BEGINNING at a point in the Railroad Center of the Western Maryland R.R., thence by Lot No. 7, of Elisa Hull, South forty-five and one-half (45-1/2) degrees East three hundred and sixty-five (365) feet to lands of Joseph Husselman; thence by lands of Joseph Husselman, South sixty-two (62) degrees West forty-one (41) feet to a corner of lot of said John J. McSherry; thence North forty-five (45) degrees by lot of said John S. McSherry, West three hundred and fifty-one (351) feet to center of W.M.R.R., thence along center of the said railroad, South forty-one (41) degrees East forty (40) feet to the place of BEGINNING. CONTAINING three thousand nine hundred and fifty (3,950) square feet.

TRACT NO. 3: BEGINNING at a point in road, which said point is 30 feet Southeast of the center of the right of way of the Western Maryland Railroad Company, at a corner of lands now or formerly of Roger Topper, thence along lands now or formerly of Roger Topper South 42 degrees 30 minutes East, 43 feet to a point at lands now or formerly of Francis Planning; thence along same 41 degrees 30 minutes West, 60 feet to a post at lands now or formerly of John Bennett; thence along same 45 degrees 30 minutes West, 40 feet to a point in the road aforesaid, which said point is 30 feet Southeast of the center of the right of way of the Western Maryland Railroad Company; thence along said road North 38 degrees 30 minutes East, 61.5 feet to a point at the place of BEGINNING. CONTAINING 2,490 square feet.

Tax ID# (18) C15-38

By fee simple deed from Mary C. Bennett, widow, by Mary K. Dick, her Attorney-In-Fact as set forth in Deed Book 0781, Page 0021 and recorded on 9/17/1993, Adams County Records.

The source deed as stated above is the last record of vesting filed for this property. There have been no vesting changes since the date of the above referenced source.

Premises Being: 28 Fairfield Station Lane, Fairfield, PA 17320

SEIZED and taken into execution as the property of **John Howard Johnson & Barbara Johnson** and to be sold by me.

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

NONPROFIT ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Nonprofit Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on May 24, 2007, for the purpose of obtaining a Certificate of Incorporation under the provisions of the Nonprofit Corporation Law of 1988. The name of the proposed nonprofit corporation is APPLEWOOD HOMEOWNERS ASSOCIATION.

The purpose for which it will be organized is: To be a unit owners' association which provides for the management, maintenance and care of the residential community project located in Menallen Township, Adams County, Pennsylvania, known as Appletwood, A Planned Community.

McNeess Wallace & Nurick LLC  
 100 Pine Street  
 Harrisburg, PA 17101

6/8

## JP MORGAN CHASE ET AL VS. WEVERINK

1. The party moving for summary judgment has the burden of proving that there is no genuine issue of material fact.

2. The non-moving party bears a clear duty to respond to a motion for summary judgment.

3. The non-moving party may not rest upon the averments contained in its pleadings; instead, it is required to show, by depositions, answers to interrogatories, admissions or affidavits, that there is a genuine issue for trial.

4. Though Defendants did not file a response to the present Motion, this Court must still analyze Plaintiff's averments to determine if it, indeed, has established that there exists no genuine issue of material fact and that it is entitled to judgment as a matter of law.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 03-S-787, JP MORGAN CHASE BANK, AS TRUSTEE FOR EQUITY ONE ABS, INC., MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2000-1, VS. HEINZ WEVERINK AND DEBRA WEVERINK.

Pina S. Wertzberger, Esq., for Plaintiff

Defendants *Pro Se*

Kuhn, P.J., June 28, 2006

### OPINION PURSUANT TO PLAINTIFF'S SECOND MOTION FOR SUMMARY JUDGMENT

Before this Court is Plaintiff's Second Motion for Summary Judgment. For the reasons set forth herein, said Motion is denied.

The case involves a dispute with regard to the alleged default of Defendants, Heinz and Debra Weverink (collectively "Defendants"), on mortgage payments to JP Morgan Chase Bank, as trustee for Equity One ABS, Inc. Mortgage Pass-Through Certificates, Series 2000-1. The factual background has been gathered from the pleadings, affidavits, and exhibits.

### FACTUAL AND PROCEDURAL BACKGROUNDS

On April 28, 1999, Defendants executed and delivered a mortgage to Equity One ABS, Inc. for the principal sum of \$84,490.00 on real estate located at 404 Shivers Corner Road, Gettysburg, Adams County, Pennsylvania. The mortgage was recorded on May 10, 1999 in the Recorder of Deeds Office in Adams County in Bk. 1828, P. 21, *et seq.*

Plaintiff filed a “Complaint In Mortgage Foreclosure” on July 29, 2003, in which it alleges that Defendants are in default as a result of failing to pay the installments of the principal and interest due on July 3, 2002 and each month thereafter.<sup>1</sup> Plaintiff alleges that it was assigned the mortgage note, and that assignment was recorded on November 14, 2001 in Bk. 2463, P. 42.

The Complaint alleges that the principal balance due on the mortgage is \$83,167.47 and that other fees and charges bring the balance owed to \$98,973.16, as of July 15, 2003, plus \$25.04 per diem and \$40.20 per month thereafter.

Plaintiff further alleges that it fully complied with Act No. 91, 35 P.S. 1680.401(c) of the 1983 Session of the General Assembly of the Commonwealth of Pennsylvania (“Act 91”), by mailing to Defendants a notice, dated November 14, 2002, in accordance with Section 403-C of Act 91. It avers that the applicable time periods therein have expired.

Defendants filed their Answer and New Matter to Plaintiff’s Complaint on September 5, 2003, in which they deny that the subject mortgage is in default and the amounts due as set forth by Plaintiff. They also aver that they do not have sufficient knowledge to affirm or deny that Plaintiff complied with Act 91.

In their New Matter, Defendants allege that on or about June 20, 2003, Quentin Cochran, acting in his capacity as a representative of Equity One ABS, Inc., proposed a payment plan but Defendants have yet to receive the details of such plan. They also aver that on or about July 29, 2003, Plaintiff received from Defendants a mortgage payment in the amount of \$7,000.00.<sup>2</sup>

Plaintiff filed its Answer to New Matter on December 8, 2004, wherein it admitted that it entered into a forbearance agreement with Defendants but went on to allege that Defendants failed to adhere to the terms of the agreement. It avers that it is also without information

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<sup>1</sup> Plaintiff filed its “Affidavit Regarding Lost Note” on August 25, 2003, wherein Joseph M. Perry, Vice President, Equity One, Inc., attested that although the original executed mortgage note was presumed to be lost, Plaintiff is the owner, holder and possessor of the note and mortgage.

<sup>2</sup> The Court notes that in response to Plaintiff’s discovery requests, Defendants provided a draft of a check dated July 29, 2003 in the amount of \$7,027.00, not \$7,000.00.



sufficient to form a belief as to whether Defendants made a \$7,000.00 payment on the subject mortgage and therefore denied the averment. Plaintiff further alleges that Defendants have received credit for any payments made on the mortgage.

On March 2, 2005, this Court denied Plaintiff's First Motion For Summary Judgment, finding that there was a genuine issue of material fact regarding the forbearance agreement and Defendants' default thereunder. On March 16, 2005, Plaintiff forwarded Defendants its first set of discovery requests. After Defendants failed to respond to Plaintiff's discovery requests, Plaintiff filed a Motion For Sanctions on May 31, 2005 requesting this Court strike Defendants' Answer and New Matter. On June 15, 2005, this Court entered an Order requiring Defendants to file an answer to Plaintiff's Motion for Sanctions. On July 5, 2005, Defendants filed an Answer to Plaintiff's Motion for Sanctions, which included their responses to Plaintiff's discovery requests.<sup>3</sup>

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<sup>3</sup> Attached to Defendants' responses to Plaintiff's discovery requests is a letter dated September 10, 2003 from Lisa Thomas, the foreclosure administrator/paralegal of Plaintiff's counsel to Catherine Gault, Esquire, Defendants' former counsel. In relevant part, the letter states:

"Upon receipt of this document [Defendants' Answer and New Matter], our office checked the status of this matter and confirmed that the bank did receive the funds necessary for your clients to enter into a forbearance agreement on their account and realized that our office was proceeding on the foreclosure matter in error. Our office relocated on August 1, 2003 and it appears that the email providing the forbearance instructions was overlooked since the paralegal receiving the document from the bank had received a new computer system and had lost some of the data contained in already existing emails prior to August 1, 2003.

Our office has placed a hold on the foreclosure matter with the courts. The complaint in this matter was filed with the courts on July 29, 2003, prior to the agreement by the bank to enter into forbearance with your clients on July 31, 2003 and receiving the down payment of \$7000.00 for this agreement, which also transpired on August 31, 2003.

I am enclosing a Forbearance and Settlement Agreement for your clients as initially agreed upon. Please review this agreement and have them execute the document and return the original form to our office for the same to be filed with the courts."

Also attached to Defendants' responses to Plaintiff's discovery requests are two drafts of checks dated July 14, 2003 and July 29, 2003 made payable to Equity One in the amount of \$7,027.00 remitted by Heinz Weverink. The Court notes that the July 29, 2003 check was a replacement check for the check dated July 14, 2003.

On April 24, 2006, Plaintiff filed its Second Motion For Summary Judgment along with its brief in support thereof.<sup>4</sup> Defendants failed to file an answer, responsive brief or other documentation within thirty (30) days, in accordance with Pennsylvania Rule of Civil Procedure 1035.3.

### DISCUSSION

Summary judgment is granted whenever the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. *Ertel v. The Patriot News Company*, 674 A.2d 1038, 1040-1041 (Pa. 1996); Pa. R.C.P. 1035.2. The party moving for summary judgment has the burden of proving that there is no genuine issue of material fact. *Citicorp Mortgage, Inc. v. Morrisville Hampton Village Realty Limited Partnership*, 662 A.2d 1120, 1122 (Pa. Super. 1995). This Court must resolve all doubts against Plaintiff, as the moving party, and examine the record in a light most favorable to Defendants, as the non-moving party. See *Id.*

Pursuant to Rule 1035.3, the non-moving party bears a clear duty to respond to a motion for summary judgment. Pa. R.C.P. 1035.3(a)(1), (2); *Harber Philadelphia Center City Office Limited v. LPCI, Limited Partnership*, 764 A.2d 1100, 1104 (Pa. Super. 2000). The non-moving party may not rest upon the averments contained in its pleadings; instead, it is required to show, by depositions, answers to interrogatories, admissions or affidavits, that there is a genuine issue for trial. *Buckno v. Penn Linen and Uniform Service, Inc.*, 631 A.2d 674, 676 (Pa. Super. 1993). If the non-moving party does not respond, the court may grant summary judgment on that basis. Pa.

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<sup>4</sup> Attached to Plaintiff's Second Motion For Summary Judgment are two affidavits. The first is by Victor F. Parisi, a vice president of Equity One ABS, Inc., wherein he attested that Defendants defaulted on their mortgage and Plaintiff did not agree to the terms of any payment plan for Defendants to make their outstanding mortgage payments. The second is by Pina S. Wertzberger, Esquire, Plaintiff's counsel, wherein she attested that Defendants did not enter into a repayment agreement with Plaintiff as alleged and Defendants' discovery responses failed to raise any issue of fact.

Finally, aside from updated fees, a revised total debt amount, a procedural history section, and a claim by Plaintiff that Defendants' discovery responses failed to present an issue of fact, Plaintiff's Second Motion For Summary Judgment is exactly the same as Plaintiff's First Motion For Summary Judgment.

R.C.P. 1035(d); 764 A.2d at 1105. Accordingly, though Defendants did not file a response to the present Motion, this Court must still analyze Plaintiff's averments to determine if it, indeed, has established that there exists no genuine issue of material fact and that it is entitled to judgment as a matter of law.

Plaintiff again argues that Defendants, through their averments in their Answer and New Matter, effectively admitted every allegation of the Complaint. The only issue not already covered in this Court's March 2, 2005 Opinion is whether Defendants' responses to Plaintiff's discovery requests present an issue of fact regarding Defendants' alleged default on their mortgage.<sup>5</sup>

In their New Matter, Defendants aver that Quentin Cochran, a representative of Equity One ABS, Inc., proposed a payment plan on approximately June 20, 2003. While Victor F. Parisi attested that Plaintiff did not agree to the terms of any payment plan for Defendants and Pina S. Wertzberger, Esquire attested that Defendants did not enter into a repayment agreement with Plaintiff, Plaintiff "admitted that the Defendants entered into a forbearance agreement with Plaintiff" in its Answer to New Matter. Furthermore, the September 10, 2003 letter from Lisa Thomas to Catherine Gault, Esquire, acknowledges that the bank received the funds necessary for Defendants to enter into a forbearance agreement on July 31, 2003 and that Plaintiff had placed a hold on the foreclosure matter. The letter also states that Thomas enclosed a forbearance and settlement agreement for Defendants as initially agreed upon and that Defendants were to execute it. Finally, Defendants provided a draft of a check dated July 29, 2003<sup>6</sup> made payable to Equity One in the amount of \$7,027.00 remitted by Heinz Weverink in response to Plaintiff's discovery requests.

In the present case, questions of fact exists as to (1) whether there was a forbearance agreement between Plaintiff and Defendants; and (2) whether the \$7,027.00 check tendered and accepted by Plaintiff placed a hold on the foreclosure action and changed the amount due on the mortgage.

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<sup>5</sup> Plaintiff contends that Defendants' responses do not present an issue of fact regarding Defendants' alleged default.

<sup>6</sup> On the same day, Plaintiff filed the instant Complaint.

As previously stated, the burden is on Plaintiff to prove that no genuine issue of material fact exist. See *Citicorp Mortgage, Inc., supra*. Reviewing this matter in a light most favorable to Defendants, as the non-moving party, and because Plaintiff failed to produce any tangible evidence contradicting the existence of the forbearance agreement and has not explained why Defendants' \$7,027.00 payment has not placed a hold on the foreclosure or changed the amount due on the mortgage, summary judgment is not appropriate.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 28th day of June, 2006, Plaintiff's Second Motion for Summary Judgment, filed April 24, 2006, is denied.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-166 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a post at corner of land now or formerly of Larry F. Green and land now or formerly of Sizer A. Burton; thence by land now or formerly of Sizer A. Burton, North 49 degrees 30 minutes West 67.65 feet to a post, thence by same, North 33 degrees West 87.45 feet to a point in State Highway Legislative Route 01054; thence by same, North 07 degrees 30 minutes West, 123.75 feet to a rock in or near creek; thence by land now or formerly of Barbara R. Klindt and crossing Marsh Creek, North 03 degrees 15 minutes West, 142.29 feet to a point at corner of land now or formerly of Kennard P. Chard and wife; thence by same, North 60 degrees 06 minutes East, 117.20 feet to a point; thence by same, North 34 degrees 18 minutes 40 seconds East, 164.03 feet to a point; thence by same, North 19 degrees 50 minutes 30 seconds West, 183.88 feet to an iron pin; thence North 66 degrees East, 454.67 feet to a point on the East side of State Highway Legislative Route 01054; thence in State Highway Legislative Route 01054 and by land now or formerly of Stewart C. Witherow and wife, South 01 degrees 13 minutes East, 518.7 feet to a spike in the intersection of Township Road T-407 with the aforesaid State Highway Legislative Route 01054; thence in said State Highway and by land now or formerly of Marshall D. Witherow and wife, South 65 degrees West, 61.84 feet to an iron pin in said State Highway; thence in said State Highway and by land now or formerly of Marshall D. Witherow and wife on a curve to the right, having a radius of 610.36 feet, having an arc distance of 186.78 feet, and a bearing and (chord distance of) South 51 degrees 45 minutes West, 186.05 feet to a point in said State Highway; thence in said State Highway and by land now or formerly of Marshall D. Witherow and wife, South 60 degrees 31 minutes West, 60.92 feet to an iron pin in the center of said State Highway; thence by land now or formerly of Marshall D. Witherow and wife, South 40 degrees 48 minutes East, 245.29 feet to an iron pin; thence by land now or formerly of Larry F. Green, South 27 degrees West, 178.25 feet to a post,

the place of BEGINNING. CONTAINING 7.1 Acres, more or less.

Parcel # (09) E17-64

Premises Known As: 336 Marsh Creek Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Karen P. Nicholson & John W. Nicholson** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

5/25, 6/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-110 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT certain tract of land situate in Hamilton Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point in a public right-of-way known as Boy Scout Road and lands now or formerly of Richard Stegman; thence along and through said Boy Scout Road South fifty-five (55) degrees forty-five (45) minutes thirty-five (35) seconds West, two hundred and twenty hundredths (200.20) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North twenty-two (22) degrees eleven (11) minutes forty (40) seconds West, one hundred and fifty-six hundredths (100.56) feet to a point at a twenty (20) foot private right-of-way; thence along said private right-of-way, North sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds East, one hundred thirty-five and zero hundredths (135.00) feet to a point; thence continuing along the same North thirty-nine (39) degrees thirty-eight (38) minutes thirty-five (35) seconds West, twenty and thirty hundredths (20.30) feet to a point;

thence continuing along the same South sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds West, one hundred and zero hundredths (100.00) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North thirty-four (34) degrees thirty-six (36) minutes five (05) seconds West, one hundred seventy-five and forty-nine hundredths (175.49) feet to a point in the Conewago Creek; thence in and through the said Conewago Creek North fifty-seven (57) degrees twenty-four (24) minutes zero (00) seconds East, one hundred six and ninety-three hundredths (106.93) feet to a point at the edge of Conewago Creek and lands now or formerly of Richard Stegman; thence along said last mentioned lands South forty-three (43) degrees thirty-seven (37) minutes forty-five (45) seconds East, one hundred and eighty-nine and eighty-five hundredths (189.85) feet to a point; thence continuing along same South thirty-nine (39) degrees forty-nine (49) minutes forty-five (45) seconds East, ninety-nine and forty-seven hundredths (99.47) feet to the point and place of BEGINNING. CONTAINING 39,170 square feet. The above description being taken from a Boundary Survey prepared by Adams County Surveyors, dated November 11, 1991 and designated as Drawing B-673.

BEING known as Parcel Identification Number 17-J-10-0023B.

BEING the same premises which Shawn Gladfelter and Michelle Gladfelter, formerly husband and wife, by Deed dated December 1, 2005 and recorded December 15, 2005 in Deed Book 4247 Page 189, granted and conveyed unto Ronald D. Barnhart, a single man, in fee.

Premises Being: 217 Boy Scout Road, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Ronald D. Barnhart** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

5/25, 6/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-842 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate in the Township of Latimore, Adams County, Pennsylvania, being more particularly bounded and described as follows to wit:

BEGINNING at a steel pin set in the centerline of Latimore Creek Road (T634), said pin marking the common point of adjainer of lots numbered 6 and 7 on the hereinafter mentioned plan of subdivision with the centerline of said Latimore Creek Road; thence departing from the centerline of Latimore Creek Road and extending along Lot No. 6, South 66 degrees 40 minutes 00 seconds West, through a steel pin set on the Southwestern most dedicated right-of-way line of Latimore Creek Road a distance of 25 feet from the origin of this call, for a total distance of 732.82 feet to a steel pin at lands now or formerly of Paul B. Lerew; thence extending along lands now or formerly of Paul B. Lerew, North 31 degrees 12 minutes 15 seconds West, for a distance of 151.43 feet to a steel pin at Lot No. 8 on the hereinafter mentioned plan of subdivision; thence extending along Lot No. 8, North 66 degrees 40 minutes 00 seconds East, through a steel pin set on the Southwestern most dedicated right-of-way line of Latimore Creek Road a distance of 25 feet from the terminus of this call, for a total distance of 747.14 feet to a steel pin set in the centerline of said Latimore Creek Road; thence extending in and through the centerline of said Latimore Creek Road the following two courses and distances, (1) South 23 degrees 20 minutes 00 seconds East, for a distance of 34.32 feet to a pin in the centerline of said roadway at lands now or formerly of G. Henry Osborn; (2) thence continuing in and through the centerline of said roadway, South 26 degrees 30 minutes 15 seconds East, for a distance of 115.86 feet to a steel pin in the centerline of said Latimore Creek Road at Lot No. 6 on the hereinafter mentioned plan of subdivision, said pin marking the place of BEGINNING.

CONTAINING 2.546 acres and being designated as Lot No. 7 on a final amended plan of major subdivision of Misty Meadows prepared for Harmon Graves Company by Rodney Lee Decker and Associates, dated August 11, 1983, and recorded in the Office of the Recorder of Deeds in and for Adams

County, Pennsylvania, in Plan Book 39 at page 63.

Being Known As: 922 Latimore Creek Road (Latimore Township), York Springs, PA 17372

Property ID No.: 102-0004E-000

TITLE TO SAID PREMISES IS VESTED IN Paul W. Anthony and Cindy M. Anthony, as tenants of an estate by entireties by Deed from Gregory H. Eichelberger and Terry L. Eichelberger, husband and wife dated 9/30/04 recorded 10/5/04 in Deed Book 3727 Page 211.

SEIZED and taken into execution as the property of **Paul W. Anthony & Cindy M. Anthony** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

5/25, 6/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-76 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point at the corner of Hemlock Drive and Lot No. 39-B more particularly described on the hereinafter referred to subdivision plan; thence continuing along Lot No. 39-B South 47 degrees 15 minutes 36 seconds West, 139.05 feet to a point at lands now or formerly of Conewago Resources, L.P.; thence continuing along lands now or formerly of Conewago Resources, L.P., North 42 degrees 44 minutes 24 seconds West, 42.00 feet to a point at Lot No. 40-B, more particularly described on the hereinafter referred to subdivision plan; thence continuing along Lot No.

40-B, North 47 degrees 15 minutes 36 seconds East, 139.05 feet to a point at Hemlock Drive; thence continuing along Hemlock Drive, South 42 degrees 44 minutes 42 seconds East, 42.00 feet to Lot No. 39-B, the point and place of BEGINNING.

CONTAINING 5,840 square feet or .13 acres and known as Lot No. 40-A on the final subdivision plan of Chapel Ridge.

BEING the same premises which Stone Ridge Development Corporation, a Pennsylvania Corporation by Deed dated December 23, 2004 and recorded in the Adams County Recorder of Deeds Office on December 29, 2004 in Deed Book 3820, page 284, granted and conveyed unto David E. Hommerbocker and Laura J. Hommerbocker.

Premises Being: 91 Hemlock Drive, Hanover, PA 17331

SEIZED and taken into execution as the property of **David Hommerbocker a/k/a David E. Hommerbocker & Laura J. Hommerbocker** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

5/25, 6/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-75 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point at the corner of Hemlock Drive and Lot No. 39-B more particularly described on the hereinafter referred to subdivision plan; thence continuing along Lot No. 39-B, South forty-seven (47) degrees fifteen (15) minutes thirty-six (36) seconds West, one hundred thirty-nine and five hundredths (139.05) feet to a point at lands now or formerly of Conewago Resources, L.P.; thence continuing along lands now or formerly of Conewago Resources, L.P., North forty-two (42) degrees forty-four (44) minutes twenty-four (24) seconds West, forty-two (42.00) feet to a point at Lot No. 40-B, more particularly described on the hereinafter referred to subdivision plan; thence continuing along Lot No. 40-B, North forty-seven (47) degrees fifteen (15) minutes thirty-six (36) seconds East, one hundred thirty-nine and five hundredths (139.05) feet to a point at Hemlock Drive; thence continuing along Hemlock Drive, South forty-two (42) degrees forty-four (44) minutes twenty-four (24) seconds East, forty-two (42.00) feet to Lot No. 39-B, the point and place of BEGINNING. CONTAINING 5,840 square feet or .13 acres and known as Lot No. 40-A on the final subdivision plan of Chapel Ridge.

TITLE TO SAID PREMISES IS VESTED IN David E. Hommerbocker and Laura J. Hommerbocker, husband and wife, as tenants by the entireties, by Deed from Stone Ridge Development Corporation, dated 12/23/2004, recorded 12/29/2004, in Deed Book 3820, page 284.

Premises Being: 91 Hemlock Drive, Hanover, PA 17331

Tax Parcel No. 08-021-0067-000

SEIZED and taken into execution as the property of **David Hommerbocker a/k/a David E. Hommerbocker & Laura J. Hommerbocker** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are

filed thereto within 20 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.

5/25, 6/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-199 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Franklin Township, County of Adams, Commonwealth of Pennsylvania.

BEGINNING at a railroad spike set near the centerline of State Route 3015, Fairview Fruit Road, at the Southernmost corner of Lot No. 4 on the hereinafter referred to draft of survey and subdivision plan; thence in State Route 3015, Fairview Fruit Road, by a curve to the right on a circle having a radius of 1874.87 feet, having a long chord and bearing of South 21 degrees 50 minutes 05 seconds West, 169.10 feet to a point in the centerline of State Route 3015, Fairview Fruit Road; thence in said road, South 25 degrees 11 minutes 45 seconds West, 450.78 feet to a railroad spike found 1 foot East of the centerline of said road and at a corner of land now or formerly of Robert W. Weikert, et. ux; thence by said Weikert land, and by land now or formerly of Regina H. Omdorff, and passing through a 5/8th inch rebar set 25.00 feet from the last mentioned point, and passing through a 5/8th inch rebar found 232.03 feet from the last mentioned point, North 61 degrees 00 minutes 00 seconds West, 483.93 feet to a 1/2 inch pipe found; thence continuing by land of said Omdorff, North 22 degrees 59 minutes 15 seconds East, 536.46 feet to a 5/8th inch rebar set at a corner of Lot No. 4; thence by said Lot No. 4, and passing through a 5/8th inch rebar set 25.00 feet from the next mentioned point, South 70 degrees 45 minutes 00 seconds East, 496.29 feet to a railroad spike set near the centerline of State Route 3015, Fairview Fruit Road, at the Southernmost corner of Lot No. 4, the point and place of BEGINNING. CONTAINING 6.536 acres, more or less.

The above description was taken from a draft of survey and subdivision land prepared by Robert A. Sharrah,

Registered Professional Land Surveyor No. 30170-E, dated October 18, 1991 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 60 at page 24, and designating the above as Lot No. 5.

SUBJECT, NEVERTHELESS, to deed restrictions as recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 631 at page 819.

Being Known As: 140 Fairview Fruit Road (Franklin Township), Biglerville, PA 17307

Property ID No.: 12-D11-5C

TITLE TO SAID PREMISES IS VESTED IN Kegan S. Brauning and Michelle D. Brauning, husband and wife, as tenants of an estate by the entirety by Deed from Dominic Barbagallo, Jr. and H. Diane Barbagallo, husband and wife dated 3/30/05 recorded 9/8/05 in Deed Book 4118 Page 32.

SEIZED and taken into execution as the property of **Kegan S. Brauning & Michele D. Brauning** and to be sold by me.

James W. Muller-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 July 13, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

5/25, 6/1 & 8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-N-197 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin on the Western property line of South Washington Street, which point is due South 156.1 feet from the intersection of the property lines of Steinwehr Avenue and South Washington Street and is 15 feet North of the corner of what was the garage building on the premises hereby conveyed, and extending thence due South 67.4 feet to an iron pin at the corner of lot now or formerly of E.L. Rentzel; thence by the lot now or formerly of E.L. Rentzel North 68 degrees 30 minutes West 129.4 feet to an iron pin at the Southeastern side of Steinwehr Avenue; thence by Steinwehr Avenue North 34 degrees 15 minutes East 64 feet to an iron pin, which iron pin is South 34 degrees 15 minutes West 150.55 feet from said intersection of the property lines of Steinwehr Avenue and South Washington Street, thence by lot now or formerly of Paul W. and Anna Belle Little, of which the property hereby conveyed was a part, South 69 degrees 30 minutes East 90.5 feet to the iron pin, the place of the BEGINNING.

Premises Being: 230 Steinwehr Ave., Gettysburg, PA 17325

SEIZED and taken into execution as the property of **TNR Property Management, Memories Past Historical Outfitters, LLC., Nancy A. Lare, Thomas P. Knaper & Robert A. Vanderplate** and to be sold by me.

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-200 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two tracts of land situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

TRACT NO. 1: BEGINNING at a point formerly in center line of Western Maryland Railroad at lands now or formerly of O.J. Kuykendall; thence by said lands North twenty-two (22) degrees East fifty-seven and two-tenths (57.2) perches to a stone; thence by land now or formerly of Charles Shultz South seventy-two (72) degrees East thirty-five and five-tenths (35.5) perches to a stone; thence by lands now or formerly of Jacob King North eighty-five (85) degrees East forty-four (44) perches to a point in the center of the public road leading to Lincoln Highway; thence by the center of said public road South four (4) degrees West three and two-tenths (3.2) perches; thence by the center of said public road South five (5) degrees five (5) minutes West two hundred thirty-nine and seven-tenths (239.7) feet to a point; thence North eighty-four (84) degrees fifty-five (55) minutes West two hundred thirty-eight (238) feet to a point in the right of way of the former Western Maryland Railroad; thence South forty-eight (48) degrees forty-two (42) minutes West three hundred seven and five-tenths (307.5) feet to a pin; thence South fifty-five (55) degrees forty-eight (48) minutes West three hundred twenty-two and five-tenths (322.5) feet to a stone; thence along land now or formerly of Norman Auchey North seventy-one (71) degrees two (2) minutes West ninety-one (91) feet to a point in the former Western Maryland Railroad right of way; thence along said land now or formerly of Norman Auchey South eighty (80) degrees West fifteen and five-tenths (15.5) perches to a point; thence in and through the right of way said Western Maryland Railroad South eighty-four (84) degrees thirty (30) minutes West thirty (30) perches to the point and place of BEGINNING.

TRACT NO. 2: BEGINNING at an iron pin at corner of lot designated as No. 3 on a map of property for C.E. Ankney, surveyed by George M. Wildasin, Registered Engineer, April, 1962, which Lot No. 3 is land now or formerly of Lewis Ankney and which pin is on line of lands now or formerly of Carroll Lippy; thence by lands now or formerly of Lippy North

eighty-four (84) degrees fifty-five (55) minutes West one hundred eighty-two and three-tenths (182.3) feet to a pin at lands now or formerly of John C. Erb; thence by lands now or formerly of Erb North fifty-four (54) degrees thirty-nine (39) minutes East, one hundred seventeen and eight-tenths (117.8) feet to a point; thence by same North forty-eight (48) degrees forty-two (42) minutes East, three hundred seven and five-tenths (307.5) feet to a point at corner of lot number 6 on the aforesaid map thence by lot number 6 South eighty-four (84) degrees fifty-five (55) minutes East, thirty-eight (38) feet to a point at corner of Lot Number 5, land now or formerly of Martin L. Horn; thence by Lot No. 5 South five (5) degrees five (5) minutes West, one hundred (100) feet to a point at corner of Lot Number 4; thence by Lots Number 4 and 3 South forty-three (43) degrees thirty (30) minutes West, two hundred fifty-four (254) feet to a pin at lands now or formerly of Carroll Lippy (and known as Lot Number 1) the place of BEGINNING. CONTAINING .892 acres, more or less. Taken from the aforesaid map by George M. Wildasin, R.E.

TITLE TO SAID PREMISES IS VESTED IN Steven L. Malone, by Deed from Steven J. McGeehan, Single, dated 11/23/2005, recorded 12/05/2005, in Deed Book 4232, page 111.

Premises being: 105 Kilpatrick Road, New Oxford, PA 17350

Tax Parcel No. 32-111-0031-000

SEIZED and taken into execution as the property of **Steven L. Malone a/k/a Steven Lloyd Malone a/k/a Steven M. Malone** and to be sold by me.

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15



**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 CLAYTON D. CHAMBERLIN a/k/a CLAYTON DANIEL CHAMBERLIN, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executrices: Beverly Cooper, 48 Lincoln Terrace Road, Fayetteville, PA 17222; Melinda Kelley, 307 Park Street, P.O. Box 8, Mont Alto, PA 17237

Attorney: Timothy W. Misner, Esq., 39 South Broad Street, Waynesboro, PA 17268-1610

**ESTATE OF ALDA M. COOL, DEC'D**

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Lester L. Cool, 455 Plunkert Road, Littlestown, PA 17340

Attorney: Amy E. W. Ehrhart, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

**ESTATE OF ANNA JANE DEAMER, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Cheryl A. Deamer, 297 Liberty Street, Apt. 96, Little Ferry, NJ 07643; Brad A. Deamer, 675 Delaware Avenue, Apt. 605, Buffalo, NY 14209-2236

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

**ESTATE OF GEORGE S. WORLEY, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Co-Executors: Marian G. Gladfelter, 1026 High Street, Hanover, PA 17331; James D. Worley, 785 Old Westminster Road, Hanover, PA 17331

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

**SECOND PUBLICATION**

**ESTATE OF ISABELLA CAMERON KINDNESS, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Sheila C. Tobey, 365 Camp Gettysburg Road, Gettysburg, PA 17325

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

**ESTATE OF BETTY F. WEAVER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executrices: Jennifer L. Weaver, 736 Harrison Drive, Gettysburg, PA 17325; Carolyn W. Fulks, 8014 Kiwi Point, Tega Cay, SC 29708

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

**ESTATE OF WILLIS L. WEIKERT, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executrix: Judith W. Hoak, 10037 Carrigan Dr., Ellicott City, MD 21042

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

**THIRD PUBLICATION**

**ESTATE OF AUDREY J. ELWAY, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Personal Representative: Betty Jane Kephart, c/o Patterson, Kiersz & Murphy, PC, 239 East Main Street, Waynesboro, PA 17268-1681

Attorney: R. Thomas Murphy, Esq., Patterson, Kiersz & Murphy, P.C., 239 East Main Street, Waynesboro, PA 17268-1681

**ESTATE OF MAUREEN B. HELLER, DEC'D**

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

Kathleen Heller, 6 Mile Trail, Fairfield, PA 17320

**ESTATE OF ALICE E. MATTHEWS, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executrix: Margaret E. Gilbert, 718 Brookens Rd., Fayetteville, PA 17222

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF GENEVA E. SCHAEFER, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Executrix: Juanita Carey Guise, 331 West Meadow Drive, Mechanicsburg, PA 17055

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

**ESTATE OF WELMA N. WAGAMAN, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrices: Robin E. Barton, 713 Hanover Road, York, PA 17408; Linda K. Racer, 53 Peanut Drive, Hanover, PA 17331

Attorney: Crabbs & Crabbs, Attorneys for the Estate, 202 Broadway, Hanover, PA 17331

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-119 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Lynx Drive and Lot No. 149-B; thence along Lot No. 149-B, South twenty-seven (27) degrees fifty-one (51) minutes twenty-four (24) seconds East, one hundred twenty-eight and eighteen hundredths (128.18) feet to a point at Lot No. 148; thence along Lot No. 148, South seventy-four (74) degrees twenty-one (21) minutes fifty-seven (57) seconds East, thirty and fifty hundredths (30.50) feet to a point at Cheetah Drive; thence along Cheetah Drive, by a curve to the left whose radius is two hundred thirty-nine and nineteen hundredths (239.19) feet and whose chord bearing is North five (05) degrees two (02) minutes thirty-six (36) seconds West, one hundred forty (140.00) feet for an arc distance of one hundred forty-two and eight hundredths (142.08) feet to a point at the intersection of Cheetah Drive and Lynx Drive; thence along said intersections, North sixty-seven (67) degrees three (03) minutes thirty-seven (37) seconds West, twenty-one and twenty-one hundredths (21.21) feet to a point at Lynx Drive; thence along Lynx Drive, by a curve to the left whose radius is seven hundred forty (740.00) feet and whose chord bearing is South sixty-five (65) degrees twenty-nine (29) minutes forty-four (44) seconds West, sixty-five and twelve hundredths (65.12) feet to the point and place of BEGINNING.

CONTAINING 8,397 square feet and identified as Lot No. 149-A on a plan of lots entitled Lot 149, Conewago Estates, recorded in the Office of the Recorder of Deeds of Adams County.

HAVING erected thereon a dwelling known as 105 Lynx Drive, Hanover, PA 17331.

PARCEL NO. 7-63.

BEING the same premises which Mary Lee Kuhn and John H. Kuhn, her husband, by deed dated 11/21/1990 and recorded 12/05/1990 in the Recorder's Office of Adams County, Pennsylvania, Deed Book Volume 574, page 1018, granted and conveyed unto Stephen M. Staub.

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

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

# *Adams County* Legal Journal

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June 15, 2007

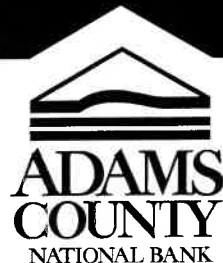
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WASHINGTON MUTUAL VS. CARR

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need the experience and expertise  
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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-N-823 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

The following described real property situate in the Township of Hamiltonban, County of Adams, and Commonwealth of Pennsylvania, to wit:

ALL those three (3) tracts of land situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1: BEGINNING at a point on line of Lot No. 6, said point is forty feet from center of The W.M.R.R. right of way and corner of lands of John Hartman; thence by line of lands of said John Hartman, North forty-one (41) degrees East sixty (60) feet to a point on line of Lot No. 8, South forty-five (45) degrees East three hundred and forty-six (346) feet to corner of lands of Joseph Husselman; thence along lands of said Joseph Husselman, South sixty-two (62) degrees West sixty-two (62) feet to corner of Lot No. 6; thence along said lot forty-five (45) degrees West three hundred and twenty-five (325) feet to the place of BEGINNING. CONTAINING twenty thousand four hundred and sixty-five (20,465) square feet. More or less.

TRACT NO. 2: BEGINNING at a point in the Railroad Center of the Western Maryland R.R., thence by Lot No. 7, of Elisa Hull, South forty-five and one-half (45-1/2) degrees East three hundred and sixty-five (365) feet to lands of Joseph Husselman; thence by lands of Joseph Husselman, South sixty-two (62) degrees West forty-one (41) feet to a corner of lot of said John J. McSherry; thence North forty-five (45) degrees by lot of said John S. McSherry, West three hundred and fifty-one (351) feet to center of W.M.R.R., thence along center of the said railroad, South forty-one (41) degrees East forty (40) feet to the place of BEGINNING. CONTAINING three thousand nine hundred and fifty (3,950) square feet.

TRACT NO. 3: BEGINNING at a point in road, which said point is 30 feet Southeast of the center of the right of way of the Western Maryland Railroad Company, at a corner of lands now or formerly of Roger Topper, thence along lands now or formerly of Roger Topper South 42 degrees 30 minutes East, 43 feet to a point at lands now or formerly of Francis Planning; thence along same 41 degrees 30 minutes West, 60 feet to a post at lands now or formerly of John Bennett; thence along same 45 degrees 30 minutes West, 40 feet to a point in the road aforesaid, which said point is 30 feet Southeast of the center of the right of way of the Western Maryland Railroad Company; thence along said road North 38 degrees 30 minutes East, 61.5 feet to a point at the place of BEGINNING. CONTAINING 2,490 square feet.

Tax ID# (18) C15-38

By fee simple deed from Mary C. Bennett, widow, by Mary K. Dick, her Attorney-in-Fact as set forth in Deed Book 0781, Page 0021 and recorded on 9/17/1993, Adams County Records.

The source deed as stated above is the last record of vesting filed for this property. There have been no vesting changes since the date of the above referenced source.

Premises Being: 28 Fairfield Station Lane, Fairfield, PA 17320

SEIZED and taken into execution as the property of **John Howard Johnson & Barbara Johnson** and to be sold by me.

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

## 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 May 17, 2007, pursuant to the Fictitious Name Act, setting forth that D. P. Shultz, Inc., of 390 Abbottstown Pike, Abbottstown, PA 17301, is the only entity owning or interested in a business, the character of which is to own and operate a distribution business and that the name, style and designation under which said business is and will be conducted is D.C. DISTRIBUTING and the location where said business is and will be conducted is 390 Abbottstown Pike, Abbottstown, PA 17301.

Guthrie, Nonemaker, Yingst & Hart  
Solicitor

6/15

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Fictitious Name Act, Act 1982-295 approved December 16, 1982, as amended, 54 Pa.C.S.A. §301 et seq., that on May 29, 2007, an Application for Registration of the fictitious name THE CAT'S MEOW OF GETTYSBURG was filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania. The principal place of said business is 38 York Street, Gettysburg, PA 17325. The name and address of the person interested in said business is Catherine C. Hunt, P.O. Box 137, 140 Old Route 30, McKnightstown, PA 17343.

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

6/15

## WASHINGTON MUTUAL VS. CARR

1. Notice pursuant to Act 91 is jurisdictional and a failure to comply therewith will deprive a court of jurisdiction to act.

2. Long standing Appellate authority instructs that duly-promulgated agency regulations are legislative in character and are binding upon a Court.

3. Unlike issues related to procedural points, issues concerning subject matter jurisdiction implicate the power of the Court to enter upon inquiry, not whether it might ultimately decide that it was unable to grant the relief sought in the particular case.

4. A Court lacking jurisdiction is unable to make a *de minimis* exception on the basis of substantial compliance with a subject matter jurisdictional requirement. Rather, lack of compliance, even if minimal or inadvertent, denies the Court jurisdiction.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 05-S-1183, WASHINGTON MUTUAL BANK FA f/k/a PNC MORTGAGE CORP. OF AMERICA, VS. CHRISTOPHER S. CARR.

Mark J. Udren, Esq., for Plaintiff

Dusan Bratic, Esq., for Defendant

George, J., July 5, 2006

### OPINION

Washington Mutual Bank (“Bank”) initiated this matter by Complaint in Foreclosure against the Defendant, Christopher S. Carr (“Carr”). The original Complaint was met by Preliminary Objections from Carr, which were sustained by this Court by Order dated April 13, 2006. Bank has subsequently filed a Second Amended Complaint that has once again been met by Preliminary Objections by Carr. The Preliminary Objections challenge Bank’s compliance with the Pennsylvania Homeowner’s Emergency Assistance Act (Act 91), 35 P.S. § 1680.401 et seq. and the Consumer Credit Protection Act, 15 U.S.C.A. § 1692g. The specific challenges raised by Carr appear to be issues of first impression in this Commonwealth.

Act 91 was initially enacted by the Pennsylvania Legislature to provide emergency mortgage assistance to a homeowner who has defaulted in the payment of their mortgage due to circumstances beyond his or her control. Act 1983, December 23, P.L. 385, No. 91 preamble. The Act provides that before any mortgagee may accelerate payment of the balance due of any mortgage obligation or

commence any legal action to recover an obligation covered by the Act, the mortgagee must give the mortgagor notice containing the specific terms set forth in the Act. 35 P.S. § 1680.403c. Notice pursuant to Act 91 is jurisdictional and “a failure to comply therewith will deprive a court of jurisdiction to act.” *Philadelphia Hous. Auth. v. Barbour*, 592 A.2d 47, 48 (Pa.Super. 1991).

At least one court has recognized that the Act is meant to “protect vulnerable consumers unschooled in the complex world of mortgage foreclosure from the loss of their homes due to ignorance of their rights in a sometimes sharp practice of lenders.” *Wachovia Bank v. Marone*, 2005 Phila. Ct. Com. Pl. LEXIS 324, 2 (July 13, 2005). In furtherance of that goal, the Act requires that the following information be provided to the mortgagor: 1) that the recipient of the notice may qualify for financial assistance under the homeowner’s emergency mortgage assistance program; 2) the telephone number and the address of a local consumer credit counseling agency; 3) the nature of the mortgagor’s delinquency or other default under the mortgage; and 4) that the mortgagor has thirty (30) days from receipt of the notice to have a face-to-face meeting with the mortgagee or a consumer credit counseling agency to attempt to resolve the delinquency or default. 35 P.S. § 1680.403c(b)(1). Carr currently challenges Bank’s compliance with this notice requirement. Specifically, Carr suggests that Bank has not complied with the Act since it failed to provide the telephone number and address of a local consumer credit counseling agency.

Interestingly, this issue is identical to the issue that was the subject of the Preliminary Objections previously sustained by this Court. In considering the original Preliminary Objections, this Court recognized that Bank’s notice pursuant to Act 91 included the following language: “consumer credit counseling agencies serving your county are attached.” However, the exhibit attached to the original Complaint did not contain an attachment identifying the consumer credit counseling agencies. As a result, this Court held that jurisdiction was lacking due to a fatal deficiency in the Act 91 notice. Due to the possibility that the exhibit was inadvertently omitted, Bank was given the opportunity to file an Amended Complaint.

In response to the opportunity to correct the deficiency, Bank filed an Amended Complaint which included the attachment that was

lacking in the original pleading.<sup>1</sup> The attachment is titled “HUD Approved Housing Counseling Agencies in Pennsylvania” and contains the names, addresses and telephone numbers of forty-seven different agencies across the state of Pennsylvania. Interestingly, not one of those agencies is located in Adams County and only five have addresses in the neighboring counties comprising south central Pennsylvania. Carr suggests in his current Preliminary Objections that Bank’s shotgun approach of providing form notice of all HUD approved agencies in the state of Pennsylvania is in violation of the specific requirements of the Act. Therefore, the pivotal inquiry revolves around whether Bank’s attachment is sufficient to provide the mortgagor with notice of “a local consumer credit counseling agency.”

Act 91 defines “consumer credit counseling agency” as a non-profit consumer credit counseling agency located in Pennsylvania that is approved by the Pennsylvania Housing Finance Agency or certified by the United States Department of Housing and Urban Development. 35 P.S. § 1680.401c(d). The forty-seven agencies identified on Bank’s attachment officially appear to meet this criterion as the document represents those agencies to be HUD approved. However, Act 91 not only requires that the notice provided to the mortgagor identify consumer credit counseling agencies, but also that the consumer credit counseling agency identified be a “local” agency. 35 P.S. § 1680.403c(b)(1).

Although it might be appropriate to undertake a statutory construction analysis in an effort to interpret the meaning of the Act 91 language, it is unnecessary in light of the other provisions in the Act. Specifically, Act 91 requires that the notice provided to the mortgagor be in the form developed by the Pennsylvania Housing Finance Agency. See generally 35 P.S. § 1680.403c. Indeed, the enabling legislation requires the Pennsylvania Housing Finance Agency to develop uniform notices pursuant to the provisions of the Act. 35 P.S. § 1680.401c(c). In satisfaction of its statutory duty, the Housing Finance Agency developed a form notice published at 12

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<sup>1</sup> Following the filing of preliminary objections, Carr has filed an affidavit indicating that the Act 91 notice received by him did not include the attachment which Bank has included with the Amended Complaint. In light of the resolution herein, it is not necessary to resolve the factual issue presented by the affidavit.

Pa. Code § 31.201, Appendix A. This form directs that consumer credit counseling agencies be listed at the end of the notice. 12 Pa. Code § 31.201, Appendix A. It further indicates that designated consumer credit counseling agencies “for the county” in which the property is located be set forth at the end of the notice. *Id.* (emphasis added). The final portion of the notice has a section which reads:

“CONSUMER CREDIT COUNSELING AGENCIES  
SERVING YOUR COUNTY”

*Id.* This form is followed by an additional appendix that identifies the counseling agencies for each respective county in this Commonwealth. 12 Pa. Code § 31.201, Appendix C.

Long standing Appellate authority instructs that duly-promulgated agency regulations are legislative in character and are binding upon a Court. *Housing Auth. v. Pa. Civil Serv. Comm’n*, 730 A.2d 935, 943 (Pa. 1999). In the present case, the implementing legislation and regulations, read as a whole, require a mortgagee to provide a mortgagor with names and addresses of consumer credit counseling agencies within the county where the property is located. I find that Bank’s Act 91 notice is deficient in this regard.

Having found that Bank has not strictly complied with the notice requirements of Act 91, it is necessary to determine whether substantial compliance with the Act is sufficient to overcome this deficiency. In considering this issue, I am reminded that compliance with Act 91 requirements is jurisdictional. *Philadelphia Hous. Auth.*, cited above. The mandatory language of the notice required by Act 91 places a limitation on the Court’s subject matter jurisdiction. Absent compliance with the notice requirement, this Court cannot offer any relief. Unlike issues related to procedural points, issues concerning subject matter jurisdiction implicate the power of the Court to “enter upon inquiry, not whether it might ultimately decide that it was unable to grant the relief sought in the particular case.” *Heath v. W.C.A.B.*, 860 A.2d 25, 29 (Pa. 2004). It follows, therefore, that a Court lacking jurisdiction is unable to make a *de minimis* exception on the basis of substantial compliance with a subject matter jurisdictional requirement. Rather, lack of compliance, even if minimal or inadvertent, denies the Court jurisdiction. Accordingly, Carr’s Preliminary Objection will be granted.



A specific procedural scheme setting forth the prerequisites for proceeding with a mortgage foreclosure action has been developed by the Pennsylvania Housing Finance Agency. That scheme evolved in furtherance of the legislative goal of providing those besieged by unforeseeable financial circumstances the opportunity to rectify a default prior to suffering the harsh penalty of foreclosure. The forms developed by the Housing Finance Agency are neither complicated nor confusing. The compliance requisites for Act 91 notice are easily available to a mortgagee. Informing an unsophisticated mortgagor of the right to consumer credit counseling, and then providing an exhaustive list of agencies in Pennsylvania that may or may not be able to provide services frustrates the goals of Act 91. In balancing the purpose of the legislation against the difficulty resulting from compliance with the legislation, I find that Bank's cavalier shotgun approach to providing appropriate notice to a mortgagor is insufficient to satisfy the jurisdictional prerequisites provided for in Act 91. Since this defect cannot be cured by amendment, the Complaint in this matter will be dismissed.

#### ORDER OF COURT

AND NOW, this 5th day of July, 2006, the Defendant's Preliminary Objection challenging jurisdiction is granted. The Complaint in this matter is dismissed without prejudice to the Plaintiff to initiate additional Complaint concerning the subject matter of this litigation once jurisdictional notice requirements are satisfied.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-N-197 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin on the Western property line of South Washington Street, which point is due South 156.1 feet from the intersection of the property lines of Steinwehr Avenue and South Washington Street and is 15 feet North of the corner of what was the garage building on the premises hereby conveyed, and extending thence due South 67.4 feet to an iron pin at the corner of lot now or formerly of E.L. Rentzel; thence by the lot now or formerly of E.L. Rentzel North 68 degrees 30 minutes West 129.4 feet to an iron pin at the Southeastern side of Steinwehr Avenue; thence by Steinwehr Avenue North 34 degrees 15 minutes East 64 feet to an iron pin, which iron pin is South 34 degrees 15 minutes West 150.55 feet from said intersection of the property lines of Steinwehr Avenue and South Washington Street, thence by lot now or formerly of Paul W. and Anna Belle Little, of which the property hereby conveyed was a part, South 69 degrees 30 minutes East 90.5 feet to the iron pin, the place of the BEGINNING.

Premises Being: 230 Steinwehr Ave., Gettysburg, PA 17325

SEIZED and taken into execution as the property of **TNR Property Management, Memories Past Historical Outfitters, LLC., Nancy A. Lare, Thomas P. Knaper & Robert A. Vanderplate** and to be sold by me.

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-200 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two tracts of land situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

TRACT NO. 1: BEGINNING at a point formerly in center line of Western Maryland Railroad at lands now or formerly of O.J. Kuykendall; thence by said lands North twenty-two (22) degrees East fifty-seven and two-tenths (57.2) perches to a stone; thence by land now or formerly of Charles Shultz South seventy-two (72) degrees East thirty-five and five-tenths (35.5) perches to a stone; thence by lands now or formerly of Jacob King North eighty-five (85) degrees East forty-four (44) perches to a point in the center of the public road leading to Lincoln Highway; thence by the center of said public road South four (4) degrees West three and two-tenths (3.2) perches; thence by the center of said public road South five (5) degrees five (5) minutes West two hundred thirty-nine and seven-tenths (239.7) feet to a point; thence North eighty-four (84) degrees fifty-five (55) minutes West two hundred thirty-eight (238) feet to a point in the right of way of the former Western Maryland Railroad; thence South forty-eight (48) degrees forty-two (42) minutes West three hundred seven and five-tenths (307.5) feet to a pin; thence South fifty-five (55) degrees forty-eight (48) minutes West three hundred twenty-two and five-tenths (322.5) feet to a stone; thence along land now or formerly of Norman Auchey North seventy-one (71) degrees two (2) minutes West ninety-one (91) feet to a point in the former Western Maryland Railroad right of way; thence along said land now or formerly of Norman Auchey South eighty (80) degrees West fifteen and five-tenths (15.5) perches to a point; thence in and through the right of way of said Western Maryland Railroad South eighty-four (84) degrees thirty (30) minutes West thirty (30) perches to the point and place of BEGINNING.

TRACT NO. 2: BEGINNING at an iron pin at corner of lot designated as No. 3 on a map of property for C.E. Ankney, surveyed by George M. Wildasin, Registered Engineer, April, 1962, which Lot No. 3 is land now or formerly of Lewis Ankney and which pin is on line of lands now or formerly of Carroll Lippy; thence by lands now or formerly of Lippy North

eighty-four (84) degrees fifty-five (55) minutes West one hundred eighty-two and three-tenths (182.3) feet to a pin at lands now or formerly of John C. Erb; thence by lands now or formerly of Erb North fifty-four (54) degrees thirty-nine (39) minutes East, one hundred seventeen and eight-tenths (117.8) feet to a point; thence by same North forty-eight (48) degrees forty-two (42) minutes East, three hundred seven and five-tenths (307.5) feet to a point at corner of lot number 6 on the aforesaid map thence by lot number 6 South eighty-four (84) degrees fifty-five (55) minutes East, thirty-eight (38) feet to a point at corner of Lot Number 5, land now or formerly of Martin L. Horn; thence by Lot No. 5 South five (5) degrees five (5) minutes West, one hundred (100) feet to a point at corner of Lot Number 4; thence by Lots Number 4 and 3 South forty-three (43) degrees thirty (30) minutes West, two hundred fifty-four (254) feet to a pin at lands now or formerly of Carroll Lippy (and known as Lot Number 1) the place of BEGINNING. CONTAINING .892 acres, more or less. Taken from the aforesaid map by George M. Wildasin, R.E.

TITLE TO SAID PREMISES IS VESTED IN Steven L. Malone, by Deed from Steven J. McGeehan, Single, dated 11/23/2005, recorded 12/05/2005, in Deed Book 4232, page 111.

Premises being: 105 Kilpatrick Road, New Oxford, PA 17350

Tax Parcel No. 32-111-0031-000

SEIZED and taken into execution as the property of **Steven L. Malone a/k/a Steven Lloyd Malone a/k/a Steven M. Malone** and to be sold by me.

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-279 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Thomas Drive and Lot No. 178; thence along Lot No. 178, South seventy-six (76) degrees forty-seven (47) minutes twenty (20) seconds West, one hundred twenty-four and ninety-nine hundredths (124.99) feet to a point at Lot No. 160; thence along Lot No. 160, North thirteen (13) degrees twelve (12) minutes forty (40) seconds West, eighty (80.00) feet to a point at Lot No. 176; thence along Lot No. 176, North seventy-six (76) degrees forty-seven (47) minutes twenty (20) seconds East, one hundred twenty-four and ninety-nine hundredths (124.99) feet to a point at Thomas Drive; thence along Thomas Drive, South thirteen (13) degrees twelve (12) minutes forty (40) seconds East, eighty (80.00) feet to the point and place of BEGINNING. CONTAINING 9,999 square feet and identified as Lot No. 177 on a plan of lots entitled Section Two, Phase 'B', Sherry Village, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 60, page 30.

IT BEING the same which Mary Loe Kuhn and John H. Kuhn, her husband, by their deed dated February 17, 1995, and recorded February 21, 1995 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 997 at page 271, sold and conveyed unto Rhoda A. Harbaugh and Vanessa E. Birgensmith, as joint tenants with the right of survivorship.

UNDER AND SUBJECT to the restrictions for Sherry Village, recorded in the Adams County Recorder of Deeds Office in Misc. Book 31, page 963.

1) Vested by Warranty Deed, dated 9/1/2006, given by Rhonda A. Harbaugh, single person and Vanessa E. Birgensmith, single person to Joanne M. Seeley, married individual and recorded 9/5/2006 in Book 4456 Page 95 Instrument # 1183649

Real Property Owner: Joanne M. Seeley

Premises being: 65 Thomas Drive, McSherrystown, PA 17344

Tax Parcel No. 08-101-0050-00

SEIZED and taken into execution as the property of **Joanne M. Seeley a/k/a**

**Joanne M. Paul a/k/a Joanne M. Aumen a/k/a Joanne Marie Seeley** and to be sold by me.

James W. Muller-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 August 3, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/15, 22 & 29

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-119 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Lynx Drive and Lot No. 149-B; thence along Lot No. 149-B, South twenty-seven (27) degrees fifty-one (51) minutes twenty-four (24) seconds East, one hundred twenty-eight and eighteen hundredths (128.18) feet to a point at Lot No. 148; thence along Lot No. 148, South seventy-four (74) degrees twenty-one (21) minutes fifty-seven (57) seconds East, thirty and fifty hundredths (30.50) feet to a point at Cheetah Drive; thence along Cheetah Drive, by a curve to the left whose radius is two hundred thirty-nine and nineteen hundredths (239.19) feet and whose chord bearing is North five (05) degrees two (02) minutes thirty-six (36) seconds West, one hundred forty (140.00) feet for an arc distance of one hundred forty-two and eight hundredths (142.08) feet to a point at the intersection of Cheetah Drive and Lynx Drive; thence along said intersections, North sixty-seven (67) degrees three (03) minutes thirty-seven (37) seconds West, twenty-one and twenty-one hundredths (21.21) feet to a point at Lynx Drive; thence along Lynx Drive, by a curve to the left whose radius is seven hundred forty (740.00) feet and whose chord bearing is South sixty-five (65)

degrees twenty-nine (29) minutes forty-four (44) seconds West, sixty-five and twelve hundredths (65.12) feet to the point and place of BEGINNING.

CONTAINING 8,397 square feet and identified as Lot No. 149-A on a plan of lots entitled Lot 149, Conewago Estates, recorded in the Office of the Recorder of Deeds of Adams County.

HAVING erected thereon a dwelling known as 105 Lynx Drive, Hanover, PA 17331.

PARCEL NO. 7-63.

BEING the same premises which Mary Lee Kuhn and John H. Kuhn, her husband, by deed dated 11/21/1990 and recorded 12/05/1990 in the Recorder's Office of Adams County, Pennsylvania, Deed Book Volume 574, page 1018, granted and conveyed unto Stephen M. Staub.

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

James W. Muller-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 July 20, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/1, 8 & 15

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Fictitious Name Act, Act 1982-295 approved December 16, 1982, as amended, 54 Pa.C.S.A. §301 et seq., that on May 17, 2007, an Application for Registration of the fictitious name BLUE MOON TOURS was filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania. The principal place of said business is 38 York Street, Gettysburg, PA 17325. The name and address of the person interested in said business is Catherine C. Hunt, P.O. Box 137, 140 Old Route 30, McKnightstown, PA 17343.

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

6/15

**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 JOAN C. BATHON, DEC'D**  
Late of Berwick Township, Adams County, Pennsylvania  
Elizabeth M. Brown and Ann C. Bathon a/k/a Ann C. Shultis, c/o Miller & Shultis, P.C., 249 York Street, Hanover, PA 17331  
Attorney: Timothy J. Shultis, Esq., Miller & Shultis, P.C., 249 York Street, Hanover, PA 17331
- ESTATE OF MARY A. BAUMGARDNER, DEC'D**  
Late of Straban Township, Adams County, Pennsylvania  
Michael R. Baumgardner, P.O. Box 3894, Gettysburg, PA 17325; Diane L. Bollinger, 5130 Littlestown Pike, Westminster, MD 21158  
Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325
- ESTATE OF ESTALENE A. BUMBAUGH, DEC'D**  
Late of Straban Township, Adams County, Pennsylvania  
Executor: Donna M. Breon, 34 Fifth Street, Biglerville, PA 17307  
Attorney: John J. Murphy III, Esq., Patrono & Associates, LLC, 30 West Middle Street, Gettysburg, PA 17325
- ESTATE OF M. FRANCES GILBERT, DEC'D**  
Late of Franklin Township, Adams County, Pennsylvania  
Personal Representative: Peggy Ann Diveley, 150 Brysonia School Road, Biglerville, PA 17307  
Attorney: Scott M. Dinner, Esq., 3117 Chestnut Street, Camp Hill, PA 17011
- ESTATE OF FRED A. KUHN, DEC'D**  
Late of Mt. Pleasant Township, Adams County, Pennsylvania  
Executor: Talmadge V. Lockamy, c/o 135 North George Street, York, PA 17401  
Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

**ESTATE OF DONALD H. WILLIAMS, DEC'D**

Late of Straban Township, Adams County, Pennsylvania  
Co-Executors: Stephen W. Williams, 176 Gordon Avenue, Gettysburg, PA 17325; Karen S. Thomas, 111 Kirne Avenue, Bendersville, PA 17306  
Attorney: Clayton R. Wilcox, Esq., 234 Baltimore St., Gettysburg, PA 17325

**SECOND PUBLICATION**

- ESTATE OF CLAYTON D. CHAMBERLIN a/k/a CLAYTON DANIEL CHAMBERLIN, DEC'D**  
Late of Franklin Township, Adams County, Pennsylvania  
Executrices: Beverly Cooper, 48 Lincoln Terrace Road, Fayetteville, PA 17222; Melinda Kelley, 307 Park Street, P.O. Box 8, Mont Alto, PA 17237  
Attorney: Timothy W. Misner, Esq., 39 South Broad Street, Waynesboro, PA 17268-1610
- ESTATE OF ALDA M. COOL, DEC'D**  
Late of Mt. Joy Township, Adams County, Pennsylvania  
Executor: Lester L. Cool, 455 Plunkert Road, Littlestown, PA 17340  
Attorney: Amy E. W. Ehrhart, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

**ESTATE OF ANNA JANE DEAMER, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania  
Co-Executors: Cheryl A. Deamer, 297 Liberty Street, Apt. 96, Little Ferry, NJ 07643; Brad A. Deamer, 675 Delaware Avenue, Apt. 605, Buffalo, NY 14209-2236  
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

**ESTATE OF GEORGE S. WORLEY, DEC'D**

Late of Union Township, Adams County, Pennsylvania  
Co-Executors: Marian G. Gladfelder, 1026 High Street, Hanover, PA 17331; James D. Worley, 785 Old Westminster Road, Hanover, PA 17331  
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

**THIRD PUBLICATION**

- ESTATE OF ISABELLA CAMERON KINDNESS, DEC'D**  
Late of the Borough of Gettysburg, Adams County, Pennsylvania  
Executrix: Sheila C. Tobey, 365 Camp Gettysburg Road, Gettysburg, PA 17325  
Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 220 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF BETTY F. WEAVER, DEC'D**  
Late of Cumberland Township, Adams County, Pennsylvania  
Co-Executrices: Jennifer L. Weaver, 736 Harrison Drive, Gettysburg, PA 17325; Carolyn W. Fulks, 8014 Kiwi Point, Tega Cay, SC 29708  
Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF WILLIS L. WEIKERT, DEC'D**  
Late of Straban Township, Adams County, Pennsylvania  
Executrix: Judith W. Hoak, 10037 Carrigan Dr., Ellicott City, MD 21042  
Attorney: Phillips & Phillips, 101 W. Middle St., Gettysburg, PA 17325

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1399 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the state highway running from Fairfield to Emmitsburg (L.R. 01001) at lands now or formerly of George G. Kramer; thence in said highway North 1 degree East 41 perches to an iron pin at or near the West side of said highway; thence in said highway, North 30 degrees 31 minutes East 34.5 perches to a spike; thence in said highway, North 38 degrees 15 minutes East 50.44 perches to an iron pin in said highway at lands of the Pennsylvania Baptist Convention; thence by the same, South 56 degrees 15 minutes East 3.4 perches to an iron pin; thence by the same, North 48 degrees East 12.9 perches to an iron pin; thence by the same, North 2 degrees 15 minutes West 5 perches to an iron pin; thence by the same, North 75 degrees 10 minutes West 3 perches to an iron pin near the East side of the state highway aforesaid; thence entering said highway and in the same North 6 degrees 15 minutes West 22.87 perches to an iron pin in the center of said highway at lands now or formerly of Albert F. Flenner; thence by said lands and lands now or formerly of George G. Kramer, North 82 degrees East 95.1 perches to a stone; thence South 2 degrees West 15.4 perches to a stone at lands now or formerly of J. R. Stultz; thence by the same, South 52 degrees 30 minutes West 33.2 perches to a hickory; thence by the same, South 1 degree East 17.4 perches to an elm; thence by the same, South 46 degrees 45 minutes East 38.6 perches to a post; thence by the same, South 33 degrees 30 minutes West 21.8 perches to a post; thence by the same, South 55 degrees 30 minutes East 43 perches to a stake; thence by the same and lands now or formerly of George Eyster Estate, South 27 degrees 45 minutes West 22.4 perches to a stone; thence by the same, South 36 degrees 30 minutes West 40 perches to an iron pin at lands now or formerly of George G. Kramer aforesaid; thence by the same, North 83 degrees 45 minutes West 141.7 perches to a spike, the place of BEGINNING, CONTAINING 123 acres and 98 perches, more or less.

The description was obtained from a draft of survey prepared by Leroy H. Winebrenner, County Surveyor, bearing the dates of July 12, 1961 and November 29, 1961.

Premises Being: 2420 Tract Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **QD Adams County Development Partnership, LP** and to be sold by me.

James W. Muller-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 August 3, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/15, 22 & 29

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-249 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a magnetic spike near the centerline of Hilltown Road (T-355) which spike is also at the Northeastern-most corner of Lot No. 3 on the hereinafter described plan of lots; thence running in Hilltown Road (T-355) North 88 degrees 36 minutes 00 seconds East, 281.60 feet to a magnetic spike near the centerline of said road, which magnetic spike is located at the corner of Lot No. 1 on the hereinafter described plan of lots; thence running by Lot No. 1 and through a steel rod set back 30 feet from the start of this course South 01 degree 24 minutes 00 seconds East, 320.00 feet to a steel rod; thence continuing by the same South 88 degrees 36 minutes 00 seconds West, 281.60 feet to a steel rod where Lot Nos. 2, 3 and 4 intersect as shown on the hereinafter described plan

of lots; thence running by Lot No. 3 on the hereinafter described plan of lots and through a reference steel rod set back 30 feet from the end of this course North 01 degree 24 minutes 00 seconds West, 320.00 feet to a magnetic spike near the centerline of Hilltown Road (T-355), the point and place of BEGINNING. CONTAINING 2.069 acres, more or less.

The description was taken from a survey prepared by J. Riley Redding, R.S., dated February 24, 1998 and recorded in Adams County Plat Book 74 at page 29A. The tract described is Tract No. 4 on said plan of lots.

TITLE TO SAID PREMISES IS VESTED IN Ronald D. Barnhart, single person, by Deed from Michael W. Schaefer and Rebecca S. Schaefer, husband and wife, dated 11/23/2005, recorded 12/01/2005, in Deed Book 4227, page 63.

Premises being: 574 Hilltown Road, Gettysburg, PA 17325

Tax Parcel No. 12-D10-0015C-000

SEIZED and taken into execution as the property of **Ronald D. Barnhart** and to be sold by me.

James W. Muller-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 August 3, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/15, 22 & 29

# Adams County Legal Journal

Vol. 49

June 22, 2007

No. 5, pp. 22-27

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-249 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a magnetic spike near the centerline of Hilltown Road (T-355) which spike is also at the Northeastern-most corner of Lot No. 3 on the hereinafter described plan of lots; thence running in Hilltown Road (T-355) North 88 degrees 36 minutes 00 seconds East, 281.60 feet to a magnetic spike near the centerline of said road, which magnetic spike is located at the corner of Lot No. 1 on the hereinafter described plan of lots; thence running by Lot No. 1 and through a steel rod set back 30 feet from the start

of this course South 01 degree 24 minutes 00 seconds East, 320.00 feet to a steel rod; thence continuing by the same South 88 degrees 36 minutes 00 seconds West, 281.60 feet to a steel rod where Lot Nos. 2, 3 and 4 intersect as shown on the hereinafter described plan of lots; thence running by Lot No. 3 on the hereinafter described plan of lots and through a reference steel rod set back 30 feet from the end of this course North 01 degree 24 minutes 00 seconds West, 320.00 feet to a magnetic spike near the centerline of Hilltown Road (T-355), the point and place of BEGINNING. CONTAINING 2.069 acres, more or less.

The description was taken from a survey prepared by J. Riley Redding, R.S., dated February 24, 1998 and recorded in Adams County Plat Book 74 at page 29A. The tract described is Tract No. 4 on said plan of lots.

TITLE TO SAID PREMISES IS VESTED IN Ronald D. Barnhart, single person, by Deed from Michael W. Schaefer and Rebecca S. Schaefer, husband and wife, dated 11/23/2005, recorded 12/01/2005, in Deed Book 4227, page 63.

Premises being: 574 Hilltown Road, Gettysburg, PA 17325

Tax Parcel No. 12-D10-0015C-000

SEIZED and taken into execution as the property of **Ronald D. Barnhart** and to be sold by me.

James W. Muller-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 August 3, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.


6/15, 22 & 29

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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-279 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Thomas Drive and Lot No. 178; thence along Lot No. 178, South seventy-six (76) degrees forty-seven (47) minutes twenty (20) seconds West, one hundred twenty-four and ninety-nine hundredths (124.99) feet to a point at Lot No. 160; thence along Lot No. 160, North thirteen (13) degrees twelve (12) minutes forty (40) seconds West, eighty (80.00) feet to a point at Lot No. 176; thence along Lot No. 176, North seventy-six (76) degrees forty-seven (47) minutes twenty (20) seconds East, one hundred twenty-four and ninety-nine hundredths (124.99) feet to a point at Thomas Drive; thence along Thomas Drive, South thirteen (13) degrees twelve (12) minutes forty (40) seconds East, eighty (80.00) feet to the point and place of BEGINNING. CONTAINING 9,999 square feet and identified as Lot No. 177 on a plan of lots entitled Section Two, Phase 'B', Sherry Village, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 60, page 30.

IT BEING the same which Mary Loe Kuhn and John H. Kuhn, her husband, by their deed dated February 17, 1995, and recorded February 21, 1995 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 997 at page 271, sold and conveyed unto Rhoda A. Harbaugh and Vanessa E. Birgensmith, as joint tenants with the right of survivorship.

UNDER AND SUBJECT to the restrictions for Sherry Village, recorded in the Adams County Recorder of Deeds Office in Misc. Book 31, page 963.

1) Vested by Warranty Deed, dated 9/1/2006, given by Rhonda A. Harbaugh, single person and Vanessa E. Birgensmith, single person to Joanne M.

Seeley, married individual and recorded 9/5/2006 in Book 4456 Page 95 Instrument # 1183649

Real Property Owner: Joanne M. Seeley

Premises being: 65 Thomas Drive, McSherrystown, PA 17344

Tax Parcel No. 08-101-0050-00

SEIZED and taken into execution as the property of **Joanne M. Seeley a/k/a Joanne M. Paul a/k/a Joanne M. Aumen a/k/a Joanne Marie Seeley** and to be sold by me.

James W. Muller-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 August 3, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/15, 22 & 29

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of Commonwealth of Pennsylvania on or about May 29, 2007, pursuant to the Fictitious Name Act, setting forth that Kathleen S. Glahn is the only individual and Farm to Chef Gettysburg, LLC is the only entity interested in a business, the character of which is the production and sale of specialty gourmet items, that the designation under which the business is and will be conducted is GETTYSBURG HEIRLOOMS and that the principal place of business is 256 Hospital Road, Gettysburg, Pennsylvania 17325.

Bernard A. Yannetti, Jr.  
Solicitor

6/22

## NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Thursday, July 5, 2007, at 9:00 a.m.

**PIEFFER**—Orphans' Court Action Number OC-55-03. The Supplemental Account of Thomas C. Pieffer, Administrator of the Estate of John T. Pieffer, deceased, late of Union Township, Adams County, Pennsylvania.

**SHARRAH**—Orphans' Court Action Number OC-35-07. The First and Final Account of J. Richard Sharrah and Joseph C. Sharrah, Co-Executors of the Estate of Mary M. Sharrah, deceased, late of Straban Township, Adams County, Pennsylvania.

**LAUGHMAN**—Orphans' Court Action Number OC-60-07. The First and Final Account of Stephen M. Hoffman, Executor of the Estate of Alfred Nathaniel Laughman, a/k/a Alfred N. Laughman, deceased, late of Berwick Township, Adams County, Pennsylvania.

Kelly A. Lawver  
Clerk of Courts

6/22 & 29

## ABRAHAM VS. ABRAHAM

1. A person's earning capacity is defined as "not as an amount which the person could theoretically earn, but as that amount which the person could realistically earn under the circumstances, considering his or her age, health, mental and physical condition and training."

2. Although a person should seek employment commensurate with his/her earning potential, a spouse may limit his/her working hours in order to care for his/her children.

In the Court of Common Pleas of Adams County, Pennsylvania, Domestic Relations, No. 05-DR-559, MICHAEL R. ABRAHAM VS. SUSAN M. ABRAHAM.

Thomas R. Campbell, Esq., for Appellant/Cross-Appellee

John A. Wolfe, Esq., for Appellee/Cross-Appellant

Bigham, J., July 6, 2006

### OPINION PURSUANT TO PA.R.APP.P 1925 (A)

#### BACKGROUND

Michael R. Abraham, Father (hereinafter referred to as "Obligee") and Susan M. Abraham, Mother (hereinafter referred to as "Obligor"), have appealed this Court's Order dated May 9, 2006 establishing respective incomes for the parties and Mother's obligation to pay child support.

Obligee and Obligor are the parents of two minor children. They have a shared equal physical custody schedule, one week on, one week off. Obligee is forty-four years old and is a quadriplegic because of a snowmobiling accident that occurred in January 2003. He is the recipient of a monthly social security check in the amount of \$1,184. Obligee cannot bathe, eat, drive, write, or move any extremity. His prognosis is that he will not regain mobility. He lives alone, except for his week of custody, and he has daily care providers in attendance.

Obligor is thirty-nine years old, is in good health and has an associate's degree as a paralegal. She is the recipient of the social security checks for both children, each in the amount of \$306. She has been working part-time as an abstractor for the law firm of Campbell & White for eighteen years, usually 10 to 15 hours a week at \$22.50 an hour. In addition, she works part-time as a waitress at the Carriage House and has previously held several other part-time positions, such



as a waitress at Ski Liberty, secretary to Robert Sharrah, hostess for Princess House Crystal, and caterer for Doctor Marx. On at least one occasion, she has worked for her fiancé's construction business, earning approximately \$1,000.

Essentially, Obligee has appealed because he feels that the Court did not assign a sufficiently high earning capacity to Obligor. Obligor has appealed because she feels the Court assigned an earning capacity for her that was too high, assigned no earning capacity to Obligee beyond his social security payments, should not have established support arrearages, and should not have assigned the social security payments for the children to Mother's income.

## DISCUSSION

### EARNING CAPACITY FOR SUPPORT CASES

A child support calculation is based on the guidelines set forth in the Pennsylvania Rules of Civil Procedure. 42 Pa.C.S.A. §4322(a), citing to Pa. R.C.P. 1910.16-1 et seq. The guidelines place primary emphasis on the net income and earning capacities of the parties. A person's earning capacity is defined as "not as an amount which the person could theoretically earn, but as that amount which the person could realistically earn under the circumstances, considering his or her age, health, mental, and physical condition and training." *Arbet v. Arbet*, 863 A.2d 34, 43 (Pa. Super. 2004). Although a person should seek employment commensurate with his/her earning potential, a spouse may limit his/her working hours in order to care for his/her children. *King v. King*, 568 A.2d 627 (Pa. Super. 1989). Recently, the Pennsylvania Superior Court held a mother to only \$50 more than her actual income a month because she worked part-time to enable herself to care for her children. *Baehr v. Baehr*, 889 A.2d 1240 (Pa. Super. 2005).

### EARNING CAPACITY FOR OBLIGEE

Obligor attempted to establish that Obligee had supplemental income by being on job sites with his father providing technical assistance with various telephone voice mail systems. The evidence produced was not convincing in any way. The Obligee may have been present on certain job sites but his contribution was minimal. The Court has observed Obligee on several occasions in the courtroom and essentially all that Obligee is able to do is speak, and even

that activity becomes difficult for Obligee. The Court is satisfied that Obligee, being a quadriplegic, should have no other income assigned to him other than the social security payments which he receives.

#### EARNING CAPACITY FOR OBLIGOR

Pursuant to the standard recognized in *Baehr* and the cases cited therein, this Court determined that Obligor's earning capacity should be based on a twenty hour part-time work week at \$22.50 per hour as well as supplemental income which historically she earned as a waitress/banquet hostess as well as the social security checks. Obligee feels that the Court should hold Obligor to a full-time earning capacity at the office of Campbell & White, and Obligor feels that the Court has assigned her too many hours at that office. Also, Obligee attempted to establish that full-time employment as an abstractor was available to Obligor in the Adams County area.

Whether such full-time employment was available or not, the Court has chosen to hold Obligee only to twenty hours per week because that is consistent with the pattern established by Obligee and Obligor when they were living together. For eighteen years, Obligor has only worked part-time as an abstractor with occasional income from other part-time employment. Her working arrangement was designed to allow her to have the ability to care for their two minor children. It is even more important now to have Mother available to perform certain parental functions due to Father's physical condition. It is true that the children are in school during most weekdays of the school year, but there are still times when one of the parents needs to be available. Obligee is not in a position to provide that kind of coverage, although it must be noted that Father has done remarkably well and within the environment of his home, has established a routine where he is able to provide for the children during his weeks of custody.

It is a project for Father to have to go anywhere, even to Court. On at least one occasion, a court hearing was continued because Father's care providers were not able to be with him on a particular time of a particular day when a hearing was scheduled. Due to Obligee's lack of mobility, Obligor has additional responsibilities for coverage of the children. It should be noted that Father's family, including but not limited to his parents, have rallied on behalf of Obligee, have stood by him in every way imaginable and have made it possible for him

to recover to the extent he has, and be a shared equal physical custodian of the children.

Obligor works 10 to 15 hours a week at \$22.50 an hour as an abstractor. The record includes evidence that Obligor has a history of supplemental income as a waitress or banquet hostess and that income continues to be available to her. She typically works on the weekends that she does not have the kids. Based on this evidence, we believe holding her to a 20-hour work week at \$22.50 an hour is her earning capacity. We note, there was insufficient evidence regarding allegations of income by Obligor by selling Princess House crystal to add that to her earning capacity. In addition, some of her previous part-time positions are no longer available.

Obligee would have the Court change the earning capacity of Obligor upward because he is having trouble making ends meet and because Obligor is currently living with her significant other, and, in Obligee's opinion, receiving the benefit of someone sharing expenses. The Court has chosen to accept the past pattern previously followed by the parties with Mother working part-time and supplementing her income with a second job. Not holding Obligor to a full-time earning capacity under the facts of this case is a proper exercise of discretion as referred to in *Baehr*.

Subsequent to the appeals having been taken, Obligor learned of information about possible layoffs at the title searching office of one of Obligee's witnesses. Obligor sought permission to supplement the record. This Court suggested the parties attempt to stipulate as to the new facts, to the extent relevant. The parties have been unable to stipulate. This Court no longer has jurisdiction and therefore has not scheduled a hearing to determine if the record should be supplemented. If directed to do so by the Superior Court, this Court will conduct such a hearing and supplement the record.

#### SUPPORT ARREARAGES

There is nothing different about this case from any other, which resulted in the establishment of certain arrearages. The Court gave both parties many opportunities to negotiate a resolution to this case and the parties were not successful in doing so. The fact that time elapsed from the effective date of September 2005 and the Court's Order in May 2006 is not sufficient reason to eliminate arrearages. As is the Court's custom and obligation, a modest amount was added

to the Order to commence some reduction of arrearages. Reference to the Court's Order of May 9, 2006 will show that the Court took into account the various changes in the Obligor's obligation based on changes in support court guideline calculation information and changes in the social security checks received on behalf of the children. Subsequent to the entry of the Order on May 9, 2006, the Court has realized that the arrearages may have been set \$950 too low. After the appeal process is completed, this Court will give the parties an opportunity to address that issue.

#### ASSIGNMENT OF SOCIAL SECURITY PAYMENTS FOR CHILDREN TO MOTHER'S INCOME

The Pennsylvania Child Support Guidelines require the Court, under the facts of this case, to assign the social security payments for the children to Mother's income because she is the recipient of the payments. Pa.R.C.P. 1910.16-2(b)(2). The guidelines are set up on the assumption that Oblige, not Obligor, is the recipient of the social security payments. One of the anomalies is that if Obligor were not the recipient of the children's social security checks, but Oblige was the recipient of such checks, then Obligor would be paying additional money in child support to Oblige, even though he was receiving both of such checks.

At the request of the Court, the attorneys of record inquired as to whether the Social Security Administration would permit each parent to receive one of the social security checks for the children. The report to the Court from the attorneys was that the Social Security Administration prefers to send both checks to the same parent. Therefore, we believe Obligor should receive both social security checks and it has been considered in assigning Obligor an earning capacity.

#### CONCLUSION

Oblige and Obligor divorced on April 27, 2005. Oblige has shown himself to be truly remarkable in how he deals with his predicament. Most fathers would not have sought or been able to obtain a shared physical custody arrangement as exists in this case. Oblige's family has been supportive in many ways and to an extent that sets a standard few could meet. There is no way to imagine what the frustrations of Oblige's daily life must be. Obligor is also frustrated. She sees herself as having extra responsibilities as if she were

the primary custodian when in fact she has the children half of the time. She has planned her work schedule and life around the needs of the children since the first child arrived. She is now asked to pay an amount of support she feels is excessive when taking into account what she already provides in terms of dollars and in kind. The Court believes it has fashioned an Order that properly applies the guidelines to the facts presented by the parties.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1399 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the state highway running from Fairfield to Emmitsburg (L.R. 01001) at lands now or formerly of George G. Kramer; thence in said highway North 1 degree East 41 perches to an iron pin at or near the West side of said highway; thence in said highway, North 30 degrees 31 minutes East 34.5 perches to a spike; thence in said highway, North 38 degrees 15 minutes East 50.44 perches to an iron pin in said highway at lands of the Pennsylvania Baptist Convention; thence by the same, South 56 degrees 15 minutes East 3.4 perches to an iron pin; thence by the same, North 48 degrees East 12.9 perches to an iron pin; thence by the same, North 2 degrees 15 minutes West 5 perches to an iron pin; thence by the same, North 75 degrees 10 minutes West 3 perches to an iron pin near the East side of the state highway aforesaid; thence entering said highway and in the same North 6 degrees 15 minutes West 22.87 perches to an iron pin in the center of said highway at lands now or formerly of Albert F. Flenner; thence by said lands and lands now or formerly of George G. Kramer, North 82 degrees East 95.1 perches to a stone; thence South 2 degrees West 15.4 perches to a stone at lands now or formerly of J. R. Stultz; thence by the same, South 52 degrees 30 minutes West 33.2 perches to a hickory; thence by the same, South 1 degree East 17.4 perches to an elm; thence by the same, South 46 degrees 45 minutes East 38.6 perches to a post; thence by the same, South 33 degrees 30 minutes West 21.8 perches to a post; thence by the same, South 55 degrees 30 minutes East 43 perches to a stake; thence by the same and lands now or formerly of George Eyster Estate, South 27 degrees 45 minutes West 22.4 perches to a stone; thence by the same, South 36 degrees 30 minutes West 40 perches to an iron pin at lands now or formerly of George G. Kramer aforesaid; thence by the same, North 83 degrees 45 minutes West 141.7 perches to a spike, the place of BEGINNING, CONTAINING 123 acres and 98 perches, more or less.

The description was obtained from a draft of survey prepared by Leroy H. Winebrenner, County Surveyor, bearing the dates of July 12, 1961 and November 29, 1961.

Premises Being: 2420 Tract Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **QD Adams County Development Partnership, LP** and to be sold by me.

James W. Muller-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 August 3, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/15, 22 & 29

## NOTICE

The Hamilton Township Board of Supervisors will conduct a public hearing on and consider the enactment of a proposed ordinance creating a joint municipal authority on Monday, August 6, 2007, at 8:00 P.M. at the Hamilton Township Municipal Building, 272 Mummert's Church Road, Abbottstown, PA 17301. A summary of the Ordinance is as follows:

The title of the Ordinance is "AN ORDINANCE DEFINING THE INTENTION OF THE TOWNSHIP OF HAMILTON TO ORGANIZE IN CONJUNCTION WITH THE BOROUGH OF EAST BERLIN A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE MUNICIPALITY AUTHORITIES ACT FOR THE PURPOSE OF PROVIDING WATER AND SEWER SERVICE IN EAST BERLIN BOROUGH AND A PORTION OF HAMILTON TOWNSHIP, SUCH AUTHORITY TO BE KNOWN AS THE 'EAST BERLIN AREA JOINT AUTHORITY'; TO APPOINT A GOVERNING BODY AND AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION AND FURTHER PROVIDING FOR THE SERVICE AREA OF THE AUTHORITY."

Section 1 of the Ordinance states that the Township intends to form, in conjunction with East Berlin Borough, Adams County, Pennsylvania, a municipal authority under the provisions of the

Municipality Authorities Act, as amended, 53 Pa. C.S. §§ 5601-5622.

Section 2 of the Ordinance authorizes the Chairwoman and Secretary of the Board of Supervisors to execute the Articles of Incorporation of the municipal authority, attached to the Ordinance as Exhibit "A".

Section 3 of the Ordinance sets forth the purpose of the Authority.

Section 4 of the Ordinance appoints the governing body of the Authority.

Section 5 of the Ordinance grants the Chairwoman and Secretary of the Board of Supervisors all powers necessary to effectuate incorporation of the Authority.

Section 6 of the Ordinance sets forth the powers of the Authority.

Section 7 of the Ordinance states that the Authority is for the benefit of the public welfare of the Township.

Section 8 of the Ordinance states that nothing contained in the Ordinance shall limit the powers of the Township or the Board of Supervisors.

Section 9 of the Ordinance discusses the effect of a finding of partial invalidity on the Ordinance.

Exhibit "A" to the Ordinance is the proposed Articles of Incorporation of the Authority.

At the conclusion of the hearing on the Ordinance, the Board of Supervisors will vote on the passage thereof.

A copy of the Ordinance and exhibits thereto may be examined, without charge, at the Hamilton Township Municipal Building, 272 Mummert's Church Road, Abbottstown, PA 17301, Monday thru Thursday 9:00 am to 3:00 pm and Friday 9:00 am to 1:00 pm. A copy of the Ordinance and exhibits thereto may also be examined at the Adams County Law Library and the offices of the *Gettysburg Times* and the *Adams County Legal Journal*. The public is cordially invited to attend the hearing. If you are a person who requires accommodations to attend the meeting or in reviewing or obtaining copies of the proposed ordinance, please contact the Hamilton Township Secretary at the Hamilton Township Municipal Building, 272 Mummert's Church Road, Abbottstown, PA 17301, or contact her by phone Monday thru Thursday 9:00 am to 3:00 pm and Friday 9:00 am to 1:00 pm at 717-259-7237.

Respectfully Submitted,  
Ronald T. Tomasko,  
Township Solicitor

6/22

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-246 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the property line of East Locust Lane at corner of Lot No. 40 on the hereinafter referred to plan of lots; thence along Lot No. 40, North seven (7) degrees eighteen (18) minutes thirty-one (31) seconds East, one hundred sixty and seventeen hundredths (160.17) feet to a point at lands now or formerly of Lloyd E. Eckert; thence along same, South fifty-three (53) degrees twenty-eight (28) minutes fifty (50) seconds East, ninety-nine and sixty-four hundredths (99.64) feet to a point at Lot No. 38 on said plan; thence along Lot No. 38, South eighteen (18) degrees four (4) minutes three (3) seconds West, one hundred nineteen and seventy-three hundredths (119.73) feet to a point on the property line of East Locust Lane, aforesaid; thence along same, by a curve to the left, the radius of which is three hundred forty-six and thirteen hundredths (346.13) feet, for an arc length of sixty-five (65) feet, and having a long chord bearing and distance of North seventy-seven (77) degrees eighteen (18) minutes forty-three (43) seconds West, sixty-four and ninety hundredths (64.90) feet to a point at Lot No. 40, the point and place of BEGINNING. (CONTAINING 10,766.645 square feet or 0.247 acres and being known as Lot No. 39 on a plan of lots of Oxford Estates, Phase V, dated September 11, 1985, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 42, at Page 64.)

IT BEING a part of the same tract of land which Melvin M. Sharrer, Jr., et ux., et al., by their deed dated February 24, 1983, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 368, at page 536, granted and conveyed unto Oxford Estates, Grantor herein.

SUBJECT, NEVERTHELESS to the restrictions of Oxford Estates.

PARCEL IDENTIFICATION NO: 35-009-0001-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Garry L. Unger and Deborah J.

Unger, his wife, by Deed from Oxford Estates, a General Partnership by Mary Lee Kuhn, its attorney-in-fact, specially made and constituted by power-of-attorney dated October 9, 1985, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 410, at page 761, dated 12/12/1985, recorded 12/17/1985, in Deed Book 415, page 710.

Premises being: 53 East Locust Lane, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Garry Unger a/k/a Garry Lee Unger & Deborah Unger a/k/a Deborah J. Unger** and to be sold by me.

James W. Muller-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 August 3, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-303 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, designated as Tract 1, with the improvements thereon erected, located in Latimore Township, Adams County, Pennsylvania, as shown on a survey prepared by Martin W. Ovensgroes dated January 18, 1971 more fully bounded limited and described as follows, to wit:

BEGINNING at a point in the center of the East Berlin-Braggtown State Highway (Legislative Route No. 01008), also known as Braggtown Road; thence North 20° 14' 45" East, a distance of 300.00 feet to a point, thence North 89° 00' 00" East, a distance of 440.55 feet to a point; thence South 1° 00' 00" East, a distance of 279.62 feet to a point; thence South 89° 00' 00" West, a distance of 549.23 feet to a point and the place of BEGINNING. CONTAINING 3.18 acres.

BEING Tax Map K4 Parcel 23

BEING the same premises conveyed unto Joanne M. Grove, unmarried, by Deed dated 08/24/99 and recorded 09/14/99 in Deed Book Volume 1914, page 121, granted and convey from Joanne M. Grove, unmarried, and Albert J. Crowl, Sr., unmarried.

BEING KNOWN AS: 1836 Braggtown Road (Latimore Township), East Berlin, PA 17316

PROPERTY ID NO.: K4-23

TITLE TO SAID PREMISES IS VESTED IN Albert J. Crowl, Sr., unmarried and Joanne M. Grove, unmarried, as joint tenants with the right of survivorship by deed from Joanne M. Grove, unmarried dated 08/30/04 recorded 10/04/04 in Deed Book 3724 Page 193.

SEIZED and taken into execution as the property of **Joanne M. Grove & Albert J. Crowl, Sr.** and to be sold by me.

James W. Muller-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 August 10, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately May 1, 2007, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of MYERS FLOORS & INTERIORS, with its principal place of business at 6185 Baltimore Pike, Littlestown, PA 17340. The names and addresses of the persons owning or interested in said business are Willis, Virginia & Michael Myers, residing at 356 E. King Street, Littlestown, PA 17340. The character or nature of the business is Flooring & Tile Sales & Installation.

6/22

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-354 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two tracts of land situate, lying and being in Carroll Valley Borough, bounded and described as follows:

TRACT NO. 1: Lot No. 37 in Section H:

BEGINNING at a point in the center of High Ridge Drive at Lot No. 36; thence by said lot, North 68 degrees 41 minutes West, 200 feet to lands now or formerly of Charnita, Inc.; thence by said lands, North 21 degrees 19 minutes East, 134.91 feet to a point; thence continuing by said lands, North 40 degrees 54 minutes East, 82.38 feet to Lot No. 38; thence by said lot, South 49 degrees 06 minutes East, 200 feet to a point in the center of said High Ridge Drive; thence in said High Ridge Drive, South 40 degrees 54 minutes West, 47.56 feet to a point in said High Ridge Drive; thence continuing in said High Ridge Drive, South 21 degrees 19 minutes West, 100.39 feet to the place of BEGINNING.

TRACT NO. 2: Lot No. 36 in Section H:

BEGINNING at a point in the center of High Ridge Drive at Lot No. 35; thence by said lot, North 68 degrees 41 minutes West, 200 feet to other lands; thence by said lands, North 21 degrees 19 minutes East, 100 feet to Lot No. 37; thence by said lot, South 68 degrees 41 minutes East, 200 feet to a point in the center of said High Ridge Drive; thence in said High Ridge Drive, South 21 degrees 19 minutes West, 100 feet to the place of BEGINNING.

BEING the same premises which Landtech & Landhunt, Inc. by Deed dated August 23, 1996 and recorded in the Adams County Recorder of Deeds Office on September 9, 1996 in Deed Book 1254, Page 0340, granted and conveyed unto Brian R. Gregg and Mary Francis Gregg, husband and wife.

Premises Being: 35 Ridge Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Brian R. Gregg & Mary F. Gregg a/k/a Mary Frances Gregg** and to be sold by me.

James W. Muller-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 August 10, 2007,

and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-326 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at or near the Northerly edge of L.R. 01014 (Harney Road), at the Southeastern most corner of Lot No. 3 as shown on the hereinafter referred to subdivision plan; thence from said point of beginning along said Lot. No. 3, the following two (2) courses and distances: (1) through a steel pin twenty-five (25) feet from the beginning of the course, North five (05) degrees seven (07) minutes one (01) seconds West, two hundred sixty-four and twelve hundredths (264.12) feet to a steel pin; (2) South eighty-four (84) degrees fifty-two (52) minutes (59) seconds West, one hundred seventy (170) feet to a steel pin at lands now or formerly of Franklin W. Baker, of the grantees herein, as shown on the hereinafter referred to subdivision plan; thence along said last mentioned lands now or formerly of Franklin W. Baker, North five (05) degrees seven (07) minutes one (1) second West, two hundred five (205) feet to a steel pin at Lot No. 1 on the hereinafter referred to subdivision plan; thence along said Lot No. 1 the following two (2) courses and distances: (1) North eighty-four (84) degrees fifty-two (52) minutes (59) seconds East, one hundred ninety-five (195) feet to a steel pin; (2) South five (05) degrees seven (07) minutes one (1) second East through a steel pin twenty-five (25) feet from the end of this course, four hundred seventy-one and sixty-nine hundredths (471.69) feet to a point in the aforesaid L.R. 01014 (Harney Road); thence in and along L.R. 01014 (Harney Road), by a curve to the left having a

radius of one thousand seven hundred eighty-four and eight hundredths (1,784.08) feet, the long chord of which is North eighty-nine (89) degrees fourteen (14) minutes forty-four (44) seconds West, twenty-five and thirteen hundredths (25.13) feet for an arc distance of twenty-five and thirteen hundredths (25.13) feet to the point and place of BEGINNING.

CONTAINING 1.070 acres.

TITLE TO SAID PREMISES IS VESTED IN Kimberly M. Kraft and Curtis W. Colson by deed from Brian Chilcoat and Lisa Chilcoat, husband and wife, dated 8/31/2005 and recorded 2/9/2006 in Deed Book 4310, Page 64.

Map and Parcel No.: 15-118-26V

Being Known As: 2242 Harney Road, Littlestown, PA 17340.

SEIZED and taken into execution as the property of **Kimberly M. Kraft & Curtis W. Colson** and to be sold by me.

James W. Muller-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 August 10, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-334 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of Land, as improved, situate in Mount Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point at or near the centerline of S.R. 2002 (Whitehall Rd.), said point being S. 51 degrees 23 minutes 42 seconds E., 100 feet from an existing railroad spike in said S.R. 2002 (Whitehall Rd.) at lands now or formerly of David J. Orndorff, as shown on the hereinafter referred to subdivision plan; thence from said point of beginning in and along S.R. 2002 (Whitehall Rd.), S. 51 degrees 23 minutes 42 seconds E., 395 feet to a point at Lot No. 3 on the hereinafter referred to subdivision plan; thence along said Lot No. 3, the following three courses and distances:

1. Through a steel pin set 25 feet from the beginning of this course, S. 50 degrees 45 minutes W., 355.95 feet to a steel pin set;

2. N. 47 degrees 25 minutes 37 seconds W., 343.42 feet to a steel pin set;

3. N. 42 degrees 34 minutes 23 seconds E. through a steel pin set 25 feet from the end of this course, 325 feet to a point at or near the aforesaid centerline of S.R. 2002 (Whitehall Rd.), the point and place of BEGINNING.

CONTAINING 2.859 Acres.

Parcel# 114-48

165 Whitehall Rd., Littlestown, PA 17340, Adams County

TITLE TO SAID PREMISES IS VESTED IN Darin E. Cassell, by Deed from Darin E. Cassell and Melinda R. Cassell, husband and wife, dated 11/27/1996, recorded 12/06/1996, in Deed Book 1299, page 206

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

James W. Muller-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 August 10, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-162 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate, lying and being in Franklin Township, Adams County, Pennsylvania, containing 6.7478 Acres, having an address of 126 Old Route 30, bounded and described as follows:

BEGINNING at a point in the center line of Legislative Route 01077 at corner of other lands now or formerly of John Whitney; thence in said center line of Legislative Route 01077 South 5 degrees 40 minutes East, 89.77 feet to a point in the center line of said Legislative Route 01077 at land now or formerly of James Sharrah; thence through an iron pin set back along the line by other land now or formerly of James Sharrah South 34 degrees 36 minutes West, 182.41 feet to an iron pipe; thence by land of James Sharrah and Mrs. Lottie Topper South 57 degrees 33 minutes East, 117.93 feet to an iron pipe; thence by other land formerly of Calvin Cluck and wit South 30 degrees 12 minutes West, 168.11 feet to an iron pin; thence by same South 25 degrees 38 minutes West, 808.79 feet to an iron pipe; thence by land now or formerly of Mark Bucher, North 55 degrees 9 minutes West, 306.35 feet to an iron pipe; thence by other land formerly of Cluck North 37 degrees 25 minutes East, formerly of John Whitney and through an iron pin set back along the line 29.90 feet North 34 degrees 37 minutes East, 322.80 feet to a point in the center of Legislative Route 01077 to the point and place of BEGINNING. CONTAINING 6.7478 acres.

TITLE TO SAID PREMISES IS VESTED IN Ronald D. Barnhart, single person, by deed from Cindy L. Reaver, widow, dated 9/9/05 recorded 9/15/05 in Book 4126 Page 201.

Premises being: 126 Old Route 30, McKnightstown, PA 17343

Tax Parcel No. 12-D11-0095A-000

SEIZED and taken into execution as the property of **Ronald D. Barnhart a/k/a**

**Ronald David Barnhart** and to be sold by me.

James W. Muller-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 August 10, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6

## DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN TO ALL persons interested or who may be affected, that the shareholders of KUNTZ ORCHARDS, INC., a Pennsylvania corporation, with its registered office located at 6415 Oxford Road, Gardners, PA 17324, has filed Articles of Dissolution with the Department of State in Harrisburg. Pursuant to and in accordance with the provisions of the Business Corporation Law of 1988, the said Corporation is winding up and settling its affairs in the manner prescribed by said law so that its corporate existence shall be ended upon issuance of a Certificate of Dissolution by the Department of State of the Commonwealth of Pennsylvania pursuant to the provisions of Section 1975(b) of the Pennsylvania Business Corporation Law of 1988.

Kuntz Orchards, Inc.  
By: Vicki Ann Trimmer, Esq.  
Mette, Evans & Woodside  
3401 North Front Street  
P.O. Box 5950  
Harrisburg, PA 17110-0950

6/22 & 29

**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 RUTH A. BIESECKER, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Co-Executors: H. Wayne Biesecker and Darlene L. Cutshall, c/o H. Wayne Biesecker, 691 Winebary Circle, Lewisberry, PA 17339

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

**ESTATE OF KATHRYN V. BOLLINGER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executors: Wayne A. Bollinger, 63 Shorbs Hill Road, Hanover, PA 17331; David R. Bollinger, 2699 Baltimore Pike, Hanover, PA 17331

Attorney: George W. Swartz, II, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

**ESTATE OF MARY ROSE KLINGER, DEC'D**

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: Richard P. Falcone, 205 Midclass Court, Apt. 3-B, Baltimore, MD 21220

Attorney: Matthew R. Battersby, Esq., 20 W. Main St., P.O. Box 215, Fairfield, PA 17320

**ESTATE OF PAUL G. PITZER, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

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

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

**ESTATE OF JAY C. SWISHER, DEC'D**

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Co-Executors: Jay C. Swisher, Jr., 535 Park Drive, Boiling Springs, PA 17007; Fannie Mae Woerner, 990 Old Mill Road, Gettysburg, PA 17325

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

**ESTATE OF ALFRED F. WALLS, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Timothy A. Walls, c/o Timothy J. Shultis, 249 York Street, Hanover, PA 17331

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

**ESTATE OF GEORGE D. WOLF, JR., DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Harold E. Wolf, 104 Sunrise Avenue, New Cumberland, PA 17090

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

**ESTATE OF LLOYD M. ZINN, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Philip L. Zinn, 68 Spring Lane Road, Dillsburg, PA 17019; Judith Ann Shumaker, 209 North Baltimore Street, Dillsburg, PA 17019

Attorney: Heather D. Royer, Esq., Smigel, Anderson & Sacks, LLP, 4431 North Front Street, Harrisburg, PA 17110

**SECOND PUBLICATION****ESTATE OF JOAN C. BATHON, DEC'D**

Late of Berwick Township, Adams County, Pennsylvania

Elizabeth M. Brown and Ann C. Bathon a/k/a Ann C. Shultis, c/o Miller & Shultis, P.C., 249 York Street, Hanover, PA 17331

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

**ESTATE OF MARY A. BAUMGARDNER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Michael R. Baumgardner, P.O. Box 3894, Gettysburg, PA 17325; Diane L. Bollinger, 5130 Littlestown Pike, Westminster, MD 21158

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

**ESTATE OF ESTALENE A. BUMBAUGH, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Donna M. Breon, 34 Fifth Street, Biglerville, PA 17307

Attorney: John J. Murphy III, Esq., Patrono & Associates, LLC, 30 West Middle Street, Gettysburg, PA 17325

**ESTATE OF M. FRANCES GILBERT, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Personal Representative: Peggy Ann Diveley, 150 Brysonia School Road, Biglerville, PA 17307

Attorney: Scott M. Dinner, Esq., 3117 Chestnut Street, Camp Hill, PA 17011

**ESTATE OF FREDA O. KUHN, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Talmadge V. Lockamy, c/o 135 North George Street, York, PA 17401

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

**ESTATE OF DONALD H. WILLIAMS, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Stephen W. Williams, 176 Gordon Avenue, Gettysburg, PA 17325; Karen S. Thomas, 111 Kime Avenue, Bendersville, PA 17306

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

**THIRD PUBLICATION****ESTATE OF CLAYTON D. CHAMBERLIN a/k/a CLAYTON DANIEL CHAMBERLIN, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executrices: Beverly Cooper, 48 Lincoln Terrace Road, Fayetteville, PA 17222; Melinda Kelley, 307 Park Street, P.O. Box 8, Mont Alto, PA 17237

Attorney: Timothy W. Misner, Esq., 39 South Broad Street, Waynesboro, PA 17268-1610

**ESTATE OF ALDA M. COOL, DEC'D**

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Lester L. Cool, 455 Plunkert Road, Littlestown, PA 17340

Attorney: Amy E. W. Ehrhart, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

(continued on page 8)

**THIRD PUBLICATION (continued)**

ESTATE OF ANNA JANE DEAMER,  
DEC'D

Late of Conewago Township, Adams  
County, Pennsylvania

Co-Executors: Cheryl A. Deamer, 297  
Liberty Street, Apt. 96, Little Ferry,  
NJ 07643; Brad A. Deamer, 675  
Delaware Avenue, Apt. 605, Buffalo,  
NY 14209-2236

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

ESTATE OF GEORGE S. WORLEY,  
DEC'D

Late of Union Township, Adams  
County, Pennsylvania

Co-Executors: Marian G. Gladfelder,  
1026 High Street, Hanover, PA  
17331; James D. Worley, 785 Old  
Westminster Road, Hanover, PA  
17331

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

**SHERIFF'S SALE**

IN PURSUANCE of a Writ of Execu-  
tion, Judgment No. 07-S-306 issuing out  
of the Court of Common Pleas of Adams  
County, and to me directed, will be ex-  
posed to Public Sale on Friday, the 20th  
day of July, 2007, at 10:00 o'clock in the  
forenoon at the Sheriff's Office located in  
the Courthouse, Borough of Gettysburg,  
Adams County, PA, the following Real  
Estate, viz.:

ALL that lot of ground situate on the  
East side of North Queen Street in the  
Borough of Littlestown, Adams County,  
Pennsylvania, bounded and described  
as follows:

BEGINNING at a point on the Eastern  
property line of North Queen Street, at a  
mark in the concrete 2 feet from the  
foundation wall on the building line at  
lands now or formerly of William V.  
Sneeringer; thence by the same in an  
Easterly direction for a distance of 181.5  
feet to a stake at public alley; thence by  
said alley in a northerly direction for a  
distance of 40 feet to a stake at other  
land now or formerly of William V.  
Sneeringer; thence by the same in a  
Westerly direction for a distance of 181.5  
feet to a point on the Eastern property  
line of said street; thence by the same in  
a Southerly direction for a distance of 40  
feet to the above described place of  
BEGINNING.

And the said Grantors do hereby  
covenant, promise and agree to and with  
the said Grantees their heirs and  
assigns, by these presents, that they, the  
said Grantors, have not done, commit-  
ted, or knowingly or willingly suffered to  
be done or committed, any act, matter or  
thing whatsoever whereby the premises

granted or and part thereof, is, are, shall  
or may be impeached, charged or  
encumbered, in title, charge, estate or  
otherwise howsoever.

**RECORD OWNER**

TITLE TO SAID PREMISES IS VEST-  
ED IN Ronald L. Ogburn and Barbara J.  
Ogburn, husband and wife, as tenants by  
entirety, by Deed from Judy Lee  
Brownholtz Porter and Ronald Lewis  
Ogburn, executors of the last will and  
testament of Levi A. Ogburn, deceased,  
dated 02/21/1990, recorded 05/23/1990,  
in Deed Book 556, page 276.

Premises being: 323 North Queen  
Street, Littlestown, PA 17340

Tax Parcel No. 27-005-0052-000

SEIZED and taken into execution as the  
property of **Ronald L. Ogburn & Barbara  
J. Ogburn** and to be sold by me.

James W. Muller-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 August 10, 2007,  
and distribution will be made in accor-  
dance with said schedule, unless excep-  
tions are filed thereto within 20 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.

6/22, 29 & 7/6

**NOTICE**

The Borough of East Berlin Borough  
Council will conduct a public hearing on  
and consider the enactment of a pro-  
posed ordinance creating a joint munic-  
ipal authority on Wednesday, August 1,  
2007, at 7:30 P.M. at the East Berlin  
Borough Office, 128 Water Street, East  
Berlin, Pennsylvania. A summary of the  
Ordinance is as follows:

The title of the Ordinance is "AN  
ORDINANCE DEFINING THE INTEN-  
TION OF THE BOROUGH OF EAST  
BERLIN TO ORGANIZE IN CONJUNC-  
TION WITH THE TOWNSHIP OF  
HAMILTON A MUNICIPAL AUTHORITY  
UNDER THE PROVISIONS OF THE  
MUNICIPALITY AUTHORITIES ACT  
FOR THE PURPOSE OF PROVIDING  
WATER AND SEWER SERVICE IN  
EAST BERLIN BOROUGH AND A POR-  
TION OF HAMILTON TOWNSHIP,  
SUCH AUTHORITY TO BE KNOWN AS  
THE 'EAST BERLIN AREA JOINT  
AUTHORITY'; TO APPOINT A GOV-  
ERNING BODY AND AUTHORIZING  
THE EXECUTION AND FILING OF THE

ARTICLES OF INCORPORATION AND  
FURTHER PROVIDING FOR THE SER-  
VICE AREA OF THE AUTHORITY."

Section 1 of the Ordinance states that  
the Borough intends to form, in conjunc-  
tion with Hamilton Township, Adams  
County, Pennsylvania, a municipal  
authority under the provisions of the  
Municipality Authorities Act, as amend-  
ed, 53 Pa. C.S. §§ 5601-5622.

Section 2 of the Ordinance authorizes  
the President and Secretary of Borough  
Council to execute the Articles of  
Incorporation of the municipal authority,  
attached to the Ordinance as Exhibit "A".

Section 3 of the Ordinance sets forth  
the purpose of the Authority.

Section 4 of the Ordinance appoints  
the governing body of the Authority.

Section 5 of the Ordinance grants the  
President and Secretary of Borough  
Council all powers necessary to effectuate  
incorporation of the Authority.

Section 6 of the Ordinance sets forth  
the powers of the Authority.

Section 7 of the Ordinance states that  
the Authority is for the benefit of the pub-  
lic welfare of the Borough.

Section 8 of the Ordinance states that  
nothing contained in the Ordinance shall  
limit the powers of the Borough or  
Borough Council.

Section 9 of the Ordinance discusses  
the effect of a finding of partial invalidity  
on the Ordinance.

Exhibit "A" to the Ordinance is the pro-  
posed Articles of Incorporation of the  
Authority.

At the conclusion of the hearing on the  
Ordinance, Borough Council will vote on  
the passage thereof.

A copy of the Ordinance and exhibits  
thereto may be examined, without  
charge, at the East Berlin Borough  
Office, 128 Water Street, East Berlin,  
Pennsylvania, Monday through Friday,  
7:30 AM to 4:00 PM. Copies of the ordi-  
nance may also be examined at the  
Adams County Law Library and at the  
offices of the *Hanover Evening Sun* and  
the *Adams County Legal Journal*. The  
public is cordially invited to attend the  
hearing. If you are a person who  
requires accommodations to attend the  
meeting or in reviewing or obtaining  
copies of the proposed ordinance,  
please contact the East Berlin Borough  
Secretary at the East Berlin Borough  
Office, 128 Water Street, East Berlin,  
Pennsylvania, or contact her by phone  
Monday through Friday, 7:30 AM to 4:00  
PM at (717) 259-9224.

Respectfully submitted,  
Matthew R. Battersby,  
Borough Solicitor

# Adams County Legal Journal

Vol. 49

June 29, 2007

No. 6, pp. 28-36

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1133 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of August, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground located along the South side of West Middle Street, in the Borough of Gettysburg, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at the Northeast corner of Lot now or formerly of Harold Myers on the South side of the aforesaid tract; thence with said street in an Easterly direction twenty-one (21) feet, more or less, to a corner of Lot now or formerly of Edward J. Myers in a Southerly direction

one hundred eighty (180) feet to a public alley; thence with said alley in a Westerly twenty-one (21) feet, more or less, to Lot now or formerly of Harold Myers; thence with said Lot now or formerly of Harold Myers in a Northerly direction one-hundred eighty (180) feet to the place of BEGINNING.

BEING the same premises which Patsy L. Braithwalte by Deed dated June 11, 2005 and recorded in the Adams County Recorder of Deeds Office on July 29, 2005 in Deed Book 4062, page 82, granted and conveyed unto Kathy Oberlin.

Premises Being: 324 W. Middle Street, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Kathy Oberlin & The United States of America** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 7, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.


6/29, 7/6 & 13

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-279 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Thomas Drive and Lot No. 178; thence along Lot No. 178, South seventy-six (76) degrees forty-seven (47) minutes twenty (20) seconds West, one hundred twenty-four and ninety-nine hundredths (124.99) feet to a point at Lot No. 160; thence along Lot No. 160, North thirteen (13) degrees twelve (12) minutes forty (40) seconds West, eighty (80.00) feet to a point at Lot No. 176; thence along Lot No. 176, North seventy-six (76) degrees forty-seven (47) minutes twenty (20) seconds East, one hundred twenty-four and ninety-nine hundredths (124.99) feet to a point at Thomas Drive; thence along Thomas Drive, South thirteen (13) degrees twelve (12) minutes forty (40) seconds East, eighty (80.00) feet to the point and place of BEGINNING. CONTAINING 9,999 square feet and identified as Lot No. 177 on a plan of lots entitled Section Two, Phase 'B', Sherry Village, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 60, page 30.

IT BEING the same which Mary Loe Kuhn and John H. Kuhn, her husband, by their deed dated February 17, 1995, and recorded February 21, 1995 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 997 at page 271, sold and conveyed unto Rhonda A. Harbaugh and Vanessa E. Birgensmith, as joint tenants with the right of survivorship.

UNDER AND SUBJECT to the restrictions for Sherry Village, recorded in the Adams County Recorder of Deeds Office in Misc. Book 31, page 963.

1) Vested by Warranty Deed, dated 9/1/2006, given by Rhonda A. Harbaugh, single person and Vanessa E. Birgensmith, single person to Joanne M.

Seeley, married individual and recorded 9/5/2006 in Book 4456 Page 95 Instrument # 1183649

Real Property Owner: Joanne M. Seeley

Premises being: 65 Thomas Drive, McSherrystown, PA 17344

Tax Parcel No. 08-101-0050-00

SEIZED and taken into execution as the property of **Joanne M. Seeley a/k/a Joanne M. Paul a/k/a Joanne M. Aumen a/k/a Joanne Marie Seeley** and to be sold by me.

James W. Muller-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 August 3, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/15, 22 & 29

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-303 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, designated as Tract 1, with the improvements thereon erected, located in Latimore Township, Adams County, Pennsylvania, as shown on a survey prepared by Martin W. Ovgengros dated January 18, 1971 more fully bounded limited and described as follows, to wit:

BEGINNING at a point in the center of the East Berlin-Braggtown State Highway (Legislative Route No. 01008), also

known as Braggtown Road; thence North 20° 14' 45" East, a distance of 300.00 feet to a point, thence North 89° 00' 00" East, a distance of 440.55 feet to a point; thence South 1° 00' 00" East, a distance of 279.62 feet to a point; thence South 89° 00' 00" West, a distance of 549.23 feet to a point and the place of BEGINNING. CONTAINING 3.18 acres.

BEING Tax Map K4 Parcel 23

BEING the same premises conveyed unto Joanne M. Grove, unmarried, by Deed dated 08/24/99 and recorded 09/14/99 in Deed Book Volume 1914, page 121, granted and convey from Joanne M. Grove, unmarried, and Albert J. Crowl, Sr., unmarried.

BEING KNOWN AS: 1836 Braggtown Road (Latimore Township), East Berlin, PA 17316

PROPERTY ID NO.: K4-23

TITLE TO SAID PREMISES IS VESTED IN Albert J. Crowl, Sr., unmarried and Joanne M. Grove, unmarried, as joint tenants with the right of survivorship by deed from Joanne M. Grove, unmarried dated 08/30/04 recorded 10/04/04 in Deed Book 3724 Page 193.

SEIZED and taken into execution as the property of **Joanne M. Grove & Albert J. Crowl, Sr.** and to be sold by me.

James W. Muller-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 August 10, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6

## KNAUPP ET AL VS. BOLEN ET AL

1. Parents have a duty to exercise reasonable care to protect their minor children and keep them from danger.

2. The proper test of a parent's conduct is this: what would an ordinarily reasonable and prudent parent have done in similar circumstances? A mere misjudgment in supervising one's child would not necessarily constitute a tortious breach of duty.

3. Under a theory of negligent entrustment, liability is imposed because of a person's actions in relation to the instrumentality or activity under his or her control. The fact that the instrumentality or activity at issue is under the control of a minor is of little import.

4. The theories of negligent supervision and negligent entrustment are entirely different legal theories requiring entirely different proof. Essential to the theory of negligent supervision is the ability of one party to control or supervise the conduct of another.

5. Punitive damages are penal in nature and are proper only in cases where the defendant's actions are so outrageous as to demonstrate willful, wanton or reckless conduct.

6. When assessing the propriety of the imposition of punitive damages, the state of mind of the actor is vital. The act, or failure to act, must be intentional, reckless or malicious.

7. In Pennsylvania, a punitive damages claim must be supported by evidence sufficient to establish that (1) a defendant had a subjective appreciation of the risk of harm to which the plaintiff was exposed and that (2) he acted, or failed to act, as the case may be, in conscious disregard of that risk.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 05-S-453, KYLE KNAUPP, BY HIS PARENTS AND NATURAL GUARDIANS, BERNARD KNAUPP AND DOREEN KNAUPP, HUSBAND AND WIFE, AND BERNARD KNAUPP AND DOREEN KNAUPP, IN THEIR OWN RIGHT, VS. CHRIS BOLEN, A MINOR, BY HIS PARENTS AND NATURAL GUARDIANS, DONALD BOLEN AND SANDRA BOLEN, AND CHRIS BOLEN, A MINOR, AND DONALD BOLEN AND SANDRA BOLEN, HUSBAND AND WIFE, AND JOHN SANDERS AND CHERIE SANDERS, HUSBAND AND WIFE, AND DEERE & COMPANY.

Elias B. Landau, Esq., for Plaintiffs

John I. Gordon, Esq., for Defendants Bolen

Gary E. Hartman, Esq., for Defendants Sanders

Frederick E. Blakelock, Esq., for Defendant Deere & Co.

George, J., July 11, 2006.

## OPINION

This matter comes before the Court on the Preliminary Objections of several Defendants to a Second Amended Complaint filed by the Plaintiffs. The Amended Complaint was filed as a result of this Court's Order on previous Preliminary Objections, which struck the Complaint in its entirety, but permitted the Plaintiffs to file an Amended Complaint. As with the previous Complaint, the Second Amended Complaint has prompted a host of preliminary objections by the various parties. Since the Second Amended Complaint contains factual allegations slightly different than the original pleading, a brief history as alleged by that Complaint will be summarized.<sup>1</sup>

On May 26, 2002, Kyle Knaupp ("Knaupp"), a minor, was injured as a result of being thrown from an all-terrain vehicle that he was operating, but was owned by Defendants John and Sherie Sanders.<sup>2</sup> Without identifying the specific location of the accident, the latest version of Knaupp's Complaint alleges that the accident occurred in Adams County, Pennsylvania.<sup>3</sup> Knaupp claims that he has suffered injuries consisting of, inter alia, a fractured arm and elbow as a result of the accident. Knaupp's Second Amended Complaint seeks to recover damages on claims of negligence against the several Defendants, as well as a cause of action for a loss of consortium brought by Knaupp's parents. Since the specific allegations underlying the negligence claims are numerous, they will not be recited herein, except as they apply to the Preliminary Objections raised by the Defendants. For purposes of clarity, the Preliminary Objections will be addressed separately since some objections are raised in the context of the Complaint's application to individual Defendants.

### **DONALD BOLEN'S DEMURRER**

Donald Bolen, in his Preliminary Objection, correctly points out that there are no factual allegations contained in the Second

---

<sup>1</sup>In addressing preliminary objections which include a demurrer to the cause of action, the Court must accept all allegations in the complaint as true. *Sherk v. County of Dauphin*, 614 A.2d 226, 227 (Pa. 1992).

<sup>2</sup>For purposes of this factual background, the designation of the parties as used by Knaupp in his pleadings is repeated herein. This designation should not be interpreted as a determination by the Court as to the true legal names of the parties. In this regard, it is noted that at various times a named Defendant has been identified by the Plaintiff as "Cherie Sanders", "Sherie Sanders" and "Sherry Sanders."

<sup>3</sup>The Court notes that Knaupp's original Complaint alleged that the accident occurred at a Bolen family gathering in the Pocono Mountains, Pennsylvania.

Amended Complaint referencing any acts or omissions by Donald Bolen, although he is named as a Defendant in the caption of this action. His demurrer will therefore be granted. Since the statute of limitations in this matter has expired, Plaintiff will not be given the opportunity to further amend the Complaint. Accordingly, the cause of action against Donald Bolen is dismissed with prejudice.

#### **MOTION TO STRIKE ALLEGATIONS OF INTOXICATION**

Paragraph 28 of Plaintiff's Complaint alleges negligence on the part of Sandra Bolen by "recklessly keeping the minor in an environment while alcoholic beverages were being used up to and beyond the point of intoxication", thereby increasing the risk that the minor Plaintiff would not receive prompt, necessary and appropriate medical attention. Sandra Bolen seeks to strike this allegation on the basis that the probative value, if any, is far outweighed by the danger of prejudice and confusion. In their response to the Preliminary Objections, Plaintiffs concede that they make no specific allegation that Sandra Bolen was intoxicated or nearly intoxicated. Rather, they claim that she kept the minor at a drinking party instead of obtaining appropriate medical care.

This allegation is clearly irrelevant to the material issues of the case. The critical inquiry is whether Sandra Bolen had a duty to obtain prompt medical care for the Plaintiff and was negligent in performing that duty. Absent allegations of intoxication on the part of Sandra Bolen, the allegations concerning the presence of alcohol at the location are both immaterial and prejudicial. Accordingly, Paragraph 28(k) of the Second Amended Complaint is stricken.

#### **MOTION TO STRIKE PARAGRAPH 28**

Paragraph 28 of the Second Amended Complaint alleges that Sandra Bolen was negligent in failing to properly supervise Kyle Knaupp, and in permitting or failing to forbid Knaupp from operating the all-terrain vehicle. Although Bolen classifies the Preliminary Objection as a Motion to Strike, the Preliminary Objection serves as a demurrer to several of the theories of negligence alleged by Knaupp. Essentially, Bolen argues that, as a matter of law, it cannot be negligence for a person, acting *in loco parentis*, to permit a fourteen-year-old to go unattended. This argument is supplemented by the claim that Bolen was not present for the accident and had neither permitted Knaupp to operate the all-terrain vehicle nor had the ability to control the all-terrain vehicle.



“Preliminary objections, the end result of which would be dismissal of a cause of action, should be sustained only in cases that are clear and free from doubt.” *Bower v. Bower*, 611 A.2d 181, 182 (Pa. 1992). “The test is whether it is clear from all of the facts pleaded that the pleader will be unable to prove facts legally sufficient to establish his or her right to relief.” *League of Women Voters of Pa. v. Commonwealth*, 692 A.2d 263, 267 (Pa. Cmwlth. 1997). “In ruling on preliminary objections, all well-pleaded facts in the petition for review and all inferences reasonably deducible therefrom must be accepted as true.” *Id.*

The allegations that are currently at issue find their genesis in the theory of negligent supervision. Pennsylvania Appellate Courts have recognized that “parents have a duty to exercise reasonable care to protect their [minor] children and keep them from danger.” *Miller v. Leljedal*, 455 A.2d 256, 259 (Pa. Cmwlth. 1983). The *Miller* Court sets forth the standard as follows:

[I]n short, although a parent has the prerogative and the duty to exercise authority over his minor child, this prerogative must be exercised within reasonable limits. The standard to be applied is the traditional one of reasonableness, but viewed in light of the parental role. Thus, we think the proper test of a parent’s conduct is this: what would an ordinarily reasonable and prudent *parent* have done in similar circumstances?

*Id.* at 260.

A mere misjudgment in supervising one’s child would not necessarily constitute a tortious breach of duty. In determining whether the bounds of reasonable behavior have been transgressed, all of the relevant facts and circumstances would have to be considered. In a supervision situation, among the foremost are bound to be the existence of the relation of parent and child; the practical responsibilities, expectations and limitations that flow therefrom; and the judgmental nature of the decisions a parent must make in functioning in that capacity.

*Id.* Although Knaupp’s claims against Bolen recognize that a parent/child relationship did not exist, the allegations in the Complaint establish that Bolen was acting *in loco parentis*. It would appear,

therefore, that the reasoning of the *Miller* Court is equally applicable to the current circumstance in clarifying the theory of liability.

After viewing the allegations in Knaupp's Complaint against this legal background, I conclude that a number of the allegations are sufficient to survive demurrer. As noted, Knaupp alleges that Sandra Bolen agreed to undertake the care, custody and control of the minor. The Complaint further alleges that Sandra Bolen was aware that Knaupp would be operating an all-terrain vehicle while under her care. Also, she was aware that Knaupp lacked the experience, skill, training and/or maturity necessary to operate the vehicle safely, yet failed to properly supervise him so as to prevent his operation of the all-terrain vehicle. In light of these allegations, the issue of whether her actions were reasonable is properly submitted to the finder of fact. *Dattola v. Burt Bros., Inc.*, 135 A. 736, 737 (Pa. 1927) (the question of proper supervision, or lack thereof, is one of fact and usually for the jury.) Accordingly, I find that the allegations of paragraphs 28c, 28d, 28e, 28f and 28g are sufficient, at this stage, to survive demurrer.

The allegations in paragraphs 28a and 28b present a slightly different issue. Those allegations include general claims that Sandra Bolen failed to monitor and supervise either Knaupp or her son, Chris Bolen. In *Reardon v. Wilbur*, 272 A.2d 888 (Pa. 1971) the Court held that it was not negligence, as a matter of law, for parents to allow a nine-year-old child to go unattended outside of their home. The general allegations in Knaupp's Complaint, which imply a duty to continuously supervise a fourteen-year-old child, fall into the same category of alleged negligence which our Supreme Court has ruled to be insufficient as a matter of law. Accordingly, the allegations in paragraphs 28a and 28b shall be stricken.

### **MOTION TO STRIKE COUNT III**

In Count III of the Complaint, Knaupp alleges a cause of action against the minor, Chris Bolen on the basis that Chris Bolen negligently permitted Knaupp to operate the all-terrain vehicle and further was negligent in supervising Knaupp. Chris Bolen demurrers on the basis that there is no duty of care owed by him to another minor. Additionally, Chris Bolen argues that the allegations alleged by Knaupp are contrary to facts known by all parties.

Initially, I note that this matter comes before the Court on Preliminary Objections rather than on Motion for Summary

Judgment. The critical distinction between these procedures is that the parties have not yet had the opportunity to develop the undisputed factual background, as would normally occur prior to a notice for summary judgment. Instantly, I must accept all well pled facts in the Complaint as true. *League of Women Voters of Pa.*, 692 A.2d at 267. Therefore, Bolen's argument that the allegations in the Complaint are contrary to the known facts is premature.

In addressing whether a legal duty exists between Chris Bolen and Knaupp, it appears that the Complaint alleges a cause of action for negligent entrustment. Pennsylvania jurisprudence recognizes the tort of negligent entrustment as a valid legal theory under which one may pursue recovery for damages. See *Christiansen v. Silfies*, 667 2d 396, 400 (Pa.Super. 1995). Under a theory of negligent entrustment, liability is imposed because of a person's actions "in relation to the instrumentality or activity under [his or] her control." *Id.* The fact that the instrumentality or activity at issue is under the control of a minor is of little import. In *Frey v. Smith*, 685 A.2d 169 (Pa.Super. 1996), the Superior Court expressly acknowledged that a minor may be found negligent in such circumstances. I find this precedent to be binding on this Court in respect to the majority of Chris Bolen's Motion to Strike Count III.

The Motion to Strike, however, will be sustained in regard to the allegations in sub-paragraphs 43(e), (f) and (g). Those allegations essentially allege a theory based upon Chris Bolen's supervision of Knaupp. As this Court recently recognized in *Garland v. J.W.J., et al*, 05-S-285 (Adams County) (June 9, 2006 Opinion), the theories of negligent supervision and negligent entrustment are entirely different legal theories requiring entirely different proof. Essential to the theory of negligent supervision is the ability of one party to control or supervise the conduct of another. I find no legal support, nor support in the factual background alleged by Knaupp, to establish a duty on the part of a minor, Chris Bolen to supervise another minor, Knaupp. Since the allegations referenced in sub-paragraphs 43(c), (f) and (g) each sound in negligent supervision, they will be stricken.

#### **MOTION TO STRIKE PUNITIVE DAMAGES**

All Bolen Defendants object to Knaupp's demand for punitive damages. For the reasons set forth below, the Preliminary Objections in Regard to Punitive Damages are sustained and all claims for punitive damages are dismissed.

Our Supreme Court has recently discussed the issue of punitive damages in relation to a negligence claim in *Hutchison v. Luddy* as follows:

The standard governing the award of punitive damages in Pennsylvania is settled. 'Punitive damages may be awarded for conduct that is outrageous, because of the defendant's evil motive or his reckless indifference to the rights of others.' As the name suggests, punitive damages are penal in nature and are proper only in cases where the defendant's actions are so outrageous as to demonstrate willful, wanton or reckless conduct. The purpose of punitive damages is to punish a tortfeasor for outrageous conduct and to deter him or others like him from similar conduct. Additionally, this Court has stressed that, when assessing the propriety of the imposition of punitive damages, 'the state of mind of the actor is vital. The act, or the failure to act, must be intentional, reckless or malicious.'

*Hutchison v. Luddy*, 870 A.2d 766, 770 (Pa. 2005) (citations omitted) (quoting *Feld v. Merriam*, 485 A.2d 742 (Pa. 1984)). The Supreme Court further enunciated that "in Pennsylvania, a punitive damages claim must be supported by evidence sufficient to establish that (1) a defendant had a subjective appreciation of the risk of harm to which the plaintiff was exposed and that (2) he acted, or failed to act, as the case may be, in conscious disregard of that risk." *Id.* at 772.

The general theories alleged by Knaupp in his Complaint are negligent supervision and negligent entrustment. The allegations essentially paint a picture of adults, *in loco parentis*, permitting and/or failing to prohibit a minor from operating an all-terrain vehicle without sufficient training. The allegations also include the claim of one minor being negligent in entrusting an all-terrain vehicle to another minor. Other than Knaupp's boilerplate use of the word "reckless", there is nothing in the Complaint to suggest either outrageous or malicious conduct on the part of the Defendants. Critically, there is a paucity of factual allegations evidencing an evil state of mind or even a disregard for a heightened risk of harm greater than ordinary negligence. While I certainly recognize that punitive damages may be appropriate in cases involving negligent supervision, *Hutchison*

cited above, I am unwilling to accept Knaupp's proposition that all cases of negligent supervision or negligent entrustment justify the imposition of punitive damages. Accepting Knaupp's argument that punitive damages are appropriate under the facts alleged in the Complaint would result in a total disregard for Pennsylvania Appellate authority which has historically recognized a requirement of pleading and proving outrageous conduct prior to the imposition of punitive damages. Accordingly, the demands punitive damages will be stricken.

### **DEMURRER**

Defendant, Sandra Bolen, demurs to Knaupp's claim that she was negligent in failing to promptly obtain medical care for Knaupp following the accident. Sandra Bolen objects on the basis that Knaupp's Complaint fails to identify any damages caused as a result of the alleged omissions of Sandra Bolen. Sandra Bolen further argues that she could not be liable as a matter of law for breach of a duty which she had the inability to comply with since, she claims, she did not have permission from Knaupp's parents sufficient to authorize medical treatment. While the facts in this matter which are ultimately developed through discovery may support a pre-trial dispositive motion, I am reminded that at this stage of the litigation I am considering a demurrer. The Complaint specifically alleges that Sandra Bolen's failure to obtain medical treatment "increased the minor Plaintiff's pain and suffering and/or increased the severity and/or duration of his injuries." Second Amended Complaint, paragraph 30. Moreover, whether Sandra Bolen acted reasonably in addressing the injuries suffered by a minor alleged to be under her supervision is a question of fact which is not appropriate for disposition at this stage of the proceedings. Accordingly, this demurrer will be overruled.

### **SANDERS' MOTION TO STRIKE**

Sanders Defendants seek to strike the Complaint against "Cherie" Sanders on the basis that the Defendant's legal name is "Sherry" Sanders. In noting that there have been a number of erroneous references to Sherry Sanders in the various pleadings filed in this matter, Sanders suggests that they "should not have to respond to the careless pleadings filed to date that do not [properly identify Sherry Sanders]". Sanders' Preliminary Objection, paragraph 6. I agree.

The numerous misidentifications of Sherry Sanders only serve to garble what has already a confused history of pleading. Accordingly, the Complaint is dismissed as it relates to any party identified in the Complaint as “Cherie Sanders” or “Sherie Sanders”. Nevertheless, Plaintiff once again will be given the opportunity to file an Amended Complaint.<sup>4</sup> For the foregoing reasons, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 11th day of July, 2006, it is hereby Ordered that the Preliminary Objection of Donald Bolen is sustained, the cause of action against Donald Bolen is dismissed with prejudice. It is further Ordered that Sandra Bolen’s Motion to Strike Sub-Paragraphs 28(a), 28(b) and 28(k) is sustained; the Preliminary Objection of Chris Bolen seeking to strike sub-paragraphs 43(e), 43(f) and 43(g) is sustained; the Bolen’s Demurrer to punitive damages in all counts is sustained; and Sherry Sanders’ Preliminary Objection seeking to strike all claims against her is sustained. All other Preliminary Objections are overruled. Plaintiff is permitted the opportunity to file an Amended Complaint in compliance with the attached Opinion. In that regard, Plaintiff is directed to omit all references in the caption of this matter to those parties who have been dismissed from this litigation. Additionally, improper designation of the Defendant, Sherry Sanders, may result in dismissal of the claims against her with prejudice. Amended Complaint filed pursuant to this Order shall be filed within twenty (20) days of the date of this Order. Should the Plaintiff fail to file an Amended Complaint within the time period set forth herein, this litigation will proceed on the surviving allegations of the Second Amended Complaint, however, the cause of action against Sherry Sanders will be dismissed with prejudice upon Praecipe.

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<sup>4</sup>In granting permission to amend the Complaint, I note that the statute of limitations has expired in this particular matter. However, if an amendment of the pleadings merely corrects the name of a party, such an amendment is permissible after the statute of limitations has run, provided that the adverse party is not deprived of any potential rights. *Peaceman v. Tedesco*, 414 A.2d 1119 (Pa.Cmwlth. 1980). Sherry Sanders appears to have been properly served and has participated in the previous litigation despite having been misidentified in the various pleadings to date. Therefore, amendment will be permitted.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1399 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the state highway running from Fairfield to Emmitsburg (L.R. 01001) at lands now or formerly of George G. Kramer; thence in said highway North 1 degree East 41 perches to an iron pin at or near the West side of said highway; thence in said highway, North 30 degrees 31 minutes East 34.8 perches to a spike; thence in said highway, North 38 degrees 15 minutes East 50.44 perches to an iron pin in said highway at lands of the Pennsylvania Baptist Convention; thence by the same, South 56 degrees 15 minutes East 3.4 perches to an iron pin; thence by the same, North 48 degrees East 12.9 perches to an iron pin; thence by the same, North 2 degrees 15 minutes West 5 perches to an iron pin; thence by the same, North 75 degrees 10 minutes West 3 perches to an iron pin near the East side of the state highway aforesaid; thence entering said highway and in the same North 6 degrees 15 minutes West 22.87 perches to an iron pin in the center of said highway at lands now or formerly of Albert F. Flenner; thence by said lands and lands now or formerly of George G. Kramer, North 82 degrees East 95.1 perches to a stone; thence South 2 degrees West 15.4 perches to a stone at lands now or formerly of J. R. Stultz; thence by the same, South 52 degrees 30 minutes West 33.2 perches to a hickory; thence by the same, South 1 degree East 17.4 perches to an elm; thence by the same, South 46 degrees 45 minutes East 38.6 perches to a post; thence by the same, South 33 degrees 30 minutes West 21.8 perches to a post; thence by the same, South 55 degrees 30 minutes East 43 perches to a stake; thence by the same and lands now or formerly of George Eyster Estate, South 27 degrees 45 minutes West 22.4 perches to a stone; thence by the same, South 36 degrees 30 minutes West 40 perches to an iron pin at lands now or formerly of George G. Kramer aforesaid; thence by the same, North 83 degrees 45 minutes West 141.7 perches to a spike, the place of BEGINNING, CONTAINING 123 acres and 98 perches, more or less.

The description was obtained from a draft of survey prepared by Leroy H. Winebrenner, County Surveyor, bearing the dates of July 12, 1961 and November 29, 1961.

Premises Being: 2420 Tract Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **QD Adams County Development Partnership, LP** and to be sold by me.

James W. Muller-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 August 3, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/15, 22 & 29

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-306 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate on the East side of North Queen Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern property line of North Queen Street, at a mark in the concrete 2 feet from the foundation wall on the building line at lands now or formerly of William V. Sneener; thence by the same in an Easterly direction for a distance of 181.5 feet to a stake at public alley; thence by said alley in a northerly direction for a distance of 40 feet to a stake at other land now or formerly of William V. Sneener; thence by the same in a Westerly direction for a distance of 181.5 feet to a point on the Eastern property line of said street; thence by the same in a Southerly direction for a distance of 40 feet to the above described place of BEGINNING.

And the said Grantors do hereby covenant, promise and agree to and with

the said Grantees their heirs and assigns, by these presents, that they, the said Grantors, have not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the premises granted or and part thereof, is, are, shall or may be impeached, charged or encumbered, in title, charge, estate or otherwise howsoever.

## RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Ronald L. Ogburn and Barbara J. Ogburn, husband and wife, as tenants by entirety, by Deed from Judy Lee Brownholtz Porter and Ronald Lewis Ogburn, executors of the last will and testament of Levi A. Ogburn, deceased, dated 02/21/1990, recorded 05/23/1990, in Deed Book 556, page 276.

Premises being: 323 North Queen Street, Littlestown, PA 17340

Tax Parcel No. 27-005-0052-000

SEIZED and taken into execution as the property of **Ronald L. Ogburn & Barbara J. Ogburn** and to be sold by me.

James W. Muller-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 August 10, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Corporation Bureau of the Pennsylvania Department of State, at Harrisburg, Pennsylvania, for the purpose of forming a domestic nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988 (P.L. 1444, No. 177), 15 Pa.C.S.A. '5301 *et seq.*, as amended, having unlimited power to engage in and do any lawful act permitted thereunder.

The name of the corporation is **JAMES SHRINER APPRAISALS, INC.**

Wendy Weikal-Beauchat, Esq.  
Beauchat & Beauchat, LLC  
63 West High Street  
Gettysburg, PA 17325

6/29

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-249 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a magnetic spike near the centerline of Hilltown Road (T-355) which spike is also at the Northeastern-most corner of Lot No. 3 on the hereinafter described plan of lots; thence running in Hilltown Road (T-355) North 88 degrees 36 minutes 00 seconds East, 281.60 feet to a magnetic spike near the centerline of said road, which magnetic spike is located at the corner of Lot No. 1 on the hereinafter described plan of lots; thence running by Lot No. 1 and through a steel rod set back 30 feet from the start of this course South 01 degree 24 minutes 00 seconds East, 320.00 feet to a steel rod; thence continuing by the same South 88 degrees 36 minutes 00 seconds West, 281.60 feet to a steel rod where Lot Nos. 2, 3 and 4 intersect as shown on the hereinafter described plan of lots; thence running by Lot No. 3 on the hereinafter described plan of lots and through a reference steel rod set back 30 feet from the end of this course North 01 degree 24 minutes 00 seconds West, 320.00 feet to a magnetic spike near the centerline of Hilltown Road (T-355), the point and place of BEGINNING. CONTAINING 2.069 acres, more or less.

The description was taken from a survey prepared by J. Riley Redding, R.S., dated February 24, 1998 and recorded in Adams County Plat Book 74 at page 29A. The tract described is Tract No. 4 on said plan of lots.

TITLE TO SAID PREMISES IS VESTED IN Ronald D. Barnhart, single person, by Deed from Michael W. Schaefer and Rebecca S. Schaefer, husband and wife, dated 11/23/2005, recorded 12/01/2005, in Deed Book 4227, page 63.

Premises being: 574 Hilltown Road, Gettysburg, PA 17325

Tax Parcel No. 12-D10-0015C-000

SEIZED and taken into execution as the property of **Ronald D. Barnhart** and to be sold by me.

James W. Muller-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 August 3, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/15, 22 & 29

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-246 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the property line of East Locust Lane at corner of Lot No. 40 on the hereinafter referred to plan of lots; thence along Lot No. 40, North seven (7) degrees eighteen (18) minutes thirty-one (31) seconds East, one hundred sixty and seventeen hundredths (160.17) feet to a point at lands now or formerly of Lloyd E. Eckert; thence along same, South fifty-three (53) degrees twenty-eight (28) minutes fifty (50) seconds East, ninety-nine and sixty-four hundredths (99.64) feet to a point at Lot No. 38 on said plan; thence along Lot No. 38, South eighteen (18) degrees four (4) minutes three (3) seconds West, one hundred nineteen and seventy-three hundredths (119.73) feet to a point on the property line of East Locust Lane, aforesaid; thence along same, by a curve to the left, the radius of which is three hundred forty-six and thirteen hundredths (346.13) feet, for an arc length of sixty-five (65) feet, and having a long chord bearing and distance of North seventy-seven (77) degrees eighteen (18) minutes forty-three (43) seconds West, sixty-four and ninety hundredths (64.90) feet to a point at Lot No. 40, the point and place of BEGINNING. (CONTAINING 10,766.645 square feet or 0.247 acres and being known as Lot No. 39 on a plan of lots of Oxford Estates, Phase V, dated September 11, 1985, and recorded in the Office of the Recorder of Deeds of

Adams County, Pennsylvania, in Plan Book 42, at Page 64.)

IT BEING a part of the same tract of land which Melvin M. Sharrer, Jr., et ux., et al., by their deed dated February 24, 1983, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 368, at page 536, granted and conveyed unto Oxford Estates, Grantor herein.

SUBJECT, NEVERTHELESS to the restrictions of Oxford Estates.

PARCEL IDENTIFICATION NO: 35-009-0001-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Garry L. Unger and Deborah J. Unger, his wife, by Deed from Oxford Estates, a General Partnership by Mary Lee Kuhn, its attorney-in-fact, specially made and constituted by power-of-attorney dated October 9, 1985, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 410, at page 761, dated 12/12/1985, recorded 12/17/1985, in Deed Book 415, page 710.

Premises being: 53 East Locust Lane, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Garry Unger a/k/a Garry Lee Unger & Deborah Unger a/k/a Deborah J. Unger** and to be sold by me.

James W. Muller-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 August 3, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-354 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two tracts of land situate, lying and being in Carroll Valley Borough, bounded and described as follows:

TRACT NO. 1: Lot No. 37 in Section H:

BEGINNING at a point in the center of High Ridge Drive at Lot No. 36; thence by said lot, North 68 degrees 41 minutes West, 200 feet to lands now or formerly of Chamita, Inc.; thence by said lands, North 21 degrees 19 minutes East, 134.91 feet to a point; thence continuing by said lands, North 40 degrees 54 minutes East, 82.38 feet to Lot No. 38; thence by said lot, South 49 degrees 06 minutes East, 200 feet to a point in the center of said High Ridge Drive; thence in said High Ridge Drive, South 21 degrees 19 minutes West, 100.39 feet to the place of BEGINNING.

TRACT NO. 2: Lot No. 36 in Section H:

BEGINNING at a point in the center of High Ridge Drive at Lot No. 35; thence by said lot, North 68 degrees 41 minutes West, 200 feet to other lands; thence by said lands, North 21 degrees 19 minutes East, 100 feet to Lot No. 37; thence by said lot, South 68 degrees 41 minutes East, 200 feet to a point in the center of said High Ridge Drive; thence in said High Ridge Drive, South 21 degrees 19 minutes West, 100 feet to the place of BEGINNING.

BEING the same premises which Landtech & Landhunt, Inc. by Deed dated August 23, 1996 and recorded in the Adams County Recorder of Deeds Office on September 9, 1996 in Deed Book 1254, Page 0340, granted and conveyed unto Brian R. Gregg and Mary Francis Gregg, husband and wife.

Premises Being: 35 Ridge Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Brian R. Gregg & Mary F. Gregg a/k/a Mary Frances Gregg** and to be sold by me.

James W. Muller-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 August 10, 2007,

and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-326 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at or near the Northerly edge of L.R. 01014 (Harney Road), at the Southeastern most corner of Lot No. 3 as shown on the hereinafter referred to subdivision plan; thence from said point of beginning along said Lot No. 3, the following two (2) courses and distances: (1) through a steel pin twenty-five (25) feet from the beginning of the course, North five (05) degrees seven (07) minutes one (01) seconds West, two hundred sixty-four and twelve hundredths (264.12) feet to a steel pin; (2) South eighty-four (84) degrees fifty-two (52) minutes (59) seconds West, one hundred seventy (170) feet to a steel pin at lands now or formerly of Franklin W. Baker, of the grantees herein, as shown on the hereinafter referred to subdivision plan; thence along said last mentioned lands now or formerly of Franklin W. Baker, North five (05) degrees seven (07) minutes one (1) second West, two hundred five (205) feet to a steel pin at Lot No. 1 on the hereinafter referred to subdivision plan; thence along said Lot No. 1 the following two (2) courses and distances: (1) North eighty-four (84) degrees fifty-two (52) minutes (59) seconds East, one hundred ninety-five (195) feet to a steel pin; (2) South five (05) degrees seven (07) minutes one (1) second East through a steel pin twenty-five (25) feet from the end of this course, four hundred seventy-one and sixty-nine hundredths (471.69) feet to a point in the aforesaid L.R. 01014 (Harney Road); thence in and along L.R. 01014 (Harney Road), by a curve to the left having a

radius of one thousand seven hundred eighty-four and eight hundredths (1,784.08) feet, the long chord of which is North eighty-nine (89) degrees fourteen (14) minutes forty-four (44) seconds West, twenty-five and thirteen hundredths (25.13) feet for an arc distance of twenty-five and thirteen hundredths (25.13) feet to the point and place of BEGINNING.

CONTAINING 1.070 acres.

TITLE TO SAID PREMISES IS VESTED IN Kimberly M. Kraft and Curtis W. Colson by deed from Brian Chilcoat and Lisa Chilcoat, husband and wife, dated 8/31/2005 and recorded 2/9/2006 in Deed Book 4310, Page 64.

Map and Parcel No.: 15-118-26V

Being Known As: 2242 Harney Road, Littlestown, PA 17340.

SEIZED and taken into execution as the property of **Kimberly M. Kraft & Curtis W. Colson** and to be sold by me.

James W. Muller-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 August 10, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Corporation Bureau of the Pennsylvania Department of State, at Harrisburg, Pennsylvania, for the purpose of forming a domestic business corporation under the Pennsylvania Business Corporation Law of 1988 (P.L. 1444, No. 177), 15 Pa.C.S.A. '1301 et seq., as amended, having unlimited power to engage in and do any lawful act permitted thereunder.

The name of the corporation is GETTYSBURG BATTLEFIELD BED & BREAKFAST INN, INC.

Wendy Weikal-Beauchat, Esq.  
Beauchat & Beauchat, LLC  
63 West High Street  
Gettysburg, PA 17325

6/29

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-334 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of Land, as improved, situate in Mount Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point at or near the centerline of S.R. 2002 (Whitehall Rd.), said point being S. 51 degrees 23 minutes 42 seconds E., 100 feet from an existing railroad spike in said S.R. 2002 (Whitehall Rd.) at lands now or formerly of David J. Orndorff, as shown on the hereinafter referred to subdivision plan; thence from said point of beginning in and along S.R. 2002 (Whitehall Rd.), S. 51 degrees 23 minutes 42 seconds E., 395 feet to a point at Lot No. 3 on the hereinafter referred to subdivision plan; thence along said Lot No. 3, the following three courses and distances:

1. Through a steel pin set 25 feet from the beginning of this course, S. 50 degrees 45 minutes W., 355.95 feet to a steel pin set;

2. N. 47 degrees 25 minutes 37 seconds W., 343.42 feet to a steel pin set;

3. N. 42 degrees 34 minutes 23 seconds E. through a steel pin set 25 feet from the end of this course, 325 feet to a point at or near the aforesaid centerline of S.R. 2002 (Whitehall Rd.), the point and place of BEGINNING.

CONTAINING 2.859 Acres.

Parcel# 114-48

165 Whitehall Rd., Littlestown, PA 17340, Adams County

TITLE TO SAID PREMISES IS VESTED IN Darin E. Cassell, by Deed from Darin E. Cassell and Melinda R. Cassell, husband and wife, dated 11/27/1996, recorded 12/06/1996, in Deed Book 1299, page 206

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

James W. Muller-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 August 10, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-162 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of July, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate, lying and being in Franklin Township, Adams County, Pennsylvania, containing 6.7478 Acres, having an address of 126 Old Route 30, bounded and described as follows:

BEGINNING at a point in the center line of Legislative Route 01077 at corner of other lands now or formerly of John Whitney; thence in said center line of Legislative Route 01077 South 5 degrees 40 minutes East, 89.77 feet to a point in the center line of said Legislative Route 01077 at land now or formerly of James Sharrah; thence through an iron pin set back along the line by other land now or formerly of James Sharrah South 34 degrees 36 minutes West, 182.41 feet to an iron pipe; thence by land of James Sharrah and Mrs. Lottie Topper South 57 degrees 33 minutes East, 117.93 feet to an iron pipe; thence by other land formerly of Calvin Cluck and wit South 30 degrees 12 minutes West, 168.11 feet to an iron pin; thence by same South 25 degrees 38 minutes West, 808.79 feet to an iron pipe; thence by land now or formerly of Mark Bucher, North 55 degrees 9 minutes West, 306.35 feet to an iron pipe; thence by other land formerly of Cluck North 37 degrees 25 minutes East, formerly of John Whitney and through an iron pin set back along the line 29.90 feet North 34 degrees 37 minutes East, 322.80 feet to a point in the center of Legislative Route 01077 to the point and place of BEGINNING. CONTAINING 6.7478 acres.

TITLE TO SAID PREMISES IS VESTED IN Ronald D. Barnhart, single person, by deed from Cindy L. Reaver, widow, dated 9/9/05 recorded 9/15/05 in Book 4126 Page 201.

Premises being: 126 Old Route 30, McKnightstown, PA 17343

Tax Parcel No. 12-D11-0095A-000

SEIZED and taken into execution as the property of **Ronald D. Barnhart a/k/a**

**Ronald David Barnhart** and to be sold by me.

James W. Muller-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 August 10, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/22, 29 & 7/6

## DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN TO ALL persons interested or who may be affected, that the shareholders of KUNTZ ORCHARDS, INC., a Pennsylvania corporation, with its registered office located at 6415 Oxford Road, Gardners, PA 17324, has filed Articles of Dissolution with the Department of State in Harrisburg. Pursuant to and in accordance with the provisions of the Business Corporation Law of 1988, the said Corporation is winding up and settling its affairs in the manner prescribed by said law so that its corporate existence shall be ended upon issuance of a Certificate of Dissolution by the Department of State of the Commonwealth of Pennsylvania pursuant to the provisions of Section 1975(b) of the Pennsylvania Business Corporation Law of 1988.

Kuntz Orchards, Inc.  
By: Vicky Ann Trimmer, Esq.  
Mette, Evans & Woodside  
3401 North Front Street  
P.O. Box 5950  
Harrisburg, PA 17110-0950

6/22 & 29

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-311 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of August, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a P.K. nail located in Legislative Route 01080 at corner of land of Robert Cole; thence in said Legislative Route, North 56 degrees 47 minutes 30 seconds East, 75.32 feet to a P.K. nail; thence in same, North 64 degrees 38 minutes 40 seconds East, 218.52 feet to a P.K. nail; thence in same, North 38 degrees 30 minutes 30 seconds East, 317.13 feet to a P.K. nail; thence in same North 51 degrees 37 minutes 00 seconds East, 160 feet to a railroad spike in said Legislative Route; thence by land of Charles Dettinburn and running through a reference pin located 29.80 feet from the beginning of this line, South 30 degrees 4 minutes 20 seconds East, 221.37 feet to an iron pin at Land of Herbert Arndt; thence by said land of Herbert Arndt, South 56 degrees 14 minutes 10 seconds West, 781.33 feet to an iron pin at land of Robert Cole; thence by said land of Robert Cole and running through a reference pin located 30 feet from the end of this line, North 17 degrees 16 minutes 40 seconds West, 150.33 feet to a P.K. nail in Legislative Route 01080, the place of BEGINNING. CONTAINING 2.808 Acres.

The above description was taken from a subdivision plan prepared for Herbert M. Arndt by Adams County Surveyors dated May 2, 1977, revised August 9, 1977 and May 24, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 22 at page 23.

Tax Parcel No. 20-E-4-73

Property Address: 2280 Coon Road, Aspers, PA 17304

SEIZED and taken into execution as the property of **Mary F. Yohe & Tony M. Yohe** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 7, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/29, 7/6 & 13

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-379 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of August, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of grounds situate in Mount Joy Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as Lot No. 1024 on a Plan of Lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book 4 at page 778 and Subject to all legal highways, easements, rights of way, covenants and restrictions of record.

TITLE TO SAID PREMISES IS VESTED BY Special Warranty Deed, dated 07/14/2005, given Timothy R. Bauer, single man to Frank Kenneth Price, III and recorded 8/6/2005 in Book 4047 and Page 84.

Parcel Number: 310100058 000

Property Being: 1024 Burn Side Drive, Gettysburg, PA 17325, Adams County, Pennsylvania

SEIZED and taken into execution as the property of **Frank Kenneth Price, III** and to be sold by me.

James W. Muller-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 August 24, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/29, 7/6 & 13

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-304 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of August, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in the Borough of Carroll Valley (formerly Liberty Township), Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Peach Tree Trail (formerly Kramer Trail) at Lot No. 129; thence by said lot North 18 degrees 14 minutes 40 seconds East, 190.89 feet to a point in the center of Maple Trail (formerly Shuff Trail); thence in said Maple Trail North 71 degrees 25 minutes 20 seconds East, 109.44 feet to a point; thence continuing in said Maple Trail South 87 degrees 22 minutes 10 seconds East, 69.89 feet or Lot No. 131; thence by said lot South 2 degrees 37 minutes 20 seconds West, 225 feet to a point in the center of said Peach Tree Trail; thence in said Peach Tree Trail North 87 degrees 22 minutes 40 seconds West, 100 feet to the place of BEGINNING.

Tax Parcel No. 41-5

Property Address: 10 Peach Tree Trail, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Donald L. Harmon & Colleen M. Harmon** and to be sold by me.

James W. Muller-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 August 24, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/29, 7/6 & 13

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-307 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of August, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a stake and stones on line of lands now or formerly of Heideck which stake and stones are North 58 degrees East, 15 feet from a corner of the said land now or formerly of Heideck; thence along other lands now or formerly of Anna K. Rebert and Paul K. Rebert, North 33 degrees 30 minutes West, 200 feet to a stake; thence continuing along same North 58 degrees East, 250 feet to a stake and stones; thence continuing along same South 33 degrees 30 minutes East, 200 feet to a stake and stones on line of lands now or formerly of Heideck; thence along said lands now or formerly of Heideck, South 58 degrees West, 250 feet to the stake and stones, the place of BEGINNING.

CONTAINING 1 Acre and 22 Perches.

TITLE TO SAID PREMISES IS VESTED IN Carl A. Wonders and Patricia J. Wonders, husband and wife, as Tenants of an estate by the entireties, by Deed from Ralph M. Sangrey and Emma Sangrey, husband and wife, dated 02/25/1992, recorded 03/17/1992, in Deed Book 618, page 294.

Premises being: 385 B Church Road, Orrtanna, PA 17353

Tax Parcel No. 12-B09-0118-000

SEIZED and taken into execution as the property of **Carl A. Wonders & Patricia J. Wonders a/k/a Pattie Wonders** and to be sold by me.

James W. Muller-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 August 24, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/29, 7/6 & 13

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-305 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of August, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that real estate situate in Hamiltonban Township, Adams County, Pennsylvania, improved by a dwelling house known as 2376 Iron Spring Road, Fairfield, PA 17320, described as follows:

BEGINNING for the subject tract at a 1 inch iron pipe found on the South side of Iron Springs Road, said pipe being on the Western boundary line of parcel 137-1 on a subdivision Plat for "Section BB of Charnita, Inc." approved by the Hamiltonban Township Supervisors December 15, 1969, and recorded in Subdivision Plan Book 1 at Page 62 of the Adams County Mapping Department; thence along said Western line North 46 degrees 25 minutes 58 seconds West 18.78 feet to a sounding point in the centerline of Iron Springs Road; thence with said centerline, North 57 degrees 36 minutes 28 seconds East 16.89 feet to a sounding point; thence South 45 degrees 02 minutes 31 seconds East 9.77 feet to a point on the South edge of the aforementioned road; thence along the South side of said road, North 59 degrees 28 minutes 59 seconds East 104.70 feet to a 1-1/2 inch iron pipe found; thence North 55 degrees 43 minutes 09 seconds East 49.99 feet to a 2 inch iron pipe found near a utility pole; thence leaving the South side of the road and running South 41 degrees 00 minutes 00 seconds East 365.26 feet to a 1 inch iron pipe found in a stone wall; thence with said stone wall, South 72 degrees 49 minutes 05 seconds West 48.96 feet to a 1-1/2 inch iron pipe found in said wall; thence continuing South 74 degrees 15 minutes 27 seconds West 84.02 feet to a 2 inch iron pipe found; thence along the Southern boundary of the aforementioned parcel 137-1, South 75 degrees 15 minutes 44 seconds West 18.97 feet to a point 0.16 feet from a 3/4 inch iron pipe found; thence North 46 degrees 35 minutes 58 seconds West 321.17 feet to the place of BEGINNING and CONTAINING 1.208 acres of land, more or less, described according to survey of J. Rex Benchoff Surveying and Engineering, dated September 30, 1996,

and intended to be recorded with this deed.

Parcel #18-A17-0027

SEIZED and taken into execution as the property of **Scott D. Fitz** and to be sold by me.

James W. Muller-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 August 24, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/29, 7/6 & 13

## NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Thursday, July 5, 2007, at 9:00 a.m.

**PIEFFER**—Orphans' Court Action Number OC-55-03. The Supplemental Account of Thomas C. Pieffer, Administrator of the Estate of John T. Pieffer, deceased, late of Union Township, Adams County, Pennsylvania.

**SHARRAH**—Orphans' Court Action Number OC-35-07. The First and Final Account of J. Richard Sharrah and Joseph C. Sharrah, Co-Executors of the Estate of Mary M. Sharrah, deceased, late of Straban Township, Adams County, Pennsylvania.

**LAUGHMAN**—Orphans' Court Action Number OC-60-07. The First and Final Account of Stephen M. Hoffman, Executor of the Estate of Alfred Nathaniel Laughman, a/k/a Alfred N. Laughman, deceased, late of Bernwick Township, Adams County, Pennsylvania.

Kelly A. Lawver  
Clerk of Courts

6/22 & 29

**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 THOMAS E. DEHOFF, JR., DEC'D**

Late of Union Township, Adams County, Pennsylvania

Executors: Ronald E. Dehoff, 1870 Harney Road, Littlestown, PA 17340; Janet L. McKinney, 19 Christopher Court, New Oxford, PA 17350

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

**ESTATE OF KENNETH L. DILLON, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executors: Lori M. Dillon, 1221 Buchanan Valley Rd., Orttanna, PA 17353; Kenneth E. Dillon, 11 Tiffany Drive, Shippensburg, PA 17257

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

**ESTATE OF RAYMOND J. GLAD-FELTER a/k/a RAYMOND J. GLAT-FELTER, DEC'D**

Late of Hamilton Township, Adams County, Pennsylvania

Administrator: Raeanne Stumpf, c/o 135 North George St., York, PA 17401

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

**ESTATE OF GERALD W. HELWIG, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Geraldine K. Ernst and Catherine T. Clark, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

**ESTATE OF CHARLES R. HUFF, JR., DEC'D**

Late of the Borough of Littlestown, Adams County, Pennsylvania

Administrator: Wendy S. Huff, 145 W. Myrtle St., Littlestown, PA 17340

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

**ESTATE OF DOROTHY A. KETTER-MAN, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Paul H. Ketterman, 130 Rodas Ave., Gettysburg, PA 17325

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

**ESTATE OF JOAN V. A. MILLER, DEC'D**

Late of Hamilton Township, Adams County, Pennsylvania

Executor: Helen Scheiner, c/o 135 North George St., York, PA 17401

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

**ESTATE OF MARTHA V. MILLER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Thomas E. Schoelkopf, 928 Rivergate Court, Millersville, PA 17036

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

**ESTATE OF KENNETH E. SEASE, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Stacie L. Sease, 1619 Herr's Ridge Rd., Gettysburg, PA 17325

Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

**ESTATE OF LILLIE C. SNYDER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Bruce H. Plunkert and Donna M. Plunkert, c/o Scott A. Ruth, Esq., 4 High Street, Hanover, PA 17331

Attorney: Scott A. Ruth, Esq., 4 High Street, Hanover, PA 17331

**ESTATE OF MARIE A. TIMMINS, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Personal Representative: Sandra A. Timmins, 566 Oxford Avenue, Hanover, PA 17331

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

**SECOND PUBLICATION****ESTATE OF RUTH A. BIESECKER, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Co-Executors: H. Wayne Biesecker and Darlene L. Cutshall, c/o H. Wayne Biesecker, 691 Winebary Circle, Lewisberry, PA 17339

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

**ESTATE OF KATHRYN V. BOLLINGER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executors: Wayne A. Bollinger, 63 Shorbs Hill Road, Hanover, PA 17331; David R. Bollinger, 2699 Baltimore Pike, Hanover, PA 17331

Attorney: George W. Swartz, II, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

**ESTATE OF MARY ROSE KLINGER, DEC'D**

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: Richard P. Falcone, 205 Midlass Court, Apt. 3-B, Baltimore, MD 21220

Attorney: Matthew R. Battersby, Esq., 20 W. Main St., P.O. Box 215, Fairfield, PA 17320

**ESTATE OF PAUL G. PITZER, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

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

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

**ESTATE OF JAY C. SWISHER, DEC'D**

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Co-Executors: Jay C. Swisher, Jr., 535 Park Drive, Boiling Springs, PA 17007; Fannie Mae Woerner, 990 Old Mill Road, Gettysburg, PA 17325

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

**ESTATE OF ALFRED F. WALLS, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Timothy A. Walls, c/o Timothy J. Shullis, 249 York Street, Hanover, PA 17331

Attorney: Timothy J. Shullis, Esq., Miller & Shullis, P.C., 249 York Street, Hanover, PA 17331

**ESTATE OF GEORGE D. WOLF, JR., DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Harold E. Wolf, 104 Sunrise Avenue, New Cumberland, PA 17090

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

(continued on page 10)

**SECOND PUBLICATION (continued)****ESTATE OF LLOYD M. ZINN, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Phillip L. Zinn, 68 Spring Lane Road, Dillsburg, PA 17019; Judith Ann Shumaker, 209 North Baltimore Street, Dillsburg, PA 17019

Attorney: Heather D. Royer, Esq., Smigel, Anderson & Sacks, LLP, 4431 North Front Street, Harrisburg, PA 17110

**THIRD PUBLICATION****ESTATE OF JOAN C. BATHON, DEC'D**

Late of Berwick Township, Adams County, Pennsylvania

Elizabeth M. Brown and Ann C. Bathon a/k/a Ann C. Shultis, c/o Miller & Shultis, P.C., 249 York Street, Hanover, PA 17331

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

**ESTATE OF MARY A. BAUMGARDNER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Michael R. Baumgardner, P.O. Box 3894, Gettysburg, PA 17325; Diane L. Bollinger, 5130 Littlestown Pike, Westminster, MD 21158

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

**ESTATE OF ESTALENE A. BUMBAUGH, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Donna M. Breon, 34 Fifth Street, Biglerville, PA 17307

Attorney: John J. Murphy III, Esq., Patrono & Associates, LLC, 30 West Middle Street, Gettysburg, PA 17325

**ESTATE OF M. FRANCES GILBERT, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Personal Representative: Peggy Ann Diveley, 150 Brysonia School Road, Biglerville, PA 17307

Attorney: Scott M. Dinner, Esq., 3117 Chestnut Street, Camp Hill, PA 17011

**ESTATE OF FRED A. KUHN, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Talmadge V. Lockamy, c/o 135 North George Street, York, PA 17401

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

**ESTATE OF DONALD H. WILLIAMS, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Stephen W. Williams, 176 Gordon Avenue, Gettysburg, PA 17325; Karen S. Thomas, 111 Kime Avenue, Bendersville, PA 17306

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

**SHERIFF'S SALE**

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-408 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of August, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at the Southwest corner of lands of Stanley Koribana and in center line of Township Road No. T-428; thence in and along said Road, South 81 degrees 57 minutes 00 seconds West, 27.28 feet to a point; thence continuing in said Road, North 82 degrees 02 minutes 35 seconds West, 152 feet to a point in center line of said Road; thence leaving said Township Road No. T-428 and along lands of Glenn E. Sell, North 07 degrees 57 minutes 25 seconds East, 200.00 feet to a point at other lands of Grantors herein; thence along same, South 81 degrees 56 minutes 10 seconds East, 123.07 feet to a corner of lands of Stanley Koribana; thence by said lands of Koribana, South 08 degrees 03 minutes 00 seconds East, 200.00 feet to a point in said Township Road No. T-428, the place of BEGINNING. CONTAINING 30,217 square feet of land.

Tax Parcel No: 35-J-12-67A

Premises Being: 2310 Storms Store Road, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Ann F. Fuhrman & Randal E. Fuhrman** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 7, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

6/29, 7/6 & 13

**INCORPORATION NOTICE**

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on June 13, 2007, for the purpose of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Law of 1988, P.L. 1444, No. 177, as amended. The name of the corporation is JAY MUTCHLER ASSOCIATES, INC., with a registered office of the corporation being 240 Kindig Road, Littlestown, PA 17340.

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

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**LIMITED LIABILITY COMPANY NOTICE**

NOTICE IS HEREBY GIVEN that in compliance with the requirements of 15 Pa.C.S. § 8913, a Certificate of Registration - Domestic Limited Liability Company was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg for the purpose of registering a limited liability company.

The name of the limited liability company is SGF MANAGEMENT, LLC with the principal place of business at 50 Old Mill Road, New Oxford, PA 17350.

The purpose for which the limited liability company was organized is: To engage in and do any lawful act concerning any and all lawful business for which limited liability companies may be formed in accordance with the laws of the Commonwealth of Pennsylvania.

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

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