

Adams County Legal Journal

Vol. 41

March 3, 2000

No. 40, pp. 229-232

CONTINUING LEGAL EDUCATION PROGRAM

LLC's and LLPs in Pennsylvania.

Wednesday, April 12, 2000 – 9:00 a.m. - 12:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 3, Ethics – 0

Agreements of Sale for Residential Real Estate.

Wednesday, April 26, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Understanding Real Estate Appraisals and Appraisers.

Wednesday, May 10, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Alternative Medical Approaches to Reduce Stress.

Wednesday, June 28, 2000 – 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 0, Ethics – 1

Issues in Commercial Mortgage Foreclosures.

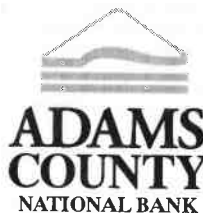
Wednesday, August 9, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-918 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the centerline of New Chester Road (T-514), which point is located at the Southwestern corner of Lot No. 5 on the hereinafter described plan of lots; thence running in the centerline of the New Chester Road (T-514) South 22 degrees 36 minutes 05 seconds West 87.08 feet to a p.k. nail in the centerline of said road; thence running in the centerline of said road and by a curve to the right the radius of which is 741.53 feet with an arc distance of 278.69 feet and a chord bearing of South 34 degrees 29 minutes 00 seconds West for a chord length of 277.05 feet to a p.k. nail in the centerline of New Chester Road; thence continuing in the centerline of New Chester Road South 47 degrees 02 minutes 45 seconds West 204.67 feet to a point in the centerline of said road at the corner of land now or formerly of Randolph Swartz; thence running by land now or formerly of Randolph Swartz and through an existing steel rod set back 22.62 feet from the start of this course North 79 degrees 16 minutes 30 seconds West 277.41 feet to an existing steel rod; thence continuing by the same North 43 degrees 11 minutes 35 seconds West 151.53 feet to an existing steel rod; thence continuing by the same, through an existing steel rod near the line (.3 feet North) 116.1 feet from the start of this course and by Armatha Ford North 62 degrees 56 minutes 35 seconds West 346.98 feet to an existing "eye" steel rod on line of land of Armatha Ford; thence running by land now or formerly of Armatha Ford North 19 degrees 32 minutes 50 seconds East 509.45 feet to a steel rod at the Northwestern corner of Lot No. 5 on the hereinafter described plan of lots; thence running by Lot No. 5 and through a steel rod set back 250 feet from the start of this course and through a steel rod set back 25 feet from the end of this course

South 67 degrees 38 minutes 00 seconds East 924.53 feet to a point in the center of New Chester Road (T-514) the point and place of BEGINNING. CONTAINING 10.905 acres.

The description was taken from a draft of survey of J. Riley Redding, R.S., dated October 25, 1991 and recorded in Adams County Plat Book 61 at Page 15. The lot described is Lot No. 6 on said plan of lots.

PARCEL NUMBER: I-10-15D

TITLE TO SAID PREMISES IS VESTED IN Richard L. Henry and Sherry L. Henry, husband and wife by Deed from Philip Reuben Wessel, single dated 11/9/94 recorded 11/18/94 in Record Book 966 Page 235.

SEIZED and taken into execution as the property of **Richard L. Henry & Sherry L. Henry** and to be sold by me

Raymond W. Newman

Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/3, 10 & 17

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed nonprofit corporation to be organized under the provisions of the Pennsylvania Non-profit Corporation Law of 1988, approved December 21, 1988, 15 Pa.C.S Section 5306. The name of the nonprofit corporation is HUNDREDFOLD, INC.

Sandra Hartzell

3/3

IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY
COMMONWEALTH OF
PENNSYLVANIA
ORPHANS' COURT DIVISION

NOTICE

To: CHARLOTTE ANN POST

No. RT-7-99(B)

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 3, 2000, at 1:00 p.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator
Adams County Courthouse
111- 117 Baltimore Street
Gettysburg, PA 17325

Telephone number: 717-337-9846,
or 1-888-337-9846

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

2/25, 3/3 & 10

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on January 19, 2000.

The name of the corporation is MARK E. AUSTIN BUILDING AND REMODELING, INC.

The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

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

3/3

COMMONWEALTH VS. GREEN

1. The Pennsylvania courts have recognized a qualified privilege with respect to confidential informants which "permits the Commonwealth 'to refrain from disclosing the identity of an informer' and 'limits the prosecution's duty to make available to the defense the names and whereabouts of all material eyewitnesses."

2. There is no fixed rule with respect to disclosure of an informant. "The problem is one that calls for balancing of the public interest in protecting the flow of information against the individual's right to prepare his defense. Whether a proper balance renders nondisclosure erroneous must depend on the particular circumstances of each case, taking into consideration the crime charged, the possible defenses, the possible significance of the informer's testimony and other relevant factors."

3. Before disclosure of an informant's identity will be required, "...more is necessary than a mere assertion by the defendant that such disclosure might be helpful in establishing a particular defense.... Although the defendant plainly cannot be expected to show that such information will actually be helpful to his defense, the record should at least suggest a reasonable possibility that the information might be helpful, so that it would be unfair to withhold it."

4. Ultimately, the decision as to whether or not to order disclosure of an informant's identity is within the discretion of the trial court.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal. Nos. CC-305-98, CC-306-98. COMMONWEALTH VS. EDDIE RAY GREEN.

Michael A. George, Esq., for the Commonwealth
Kevin G. Robinson, Esq., for Defendant

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

Kuhn, J., November 25, 1998.

Appellant, Eddie Ray Green, appeals from a non-jury trial verdict of guilt entered August 24, 1998 on two counts of possession with the intent to deliver a controlled substance in violation of 35 P.S. §780-113(a)(30). Sentence was imposed in both cases on September 28, 1998. In CC-305-98 Appellant was sentenced to 22-48 months of incarceration with a \$250.00 fine plus costs, fees, and restitution. Sentencing for CC-306-98 was virtually identical with only a slight difference in restitution costs.

Appellant raises only one issue in his statement of the matters complained of on appeal. Appellant argues that the Court erred and/or abused its discretion in ruling that Appellant was not entitled to the name of Commonwealth's confidential informant so that said informant could testify at trial.

The facts, taken in the light most favorable to the Commonwealth,

are as follows: Keith Leydig, with the Bureau of Drug and Law Enforcement, was working undercover with a confidential informant on August 21, 1997. Leydig and the confidential informant were in a car with the informant driving. The confidential informant recognized Appellant and asked him for a "fifty," or fifty dollars worth of crack cocaine. Appellant left the area for approximately one and a half minutes and returned with what was later determined to be a bag of crack cocaine.

On September 16, 1997, Leydig and the confidential informant again encountered Appellant while acting undercover in informant's car. Appellant approached the car and Leydig asked him for another "fifty." During both encounters Leydig engaged Appellant in small talk giving him an opportunity to notice Appellant's features, including a tattoo with a heart on his left forearm and missing upper front teeth.

The same confidential informant was present for both drug transactions with Appellant. The informant never mentioned Appellant to Leydig before seeing him on August 21, 1997. Additionally, the informant recognized Appellant first, stating that he knew Appellant and that he might sell drugs.

LEGAL DISCUSSION

The law on exposing confidential informants was explained by the Pennsylvania Superior Court as follows:

The Pennsylvania courts have recognized a qualified privilege with respect to confidential informants which "permits the Commonwealth 'to refrain from disclosing the identity of an informer' and 'limits the prosecution's duty to make available to the defense the names and whereabouts of all material eyewitnesses.'" *Commonwealth v. Speaks*, 351 Pa. Super. 149, 159, 505 A.2d 310, 315 (1986); quoting *Commonwealth v. Carter*, 427 Pa. 53, 55-56, 233 A.2d 284, 285 (1967). Regarding this privilege, it has been said that:

There is no fixed rule with respect to disclosure of an informant. "The problem is one that calls for balancing of the public interest in protecting the flow of information against the individual's right to prepare his defense. Whether a proper balance renders nondisclosure erro-

neous must depend on the particular circumstances of each case, taking into consideration the crime charged, the possible defenses, the possible significance of the informer's testimony and other relevant factors." *Commonwealth v. Carter*, 427 Pa. 53, 59, 233 A.2d 284, 287 (1967), quoting *Roviaro v. United States*, 353 U.S. 53, 60-62, 77 S.Ct. 623, 627-628, 1 L.Ed.2d 639, 645-46 (1957). See also: *Commonwealth v. Pritchett*, 225 Pa. Super. 401, 406, 312 A.2d 434, 437 (1973). Before disclosure of an informant's identity will be required, "...more is necessary than a mere assertion by the defendant that such disclosure might be helpful in establishing a particular defense.... Although the defendant plainly cannot be expected to show that such information will actually be helpful to his defense, the record should at least suggest a reasonable possibility that the information might be helpful, so that it would be unfair to withhold it." *Commonwealth v. Herron*, 475 Pa. 461, 466-67, 380 A.2d 1228, 1230 (1977). See also: *Commonwealth v. Pritchett, supra*, 225 Pa. Super. at 407-08, 312 A.2d at 438.

Commonwealth v. Knox, 273 Pa. Super. 563, 568, 417 A.2d 1192, 1194 (1980).

Commonwealth v. Washington, 438 Pa. Super. 131, 139-40, 651 A.2d 1127, 1131-32 (1994); *alloc. den.*, 663 A.2d 690.

In the present case, Appellant claimed at trial, for the first time, that he needed to know the confidential informant's identity because he wanted to know what "motive" that informant had to point him out as a potential drug dealer. This statement is the type of "mere assertion" the Pennsylvania Supreme Court held would not be sufficient to require disclosure of an informant's identity. "Ultimately, the decision as to whether or not to order disclosure of an informant's identity is within the discretion of the trial court." *Commonwealth v. Bonasorte*, 337 Pa. Super. 332, 355, 486 A.2d 1361, 1374 (1984) (en banc). This Court did not believe Appellant's claim of an alleged motive was sufficient to overcome the Commonwealth's privilege to withhold the

informant's identity. The last incident occurred September 16, 1997 but Appellant was not arrested until February 26, 1998. Had Appellant indicated that the informant's identity and presence at trial was necessary in order to challenge the officer's identification of him and had the request not been made in the middle of trial the Court would have addressed the issue more carefully. As it was presented, Appellant's request for disclosure of the confidential informant was denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1028 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land together with all improvements thereon erected, Situate in Reading Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Township Road 574 at a corner of lands now or formerly of Donald Linebaugh, thence along the lands of said Donald Linebaugh and through a reference pin set back ten and eight-tenths (10.8) feet from the corner of said road, North fifty-eight (58) degrees East three hundred (300) feet to a point at lands now or formerly of Joseph L. Eshelman and wife, of which this was formerly a part; thence along same South fifty-one (51) degrees thirty (30) minutes East one hundred fifty (150) feet to a point at lands now or formerly of Joseph L. Eshelman and wife; thence along same South fifty-eight (58) degrees West three hundred (300) feet to a point at the center line of Township Road 574; thence in and through the said center line of Township Road North fifty-one (51) degrees thirty (30) minutes West one hundred fifty (150) feet to a point and place of beginning.

Tax Parcel # L-7-23-C

TITLE TO SAID PREMISES IS VESTED IN Reginald R. Bush, a single man by Deed from James R. Cousler, Jr., et al. dated 8/25/98, recorded 9/9/98, in Record Book 1657 page 150.

Premises being known as 135 Rife Road, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Reginald R. Bush** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/25, 3/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-923 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain unit in the property known, named and identified in the Declaration Plan referred to below as Devonshire Village located in Cumberland Township, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Unit Property Act of Pennsylvania, Act of July 3, 1963, P.L. 196, by the recording in the Office of the Recorder of Deeds of Adams County, Pennsylvania of a Declaration dated October 28, 1980 in Miscellaneous Book 36 at page 549 and Amendment to Declaration of Devonshire Village Condominiums acknowledged November 12, 1985 and recorded in Record Book 413 at page 599; a Declaration Plan dated May 15, 1980 and recorded in Plat Book 34 at page 100; and a Code of Regulations dated October 28, 1980 and recorded in Miscellaneous Book 36 at page 560 and Amendment to Code of Regulations of Devonshire Village Condominiums dated August 30, 1984 recorded in Record Book 385 at page 804, such unit being designated as Unit 46, together with proportionate undivided interest in the Common Elements as defined in said Declaration of 1.382%.

UNDER AND SUBJECT to any and all easements, conditions, covenants, agreements, rights and restrictions of record, including, but not limited to, those contained in Declaration of Reciprocal Easements dated March 13, 1973, recorded in Miscellaneous Book 18 at page 23, as amended by Amendment thereto dated December 5, 1973 recorded in Miscellaneous Book 19 at page 872 and to those contained in the aforesaid Declaration, as amended, Code of Regulations, as amended and Declaration Plan.

BEING THE SAME PREMISES which Ricky B. Nell and Lisa A. Settle, both single individuals, by their Deed dated February 9, 1995 and recorded in the Office of the Recorder of Deeds in and for Adams County on February 28, 1995 in Record Book 1000, Page 53, granted and conveyed unto Ricky B. Nell, the Defendant herein.

Property is a one-story, attached, single-family home.

SEIZED and taken into execution as the property of **Ricky B. Nell** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must

settle for property on or before filing date.

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

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

2/25, 3/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-843 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a stone in the center of the Gettysburg and Petersburg Turnpike, now the Gettysburg-Baltimore State Highway; thence South 49-1/2 degrees West, 27.5 perches to a stone; thence South 39 degrees East, 6 perches to a stone; thence South 49-3/4 degrees West, 11.6 perches to a stone; thence South 69 degrees West, 14.7 perches to a stone in the Creek; thence North 29 degrees West, 23 perches along White Run to a stone in the Creek; thence North 48 degrees East, 51.6 perches to the middle of the Gettysburg-Baltimore State Highway; thence South 34 degrees East, 23 perches to the place of BEGINNING. CONTAINING 8 acres, nsat measure.

IT BEING THE SAME TRACT OF LAND which John P. Pannick and Betty Jane Pannick, by Deed dated October 12, 1987, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 476 at Page 701, sold and conveyed unto John P. Pannick and Betty Jane Pannick, husband and wife, as tenants of an estate by the entireties, the Defendants herein.

IMPROVED WITH a 2-1/2 story residence and a barn converted to a retail shop known as Sword and Saber.

SEIZED and taken into execution as the property of **John P. Pannick & Betty Jane Pannick** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/25, 3/3 & 10

IN THE COURT OF COMMON PLEAS OF
ADAMS COUNTY
COMMONWEALTH OF
PENNSYLVANIA
ORPHANS' COURT DIVISION

NOTICE

To: ROBERT LERAY STOKES

RT-1 -00(A)

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 3, 2000, at 1:30 p.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

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

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

2/18, 25 & 3/3

IN THE COURT OF COMMON PLEAS OF
ADAMS COUNTY
COMMONWEALTH OF
PENNSYLVANIA
ORPHANS' COURT DIVISION

NOTICE

To: ROBERT LERAY STOKES

RT-2-00(A)

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 3, 2000, at 1:30 p.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one go to or telephone the office set forth below to find out where you can get legal help.

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

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

2/18, 25 & 3/3

IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY
COMMONWEALTH OF
PENNSYLVANIA
ORPHANS' COURT DIVISION

NOTICE

To: SAROJA BROWN

RT-1-00(B)

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 3, 2000, at 1:30 p.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

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

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

2/18, 25 & 3/3

IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY
COMMONWEALTH OF
PENNSYLVANIA
ORPHANS' COURT DIVISION

NOTICE

To: SAROJA BROWN

RT-2-00(B)

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 3, 2000, at 1:30 p.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: 717-337-9846,
1-888-337-9846

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

2/18, 25 & 3/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1189 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 17, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of the state highway leading from Gettysburg to Fairfield, said point of beginning being at corner of land now or formerly of Robert Koontz; thence along land of said Koontz South 9 degrees East, 325 feet to a point on line of land now or formerly of Lloyd Brantner, formerly a part of the original tract now or formerly of Roy C. Wolf and wife; thence along said Brantner land South 75-1/2 degrees West, 100 feet to a corner of land now or formerly of Kenneth Redding; thence along said Redding land North 9 degrees West, 325 feet to a point in the center of the Gettysburg-Fairfield State Highway, aforesaid; thence running in the center of said highway North 75-1/2 degrees East, 100 feet to the place of BEGINNING.

BEING Tax Parcel # E-13-78.

TITLE TO SAID PREMISES IS VESTED IN Harry P. Smith and Judith O. Smith, husband and wife by Deed from Mary L. Wolfe, single and Ruth E. Wolfe, single dated 7/16/92, recorded 7/22/92, in Record Book 635, page 527.

BEING PREMISES KNOWN AS 1480 FAIRFIELD ROAD, GETTYSBURG, PA 17325

SEIZED and taken into execution as the property of **Harry P. Smith (Deceased) & Judith O. Smith** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 10, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/18, 25, 3/3

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF MARY E. BIGGINS, A/K/A MARY ELLEN BIGGINS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Alice B. Scott, 210 Black Horse Tavern Road, Gettysburg, PA 17325

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

ESTATE OF JEAN C. CARTA, A/K/A JEAN M. CARTA, DEC'D

Late of Union Township, Adams County, Pennsylvania

Administrator: Kenneth J. Carta, 491 Barts Church Road, Hanover, PA 17331

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 116 Carlisle Street, Hanover, PA 17331

ESTATE OF KENNETH I. DEARDORFF, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Cynthia A. Coble, 1854 Rivervue Drive North, Drumore, PA 17518

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

ESTATE OF DORALYN S. GOLDEN, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Co-Executors: G. Lynn Golden, 345 Old U.S. Route 15, York Springs, PA 17372; Emory C. Golden, 480 Ridge Road, York Springs, PA 17372; Yolanda Dick, 77 Ridge Road, York Springs, PA 17372

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

ESTATE OF MARY H. RESH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Elizabeth Irene Bixler, c/o William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF JOSEPH E. SMITH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Anne C. Staub, 1921 Lorraine Road, Reading, PA 19604; Margaret M. Hockenberry, P.O. Box 415, 13 West Main, Newburg, PA 17240; Rose Marie Felix, 2085 Barlow-Two Taverns Road, Gettysburg, PA

17325; Donald J. Smith, 405 County Line Road, Grantville, PA 17028

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

ESTATE OF CHRISTIAN JACOB WEIGAND, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Jane Marie Fox, f/k/a Jane Marie Warner, 410 Hoover School Road, East Berlin, PA 17316; Allen David Weigand, 459 Hoover School Road, East Berlin, PA 17316

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

ESTATE OF L. GRACE WETZEL, A/K/A LULA GRACE WETZEL, A/K/A LULU GRACE WETZEL, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Co-Executors: Arthur Wetzel, 1726 Carrolls Tract Road, Orrtanna, PA 17353; Leroy M. Wetzel, 231 Belmont Road, Gettysburg, PA 17325; Irene C. Stansbury, 1720 Carrolls Tract Road, Orrtanna, PA 17353

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

ESTATE OF BEVERLY C. WILSON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Richard W. Geisendaffer, 207 Glenwood Road, Bel Air, MD 21014

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

SECOND PUBLICATION

ESTATE OF M. PAULINE ACKERMAN, A/K/A MARY PAULINE ACKERMAN, A/K/A MARY P. ACKERMAN, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Beverly A. Boone, 6284 Hill-top Drive, Spring Grove, PA 17362

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

ESTATE OF WALTER W. BORTNER, A/K/A WALTER WILSON BORTNER A/K/A JACK BORTNER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrix: Mary E. Snyder, 686 Hanover Pike, Littlestown, PA 17340

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

ESTATE OF DOROTHY M. COOK, DEC'D

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

Executors: W. Eugene Cook, Dale W. Cook, Donald L. Cook

Attorney: Wm. D. Schrack, III, Esq., 124 West Harrisburg Street, Dillsburg, PA 17019-0310

ESTATE OF SAMUEL B. GROSS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Stephen W. Gross, 231 Eichelberger St., Hanover, PA 17331; Peter M. Gross, 4712 N. Galen Rd., Harrisburg, PA 17110

Attorney: Charles J. Long, Esq., Smith, Anderson, Baker & Long, 25 North Duke Street, York, PA 17401

ESTATE OF MARION E. WHITMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: John W. Phillips, 101 W. Middle Street, Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF CLINTON R. ALDEN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Alice S. Alden, 302D New Jersey Avenue, Riverside, NJ 08075

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

ESTATE OF DOROTHY V. BOWMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Jean Bowman, 2727 Manchester Road, Westminster, MD 21157

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

ESTATE OF ATLEE L. KEEFER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executrix: Charlene E. Keefer c/o Mark L. James, Esq.

Attorney: Mark L. James, Esq., James & Black, LLP, 1907 Division Highway, Ephrata, PA 17522

ESTATE OF GRACE A. MENGES, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Dolores M. Raubenstine, 107 Sunset Avenue, Hanover, PA 17331;

Nadine C. Starner, 4630 Wolfs Church Road, York, PA 17404; Arlene M. McSherry, 689 Washington Avenue, Apt. 2, Hanover, PA 17331

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF VALERIE A. WAYNE, DEC'D

Late of the Borough of Hanover, York County, Pennsylvania

Executrix: Theodore J. Wayne, 3 Newberry Street, Hanover, PA 17331

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

ESTATE OF CARL W. ZEIGLER, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: G. Steven Zeigler, 4002 Baltimore Pike, Littlestown, PA 17340

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-617 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT certain tract, lot and parcel of land lying and being in the Borough of Carroll Valley County of Adams and State of Pennsylvania, being known as Lot No. 67 in Section RC, being more particularly described as follows:

BEGINNING at a point in the center of Tom's Creek Trail at Lot No. 68; thence by said lot South 42 degrees 56 minutes East, 225 feet to Lot No. 78; thence by said lot South 47 degrees 04 minutes West, 100 feet to Lot No. 66; thence by said lot North 42 degrees 56 minutes West, 225 feet to a point in the center of said Tom's Creek Trail; thence in said Tom's Creek Trail North 47 degrees 04 minutes East, 100 feet to the place of beginning,

THE above description was taken from a plan of lots labeled "Section RC of Charnita, Inc." dated October 1, 1968, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book No. 1 at page 35.

TOGETHER WITH AND SUBJECT TO rights, terms, easements, rights of way, conditions and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Edward W. Kreun and Kimberly A. Kreun, husband and wife by Deed from Cecil S. Stultz and Susan M. Stultz, husband and wife, dated 4/30/98, recorded 5/5/98 in Record Book 1573 Page 197.

PREMISES BEING KNOWN AS 93 TOM'S CREEK TRAIL, FAIRFIELD, PA 17320

SEIZED and taken into execution as the property of **Edward W. Kreun & Kimberly A. Kreun** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/3, 10 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-821 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate, lying and being in Reading Township, Adams County, Pennsylvania, designated as Lot No. 13 on Subdivision Plat of Hampton Plains, Inc, which plot is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 19, at Page 30.

UNDER AND SUBJECT, however, to Declaration of Restrictions recorded in the aforesaid Recorder's Office in Miscellaneous Docket 31, at page 605, as amended on November 14, 1983, by instrument recorded in Miscellaneous Book 44, at page 854, and again amended on June 24, 1985, by instrument recorded in Adams County Record Book 403, at page 184.

BEING the same premises which Gary E. Davis and Beverly A. Davis, by Deed dated September 15, 1995 and recorded in the Office of the Recorder of Deeds of Adams County on September 18, 1995, in Deed Book Volume 1083, Page 231, granted and conveyed unto David B. Claypool and Sandra A. Claypool.

SEIZED and taken into execution as the property of **David B. Claypool & Sandra A. Claypool** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/3, 10 & 17

FICTITIOUS NAME NOTICE

On December 17, 1999 an application to conduct a business with the fictitious name of CROSSPATCH CREATIONS, with a principal address of 12 Lincoln Drive, Hanover, PA 17331, was filed with the Department of State pursuant to the Fictitious Names Act (54 Pa. C.S.A. Section 301 et seq.) by Cheryl L. Cline and Christopher J. Cline. The purpose of the business is crafts.

Cheryl L. Cline,
applicant

Adams County Legal Journal

Vol. 41

March 10, 2000

No. 41, pp. 233-236

CONTINUING LEGAL EDUCATION PROGRAM

LLC's and LLPs in Pennsylvania.

Wednesday, April 12, 2000 – 9:00 a.m. - 12:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 3, Ethics – 0

Agreements of Sale for Residential Real Estate.

Wednesday, April 26, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Understanding Real Estate Appraisals and Appraisers.

Wednesday, May 10, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Alternative Medical Approaches to Reduce Stress.

Wednesday, June 28, 2000 – 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 0, Ethics – 1

Issues in Commercial Mortgage Foreclosures.

Wednesday, August 9, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

REGISTRATION THROUGH P.B.I. 800-247-4724

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1053 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 14, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in CONEWAGO TOWNSHIP, Adams County, Pennsylvania, known on a Plat of general plan of a series of lots, streets, avenues, etc. of lands of Hanover Improvement Company as Lot No. 23 on the North side of the Hanover and McSherrystown turnpike in Block #2, adjoining Lot No. 22 on the West) now

lands of Richard B. and Margaret I. Fuhrman); a public alley on the North; and Lot No. 24 on the East (Irene E. Carr and Lillian E. Carr); and the Hanover and McSherrystown Turnpike on the South.

BEING KNOWN AS 657 3RD STREET
PROPERTY TAX PARCEL NO. 8-134

TITLE TO SAID PREMISES IS VESTED IN SHAWN L. MARKS, SINGLE PERSON AND YVONNE M.K. RIDER, SINGLE PERSON, AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP BY DEED FROM ROBERT H. GOTWALT AND BARBARA A. GOTWALT, HIS WIFE, DATED 3/12/1999 AND RECORDED 3/15/1999 IN DEED BOOK 1785 PAGE 196.

SEIZED and taken into execution as the property of **Shawn L. Marks & Yvonne M. Rider** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 8, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/10, 17 & 24

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-N-598 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 14, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that certain lot of land situate in Mt. Pleasant Township, Adams County, Pennsylvania, being more particularly described as Lot No. 579 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of Recorder of Deeds of Adams County in Miscellaneous Book 4, Page 665, and subject to all legal highways, easements, rights-of-way, covenants and restrictions of record.

Together with the right in common with other owners of lots in said subdivision to use for all usual purposes the streets, ways, beaches, recreation areas and other public areas, as shown on the said plot, and the right in common with other owners of lots in the said subdivision to use the lake and beaches for swimming, fishing, and boating in accordance with the rules and regulations of Lake Heritage Property Owners Association, Inc., its successors and assigns.

Lot No. 579 being the same lot which Donald R. Obenstine and Martha L. Obenstine, husband and wife, by their deed dated July 17, 1984, and recorded in Adams County Record Book 383 at Page 374, granted and conveyed unto James W. Obenstine and Rosemary M. Obenstine, aka Rosemary Horn (Obenstine).

SEIZED and taken into execution as the property of **James W. Obenstine & Rosemary Horn (Obenstine)** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 8, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1082 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 14, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING DESCRIBED PIECE, PARCEL OR TRACT OF LAND, TOGETHER WITH THE IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN OXFORD TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, MORE PARTICULARLY BOUNDED, LIMITED AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING FOR A POINT ON THE PROPERTY LINE OF EAST LOCUST LANE AT CORNER OF LOT NO. 31 ON THE HEREINAFTER REFERRED TO PLAN OF LOTS; THENCE ALONG LOT NO. 31, NORTH FIFTY (50) DEGREES FORTY (40) MINUTES FORTY (40) SECONDS EAST, ONE HUNDRED AND NINETY HUNDREDTHS (100.90) FEET TO A POINT AT LAND NOW OR FORMERLY OF LLOYD E. ECKERT; THENCE ALONG SAME, SOUTH THIRTY-EIGHT (38) DEGREES NINE (9) MINUTES ZERO (0) SECONDS EAST, EIGHTY-EIGHT AND FIFTEEN HUNDREDTHS (88.15) FEET TO A POINT AT LOT DESIGNATED FOR USE AS RECREATION AREA NO. 2; THENCE ALONG SAME, SOUTH FIFTY-FIVE (55) DEGREES NINETEEN (19) MINUTES TWENTY-ONE (21) SECONDS WEST, ONE HUNDRED AND FIFTY-FIVE HUNDREDTHS (100.55) 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-ONE AND SEVENTY-ONE HUNDREDTHS (341.71) FEET, FOR AN ARC LENGTH OF TWENTY-SEVEN AND SEVENTY HUNDREDTHS (27.70) FEET, AND HAVING A LONG CHORD BEARING AND DISTANCE OF NORTH THIRTY-SEVEN (37) DEGREES ZERO (0) MINUTES TWO (2) SECONDS WEST, TWENTY-SEVEN AND SIXTY-NINE HUNDREDTHS (27.69) FEET TO A POINT; THENCE CONTINUING ALONG EAST LOCUST, NORTH THIRTY-NINE (39) DEGREES NINETEEN (19) MINUTES TWENTY (20) SECONDS WEST, FIFTY-TWO AND THIRTY-TWO HUNDREDTHS (52.32) FEET TO A POINT

AT LOT NO. 31, THE POINT AND PLACE OF BEGINNING.

BEING KNOWN AS 35 EAST LOCUST LANE

PROPERTY TAX PARCEL NO. 9-10, LOT: 30, BLOCK 19-A

TITLE TO SAID PREMISES IS VESTED IN EDWARD E. MARKS, SINGLE MAN BY DEED FROM MARY ELLEN STAMBUUGH, ALSO KNOWN AS MARY E. FREY, SINGLE WOMAN, DATED 9/30/1996 AND RECORDED 10/3/1996 IN DEED BOOK 1268 PAGE 243.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 8, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/3, 10 & 17

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Pennsylvania "Fictitious Names Act", 54 Pa.C.S.A. Sections 301 et seq., of the filing of an Application for Registration for Fictitious Name under the said Act. The fictitious name is VICTORIA'S CROSSING. The address of the principal office or place of business to be carried on under or through the fictitious name is 213 Steinwehr Avenue, Gettysburg, Adams County, Pennsylvania 17325. The names and address of the individuals who are interested in the business are Victoria S. Howe and Gerald B. Howe, 67 Bluebird Trail, Fairfield, PA 17320. An Application for Registration of the said Fictitious Name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on February 28, 2000.

Wolfe & Rice
47 West High Street
Gettysburg, PA 17325
Attorneys for Applicants

3/10

COMMONWEALTH VS. WELLMAN

1. When a sentence of intermediate punishment has been revoked "the sentencing alternatives available to the court shall be the same as the alternatives available at the time of initial sentencing.

2. Maximum sentences imposed after probation revocations not exceeding the maximum sentence originally imposed was intended to apply strictly to cases where a trial court re-sentences a defendant after having first imposed a sentence and then suspended the sentence pending a period of probation.

3. The trial court retained its sentencing options at re-sentencing and because the sentence imposed did not exceed the statutory maximum it was not illegal merely because it exceeded the maximum in the original sentence.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal Nos. CC-412-96, CC-413-96, CC-414-96. COMMONWEALTH VS. FRANKIE EDWARD WELLMAN.

Paul Dean, Esq., Assistant District Attorney, for Commonwealth
Anthony Miley, Esq., for Defendant

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

Kuhn, J., December 17, 1998.

By way of background, on October 2, 1996, Appellant entered a plea of guilty in each case to Forgery, 18 Pa.C.S.A. §4101(a)(2), as a felony of the third degree. The sentence was entered pursuant to a plea agreement and placed Appellant in the intermediate punishment program for a period of 23 months, effective May 20, 1996, with the first 11 1/2 months being spent in partial confinement. During the sentencing colloquy, Appellant was advised that the maximum penalty on each count could have been 7 years incarceration and \$15,000 in fines but was not specifically advised that upon revocation all sentencing options were available to the Court.

After serving the 11 1/2 months of incarceration and some additional time on a York County sentence, Appellant on October 14, 1997, signed the general rules for the intensive supervision phase of his sentence. However, on December 2, 1997, a Motion for Revocation was filed and Appellant was directed to appear for a Gagnon I hearing on January 27, 1998. Appellant failed to appear and a bench warrant was issued for his arrest.

Appellant was arrested in Ocean City, Maryland on July 26, 1998, and appeared before President Judge Oscar F. Spicer on August 6, 1998. At that time he admitted violating conditions 3(d) and 3(e) and his entry into the intermediate program was revoked.

On September 28, 1998, Judge Spicer sentenced Appellant to a period of incarceration on each count of 15-48 months in a state correctional institution with credit of 13 months, 19 days. That sentence was vacated on October 20, 1998.

On October 22, 1998, Appellant appeared before the undersigned for sentencing. Appellant was sentenced to three concurrent periods of state incarceration of 15-48 months effective August 19, 1997.

Appellant contends that any sentence imposed beyond the original sentence of 23 months is improper.

The Sentencing Code provides that when a sentence of intermediate punishment has been revoked "the sentencing alternatives available to the court shall be the same as the alternatives available at the time of initial sentencing." 42 Pa.C.S.A. §9773(b). Thus, unless otherwise restricted, the Court was free to sentence Appellant to three consecutive maximum periods of incarceration of 7 years each for a total of 21 years. At sentencing on October 2, 1996, an Offense Gravity Score of 4 and a Prior Record Score of 5 was reported. The standard range of the Sentencing Guidelines in effect at that time was 9-15 months.¹

We believe Appellant will argue that *Commonwealth v. Anderson*, 434 Pa. Super. 309, 643 A.2d 109 (1994), supports his position. There, Anderson had pled guilty to two counts of burglary and was sentenced to 11 1/2 -23 months incarceration to be followed by a 5-year period of probation. Shortly thereafter and pursuant to a plea agreement, Anderson was sentenced to 5 years of probation on theft charges to run concurrently with the burglary sentence. Anderson's probation was later revoked for commission of additional offenses. He was re-sentenced on the burglary charges to 2-5 years and on the theft charges of 2-4 years consecutive.

The issue in *Anderson* was whether the trial court had authority to impose consecutive sentences after the probation revocation. Superior Court acknowledged that pursuant to 42 Pa.C.S.A. § 9771(b) the trial court had the same sentencing alternatives available at re-sentencing after a probation revocation as it had at the time of the original sentence. However, Superior Court also noted that the trial court was bound by the terms of the original plea agreement.

¹ Current Sentencing Guidelines would place the Offense Gravity Score at 3 and the standard range at 6-16 months.

Upon acceptance of a plea agreement, however, the trial court is bound to comply with the terms of that agreement . . . A sentence recommendation is among the “terms” of a plea bargain . . . Therefore, a negotiated sentence is binding on the court where the sentence is plainly set forth on the record, understood and agreed to by the parties and approved by the trial court . . .

Commonwealth v. Anderson, 434 Pa. Super. at 316, 643 A.2d at 113 (citations omitted). In addition, the court stated that “any sentence imposed after probation revocation must not exceed the maximum sentence originally imposed.” *Id.* (citing *Commonwealth v. Harrison*, 264 Pa. Super. 63, 398 A.2d 1057 (1979)).

In conclusion, *Anderson* held that the trial court was limited by the plea agreement to impose concurrent sentences which could not exceed the original maximum sentence. Thus, *Anderson* appears to conclusively support Appellant’s position.

However, in *Commonwealth v. Smith*, 447 Pa. Super. 502, 669 A.2d 1008 (1996), another panel disagreed with the holding in *Anderson* as it related to the maximum sentence that could be imposed upon re-sentencing. In 1992 Smith was sentenced pursuant to a plea agreement to concurrent 4-23 month sentences on two robberies to be followed by one year of probation on each count. In 1993 Smith was convicted of other crimes and his 1992 probation was revoked. He was re-sentenced to two concurrent 2-5 year sentences to run consecutively to the 1993 convictions. The issue on appeal was whether the 2-5 year sentence following the probation revocation was illegal because it exceeded the maximum period of the probation originally imposed. Superior Court ruled that Smith’s reliance on *Anderson* was misplaced. The Court noted that the language quoted from *Harrison* in *Anderson* regarding maximum sentences imposed after probation revocations not exceeding the maximum sentence originally imposed was intended to apply “strictly to cases where a trial court re-sentences a defendant after having first imposed a sentence and then suspended the sentence pending a period of probation.” *Commonwealth v. Smith*, 447 Pa. Super. at 506, 669 A.2d at 1010. *Smith* held that the trial court retained its sentencing options at re-sentencing and because the sentence imposed did not exceed the statutory maximum it was not illegal merely because it exceeded the maximum in the original sentence.

In analyzing *Smith* one should not conclude that the one-year probation was not part of the plea agreement. If the probation had not been part of the plea agreement, the Commonwealth's argument that *Commonwealth v. Byrd*, 444 Pa. Super 86, 663 A.2d 229 (1995), and *Commonwealth v. Bender*, 444 Pa. Super 86, 663 A.2d 229 (1995), were applicable would have had merit. See, *Commonwealth v. Smith*, 447 Pa. Super. at 506 n. 3, 669 A.2d at 1010 n. 3. Those cases would have supported the conclusion that the trial court could exceed the original sentence on re-sentencing if the original sentence was not entered pursuant to a plea agreement.

Here, the undersigned respected terms of the plea agreement regarding concurrent terms upon re-sentencing but did not feel compelled to respect the 23-month maximum based upon *Smith*. The sentences imposed are well within the statutory maximum. The Court considered other factors including: (1) Appellant forged checks and presented them for cash in three separate communities, (2) Appellant has an extensive criminal record dating back to 1977,² (3) Appellant violated supervisory conditions less than two months after being released from prison in 1997 by failing to report to the Probation Office, (4) Appellant failed to appear for a Gagnon I hearing and a bench warrant had to be issued for his arrest, and (5) it appears that Appellant has a severe alcohol and drug problem.³

² The Pre-Sentence Report set forth a criminal history of 14 convictions including several felonies (Aggravated Assault, Burglary). If re-calculated, his Prior Record Score would be "Repeat Felon".

³ The Pre-Sentence Report indicates that Appellant had DUI convictions in 1989 and 1992, that most of his criminal offenses are alcohol related, and that he has been enrolled in numerous outpatient programs in the past. He admitted that he "probably tried every drug once" and that "I love to drink".

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1028 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land together with any and all improvements thereon erected, Situate in Reading Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Township Road 574 at a corner of lands now or formerly of Donald Linebaugh, thence along the lands of said Donald Linebaugh and through a reference pin set back ten and eight-tenths (10.8) feet from the corner of said road, North fifty-eight (58) degrees East three hundred (300) feet to a point at lands now or formerly of Joseph L. Eshelman and wife, of which this was formerly a part; thence along same South fifty-one (51) degrees thirty (30) minutes East one hundred fifty (150) feet to a point at lands now or formerly of Joseph L. Eshelman and wife; thence along same South fifty-eight (58) degrees West three hundred (300) feet to a point at the center line of Township Road 574; thence in and through the said center line of Township Road North fifty-one (51) degrees thirty (30) minutes West one hundred fifty (150) feet to a point and place of beginning.

Tax Parcel # L-7-23-C

TITLE TO SAID PREMISES IS VESTED IN Reginald R. Bush, a single man by Deed from James R. Cousier, Jr., et al. dated 8/25/98, recorded 9/9/98, in Record Book 1657 page 150.

Premises being known as 135 Rife Road, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Reginald R. Bush** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/25, 3/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-923 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain unit in the property known, named and identified in the Declaration Plan referred to below as Devonshire Village located in Cumberland Township, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Unit Property Act of Pennsylvania, Act of July 3, 1963, P.L. 196, by the recording in the Office of the Recorder of Deeds of Adams County, Pennsylvania of a Declaration dated October 28, 1980 in Miscellaneous Book 36 at page 549 and Amendment to Declaration of Devonshire Village Condominiums acknowledged November 12, 1985 and recorded in Record Book 413 at page 599; a Declaration Plan dated May 15, 1980 and recorded in Plat Book 34 at page 100; and a Code of Regulations dated October 28, 1980 and recorded in Miscellaneous Book 36 at page 560 and Amendment to Code of Regulations of Devonshire Village Condominiums dated August 30, 1984 recorded in Record Book 385 at page 804, such unit being designated as Unit 46, together with proportionate undivided interest in the Common Elements as defined in said Declaration of 1.382%.

UNDER AND SUBJECT to any and all easements, conditions, covenants, agreements, rights and restrictions of record, including, but not limited to, those contained in Declaration of Reciprocal Easements dated March 13, 1973, recorded in Miscellaneous Book 18 at page 23, as amended by Amendment thereto dated December 5, 1973 recorded in Miscellaneous Book 19 at page 872 and to those contained in the aforesaid Declaration, as amended, Code of Regulations, as amended and Declaration Plan.

BEING THE SAME PREMISES which Ricky B. Nell and Lisa A. Settle, both single individuals, by their Deed dated February 9, 1995 and recorded in the Office of the Recorder of Deeds in and for Adams County on February 28, 1995 in Record Book 1000, Page 53, granted and conveyed unto Ricky B. Nell, the Defendant herein.

Property is a one-story, attached, single-family home.

SEIZED and taken into execution as the property of **Ricky B. Nell** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must

settle for property on or before filing date.

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

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

2/25, 3/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-843 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a stone in the center of the Gettysburg and Petersburg Turnpike, now the Gettysburg-Baltimore State Highway; thence South 49-1/2 degrees West, 27.5 perches to a stone; thence South 39 degrees East, 6 perches to a stone; thence South 49-3/4 degrees West, 11.6 perches to a stone; thence South 69 degrees West, 14.7 perches to a stone in the Creek; thence North 29 degrees West, 23 perches along White Run to a stone in the Creek; thence North 48 degrees East, 51.6 perches to the middle of the Gettysburg-Baltimore State Highway; thence South 34 degrees East, 23 perches to the place of BEGINNING. CONTAINING 8 acres, neat measure.

IT BEING THE SAME TRACT OF LAND which John P. Pannick and Betty Jane Pannick, by Deed dated October 12, 1987, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 476 at Page 701, sold and conveyed unto John P. Pannick and Betty Jane Pannick, husband and wife, as tenants of an estate by the entireties, the Defendants herein.

IMPROVED WITH a 2-1/2 story residence and a barn converted to a retail shop known as Sword and Saber.

SEIZED and taken into execution as the property of **John P. Pannick & Betty Jane Pannick** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/25, 3/3 & 10

FICTITIOUS NAME NOTICE

NOTICE is hereby giving in compliance with the requirements of the "Fictitious Name Act", Section 311, Act of 1982-295 (54 Pa. C.S.A. 311), of the filing of an application in the Office of the Secretary of the Commonwealth of Pennsylvania, on February 24, 2000, for a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of WESTERN SADDLERY with its principal place of business at 100 Auction Drive, York Springs, Pennsylvania 17372. The purpose of the business is selling saddles and tack related items under the name of Western Saddlery. The name and address of the person owning or interested in said business is Stephen L. Wenger, 100 Auction Drive, York Springs, Pennsylvania 17372.

John C. Zepp, III, Esquire
P.O. Box 204
8438 Carlisle Pike
York Springs, PA 17372

3/10

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

NO. 99-S-940 ACTION TO QUIET TITLE

RANDALL B. INSKIP and JUDITH G. INSKIP, Plaintiffs,

v.

ROBERT A. YOUNG and MARY A. YOUNG, husband and wife, their heirs and assigns, Defendants.

TO: ROBERT A. YOUNG AND MARY A. YOUNG, THEIR HEIRS AND ASSIGNS

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Adams County Court House
Gettysburg, PA 17325
Phone: (717) 337-9846 or
1-888-337-9846

By: John C. Zepp, III, Esq.
P.O. Box 204
York Springs, PA 17372
Phone: (717) 528-8900

3/10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-918 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the centerline of New Chester Road (T-514), which point is located at the Southwestern corner of Lot No. 5 on the hereinafter described plan of lots; thence running in the centerline of the New Chester Road (T-514) South 22 degrees 36 minutes 05 seconds West 87.08 feet to a p.k. nail in the centerline of said road; thence running in the centerline of said road and by a curve to the right the radius of which is 741.53 feet with an arc distance of 278.69 feet and a chord bearing of South 34 degrees 29 minutes 00 seconds West for a chord length of 277.05 feet to a p.k. nail in the centerline of New Chester Road; thence continuing in the centerline of New Chester Road South 47 degrees 02 minutes 45 seconds West 204.67 feet to a point in the centerline of said road at the corner of land now or formerly of Randolph Swartz; thence running by land now or formerly of Randolph Swartz and through an existing steel rod set back 22.62 feet from the start of this course North 79 degrees 16 minutes 30 seconds West 277.41 feet to an existing steel rod, thence continuing by the same North 43 degrees 11 minutes 35 seconds West 151.53 feet to an existing steel rod; thence continuing by the same, through an existing steel rod near the line (.3 feet North) 116.1 feet from the start of this course and by Armatha Ford North 62 degrees 56 minutes 35 seconds West 346.98 feet to an existing "eye" steel rod on line of land of Armatha Ford; thence running by land now or formerly of Armatha Ford North 19 degrees 32 minutes 50 seconds East 509.45 feet to a steel rod at the Northwestern corner of Lot No. 5 on the hereinafter described plan of lots; thence running by Lot No. 5 and through a steel rod set back 250 feet from the start of this course and through a steel rod set back 25 feet from the end of this course South 67 degrees 38 minutes 00 seconds East 924.53 feet to a point in the center of New Chester Road (T-514) the point and place of BEGINNING. CONTAINING 10.905 acres.

The description was taken from a draft of survey of J. Riley Redding, R.S., dated October 25, 1991 and recorded in Adams County Plat Book 61 at Page 15. The lot described is Lot No. 6 on said plan of lots.

PARCEL NUMBER: I-10-15D

TITLE TO SAID PREMISES IS VESTED IN Richard L. Henry and Sherry L. Henry, husband and wife by Deed from Philip Reuben Wessel, single dated 11/9/94 recorded 11/18/94 in Record Book 966 Page 235.

SEIZED and taken into execution as the property of Richard L. Henry & Sherry L. Henry and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/3, 10 & 17

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY COMMONWEALTH OF PENNSYLVANIA ORPHANS' COURT DIVISION

NOTICE

To: CHARLOTTE ANN POST No. RT-7-99(B)

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for April 3, 2000, at 1:00 p.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one go to or telephone the office set forth below to find out where you can get legal help.

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

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

2/25, 3/3 & 10

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 HILDAH D. ARTER, A/K/A HILDAH J. ARTER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

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

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

ESTATE OF NORMA M. BRANSOM, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Linda R. Smith, 445 Prince Street, Littlestown, PA 17340

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

ESTATE OF PAUL V. DEARDORFF, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Sandra L. Lee, 1111 Woodside Parkway, Silver Springs, MD 20910

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

ESTATE OF SARAH C. KLINFELTER A/K/A SARA W. KLINFELTER, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Hylda C. Klinfelter, 264 South Ivy Lane, Glen Mills, PA 19342

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

SECOND PUBLICATION

ESTATE OF MARY E. BIGGINS, A/K/A MARY ELLEN BIGGINS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Alice B. Scott, 210 Black Horse Tavern Road, Gettysburg, PA 17325

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

ESTATE OF JEAN C. CARTA, A/K/A JEAN M. CARTA, DEC'D

Late of Union Township, Adams County, Pennsylvania

Administrator: Kenneth J. Carta, 491 Barts Church Road, Hanover, PA 17331

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 116 Carlisle Street, Hanover, PA 17331

ESTATE OF KENNETH I. DEARDORFF, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Cynthia A. Coble, 1854 Rivervue Drive North, Drumore, PA 17518

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

ESTATE OF DORALYN S. GOLDEN, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Co-Executors: G. Lynn Golden, 345 Old U.S. Route 15, York Springs, PA 17372; Emory C. Golden, 480 Ridge Road, York Springs, PA 17372; Yolanda Dick, 77 Ridge Road, York Springs, PA 17372

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

ESTATE OF MARY H. RESH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Elizabeth Irene Bixler, c/o William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF JOSEPH E. SMITH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Anne C. Staub, 1921 Lorraine Road, Reading, PA 19604; Margaret M. Hockenberry, P.O. Box 415, 13 West Main, Newburg, PA 17240; Rose Marie Felix, 2085 Barlow-Two Taverns Road, Gettysburg, PA 17325; Donald J. Smith, 405 County Line Road, Grantville, PA 17028

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

ESTATE OF CHRISTIAN JACOB WEIGAND, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Jane Marie Fox, f/k/a Jane Marie Warner, 410 Hoover School Road, East Berlin, PA 17316; Allen David Weigand, 459 Hoover School Road, East Berlin, PA 17316

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

ESTATE OF L. GRACE WETZEL, A/K/A LULA GRACE WETZEL, A/K/A LULU GRACE WETZEL, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Co-Executors: Arthur Wetzel, 1726 Carrolls Tract Road, Orrtanna, PA 17353; Leroy M. Wetzel, 231 Belmont Road, Gettysburg, PA 17325; Irene C. Stansbury, 1720 Carrolls Tract Road, Orrtanna, PA 17353

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

ESTATE OF BEVERLY C. WILSON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Richard W. Geisendaffer, 207 Glenwood Road, Bel Air, MD 21014
Attorney: Stonesifer & Kelley, P.C., 209 Broadway, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF M. PAULINE ACKERMAN, A/K/A MARY PAULINE ACKERMAN, A/K/A MARY P. ACKERMAN, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Beverly A. Boone, 6284 Hilltop Drive, Spring Grove, PA 17362

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

ESTATE OF WALTER W. BORTNER, A/K/A WALTER WILSON BORTNER A/K/A JACK BORTNER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrix: Mary E. Snyder, 686 Hanover Pike, Littlestown, PA 17340

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

ESTATE OF DOROTHY M. COOK, DEC'D

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

Executors: W. Eugene Cook, Dale W. Cook, Donald L. Cook

Attorney: Wm. D. Schrack, III, Esq., 124 West Harrisburg Street, Dillsburg, PA 17019-0310

ESTATE OF SAMUEL B. GROSS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Stephen W. Gross, 231 Eichelberger St., Hanover, PA 17331; Peter M. Gross, 4712 N. Galen Rd., Harrisburg, PA 17110

Attorney: Charles J. Long, Esq., Smith, Anderson, Baker & Long, 25 North Duke Street, York, PA 17401

ESTATE OF MARION E. WHITMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: John W. Phillips, 101 W. Middle Street, Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-617 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT certain tract, lot and parcel of land lying and being in the Borough of Carroll Valley County of Adams and State of Pennsylvania, being known as Lot No. 67 in Section RC, being more particularly described as follows:

BEGINNING at a point in the center of Tom's Creek Trail at Lot No. 68; thence by said lot South 42 degrees 56 minutes East, 225 feet to Lot No. 78; thence by said lot South 47 degrees 04 minutes West, 100 feet to Lot No. 66; thence by said lot North 42 degrees 56 minutes West, 225 feet to a point in the center of said Tom's Creek Trail; thence in said Tom's Creek Trail North 47 degrees 04 minutes East, 100 feet to the place of beginning,

THE above description was taken from a plan of lots labeled "Section RC of Charnita, Inc." dated October 1, 1968, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book No. 1 at page 35.

TOGETHER WITH AND SUBJECT TO rights, terms, easements, rights of way, conditions and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Edward W. Kreun and Kimberly A. Kreun, husband and wife by Deed from Cecil S. Stultz and Susan M. Stultz, husband and wife, dated 4/30/98, recorded 5/5/98 in Record Book 1573 Page 197.

PREMISES BEING KNOWN AS 93 TOM'S CREEK TRAIL, FAIRFIELD, PA 17320

SEIZED and taken into execution as the property of Edward W. Kreun & Kimberly A. Kreun and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/3, 10 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-821 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate, lying and being in Reading Township, Adams County, Pennsylvania, designated as Lot No. 13 on Subdivision Plat of Hampton Plains, Inc, which plot is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 19, at Page 30.

UNDER AND SUBJECT, however, to Declaration of Restrictions recorded in the aforesaid Recorder's Office in Miscellaneous Docket 31, at page 605, as amended on November 14, 1983, by instrument recorded in Miscellaneous Book 44, at page 854, and again amended on June 24, 1985, by instrument recorded in Adams County Record Book 403, at page 184.

BEING the same premises which Gary E. Davis and Beverly A. Davis, by Deed dated September 15, 1995 and recorded in the Office of the Recorder of Deeds of Adams County on September 18, 1995, in Deed Book Volume 1083, Page 231, granted and conveyed unto David B. Claypool and Sandra A. Claypool.

SEIZED and taken into execution as the property of David B. Claypool & Sandra A. Claypool and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/3, 10 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-N-599 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 14, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that certain lot of land situate in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. P-155 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of Recorder of Deeds of Adams County in Miscellaneous Book 4, Page 233, and subject to all legal highways, easements, rights-of-way, covenants and restrictions of record.

Lot No. P-155 being the same lot which Glenn H. Whaley and Luella P. Whaley, husband and wife, by their deed dated March 8, 1972, and recorded in Adams County Record Book 299 at Page 346, granted and conveyed unto Glenn D. Whaley and Ann M. Whaley, husband and wife.

SEIZED and taken into execution as the property of Glenn D. Whaley & Ann Whaley and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 8, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/10, 17 & 24

NOTICE

NOTICE IS HEREBY GIVEN that THE PRIVATE INDUSTRY COUNCIL OF FRANKLIN AND ADAMS COUNTIES, INC. is winding proceedings to be dissolved in compliance with the Nonprofit Corporation Law, 15 Pa. C.S.A. Section 5971, et seq., as amended and supplemented.

Robert Saidis, Esq. Saidis, Shuff & Masland 26 West High Street Carlisle, PA 17013

Adams County Legal Journal

Vol. 41

March 17, 2000

No. 42, pp. 237-244

CONTINUING LEGAL EDUCATION PROGRAM

Understanding Real Estate Appraisals and Appraisers.

Wednesday, May 10, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Alternative Medical Approaches to Reduce Stress.

Wednesday, June 28, 2000 – 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 0, Ethics – 1

Issues in Commercial Mortgage Foreclosures.

Wednesday, August 9, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

REGISTRATION THROUGH P.B.I. 800-247-4724

IN THE COURT OF
COMMON PLEAS OF ADAMS
COUNTY, PENNSYLVANIA
CIVIL ACTION- LAW

BANK OF HANOVER AND TRUST COMPANY, Plaintiff,

v.

JOHN H. GEHLING AND SALLY J. GEHLING, Defendant.

NO. 99-S-330

MORTGAGE FORECLOSURE
NOTICE

TAKE NOTICE:

That the Sheriff's Sale of Real Property (real estate) will be held on April 14, 2000 in the SHERIFF'S OFFICE, ADAMS COUNTY COURT HOUSE, 111 BALTIMORE STREET, GETTYSBURG, PENNSYLVANIA 17325 at 10:00 P.M., prevailing local time.

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

THE LOCATION of your property to be sold is: 5 Lake Meade Drive East Berlin, Adams County, Pennsylvania.

THE JUDGMENT under or pursuant to which your property is being sold is docketed to: 99-SU-330. The name of the owner or reputed owner of this property is: John H. Gehling and Sally J. Gehling

a/k/a Sally J. Hull.

A SCHEDULE OF DISTRIBUTION, being a list of the persons and or governmental or corporate entities or agencies being entitled to receive part of the proceeds of the sale received and to be disbursed by the Sheriff (for example, to banks that hold mortgages and municipalities that are owed taxes), will be filed by the Sheriff within thirty (30) days after the sale and distribution of the proceeds of sale in accordance with this schedule will, in fact, be made unless someone objects by filing exceptions to it within ten (10) days of the date it is filed. Information about the schedule of distribution may be obtained from the Sheriff of the Court of Common Pleas of Adams County, Pennsylvania, Adams County Court House, 111-117 Baltimore Street, Gettysburg, Pennsylvania 17325, 1-888-337-9828.

THIS PAPER IS A NOTICE OF THE TIME AND PLACE OF THE SALE OF YOUR PROPERTY. It has been issued because there is a judgment against you. It may cause your property to be held to be sold or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET FREE LEGAL ADVICE: County Referral Officer, Adams County Court House, Gettysburg,

Pennsylvania 17325, Telephone 1-888-707-3300.

THE LEGAL RIGHTS YOU MAY HAVE ARE:

1. You may file a petition with the Court of Common Pleas of Adams County to open the judgment if you have a meritorious defense against the person or company that has entered judgment against you. You may also file a petition with the same Court if you are aware of a legal defect in the obligation or procedure used against you.

2. After the Sheriff's sale you may file a petition with the Court of Common Pleas of Adams County to set aside the sale for a grossly inadequate price or for other proper cause. This petition must be filed before the Sheriff's deed is delivered.

3. A petition or petitioner raising the legal issues or rights mentioned in the preceding paragraphs must be presented to the Court of Common Pleas of Adams County at one of the Court's regularly scheduled business court sessions. The petition must be served on the attorney for the creditor at least two (2) business days before presentation to the Court and a proposed order or rule must be attached to the petition. If a specific return date is desired, such date must be obtained from the Court Administrator's Office, Adams County Court House, 111 - 117 Baltimore Street, Gettysburg, Pennsylvania 17325, before presentation of the petition to the Court.

3/17

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-N-598 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 14, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that certain lot of land situate in ML Pleasant Township, Adams County, Pennsylvania, being more particularly described as Lot No. 579 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of Recorder of Deeds of Adams County in Miscellaneous Book 4, Page 665, and subject to all legal highways, easements, rights-of-way, covenants and restrictions of record.

Together with the right in common with other owners of lots in said subdivision to use for all usual purposes the streets, ways, beaches, recreation areas and other public areas, as shown on the said plot, and the right in common with other owners of lots in the said subdivision to use the lake and beaches for swimming, fishing, and boating in accordance with the rules and regulations of Lake Heritage Property Owners Association, Inc., its successors and assigns.

Lot No. 579 being the same lot which Donald R. Obenstine and Martha L. Obenstine, husband and wife, by their deed dated July 17, 1984, and recorded in Adams County Record Book 383 at Page 374, granted and conveyed unto James W. Obenstine and Rosemary M. Obenstine, aka Rosemary Horn (Obenstine).

SEIZED and taken into execution as the property of **James W. Obenstine & Rosemary Horn (Obenstine)** and to be sold by me

Raymond W. Newman
 Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 8, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-821 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate, lying and being in Reading Township, Adams County, Pennsylvania, designated as Lot No. 13 on Subdivision Plat of Hampton Plains, Inc, which plot is recorded in the Office of Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 19, at Page 30.

UNDER AND SUBJECT, however, to Declaration of Restrictions recorded in the aforesaid Recorder's Office in Miscellaneous Docket 31, at page 605, as amended on November 14, 1983, by instrument recorded in Miscellaneous Book 44, at page 854, and again amended on June 24, 1985, by instrument recorded in Adams County Record Book 403, at page 184.

BEING the same premises which Gary E. Davis and Beverly A. Davis, by Deed dated September 15, 1995 and recorded in the Office of the Recorder of Deeds of Adams County on September 18, 1995, in Deed Book Volume 1083, Page 231, granted and conveyed unto David B. Claypool and Sandra A. Claypool.

SEIZED and taken into execution as the property of **David B. Claypool & Sandra A. Claypool** and to be sold by me

Raymond W. Newman
 Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/3, 10 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1053 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 14, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in CONEWAGO TOWNSHIP, Adams County, Pennsylvania, known on a Plat of general plan of a series of lots, streets, avenues, etc. of lands of Hanover Improvement Company as Lot No. 23 on the North side of the Hanover and McSherrystown turnpike in Block #2, adjoining Lot No. 22 on the West) now lands of Richard B. and Margaret I. Fuhrman); a public alley on the North; and Lot No. 24 on the East (Irene E. Carr and Lillian E. Carr); and the Hanover and McSherrystown Turnpike on the South. BEING KNOWN AS 657 3RD STREET PROPERTY TAX PARCEL NO. 8-134

TITLE TO SAID PREMISES IS VESTED IN SHAWN L. MARKS, SINGLE PERSON AND YVONNE M.K. RIDER, SINGLE PERSON, AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP BY DEED FROM ROBERT H. GOTWALT AND BARBARA A. GOTWALT, HIS WIFE, DATED 3/12/1999 AND RECORDED 3/15/1999 IN DEED BOOK 1785 PAGE 196.

SEIZED and taken into execution as the property of **Shawn L. Marks & Yvonne M. Rider** and to be sold by me

Raymond W. Newman
 Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 8, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/10, 17 & 24

KELACO VS. DAVIS & McKEAN ET AL

1. Generally, the construction of contracts is for the court to determine as a matter of law. The intent of the parties is regarded as having been embodied in the writing itself, and is to be determined only from express language of the agreement. If the wording of a contract is clear and unequivocal, there is no need to resort to extrinsic evidence. However, if the intent or purpose of the parties is not clear, extrinsic evidence is considered and it is error to dispose of the case at a preliminary stage.

2. Subject to provisions of an integration clause, a contract may consist of several writings. When an integration clause indicates that the agreement is confined to a single written document, the court may not consider other writings.

3. Restrictions on an owner's use of his land are generally disfavored, and will not be extended by implication.

4. Both parties are required to refrain from doing anything to injure the right of the other to receive the benefit of the agreement.

5. The owner of the land over which the easement or right-of-way is granted reserves all incidents of ownership which are not conveyed. An easement is a liberty, privilege, or advantage which one may have in the lands of another without profit. It may be created by a covenant or agreement, but it cannot be an estate or interest in the land itself or a right to any part of it.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil No. 98-S-485. KELACO VS. DAVIS & McKEAN GENERAL PARTNERSHIP AND FOOD LION, INC.

Gary E. Hartman, Esq., for Plaintiff

Catherine J. Gault, Esq., for Defendant

OPINION ON MOTION FOR JUDGMENT ON THE PLEADINGS

Spicer, P.J., December 17, 1998.

Defendants¹ move for judgment on the pleadings, under Pa. R.C.P. 1034. Such motion is similar to a demurrer and will be granted if there are no disputed issues of fact and defendants are entitled to judgment as a matter of law. In determining whether judgment should be entered, the court considers the pleadings and all relevant documents attached thereto. *Citicorp North America, Inc. v. Thornton*, Pa. Super. , 707 A.2d 536 (1998).

Pleadings establish that Davis owns real estate in Littlestown, bounded on the east by plaintiff and the west by Food Lion. All three tracts front on West King Street (Pennsylvania Route 194).

¹Generally, defendants shall be collectively referred to as "defendants." When it is necessary to distinguish, Davis and McKean General Partnership shall be referred to as "Davis," and Food Lion, Inc. as "Food Lion." Plaintiff may be referred to either as "plaintiff" or "Kelaco."

Plaintiff seeks to enjoin defendants from creating or utilizing an easement, or right-of-way. The pleadings make it evident that Plaintiff is a successor in interest to Maerk, LTD., a Maryland corporation (Maerk). Maerk and plaintiff² entered into two agreements on August 31, 1989. The first (Exhibit B to the complaint) recited that Maerk owned land in the Borough of Littlestown, intended to sell a portion to Kelaco, and that the parties intended to develop the entire tract as a shopping center despite the division into two tracts. The agreement contained several provisions pertinent to the present lawsuit, including:

¶13: Maerk was prohibited from leasing its tract to any other retail establishment that engaged in selling “products considered to be staples,” below the regular advertised prices established by Kelaco, without Kelaco’s approval.

¶14: Kelaco was prohibited from engaging in business of selling video cassette tapes, without Maerk’s approval.

¶15: Each party gave to the other a right of first refusal as to any “bona fide offer from any third party to purchase the parcel of land or any portion thereof.”

¶17: The agreement bound the successors and assigns of each party.

¶19: “This Agreement contains the entire agreement between the parties with respect to the subject mater hereof. This Agreement may not be modified, altered, or amended except by a written document signed by the parties hereto.”

The other agreement executed the same day (Exhibit D to the complaint) concerned the conveyance to Kelaco, and provided that certain restrictions would apply. Among provisions was the following:

¶3 Article II: “The Grantor further reserves to itself, its successors and assigns, the right to grant easements, rights-of-way and licenses to any person, individual, corporate body or municipalities;”

The complaint also has attached an agreement, dated October 3rd, 1996, between plaintiff and Davis. This agreement recited that Davis was the successor in interest to Maerk as to the tract of land retained by Maerk. The agreement stated that it was the parties’ intent to amend a contract

² Technically, the agreements were between Maerk and Paul K. Hoover, Jr. and William F. Coston, III, a partnership, trading and doing business as Kelaco.

dated August 31, 1989 and recorded "In Record Book 582 at page 681," so as "to more closely reflect the intent of the Parties." It would seem that the later agreement referred to plaintiff's exhibit B, attached to the complaint, but that exhibit is said to be recorded in Adams County Record Book 532 page 681. The agreement of August 31, 1989 relating to restrictions (Exhibit D) is said to be recorded in Adams County Record Book 539 page 672. An agreement between Maerk, Kelaco and the Borough of Littlestown, dated August 31, 1989, (Exhibit E) is said to be recorded in book 532 at page 756. ¶8 of Complaint. Assuming a typographical mistake (582 instead of 532), and that the later agreement between plaintiff and Davis was meant to amend Exhibit B, the following were among changes made:

Paragraphs 3 and 4 in the original agreement were deleted, and the following provisions substituted:

(3) ³Davis & McKean shall be free to lease any portion of its tract to any other retail establishment except those offering for sale meat, seafood, deli products, produce, and bakery products as a raw product. This prohibition does not apply to these products being prepared as a meal for on-premise or off-premise consumption. In addition, Davis and McKean shall be prohibited from leasing any portion of its tract of land to any other retail establishment offering for sale groceries as their primary business. Primary shall be defined as a wholesale club such as a Sam's Club or BJ's. This prohibition may be waived in writing by Kelaco.

(4) The parties hereto agree that Kelaco may establish any use whatsoever on its property so long as the use is housed within the Kennie's Market (or any successor entity's) building. Kelaco's right to use its property includes, but is not limited to, leasing or subleasing any space inside the Kennie's Market building for the establishment of any bank, restaurant, pharmacy, or any other use. This provision in no way limits Kelaco's or any successor's right to expand or otherwise

³The later document (Exhibit C) followed its own numerical sequence and numbering. Therefore, Exhibit B's paragraph 3 was designated as paragraph 2. The court has taken the liberty of placing parentheses around a number that correlates with the provisions in Exhibit B. When we set forth a number without parentheses, we mean to indicate that it is the number appearing in Exhibit C.

enlarge the Kennie's Market building now existing. Davis and McKean may waive in writing any rights granted to them by this section.

New paragraph 4 provides: "As further consideration for this amendment, Davis & McKean successors and assigns and Kelaco, its successors and assigns, and Kelaco, its successors and assigns, hereby agree that the aforementioned prohibition shall apply to any property subsequently acquired by Davis & McKean, successors and assigns, that is adjacent to Davis & McKean's tract of land."

In addition, ¶5 of Exhibit B, relating to the right of first refusal, was modified to some extent as to the right to purchase "the parcel of land or lesser portion thereof."

The complaint alleges that Davis and Food Lion have entered into an easement agreement, attached to the complaint as Exhibit A. That agreement recites that Food Lion owns a tract contiguous to and west of Davis, intends to develop, as a shopping center, the tract and adjacent property which Food Lion intended to purchase, and that the Food Lion and Davis agree to a common easement "for the mutual benefit and to service" the Food Lion, Davis and shopping center property. The right-of-way straddles the common boundary between the two properties with 16 feet of the corridor lying within each property. Defendants allege that creation of the right of way resulted from demands from the borough, and is designed to aid in orderly traffic patterns.

For purposes of acting on the motion for judgment, we take as true allegations in the complaint that Food Lion's business would definitely violate the prohibitions spelled out in Exhibit C, relating to goods that may be sold by Davis or its assigns. Such allegations are factual. The same is not true with respect to averments that the easement agreement violates Davis' obligations to develop the Kelaco/Davis property as a shopping center. That is a legal conclusion that we must determine.

Plaintiff also states that the easement agreement violated its right of first refusal. The complaint alleges that this right of first refusal applied to "the granting of any interest in or portion of the Davis & McKean tract." Complaint ¶9d.

This last allegation does not reflect literal provisions of ¶5, Exhibit C. and also must be considered a conclusion of law.. We must determine whether "portion" or "lesser portion" includes an easement, and whether a right-of-way constitutes an interest in the property.

It must be observed that Kelaco does not allege that granting an easement was a subterfuge designed to destroy any meaningful right of first refusal. Therefore, our discussion is meant to relate only to the situation presented in this case.

Generally, the construction of contracts is for the court to determine as a matter of law. The intent of the parties is regarded as having been embodied in the writing itself, and is to be determined only from express language of the agreement. If the wording of a contract is clear and unequivocal, there is no need to resort to extrinsic evidence. *Temple University v. Allegheny Health Foundation*, 456 Pa. Super. 314, 690 A.2d 712 (1997). However, if the intent or purpose of the parties is not clear, extrinsic evidence is considered and it is error to dispose of the case at a preliminary stage. Resolution must await a determination of facts. *Perrige v. Horning*, 440 Pa. Super., 31, 654 A.2d 1183 (1995).

Subject to provisions of an integration clause, a contract may consist of several writings. *Valvano v. Galardi*, 363 Pa. Super. 584, 526 A.2d 1216 (1987). When an integration clause indicates that the agreement is confined to a single written document, the court may not consider other writings. *Lenzi v. Hahnemann University*, 445 Pa. Super. 187, 664 A.2d 1375 (1995). The particular integration clause involved in this case indicates that other writings may be considered. Since Exhibits B and D pertain to the same subject, we feel it proper to consider Exhibit D in interpreting Exhibits B and C.

Restrictions on an owner's use of his land are generally disfavored, *Id.*, and will not be extended by implication. *Siciliano v. Mislner*, 399 Pa. 406, 160 A.2d 422 (1960). In that case, Supreme Court said that restrictions are to be construed against the grantor and in favor of a landowner. *Id.* The last portion of the rule of construction is not helpful, since the grantor and owner were both the same entity (Maerk). However, this was also true in *Siciliano*.

At any rate, with these preliminary principles in mind, we turn our attention to defendants' arguments.

Does the grant of an easement violate restrictions described in Exhibit C? The answer to this is no. Restrictions in the agreements, by their express terms, apply to land that Davis owns, or tracts adjacent to that tract which Davis may later acquire. The case is governed by *Siciliano v. Mislner, Id.*, which involved a similar factual scenario. In that

case, a landowner, who was trying to develop a shopping center, persuaded a buyer to build a supermarket. As part of the inducement, the owner restricted all remaining land to prohibit other supermarkets. Later, the owner acquired neighboring land that lay outside the restricted area, and built another supermarket. Owner also improved restricted land with a parking lot, which was used by customers of the second store. Supreme Court held that the language of the restrictions was clear and determined the intent of the parties solely from those writings. Since the prohibitions clearly applied only to land other than that on which the second supermarket was constructed, Supreme Court found no violation. Thus, the first supermarket's efforts to obtain equitable relief were denied.

In the case at bar, nothing in the agreements restricted Davis' use of a portion of its land for a right of way. Davis did not acquire the adjacent property and restrictions were not extended to that tract. Food Lion was not a party to, nor was it bound by the agreements between Kelaco and Davis.

We find, as a matter of law, that allegations in the complaint cannot constitute sufficient and legal grounds for finding a violation of express restrictions in the contract.

Does the grant violate express provisions of Exhibits B and C concerning the development of a shopping center, or an implied duty of good faith and fair dealing in such development? We find that the easement grant violates no express duty to develop a shopping center. While Exhibit B may require the parties to "simultaneously develop the property as a retail shopping center," (¶1), it clearly applies only to the land owned by Davis and Kelaco. The agreement states that the parties "wish to provide for certain matters regarding the leasing of the respective parcels of land owned by each of the parties as well as the sale or other transfer thereof." We will discuss the right of first refusal in a moment, but it is clear that a right-of-way is not a proscribed use and that Food Lion's supermarket, is to be erected on a tract not subject to restriction. There is no express provision which prevents Davis from conveying an easement, and plaintiff has not pleaded anything to indicate how granting the right of way interferes with Davis' development of its tract. The agreement does not cover operation of a shopping center, only its development. Paragraph 1 states, "The parties shall use their best efforts to cause such development to commence and to be completed as promptly as possible." The only reasonable construction that can be given to "de-

velopment” concerns brick, mortar, utilities and parking spaces. It does not encompass doing business after the physical structure is in place.

We can certainly understand Kelaco’s concern with a competitor so close by. We can also understand Davis’ interest in traffic control. We cannot extend the terms of the agreement beyond the expressed intent of the contracting parties.

In considering whether Davis breached a duty of good faith and fair dealing, we must first determine if there is such a duty. There is. Both parties are required to refrain from doing anything to injure the right of the other to receive the benefit of the agreement. *Miller v. Keystone Insurance Co.* 402 Pa. Super. 213, 586 A.2d 936 (1991); alloc. gr. 528 Pa. 631, 598 A.2d 284 (1991). However, the benefit for which Kelaco bargained was Davis’ promise to refrain from allowing a competing business on property subject to the agreement. Granting the easement does not do this, and we find no violation of the implied covenant of fair dealing.

Does granting the easement violate Kelaco’s right of first refusal?

Kelaco is entitled to relief if it is determined that the right of first refusal is valid, and that a conveyance occurred in derogation of such right. See *Perrige v. Horning*, supra. It is clear that the right is valid and enforceable, but we must determine whether an easement is a conveyance of the tract or portion thereof.

It is clear that not all technical conveyances are subject to the right. Language of the agreement makes it obvious that leases are not included.⁴ The crucial wording becomes “parcel of land or any portion thereof,” set forth in Exhibit C, ¶5. Phrased differently, the issue is whether Davis denied Kelaco its right of first refusal as to “a bona fide offer from any third party to purchase the parcel of land or any portion thereof.”

Although Kelaco contends that the easement is an interest in land, appellate authority is to the contrary. Supreme Court has said:

Generally, the grant of an easement or a right-of-way conveys the right of passage or use over a particular portion of land. The owner of the land over which the easement or right-of-way is granted reserves all incidents of ownership which are not conveyed. “An ease-

⁴Supreme Court recently reaffirmed the Pennsylvania Rule that a non-defaulting commercial landlord has no duty to mitigate damages when a tenant vacates. The basis for the ruling was that a commercial lease is still considered a conveyance of a possessory interest in real estate, and real estate, not contract, law governs. *Stonehedge Square v. Movie Merchants*, Pa., 715 A.2d 1082 (1998).

ment is a liberty, privilege, or advantage which one may have in the lands of another without profit.... [It] may be created by a covenant or agreement....But it cannot be an estate or interest in the land itself or a right to any part of it." *Patricca v. Zoning Board of Adjustment*, 527 Pa. 267, 275, 276, 590 A.2d 744, 748 (1991), citing *Clements v. Sannuti*, 356 Pa. 63, 51 A.2d 697 (1947).

Quite aside from case law, we find a clear indication that the parties did not intend that Kelaco's right of first refusal extend to easements. Maerk retained broad rights to convey easements over both tracts pursuant to the agreement attached as Exhibit D. The later agreement between Davis and Kelaco, Exhibit C, did not alter this right. Thus, the parties distinguished between easements and fee estates in their agreements. The usual meaning of tract or portion implies a fee title, not a grant of a right-of-way.

Our discussion makes it unnecessary to comment on another argument advanced by Davis, but we shall do so, anyhow. Davis contends that the easement grant is akin to a gift, and thus not covered by the right of first refusal to *purchase* a portion of the Davis Tract. It cites *Mericle v. Wolf and Sacred Heart Hospital*. 386 Pa. Super., 82, 562 A.2d 364 (1989), where it was held that a gift was not included in a right involving sales. Exhibit A would seem to clearly show that the consideration for the agreement was the mutual grant of sixteen feet rights-of-way by Davis and Food Lion. Even if we were to hold that the pleadings do not clearly establish that this is a mutual gift, it is quite apparent that the conveyance involves terms that Kelaco could not possibly meet. Thus, even if Kelaco were given the benefit of its right, it could not provide Davis with a 16 feet right-of-way on the tract adjoining the grant in question.

Accordingly, the attached order is entered.

ORDER

AND NOW, this 17TH day of December, 1998, judgement on the pleadings is granted in favor of the defendants and against plaintiff.

ORDER

All issues have been previously addressed in the opinion and order dated January 4, 1999.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1066 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the easterly right of way line of Kenneman Road in the Borough of Abbotstown, Adams County, Pennsylvania known and numbered as lot NO. 31 on a final plan of Abbots Manor Phase I recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the easterly right of way line of Kenneman Rd. at a corner of Lot NO. 32 on said plan; thence extending along the said right to way line North 1 degrees 23 minutes 20 seconds East 150 feet to a point; thence extending along a line curving to the right having a radius of 25 feet with an $46^{\circ} 23' 20" E$ $35.36'$ arc distance of 39.27 feet as shown on said plan; thence continuing along a line curving to the left having a radius of 25 feet with an arc distance of 6 feet as shown on said plan; thence continuing along a line curving to the left having a radius of 25 feet with an arc distance of 6 feet as shown on said plan to a corner of Lot No. 54 on said $S 37^{\circ} 25' 50 E$ 5' plan; thence extending along the said Lot No. 54 South 23 degrees 10 minutes 10 seconds East 192.49 feet to a point at a corner of Lot NO. 32 on said plan; thence extending along the said Lot NO. 32 North 88 degrees 36 minutes 40 seconds West 110 feet to the point and place of BEGINNING.

CONTAINING 12,119 Sq. Ft.

Tax Parcel #5-35

TITLE TO SAID PREMISES IS VESTED IN Shane L. Reynolds and Holly M. Reynolds, his wife by Deed from Garland Construction, Inc. dated 12/19/97 recorded 2/6/98 in Deed Book Volume 1517 Page 303.

Premises being known as 44 Kenneman Road, Abbotstown, PA 17301

SEIZED and taken into execution as the property of **Shane L. Reynold & Holly M. Reynold** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the purchase

price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

3/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-815 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF BRIAN W. REYNOLDS and DEBRA L. REYNOLDS OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE TOWNSHIP OF FRANKLIN, THE CITY OF ORRTANNA, COUNTY OF ADAMS, COMMONWEALTH OF PENNSYLVANIA, HAVING ERRECTED THEREON A DWELLING KNOWN AND NUMBERED AS 348 BUCHANAN VALLEY ROAD, ORRTANNA, PA 17353. DEED BOOK VOLUME 948, PAGE 315, PARCEL ID NO. B9-22B.

SEIZED and taken into execution as the property of **Brian W. Reynolds, Sr. & Debra Reynolds** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/17, 24 & 31

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 being 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, March 30, 2000, at 9:00 o'clock a.m.

MARTIN—Orphans' Court Action Number OC-139-99. The First and Final Account of Nancy Lee Shultz, Administrator c.t.a. of the Last Will and Testament of Earl W. Martin, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

WHISTLER—Orphans' Court Action Num-

ber OC-99-00. The First and Final Account of William K. Fenglish, Jr. and Adams County National Bank, Executors of the Estate of Charles W. Whistler a/k/a Charles W. Whistler, Jr., deceased, late of Straban Township, Adams County, Pennsylvania.

SCHUMAN—Orphans' Court Action Number OC-16-00. The First and Final Account of Karl A. Lehman, CPA, Executor of the Estate of Dorothy E. Schuman, deceased, late of Oxford Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

3/17, 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-34 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate in Mount Pleasant Township, Adams County, Pennsylvania, more particularly described as Lot NO. 586 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 Misc. Book 4, at page 665, and subject to all legal highways, easements, rights of way and restrictions of record.

BEING THE SAME PREMISES WHICH Agnes Hoban, Michael R. Smith, Patricia F. Blumenthal, Fran Cooley by their Attorney in Fact, Janet M. Smith Thomas, and Janet M. Smith, Individual, by their Deed dated April 25, 1997 and recorded in Adams County Recorder of Deeds Office on May 2, 1997 in Deed Book 1366, page 56, granted and conveyed unto Wilbur Leroy Stultz and Deborah J. Stultz.

SEIZED IN EXECUTION AS THE PROPERTY OF LEROY WILBUR STULTZ A/K/A WILBUR LEROY STULTZ AND DEBORAH J. STULTZ UNDER ADAMS COUNTY JUDGMENT NO. 99-S-34.

Map & Parcel # 5-53

SEIZED and taken into execution as the property of **Leroy Wilbur Stultz a/k/a Wilbur Leroy Stultz and Deborah J. Stultz** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-918 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the centerline of New Chester Road (T-514), which point is located at the South-western corner of Lot No. 5 on the hereinafter described plan of lots; thence running in the centerline of the New Chester Road (T-514) South 22 degrees 36 minutes 05 seconds West 87.08 feet to a p.k. nail in the centerline of said road; thence running in the centerline of said road and by a curve to the right the radius of which is 741.53 feet with an arc distance of 278.89 feet and a chord bearing of South 34 degrees 29 minutes 00 seconds West for a chord length of 277.05 feet to a p.k. nail in the centerline of New Chester Road; thence continuing in the centerline of New Chester Road South 47 degrees 02 minutes 45 seconds West 204.67 feet to a point in the centerline of said road at the corner of land now or formerly of Randolph Swartz; thence running by land now or formerly of Randolph Swartz and through an existing steel rod set back 22.62 feet from the start of this course North 79 degrees 16 minutes 30 seconds West 277.41 feet to an existing steel rod, thence continuing by the same North 43 degrees 11 minutes 35 seconds West 151.53 feet to an existing steel rod; thence continuing by the same, through an existing steel rod near the line (.3 feet North) 116.1 feet from the start of this course and by Armatha Ford North 62 degrees 56 minutes 35 seconds West 346.98 feet to an existing "eye" steel rod on line of land of Armatha Ford; thence running by land now or formerly of Armatha Ford North 19 degrees 32 minutes 50 seconds East 509.45 feet to a steel rod at the Northwest corner of Lot No. 5 on the hereinafter described plan of lots; thence running by Lot No. 5 and through a steel rod set back 250 feet from the start of this course and through a steel rod set back 25 feet from the end of this course South 67 degrees 38 minutes 00 seconds East 924.53 feet to a point in the center of New Chester Road (T-514) the point and place of BEGINNING. CONTAINING 10.905 acres.

The description was taken from a draft of survey of J. Riley Redding, R.S., dated October 25, 1991 and recorded in Adams County Plat Book 61 at Page 15. The lot described is Lot No. 6 on said plan of lots.

PARCEL NUMBER: I-10-15D

TITLE TO SAID PREMISES IS VESTED IN Richard L. Henry and Sherry L. Henry, husband and wife by Deed from Philip Reuben Wessel, single dated 11/9/94 recorded 11/18/94 in Record Book 966 Page 235.

SEIZED and taken into execution as the property of **Richard L. Henry & Sherry L. Henry** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/3, 10 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1082 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 14, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING DESCRIBED PIECE, PARCEL OR TRACT OF LAND, TOGETHER WITH THE IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN OXFORD TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, MORE PARTICULARLY BOUNDED, LIMITED AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING FOR A POINT ON THE PROPERTY LINE OF EAST LOCUST LANE AT CORNER OF LOT NO. 31 ON THE HEREINAFTER REFERRED TO PLAN OF LOTS; THENCE ALONG LOT NO. 31, NORTH FIFTY (50) DEGREES FORTY (40) MINUTES FORTY (40) SECONDS EAST, ONE HUNDRED AND NINETY HUNDREDTHS (100.90) FEET TO A POINT AT LAND NOW OR FORMERLY OF LLOYD E. ECKERT; THENCE ALONG SAME, SOUTH THIRTY-EIGHT (38) DEGREES NINE (9) MINUTES ZERO (0) SECONDS EAST, EIGHTY-EIGHT AND FIFTEEN HUNDREDTHS (88.15) FEET TO A POINT AT LOT DESIGNATED FOR USE AS RECREATION AREA NO. 2; THENCE ALONG SAME, SOUTH FIFTY-FIVE (55) DEGREES NINETEEN (19) MINUTES TWENTY-ONE (21) SECONDS WEST, ONE HUNDRED AND

FIFTY-FIVE HUNDREDTHS (100.55) 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-ONE AND SEVENTY-ONE HUNDREDTHS (341.71) FEET, FOR AN ARC LENGTH OF TWENTY-SEVEN AND SEVENTY HUNDREDTHS (27.70) FEET, AND HAVING A LONG CHORD BEARING AND DISTANCE OF NORTH THIRTY-SEVEN (37) DEGREES ZERO (0) MINUTES TWO (2) SECONDS WEST, TWENTY-SEVEN AND SIXTY-NINE HUNDREDTHS (27.69) FEET TO A POINT; THENCE CONTINUING ALONG EAST LOCUST, NORTH THIRTY-NINE (39) DEGREES NINETEEN (19) MINUTES TWENTY (20) SECONDS WEST, FIFTY-TWO AND THIRTY-TWO HUNDREDTHS (52.32) FEET TO A POINT AT LOT NO. 31, THE POINT AND PLACE OF BEGINNING.

BEING KNOWN AS 35 EAST LOCUST LANE

PROPERTY TAX PARCEL NO. 9-10, LOT: 30, BLOCK 19-A

TITLE TO SAID PREMISES IS VESTED IN EDWARD E. MARKS, SINGLE MAN BY DEED FROM MARY ELLEN STAMBUUGH, ALSO KNOWN AS MARY E. FREY, SINGLE WOMAN, DATED 9/30/1996 AND RECORDED 10/3/1996 IN DEED BOOK 1268 PAGE 243.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 8, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/3, 10 & 17

ARTICLES OF INCORPORATION

NOTICE is hereby given that Articles of Incorporation for B & D FUTURES, INC. were filed with the Department of State of the Commonwealth of Pennsylvania on February 9, 2000, under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444.

Guthrie, Nonemaker,
Guthrie & Yingst,
Solicitor

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 R. BORTNER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Patricia A. Bortner c/o Douglas H. Gent, Esq., 1157 Eichelberger Street, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

ESTATE OF LEONA M. HAMM, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: Larry R. Hamm, 3685 Carlisle Pike, New Oxford, PA 17350

Attorney: Elyse E. Rogers, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110

ESTATE OF CARROLL C. LAWRENCE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrators: Pamela C. Markle 15B E. High Street, New Oxford, PA 17350; Gregory F. Lawrence, 442 Mt. Misery Road, New Oxford, PA 17350

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

ESTATE OF ALTON M. LEISTER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Doris E. Leister c/o Douglas H. Gent, Esq., 1157 Eichelberger Street, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

ESTATE OF MARY ELLEN MIKESELL, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Administrator: Terry L. Mikesell, P.O. Box 219, Colorado Springs, CO 80901

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

ESTATE OF GLADYS I. REYNOLD, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executors: Larry G. Reynold, 88 Cheetah Drive, Hanover, PA 17331; Deborah A. Reynold Breighner, 14 Cherry Court, New Oxford, PA 17350

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SUSAN LOUISE RISER

A/K/A SUSAN L. RISER, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Richard Francis Risler, Jr., 2898 Centennial Rd. Hanover, PA 17331

Attorney: Henry O. Heiser, III, Esq., 104

Baltimore Street, Gettysburg, PA 17325

ESTATE OF RICHARD M. SITES, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Administrator: Clair L. Sites, 77 Carroll's Tract Road, Fairfield, PA 17320

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

ESTATE OF SARAH CATHERINE SPENCE, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrices: Dorothy May Thompson, P.O. Box 3637, 570 Hillcrest Place, Gettysburg, PA 17325; Linda Kay Isenberger, 141 Twin Lakes Drive, Gettysburg, PA 17325

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

ESTATE OF ANNA C. WILDASIN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Darlene Sneeringer, 2712 Black Rock Road, Hanover, PA 17331

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

ESTATE OF CHARLES HENRY WOLF A/K/A CHARLES H. WOLF, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrator: Martha Jane Wolf c/o Steven L. Bloom, Esq., 2100 Longs Gap Road, Carlisle, PA 17013

Attorney: Steven L. Bloom, Esq., 2100 Longs Gap Road, Carlisle, PA 17013

SECOND PUBLICATION

ESTATE OF HILDAH D. ARTER, A/K/A HILDAH J. ARTER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

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

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

ESTATE OF NORMA M. BRANSOM, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Linda R. Smith, 445 Prince Street, Littlestown, PA 17340

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

ESTATE OF PAUL V. DEARDORFF, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Sandra L. Lee, 1111 Woodside Parkway, Silver Springs, MD 20910

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

ESTATE OF SARAH C. KLINEFELTER A/K/A SARA W. KLINEFELTER, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Hylda C. Klinefelter, 264 South Ivy Lane, Glen Mills, PA 19342

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

THIRD PUBLICATION

ESTATE OF MARY E. BIGGINS, A/K/A MARY ELLEN BIGGINS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Alice B. Scott, 210 Black Horse Tavern Road, Gettysburg, PA 17325

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

ESTATE OF JEAN C. CARTA, A/K/A JEAN M. CARTA, DEC'D

Late of Union Township, Adams County, Pennsylvania

Administrator: Kenneth J. Carta, 491 Barts Church Road, Hanover, PA 17331

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 116 Carlisle Street, Hanover, PA 17331

ESTATE OF KENNETH I. DEARDORFF, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Cynthia A. Coble, 1854 Riverview Drive North, Drumore, PA 17518

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

ESTATE OF DORALYN S. GOLDEN, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Co-Executors: G. Lynn Golden, 345 Old U.S. Route 15, York Springs, PA 17372; Emory C. Golden, 480 Ridge Road, York Springs, PA 17372; Yolanda Dick, 77 Ridge Road, York Springs, PA 17372

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

ESTATE OF MARY H. RESH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Elizabeth Irene Bixler, c/o William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF JOSEPH E. SMITH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Anne C. Staub, 1921 Lorraine Road, Reading, PA 19604; Margaret M. Hockenberry, P.O. Box 415, 13 West Main, Newburg, PA 17240; Rose Marie Felix, 2085 Barlow-Two Taverns Road, Gettysburg, PA 17325; Donald J. Smith, 405 County Line Road, Grantville, PA 17028

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

ESTATE OF CHRISTIAN JACOB WEIGAND, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Jane Marie Fox, f/k/a Jane Marie Warner, 410 Hoover School Road, East Berlin, PA 17316; Allen David Weigand, 459 Hoover School Road, East Berlin, PA 17316

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

Continued on next page

ESTATE NOTICES (CONT.)

ESTATE OF L. GRACE WETZEL, A/K/A LULA GRACE WETZEL, A/K/A LULU GRACE WETZEL, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Co-Executors: Arthur Wetzel, 1726 Carrolls Tract Road, Orrtanna, PA 17353; Leroy M. Wetzel, 231 Belmont Road, Gettysburg, PA 17325; Irene C. Stansbury, 1720 Carrolls Tract Road, Orrtanna, PA 17353

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

ESTATE OF BEVERLY C. WILSON, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Richard W. Geisendaffer, 207 Glenwood Road, Bel Air, MD 21014

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

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on February 23, 2000 with the Department of State of the Commonwealth of Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, L.P. 1444, No. 177, as amended.

This name of the corporation is TIMELESS TEXTILES HOLDINGS, INC., with its principal office or place of business at 110 Mill Street, Suite 9, Middletown, PA 17057. The names and addresses of all persons owning or interested in said business are: Mary P. Harkless and Allen Bailey, 110 Mill Street, Suite 8, Middletown, PA 17057; Kathleen M. Carroll, 1490 Pumping Station Road, Gettysburg, PA 17325.

Alan K. Patrono, Esq.,

3/17

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on February 10, 2000 with the Department of State of the Commonwealth of Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, L.P. 1444, No. 177, as amended.

This name of the corporation is MIDAJO ENTERPRISES, INCORPORATED, with its principal office or place of business at 1345 Carlisle Road (P.O. Box 161) Aspers, PA 17304. The names and addresses of all persons owning or interested in said business are: Jose R. Ramirez, 729 Chambersburg Road, Gettysburg, PA 17325; Miguel A. Escoto, 8115 Begonia Way, Gaithersburg, MD 20879; Rey David Dominguez, 3404 Greencastle Road, Burtonville, MD 20866.

Alan K. Patrono, Esq.,

3/17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-N-599 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 14, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that certain lot of land situate in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. P-155 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of Recorder of Deeds of Adams County in Miscellaneous Book 4, Page 233, and subject to all legal highways, easements, rights-of-way, covenants and restrictions of record.

Lot No. P-155 being the same lot which Glenn H. Whaley and Luella P. Whaley, husband and wife, by their deed dated March 8, 1972, and recorded in Adams County Record Book 299 at Page 346, granted and conveyed unto Glenn D. Whaley and Ann M. Whaley, husband and wife.

SEIZED and taken into execution as the property of **Glenn D. Whaley & Ann Whaley** and to be sold by me

Raymond W. Newman

Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 8, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/10, 17 & 24

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on February 23, 2000 with the Department of State of the Commonwealth of Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, L.P. 1444, No. 177, as amended.

This name of the corporation is CLOSET BIZ, INC., with its principal office or place of business at 1028 Barlow/Greencount Road, Gettysburg, PA 17325. The names and addresses of all persons owning or interested in said business are: Kimberly S. Himes and John A. Holt, Jr., 1028 Barlow Greenmount Road, Gettysburg, PA 17325; Kelly Clark-Archer, 40 Cedar Avenue, Gettysburg, PA 17325.

Alan K. Patrono, Esq.,

3/17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-617 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, March 31, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT certain tract, lot and parcel of land lying and being in the Borough of Carroll Valley County of Adams and State of Pennsylvania, being known as Lot No. 67 in Section RC, being more particularly described as follows:

BEGINNING at a point in the center of Tom's Creek Trail at Lot No. 68; thence by said lot South 42 degrees 56 minutes East, 225 feet to Lot No. 78; thence by said lot South 47 degrees 04 minutes West, 100 feet to Lot No. 66; thence by said lot North 42 degrees 56 minutes West, 225 feet to a point in the center of said Tom's Creek Trail; thence in said Tom's Creek Trail North 47 degrees 04 minutes East, 100 feet to the place of beginning.

THE above description was taken from a plan of lots labeled "Section RC of Charnita, Inc." dated October 1, 1968, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book No. 1 at page 35.

TOGETHER WITH AND SUBJECT TO rights, terms, easements, rights of way, conditions and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Edward W. Kreun and Kimberly A. Kreun, husband and wife by Deed from Cecil S. Stultz and Susan M. Stultz, husband and wife, dated 4/30/98, recorded 5/5/98 in Record Book 1573 Page 197.

PREMISES BEING KNOWN AS 93 TOM'S CREEK TRAIL, FAIRFIELD, PA 17320

SEIZED and taken into execution as the property of **Edward W. Kreun & Kimberly A. Kreun** and to be sold by me

Raymond W. Newman

Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/3, 10 & 17

Adams County Legal Journal

Vol. 41

March 24, 2000

No. 43, pp. 245-250

CONTINUING LEGAL EDUCATION PROGRAM

Understanding Real Estate Appraisals and Appraisers

Wednesday, May 10, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Malpractice Avoidance Seminar

Wednesday, May 24, 2000 – 1:30 p.m. to 3:00 p.m.

Gettysburg Hotel, Gettysburg

Credits: Substantive Law: 0; Ethics – 1.5

Registrations by mail only with PBA

(for information, call 800-932-0311)

Alternative Medical Approaches to Reduce Stress

Wednesday, June 28, 2000 – 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 0, Ethics – 1

Issues in Commercial Mortgage Foreclosures

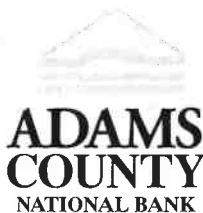
Wednesday, August 9, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

REGISTRATION THROUGH P.B.I. 800-247-4724

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-N-598 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 14, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that certain lot of land situate in Mt. Pleasant Township, Adams County, Pennsylvania, being more particularly described as Lot No. 579 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of Recorder of Deeds of Adams County in Miscellaneous Book 4, Page 665, and subject to all legal highways, easements, rights-of-way, covenants and restrictions of record.

Together with the right in common with other owners of lots in said subdivision to use for all usual purposes the streets, ways, beaches, recreation areas and other public areas, as shown on the said plot, and the right in common with other owners of lots in the said subdivision to use the lake and beaches for swimming, fishing, and boating in accordance with the rules and regulations of Lake Heritage Property Owners Association, Inc., its successors and assigns.

Lot No. 579 being the same lot which Donald R. Obenstine and Martha L. Obenstine, husband and wife, by their deed dated July 17, 1984, and recorded in Adams County Record Book 383 at Page 374, granted and conveyed unto James W. Obenstine and Rosemary M. Obenstine, aka Rosemary Horn (Obenstine).

SEIZED and taken into execution as the property of **James W. Obenstine & Rosemary Horn (Obenstine)** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 8, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1053 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 14, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in CONEWAGO TOWNSHIP, Adams County, Pennsylvania, known on a Plat of general plan of a series of lots, streets, avenues, etc. of lands of Hanover Improvement Company as Lot No. 23 on the North side of the Hanover and McSherrystown turnpike in Block #2, adjoining Lot No. 22 on the West) now lands of Richard B. and Margaret I. Fuhrman; a public alley on the North; and Lot No. 24 on the East (Irene E. Carr and Lillian E. Carr); and the Hanover and McSherrystown Turnpike on the South. BEING KNOWN AS 657 3RD STREET PROPERTY TAX PARCEL NO. 8-134

TITLE TO SAID PREMISES IS VESTED IN SHAWN L. MARKS, SINGLE PERSON AND YVONNE M.K. RIDER, SINGLE PERSON, AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP BY DEED FROM ROBERT H. GOTWALT AND BARBARA A. GOTWALT, HIS WIFE, DATED 3/12/1999 AND RECORDED 3/15/1999 IN DEED BOOK 1785 PAGE 196.

SEIZED and taken into execution as the property of **Shawn L. Marks & Yvonne M. Rider** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 8, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-N-599 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 14, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that certain lot of land situate in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. P-155 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of Recorder of Deeds of Adams County in Miscellaneous Book 4, Page 233, and subject to all legal highways, easements, rights-of-way, covenants and restrictions of record.

Lot No. P-155 being the same lot which Glenn H. Whaley and Luella P. Whaley, husband and wife, by their deed dated March 8, 1972, and recorded in Adams County Record Book 299 at Page 346, granted and conveyed unto Glenn D. Whaley and Ann M. Whaley, husband and wife.

SEIZED and taken into execution as the property of **Glenn D. Whaley & Ann Whaley** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 8, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/10, 17 & 24

NASSAUX-HEMSLEY VS. BERWICK TWP.
MUN. AUTH. ET AL

1. A petition to open judgment is an appeal to the equitable powers of the court.
2. If a petition to open a judgment is to be successful, it must meet the following test: (1) the petition to open must be promptly filed; (2) the failure to appear or file a timely answer must be excused; and (3) the party seeking to open the judgment must show a meritorious defense.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 97-S-950. NASSAUX-HEMSLEY VS. BERWICK TOWNSHIP MUNICIPAL AUTHORITY AND BERWICK TOWNSHIP.

Robert E. Graham, Jr., Esq. and John J. Szajna, Esq., for Plaintiff
John Crabbs, Esq., for Defendant (Municipal Authority)
Daniel L. Sullivan, Esq. and Timothy J. Shultis, Esq., for Defendant
(Township)

OPINION

Kuhn, J., December 17, 1998.

On October 8, 1997, Plaintiff, Nassaux-Hemsley, Incorporated, filed a complaint against Defendants, Berwick Township Municipal Authority (“Municipal Authority”) and Berwick Township (“Township”). On November 25, 1997, the Township filed an answer with new matter. Plaintiff replied on December 15, 1997. On December 17, 1997, the Municipal Authority filed an answer admitting every allegation in Plaintiff’s complaint and included a cross claim against the Township. On April 14, 1998, Plaintiff filed a praecipe for judgment against the Municipal Authority based upon its admissions. Judgment was entered against the Municipal Authority for a total of \$47,337.76 on April 14, 1998. On April 29, 1998, the Township filed a petition to open judgment. On April 29, 1998, and May 6, 1998, this Court issued Orders requiring, among other things, that Plaintiff show cause why the relief requested should not be granted.¹ The Orders further required the parties to consult with the Court on the appropriate procedure for determining disputed facts.

On May 27, 1998, the Court received a letter from counsel for Plaintiff arguing that the sole issue to be determined was based upon a Loan Agreement between the Township and Farmer’s Bank requiring

¹It is not clear from the record why two Orders of a similar nature were issued within one week of each other.

the Township to approve and forward an Order and Certificate of payment to the Bank. On June 29, 1998, the Court received a letter from counsel for the Township arguing that various issues remained to be determined before a finding of an obligation to pay could be made. Plaintiff responded by letter dated July 8, 1998. By letter dated October 29, 1998, the Court raised some concerns to which the parties have not replied; therefore, disposition shall be made on the record before the Court.

LEGAL DISCUSSION

The matter presently before the Court is Plaintiff's petition to open judgment. A petition to open judgment is an appeal to the equitable powers of the court. *Cintas Corp. v. Lee's Cleaning Services*, 549 Pa. 84, 93, 700 A.2d 915, 919 (1997). Our Supreme Court has held:

Ordinarily, if a petition to open a judgment is to be successful, it must meet the following test: (1) the petition to open must be promptly filed; (2) the failure to appear or file a timely answer must be excused; and (3) the party seeking to open the judgment must show a meritorious defense.

Id.

There appears to be no issue of timeliness in the present action. Judgment was entered on April 14, 1998, and the Township filed a petition to open judgment on April 29, 1998. Thus, the sole issue is whether or not the Township has sufficiently shown a meritorious defense. The Court believes that the Township has successfully met this requirement.

Plaintiff was originally hired by the Municipal Authority to perform work related to a sewer project in Berwick Township. That project was to be conveyed to the Township by the Municipal Authority pursuant to a Court Order dated February 26, 1998, docketed at 97-S-1157. Under that Order the Township was required to assume obligations related to the sewer project. Those obligations included debts allegedly owing to Plaintiff in the case *sub judice*. Therefore, the Township has a direct interest in the judgment entered against the Municipal Authority. In fact, in light of this Court's decision in 97-S-1157, judgment against the Municipal Authority now constitutes judgment against the Township.

Additionally, the Township argues various defenses to Plaintiff's allegations. In its Answer with New Matter the Township denies any responsibility to pay for what it termed Plaintiff's "additional services." (Plaintiff's Complaint at ¶ 12). In the alternative, the Township argues the "additional services" were improper because they were services that were to be provided as part of the original lump sum contract. (Berwick Township's Petition to Open Judgment Entered Against Berwick Township Municipal Authority at ¶ 11). Furthermore, the Township claims that the Municipal Authority and Plaintiff have engaged in a "collusive scheme to ensure that a money judgment would be entered in favor" of Plaintiff. (Berwick Township's Petition to Open Judgment Entered Against Berwick Township Municipal Authority at ¶ 18).

Therefore, this Court believes the Township has made sufficient allegations of a meritorious defense. Additionally, due to the present circumstances in which the Municipal Authority admitted liability for debts which the Township would ultimately be held responsible, the Court believes it would be equitable to allow the judgment to be opened to allow the Township the opportunity to submit its defense.²

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 17th day of December 1998, Berwick Township's Petition to Open Judgment Entered Against Berwick Township Municipal Authority is hereby granted.

RAMIREZ VS. COMMONWEALTH

1. Probation before judgment does not constitute a conviction.
2. Giving full faith and credit to Maryland's law, we hold that the Department's suspension of defendant's driver's license was an impermissible disqualification from his motor vehicle operating privileges, since his discharge in Maryland cannot be a conviction for such purposes.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 98-S-499. FELIX RAMIREZ VS. COMMONWEALTH OF

²The Court further notes that in correspondence it received from Plaintiff and the Township, the parties argued the legal issues as they relate to the merits of the case. Thus, the parties clearly believe there is an issue to be determined supporting the decision to open the judgment.

PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, BU-
REAU OF DRIVER LICENSING

Tracy M. Sheffer, Esq., for Plaintiff
Matthew Haeckler, Esq., for Defendant

OPINION ON APPEAL FROM LICENSE SUSPENSION

Kuhn, J., December 17, 1998.

On May 18, 1998, Appellant, Felix Ramirez, filed an appeal from a license suspension. A hearing was held and by Order of Court dated August 3, 1998, the record was kept open to allow Appellant to obtain and submit a transcript of a proceeding that took place in Frederick County, Maryland. The Order directed counsel to file legal memoranda upon which the Court would make its decision without further argument. The matter is now before this Court for disposition.

STATEMENT OF FACTS

On March 19, 1998, the Maryland District Court found Appellant guilty of driving while intoxicated. Md. Ann. Code art. 21, § 902(a). Appellant appealed this ruling to the Maryland Circuit Court of Frederick County and on June 1, 1998, after pleading guilty was granted a disposition of "probation before judgment" for a period of 18 months. Md. Ann. Code art. 27, § 641.

After the original finding of guilt by the Maryland District Court, the Maryland Department of Transportation notified the Pennsylvania Department of Transportation ("PennDOT") of the conviction pursuant to the Driver's License Compact. 75 Pa.C.S.A. § 1581. By letter dated May 8, 1998, PennDOT notified Appellant that his license was to be suspended for a period of one year. Appellant appealed that decision to this Court arguing that the disposition of "probation before judgment" in Maryland was not a conviction and therefore could not be the basis of a license suspension in Pennsylvania.

LEGAL DISCUSSION

After a hearing on the issue in the case sub judice, a similar case was decided by the Commonwealth Court of Pennsylvania. In *Laughlin v. Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing*, ___ Pa. Commw. ___, 719 A.2d 850 (1998), Laughlin was charged with driving under the influence in

Maryland. Laughlin pleaded guilty with the understanding that if he complied with certain requirements he would be granted “probation before judgment” pursuant to Md. Ann. Code art. 27, § 641. Upon the plea of guilty, the Maryland Department of Transportation notified Pennsylvania of the conviction. PennDOT then notified Laughlin that his Pennsylvania license would be suspended for a period of one year.

Laughlin appealed to the court of common pleas, which deferred its decision to allow Laughlin the opportunity to later submit proof of decertification of his conviction in Maryland. When Laughlin provided this information, the court of common pleas granted his appeal. PennDOT then appealed to the Commonwealth Court to obtain a determination of “whether the probation before judgment disposition of Laughlin’s DUI charge pursuant to Maryland law, which disposition requires a finding of guilty, constitutes a ‘conviction’ for purposes of Article IV of the Compact.” *Id.* at 852. The Commonwealth Court ultimately held that “probation before judgment” does not constitute a conviction.

Although minor factual differences are present when comparing the Laughlin case and the case *sub judice* they are of no consequence. In discussing the legal ramifications of Md. Ann. Code art. 27, § 641(c), the Commonwealth Court held as follows:

This statutory section clearly provides that Laughlin’s discharge from probation is without judgment of conviction and does not amount to a conviction that would support “any disqualification” imposed by law due to such conviction of a crime. Therefore, giving full faith and credit to Maryland’s law, . . . we hold that the Department’s suspension of Laughlin’s driver’s license was, . . . an impermissible disqualification from his motor vehicle operating privileges, since his discharge in Maryland cannot be a conviction for such purposes.

Id.

This Court is bound by the Commonwealth Court’s determination. At present, Appellant has not been convicted in Maryland but has obtained a disposition of “probation before judgment.” Until Appellant is convicted of violating Md. Ann. Code art. 21, § 902(a), a result that will occur only if he fails to successfully complete his probationary period, his license is not properly suspended in Pennsylvania. Thus,

Appellant's appeal will be stayed pending compliance with his probationary conditions. Appellant will be required to report his Maryland status to PennDOT's counsel every six months beginning January 15, 1999.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 17th day of December 1998, Appellant's Appeal from License Suspension is hereby stayed pending disposition of Appellant's sentence in Maryland of probation before judgment for Driving While Intoxicated. Appellant shall report his Maryland status to Appellee's counsel every six months commencing January 15, 1999. This matter may be re-scheduled at the call of either party.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-555 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN parcel of land situate, lying and being in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING on the Southern property line of Meadow Lane at the Northwest corner of Lot No. 15 on the Plan of Lots herebelow identified, now or formerly of Edward W. Heiser, Jr., thence by said Lot No. 15, South 27 degrees 24 minutes 18 seconds West, 150.00 feet to a point on line of land now or formerly of Edna Grace Toddes; thence by said land of Edna Grace Toddes, North 62 degrees 35 minutes 42 seconds West, 37.00 feet to a point at Southeast corner of Lot No. 17 on the Plan of Lots herebelow identified; thence by said Lot No. 17 and running through the center of a party wall in a five-unit townhouse separating said Lot No. 17 and the lot hereby conveyed, North 27 degrees 24 minutes 18 seconds East, 150.00 feet to a point on the southern property line of Meadow Lane at the Northeast corner of said Lot No. 17; thence by the Southern property line of Meadow Lane South 62 degrees 35 minutes 42 seconds East, 37.00 feet to the above described place of beginning.

CONTAINING 5,500 square feet.

The above description was taken from a Subdivision Plan for the Meadows, dated October 5, 1977, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 31 at page 15, being Lot No. 16 designated thereon.

UNDER AND SUBJECT to the restrictions, reservations, conditions and protective covenants, also subject to the Twenty (20) foot wide drainage easement, and together with the perpetual right to use Meadow Lane, as referred to in Record Book 384 at page 860.

TAX PARCEL #F 11- 16

TITLE TO SAID PREMISES IS VESTED IN Barbara L. Gindlesperger, unmarried by Deed from Robert M. Gemmill and Mary M. Gemmill, his wife dated 2/28/96, recorded 2/28/96, in Record Book 1151, Page 237.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

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

the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/24, 31 & 4/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-783 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF RONNIE REED and SHARON K. REED OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN MT PLEASANT TWP, COUNTY OF ADAMS, COMMONWEALTH OF PENNSYLVANIA, HAVING ERECTED THEREON A DWELLING KNOWN AND NUMBERED AS 474 SMOKETOWN ROAD, HANOVER, PA 17331. DEED BOOK VOLUME 1757, PAGE 223, PARCEL NO. J14.

SEIZED and taken into execution as the property of **Ronnie Reed & Sharon K. Reed** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/24, 31 & 4/7

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of a Fictitious Name was filed with the Department of State, Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on 19th day of January, 2000, pursuant to the Fictitious Name Act of 1982, as amended, setting forth that Paul E. Karchner and Terry P. Helwig of Gettysburg, Pennsylvania, individuals engaged in a business, the character of which is general construction, including but not limited to, carpentry, masonry, roofing, siding, installation of windows and doors, interior and exterior construction for residential and commercial dwellings, and that such business will be conducted under the name of CONSTRUCTION CURES AND REMEDIES and has a principal office at 2990 D York Rd., Gettysburg, Pennsylvania 17325.

3/24

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Pennsylvania "Fictitious Names Act", 54 Pa. C.S.A. Sections 301 et seq., of the filing of an Application for Registration for Fictitious Name under the said act. The fictitious name is PENN JUDGMENT RECOVERY. The address of the principal office or place of business to be carried on under or through the fictitious name is 99 Cottage Lane, New Oxford, Adams County, Pennsylvania 17350. The name and address of the individual who is interested in the business is Ronald W. Black, 99 Cottage Lane, New Oxford, PA 17350. An Application for Registration of the said Fictitious Name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on February 4, 2000.

3/24

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 CHRISTOPHER MAYROE COWAN, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Administrator: David J. Cowan, 840 Belmont Road, Gettysburg, PA 17325
 Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELIZABETH R. DUNKELBERGER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Executor: Harold A. Dunkelberger, 78 East Broadway, Gettysburg, PA 17325
 Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF CLARENCE WILLIAM GRAY A/K/A C. WILLIAM GRAY, DEC'D

Late of Highland Township, Adams County, Pennsylvania
 Executrix: Margaret C. Gray, 330 Glenwood Drive, Gettysburg, PA 17325
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF DELTA G. HILKER, DEC'D

Late of Union Township, Adams County, Pennsylvania
 Co-Executors: Dean N. Hilker, 585 Chestnut Hill Road, Hanover, PA 17331; Kenneth E. Hilker, 222 Locust Street, Hanover, PA 17331; Raymond C. Hilker, 405 Diller Road, Hanover, PA 17331; Nancy C. Rohrbach, 570 Mehring Road, Littlestown, PA 17340
 Attorney: Stonesifer and Kelly, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF RUTH M. POWELL, A/K/A RUTH MAE POWELL, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: Robert Milton Powell, Jr., 38 Maple Avenue, Biglerville, PA 17307
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SYLVIA MARGARETTE VOSBURGH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executor: Rebecca Jeanne Weller, 2120 Highland Ridge Drive, Phoenix, MD 21131
 Attorney: Donald W. Dorr, Esq., Buchen, Wise, & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF PAULINE M. YEALY, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executors: Frederick W. Yealy, Carl F. Yealy, Therese A. Boulding a/k/a Therese A. Yealy Smith, c/o Timothy J. Shultis, 249 York Street, Hanover, PA 17331
 Attorney: Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF THOMAS R. BORTNER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania
 Executrix: Patricia A. Bortner c/o Douglas H. Gent, Esq., 1157 Eichelberger Street, Hanover, PA 17331
 Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

ESTATE OF LEONA M. HAMM, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania
 Executor: Larry R. Hamm, 3685 Carlisle Pike, New Oxford, PA 17350
 Attorney: Elyse E. Rogers, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110

ESTATE OF CARROLL C. LAWRENCE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Administrators: Pamela C. Markle 15B E. High Street, New Oxford, PA 17350; Gregory F. Lawrence, 442 Mt. Misery Road, New Oxford, PA 17350
 Attorney: Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331

ESTATE OF ALTON M. LEISTER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executrix: Doris E. Leister c/o Douglas H. Gent, Esq., 1157 Eichelberger Street, Hanover, PA 17331
 Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

ESTATE OF MARY ELLEN MIKESSELL, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
 Administrator: Terry L. Mikesell, P.O. Box 219, Colorado Springs, CO 80901
 Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GLADYS I. REYNOLD, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania
 Executors: Larry G. Reynold, 88 Cheetah Drive, Hanover, PA 17331; Deborah A. Reynold Breighner, 14 Cherry Court, New Oxford, PA 17350
 Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SUSAN LOUISE RISER A/K/A SUSAN L. RISER, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania
 Executor: Richard Francis Riser, Jr., 2898 Centennial Rd. Hanover, PA 17331
 Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF RICHARD M. SITES, DEC'D
 Late of Hamiltonban Township, Adams County, Pennsylvania
 Administrator: Clair L. Sites, 77 Carroll's Tract Road, Fairfield, PA 17320
 Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF SARAH CATHERINE SPENCE, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania
 Executrices: Dorothy May Thompson, P.O. Box 3637, 570 Hillcrest Place, Gettysburg, PA 17325; Linda Kay Isenberger, 141 Twin Lakes Drive, Gettysburg, PA 17325
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ANNA C. WILDASIN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executrix: Darlene Sneringer, 2712 Black Rock Road, Hanover, PA 17331
 Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF CHARLES HENRY WOLF A/K/A CHARLES H. WOLF, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Administrator: Martha Jane Wolf c/o Steven L. Bloom, Esq., 2100 Longs Gap Road, Carlisle, PA 17013
 Attorney: Steven L. Bloom, Esq., 2100 Longs Gap Road, Carlisle, PA 17013

THIRD PUBLICATION

ESTATE OF HILDAH D. ARTER, A/K/A HILDAH J. ARTER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
 Executor: PNC Bank, N.A., P.O. Box 308, Camp Hill, PA 17001-0308
 Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF NORMA M. BRANSOM, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
 Administrator: Linda R. Smith, 445 Prince Street, Littlestown, PA 17340
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PAUL V. DEARDORFF, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executrix: Sandra L. Lee, 1111 Woodside Parkway, Silver Springs, MD 20910
 Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF SARAH C. KLINEFELTER A/K/A SARA W. KLINEFELTER, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania
 Executor: Hylda C. Klinefelter, 264 South Ivy Lane, Glen Mills, PA 19342
 Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-815 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF BRIAN W. REYNOLDS and DEBRA L. REYNOLDS OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE TOWNSHIP OF FRANKLIN, THE CITY OF ORRTANNA, COUNTY OF ADAMS, COMMONWEALTH OF PENNSYLVANIA, HAVING ERRECTED THEREON A DWELLING KNOWN AND NUMBERED AS 348 BUCHANAN VALLEY ROAD, ORRTANNA, PA 17353. DEED BOOK VOLUME 948, PAGE 315, PARCEL ID NO. B9-22B.

SEIZED and taken into execution as the property of **Brian W. Reynolds, Sr. & Debra Reynolds** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/17, 24 & 31

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, March 30, 2000, at 9:00 o'clock a.m.

MARTIN—Orphans' Court Action Number OC-139-99. The First and Final Account of Nancy Lee Shultz, Administrator c.t.a. of the Last Will and Testament of Earl W. Martin, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

WHISTLER—Orphans' Court Action Number OC-9-00. The First and Final Account of William K. Fengfish, Jr. and Adams County National Bank, Executors of the Estate of Charles W. Whistler a/k/a Charles W. Whistler, Jr., deceased, late of Straban Township, Adams County, Pennsylvania.

SCHUMAN—Orphans' Court Action Number OC-16-00. The First and Final Account of Karl A. Lehman, CPA, Executor of the Estate of Dorothy E. Schuman, deceased,

late of Oxford Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

3/17, 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-34 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate in Mount Pleasant Township, Adams County, Pennsylvania, more particularly described as Lot No. 586 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 Misc. Book 4, at page 665, and subject to all legal highways, easements, rights of way and restrictions of record.

BEING THE SAME PREMISES WHICH Agnes Hoban, Michael R. Smith, Patricia F. Blumenthal, Fran Cooley by their Attorney in Fact, Janet M. Smith Thomas, and Janet M. Smith, Individual, by their Deed dated April 25, 1997 and recorded in Adams County Recorder of Deeds Office on May 2, 1997 in Deed Book 1366, page 56, granted and conveyed unto Wilbur Leroy Stultz and Deborah J. Stultz.

SEIZED IN EXECUTION AS THE PROPERTY OF LEROY WILBUR STULTZ A/K/A WILBUR LEROY STULTZ AND DEBORAH J. STULTZ UNDER ADAMS COUNTY JUDGMENT NO. 99-S-34.

Map & Parcel # 5-53

SEIZED and taken into execution as the property of **Leroy Wilbur Stultz a/k/a Wilbur Leroy Stultz and Deborah J. Stultz** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-985 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real

Estate, viz.:

ALL that improved lot of ground Situate in the Borough of East Berlin, Adams County, Pennsylvania and known on the plan of Charles S. Bechtel, as Lot No. 11, more particularly bounded and described as follows:

BEGINNING at a point on the bank of the Conoweg Creek and Lot No. 10, thence Northeasterly along said Lot one hundred twenty-two (122) feet to a point on a thirteen (13) feet wide alley; thence along said alley Southerly fifty-five (55) feet to a point and corner of Lot No. 12; thence Westerly one hundred twenty-two (122) feet to a point on the bank of the Conoweg Creek; thence along said creek fifty-three and one-half (53- 1/2) feet to a corner of Lot No. 11 and the place of beginning. Containing approximately 6,600 square feet.

Parcel # 4-190

TITLE TO SAID PREMISES IS VESTED IN Terry L. Haeberle, Jr. and Dorothy D. Haeberle, husband and wife by Deed from Grace M. Wonder, single dated 4/16/93, recorded 4/27/93, in Record Book 715 page 70.

PREMISES BEING KNOWN AS 104 PARK STREET, EAST BERLIN, PA 17316

SEIZED and taken into execution as the property of **Terry L. Haeberle, Jr. & Dorothy D. Haeberle** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/24, 31 & 4/7

NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 311 of the Act of December 16, 1982, P. L. 1309, No. 295, codified as amended (54 Pa. C. S. A. §311), there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on March 8, 2000, an Application for Registration of Fictitious Name of DIAMOND TRAILER SALES, the address of the principal place of business being 586 West King Street, Abbotstown, Pennsylvania 17301. The name and address of the person who is a party to said registration is: Keith E. Shue, 475 Possum Hollow Road, East Berlin, Pennsylvania 17316.

Puhl, Eastman & Thrasher
Attorneys

Adams County Legal Journal

Vol. 41

March 31, 2000

No. 44, pp. 251-256

CONTINUING LEGAL EDUCATION PROGRAM

Buying and Selling a Business

Thursday, April 20, 2000 – 9:00 a.m. - 12:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 3, Ethics – 0

Understanding Real Estate Appraisals and Appraisers

Wednesday, May 10, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Malpractice Avoidance Seminar

Wednesday, May 24, 2000 – 1:30 p.m. to 3:00 p.m.

Gettysburg Hotel, Gettysburg

Credits: Substantive Law: 0; Ethics – 1.5

Registrations by mail only with PBA

(for information, call 800-932-0311)

Alternative Medical Approaches to Reduce Stress

Wednesday, June 28, 2000 – 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 0, Ethics – 1

Issues in Commercial Mortgage Foreclosures

Wednesday, August 9, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

REGISTRATION THROUGH P.B.I. 800-247-4724

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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IN THE COURT OF
COMMON PLEAS OF ADAMS
COUNTY, PENNSYLVANIA

NO. 99-S-1097
In Quiet Title

DAVID A. KRULAC and DIANE E. KRULAC, Plaintiffs,

vs.

WILLIAM L. MCKEAN, CYNTHIA L. MCKEAN, BENJAMAN Y. WONG, GRACEK. WONG, CHARLES R. LONG, and MARGUERITE LONG, WILLIAM R. SMANKO, their Heirs, Executors, Administrators and/or Assigns, Defendants.

TO: Benjamin Y. Wong, Grace K. Wong, Charles R. Long, Marquerite Long and William R. Smanko, their heirs, executors, administrators and assigns

TAKE NOTICE that David A. Krulac and Diane E. Krulac have commenced the above suit against you. The real estate involved is located in Carol Valley Borough, Adams County, Pennsylvania further described as follows:

Tract No. 1 (with respect to Defendants Benjamin Y. Wong and Grace K. Wong)

BEGINNING at a point in the center of Fox Trail at Lot No. 10; thence by said lot North 70 degrees 55 minutes 20 seconds West, 200 feet to Lot No. 5; thence by said lot North 12 degrees 52 minutes east, 100.34 feet to Lot No. 12; thence by said lot South 70 degrees 55 minutes 20 seconds East, 200 feet to a point in the center of said Fox Trail; thence in said Fox Trail South 12 degrees 52 minutes West, 100.34 feet to the place of BEGINNING. Being Lot No. 11 in Section E in the plan recorded in Adams County Miscellaneous Docket 5, Page 865.

Tract No. 2 (with respect to Defendants Charles R. Long and Marguerite Long)

BEGINNING at a point in the center of Cheryl Trail at Lot No. 13; thence by said lot North 46 degrees 6 minutes West, 225 feet to a point in the center of Diane Trail; thence in said Diane Trail North 43 degrees 54 minutes East, 281.03 feet to a point in the intersection of Diane Trail and Cheryl Trail; thence in said Cheryl Trail South 8 degrees 55 minutes 40 seconds East, 165.77 feet to a point; thence continuing in said Cheryl Trail South 16 degrees 42 minutes 40 seconds West, 203.34 feet to the place of BEGINNING. Being Lot No. 12 in Section W in Adams County Plat Book 1, Page 66.

Tract No. 3 (with respect to Defendants William L. McKean, Cynthia L. McKean and William R. Smanko)

BEGINNING at a point in the center of Clipper Trail at Lot No. 50; thence by said lot North 54 degrees 36 minutes 28 seconds East, 225 feet to Lot No. 44; thence by said lot South 35 degrees 23 minutes 32 seconds East, 100 feet to Lot No. 52; thence by said lot South 54 degrees 36 minutes 28 seconds West, 225 feet to a point in the center of said Clipper Trail; thence in said Clipper Trail North 35 degrees 23 minutes 32 seconds West, 100 feet to the place of BEGINNING. Being Lot No. 51 in Section D in Adams County Plat Book 1, Page 47.

Tract No. 4 (with respect to Defendants William L. McKean, Cynthia L. McKean and William R. Smanko)

BEGINNING at a point in the center of Clipper Trail at Lot No. 51; thence by said lot North 54 degrees 36 minutes 28 seconds East, 225 feet to Lot No. 43; thence by said lot South 35 degrees 23 minutes 32 seconds East, 100 feet to Lot No. 53; thence by said lot South 54 degrees 36 minutes 28 seconds West, 225 feet to a point in the center of said Clipper Trail; thence in said Clipper Trail North 35 degrees 23 minutes 32 seconds West, 100 feet to the place of BEGINNING. Being Lot No. 52 in Section D in Adams County Plat Book 1, Page 47.

NOTICE

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

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

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

3/31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1034 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, May 5, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in Legislative Route No. 190 at lands now or formerly of Ruth M. Wilhelm, South eighty-two (82) degrees eight (8) minutes East one hundred sixty-seven and two-tenths (167.2) feet to a point; thence South twelve (12) degrees West two hundred thirty-five (235) feet to a pin; thence North sixty-eight (68) degrees thirty-seven (37) minutes West one hundred seventy-one and seven-tenths (171.7) feet to a point in the aforesaid Legislative Route No. 190; thence in and through said Legislative Route No. 190; North twelve (12) degrees forty-seven (47) minutes East one hundred ninety-five (195) feet to the point and place of BEGINNING. CONTAINING .829 Acres. This description is taken from a survey made by George M. Wildasin, dated August 19, 1968.

TAX OR PARCEL #L10-55.

Being known as 334 Abbottstown Pike, Abbottstown, PA 17301.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 29, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/31, 4/7 & 14

BINDER VS. NULL ET AL

1. While a demurrer does not admit conclusions of law, it does admit all well pleaded material and relevant facts, together with all inferences reasonably deducible therefrom. A demurrer should be sustained only where it is clear and without a doubt that the complaint fails to state a claim for which relief may be granted. If relief can be granted under any theory of law, sufficient doubt exists to require overruling the demurrer.

2. The function of a complaint is to apprise defendant of the issues he faces and to enable him to prepare an intelligent response. Because there is no precise standard to determine the amount of detail that must be included, this court is vested with a great deal of consideration in this regard.

3. Because it is occasionally cited by appellate courts, the Restatement is still relevant, even though Pennsylvania has adopted legislation pertaining to wrongful use of civil proceedings.

4. Pennsylvania law is in accordance with the Restatement Torts 2d. In this regard, "initiation of proceedings," is defined as applying to someone who "sets the machinery of law in motion, whether he acts in his own name or in that of a third person, or whether the proceedings are brought to enforce a claim of his own or that of a third person." Based upon authority, it is clear that wrongful use of civil proceedings extends to the action before the district justice, as well as the complaint filed in the Court of Common Pleas.

5. We can summarize the elements of the action as (1) institution of civil proceedings, (2) in a grossly negligent manner, or without probable cause, (3) for primary purpose other than the proper adjudication of a claim on which the proceedings were based, and (4) termination of the underlying suit favorably to plaintiff.

6. If there is no dispute as to facts, determination of probable cause in accordance with the statutory definition is a matter of law for the court. However, when facts are in dispute, determination must await resolution of factual issues.

7. Whether defendant's withdrawal of the former suit amounts to a termination favorable to plaintiffs depends upon the circumstances of withdrawal. A compromise does not amount to favorable termination.

8. If the former case ended by way of a compromise, we think defendant should be required to plead that fact.

9. The Restatement, *supra*, §681 specifically authorizes damages for emotional distress in this type of proceedings. Such damages, as well as punitive damages, have been held proper in this type of lawsuit.

10. There are times when a claim for punitive damages can be disposed of by preliminary objections, such as when the complaint fails to establish a legal basis for such damages. However, when such damages may properly be recovered, a demand for such should not be challenged by preliminary objections.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil.
No. 98-S-864. JEFFREY A. BINDER AND GAIL S. BINDER VS.
CRANDALL R. NULL, T/A CREATIVE MASONRY.

John M. Crabbs, Esq., for Plaintiffs

Arthur J. Becker, Jr., Esq., for Defendant

OPINION ON PRELIMINARY OBJECTIONS

Spicer, P.J., January 4, 1999.

The complaint, filed September 4, 1998, alleges the following facts: Plaintiffs engaged Scott A. Butts as a general contractor to build a home on their property. Included in the scope of work was certain masonry work. Butts engaged defendant, as a subcontractor, to perform part or all of the masonry work. Defendant had neither conversations nor any agreement with plaintiffs when defendant began the work on or about August 5, 1997. Defendant sued both plaintiffs and Butts around November 7, 1997 for the debt owed him by Butts, the contractor. The action was commenced before a district justice in York County, and was based upon theories of unjust enrichment (against plaintiffs) and breach of contract (against Butts). The complaint does not say who prevailed and who appealed, but an appeal resulted. In his complaint filed in the York County action, defendant alleged that he completed work August 7, 1997, presented his invoice to Jeffrey A. Binder on August 13, 1997, and that plaintiff then promised to pay defendant.

Defendant's suit was listed for arbitration after some discovery. On May 12, 1998, defendant praeciped the Prothonotary of York County to mark the case settled and satisfied.

Included in Plaintiffs' demands for damages are those for emotional distress and punitive damages.

Defendant has filed preliminary objections, challenging the legal sufficiency of the complaint (demurrer) as to both the cause of action and inclusion of punitive damages, and seeking a more specific complaint.

Standards by which preliminary objections are determined:

(a) demurrer:

The court's consideration is restricted to the complaint and its attachments. *Mellon Bank, N.A. v. Fabinyi*, 437 Pa. Super. 559, 650 A.2d 895 (1994). While a demurrer does not admit conclusions of law, it does admit all well pleaded material and relevant facts, together with all inferences reasonably deducible therefrom. A demurrer should be sustained only where it is clear and without a doubt that the complaint fails to state a claim for which relief may be granted. If relief can be granted under any theory of law, sufficient doubt exists to require overruling the demurrer. *Willet v. Pa. Medical Catastrophe Loss*

Fund, 549 Pa. 613, 702 A.2d 850 (1997), reh dn.

(b) more specific pleading:

The function of a complaint is to apprise defendant of the issues he faces and to enable him to prepare an intelligent response. Because there is no precise standard to determine the amount of detail that must be included, this court is vested with a great deal of consideration in this regard. *In re Barnes Foundation*, 443 Pa. Super. 369, 661 A.2d 889 (1995); alloc. dn. 542 Pa. 654, 668 A.2d 1119 (1995).

Elements of the cause of action:

The Restatement of Torts 2d §674 provides:

One who takes an active part in the initiation, continuation or procurement of civil proceeding against another is subject to liability to the other for wrongful civil proceedings if

- (a) he acts without probable cause, and primarily for a purpose other than that of securing the proper adjudication of the claim in which the proceedings are based, and
- (b) except when they are ex parte, the proceedings have terminated in favor of the person against whom they are brought.

Because it is occasionally cited by appellate courts, the Restatement is still relevant, even though Pennsylvania has adopted legislation pertaining to wrongful use of civil proceedings.

Such legislation, contained in 42 Pa. C.S.A., and often referred to as the Dragonetti Act, includes:

§8351. Wrongful use of civil proceedings

- (a) Elements of action.— A person who takes part in the procurement, initiation or continuation of civil proceedings against another is subject to liability to the other for wrongful use of civil proceedings:
 - (1) He acts in a grossly negligent manner or without probable cause and primarily for a purpose other than that of securing the proper discovery, joinder of parties or adjudication of the claim in which the proceedings are based; and
 - (2) The proceedings have terminated in favor of the person against whom they are brought.
- (b) Arrest or seizure of persons or property not required. — The arrest or seizure of the person or property of the plaintiff shall

not be a necessary element for an action brought pursuant to this subchapter.

§ 8352. Existence of probable cause

A person who takes part in the procurement, initiation or continuation of civil proceedings against another has probable cause for doing so if he reasonably believes in the existence of the facts upon which the claim is based, and either:

- (1) Reasonably believes that under those facts the claim may be valid under the existing or developing law;
- (2) Believes to this effect in reliance upon the advice of counsel, sought in good faith and given after full disclosure of all relevant facts within his knowledge and information; or
- (3) Believes as an attorney of record, in good faith that his procurement, initiation or continuation of a civil cause is not intended to merely harass or maliciously injure the opposing party.

As we previously suggested, Pennsylvania law is in accordance with the Restatement Torts 2d. In this regard, “initiation of proceedings,” is defined as applying to **someone who “sets the machinery of law in motion, whether he acts in his own name or in that of a third person, or whether the proceedings are brought to enforce a claim of his own or that of a third person.”** *Restatement (Second) of Torts §674 cmt. a (1977)*. *Electronic Laboratory Supply v. Cullen*, Pa. Super. , 712 A.2d 304, 309 (1998). See also *Rosen v. American Bank of Rolla*, 426 Pa. Super. 376, 627 A.2d 190 (1993) for definition of process, in the related field of abuse of process. Based upon authority, it is clear that wrongful use of civil proceedings extends to the action before the district justice, as well as the complaint filed in the York County Court of Common Pleas.

We can summarize the elements of the action as (1) institution of civil proceedings, (2) in a grossly negligent manner, or without probable cause, (3) for primary purpose other than the proper adjudication of a claim on which the proceedings were based, and (4) termination of the underlying suit favorably to plaintiff. *Electronic Laboratory Supply v. Cullen*, supra. Defendant contends that the complaint fails to specifically allege facts supporting 2, 3 and 4. He also argues that the complaint does not support a claim for damages for emotional distress or for punitive damages.

Keeping in mind the standards previously recited, we will address these arguments:

Probable cause: If there is no dispute as to facts, determination of probable cause in accordance with the statutory definition is a matter of law for the court. *Gentzler v. Atee*, 443 Pa. Super. 128, 660 A.2d 1378 (1995); alloc. dn. 543 Pa. 694, 670 A.2d 142 (1995). However, when facts are in dispute, determination must await resolution of factual issues. *Strickland v. University of Scranton*, Pa. Super. , 700 A.2d 979 (1997). In this case, probable cause is closely related to the third element, that relates to the primary purpose for which suit was brought.

Improper purpose: Although the complaint does not describe the purpose of the underlying action in any great detail, allegations support plaintiffs' argument that defendant used the former proceedings in an attempt to collect the debt owed defendant by Butts, the contractor. It is clear that defendant could not have prevailed on an unjust enrichment theory. *D. A. Hill Co. v. CleveTrust Realty*, 524 Pa. 425, 573 A.2d 1005 (1990) (Subcontractor cannot recover against owner on theory of unjust enrichment). He could not have recovered on an oral contract unsupported by consideration. Absent a written agreement, plaintiffs could not be called upon to answer the debt of another. 33 P.S. 3. Thus, a jury could find that defendant could not have reasonably believed that his lawsuit was proper under existing or developing law. At this stage of the case before us, there is no indication that defendant relied on advice of counsel.

Termination of the former suit: Whether defendant's withdrawal of the former suit amounts to a termination favorable to plaintiffs depends upon the circumstances of withdrawal. A comment to §660 of the Restatement, supra, applicable to criminal actions and extended to civil proceedings by *Electronic Laboratory Supply v. Cullen*, supra, states that a compromise does not amount to favorable termination. Defendant complains that plaintiffs fail to allege the circumstances of the withdrawal, but since it was he who withdrew the action, he knows the circumstances. Although the praecipe stated that the case was settled, the complaint alleged that it "was voluntarily terminated by the Plaintiff," and that termination was in favor of both Plaintiffs. ¶14. If the former case ended by way of a compromise, we think defendant should be required to plead that fact. As we have previously stated, our consideration is limited to the complaint and its attachments. Use by defendant of "settled and satisfied" might suggest a compromise, but the language is too common and general to overcome specific language in the complaint.

In brief, we do not find the case ripe for disposition at this early

stage. It might be that defendant will be more successful when additional facts are established. It is not the court's function to anticipate what might occur later. We find allegations sufficient to require defendant to respond.

Damages: The Restatement, *supra*, §681 specifically authorizes damages for emotional distress in this type of proceedings. Such damages, as well as punitive damages, have been held proper in this type of lawsuit. *Shiner v. Moriarty*, Pa. Super. , 706 A.2d 1228 (1998). (Award of damages was reversed because of other reversals, but damages were said to be recoverable). Defendant contends that punitive damages cannot be sustained in light of plaintiffs' failure to plead that defendant's actions were outrageous, wanton, reckless, malicious, willful or oppressive. However, these are legal conclusions. Factual allegations could support such conclusions because (1) defendant obviously intended to and did file and pursue the former action, and (2) a jury could find both an improper purpose and lack of probable cause.

There are times when a claim for punitive damages can be disposed of by preliminary objections, such as when the complaint fails to establish a legal basis for such damages. However, when such damages may properly be recovered, a demand for such should not be challenged by preliminary objections. See 5 Standard Pennsylvania Practice 2d §25.30.

Specific pleading. We have discussed defendant's request for additional allegations in connection with other issues, but want to clearly indicate that defendant obviously knows enough to respond intelligently to averments in the complaint. He has already filed a request for admissions to tack down a version he feels is correct. Development of additional facts should be through more efficient means than pleadings. We refuse his motion for more specific pleading because it is obvious that he is in as good or better position to know what occurred in his earlier endeavor to collect money.

The attached order is entered.

ORDER

And Now, this 4TH day of January, 1999, defendant's preliminary objections are overruled. He is given twenty (20) days in which to file an answer.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-921 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, May 5, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN TRACT OF LAND SITUATE, LYING AND BEING IN CONEWAGO TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, BEING KNOWN AS LOT NO. 19, GRANNY ESTATES, ON A SURVEY PREPARED BY DONALD E. WORLEY, R. S., DATED MARCH 2, 1977, REVISED MARCH 28, 1977, RECORDED IN ADAMS COUNTY PLAT BOOK 14, PAGE 16, AS FOLLOWS:

BEGINNING AT A POINT ON A SOUTHERN EDGE OF SANDY COURT AT THE NORTHWEST CORNER OF LOT NO. 20 AS SHOWN ON SAID PLAN; THENCE ALONG LOT NO. 20 SOUTH TWENTY-FIVE (25) DEGREES FOURTEEN (14) MINUTES FORTY-FIVE (45) SECONDS EAST TWO HUNDRED (200) FEET TO A POINT AT LANDS NOW OR FORMERLY OF LEWIS KLUNK; THENCE BY SAME SOUTH SIXTY-FOUR (64) DEGREES FORTY-FIVE (45) MINUTES FIFTEEN (15) SECONDS WEST ONE HUNDRED TWENTY-FIVE (125) FEET TO A POINT AT LOT NO. 18 AS SHOWN ON SAID PLAN; THENCE ALONG LOT NO. 18 NORTH TWENTY-ONE (21) DEGREES ZERO (00) MINUTES FOUR (04) SECONDS WEST ONE HUNDRED SEVENTY-FIVE AND SIXTY-TWO HUNDREDTHS (175.62) FEET TO A POINT ON THE CUL-DE-SAC OF SANDY COURT AS SHOWN ON SAID PLAN; THENCE BY A CURVE TO THE LEFT, THE RADIUS OF WHICH IS FIFTY (50) FEET FOR AN ARC DISTANCE OF FIFTY-SIX AND SIX HUNDREDTHS (56.06) FEET AND HAVING A CHORD BEARING AND DISTANCE OF NORTH THIRTY-SIX (36) DEGREES FIFTY-TWO (52) MINUTES THIRTY-SIX (36) SECONDS EAST FIFTY-THREE AND SEVENTEEN HUNDREDTHS (53.17) FEET TO A POINT ON THE SOUTHERN EDGE OF SANDY COURT; THENCE ALONG THE SOUTHERN EDGE OF SANDY COURT NORTH SIXTY-FOUR (64) DEGREES FORTY-FIVE (45) MINUTES FIFTEEN (15) SECONDS EAST SIXTY-FIVE (65) FEET TO A POINT AT THE NORTHWEST CORNER OF LOT NO. 20, THE POINT AND PLACE OF BEGINNING. CONTAINING 22, 678 SQUARE FEET.

BEING KNOWN AS 40 SANDY COURT, HANOVER, PA 17331
TAX PARCEL NO. 12-94, LOT 19

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 29, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/31, 4/7 & 4/14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-815 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF BRIAN W. REYNOLDS and DEBRA L. REYNOLDS OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE TOWNSHIP OF FRANKLIN, THE CITY OF ORRTANNA, COUNTY OF ADAMS, COMMONWEALTH OF PENNSYLVANIA, HAVING ERRECTED THEREON A DWELLING KNOWN AND NUMBERED AS 348 BUCHANAN VALLEY ROAD, ORRTANNA, PA 17353. DEED BOOK VOLUME 948, PAGE 315, PARCEL ID NO. B9-22B.

SEIZED and taken into execution as the property of **Brian W. Reynolds, Sr. & Debra Reynolds** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1159 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, May 5, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the right-of-way line of South Columbus Avenue at Lot No. 140 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 140, North twenty-three (23) degrees thirty-seven (37) minutes forty-eight (48) seconds West, one hundred fifteen and thirty-eight hundredths (115.38) feet to a point at Lot No. 176 at Service Drive "A" as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 176 and Service Drive "A", North sixty-six (66) degrees forty-two (42) minutes sixteen (16) seconds East, eighty (80.00) feet to a point at Lot-No. 138 as shown on the hereinafter referenced subdivision plan; thence along said Lot: No. 138, South twenty-three (23) degrees thirty-seven (37) minutes forty-eight (48) seconds East, one hundred sixteen and ninety-seven hundredths (116.97) feet to a point on the right-of-way line of South Columbus Avenue; thence along the right-of-way line of South Columbus Avenue, South sixty-seven (67) degrees fifty (50) minutes twenty-eight (28) seconds West, eighty and three hundredths (80.03) feet to a point, the point and place of BEGINNING. CONTAINING a total area of 9,294 square feet, a right-of-way area of 880 square feet, and a net area of 8,414 square feet.

PREMISES: 324 SOUTH COLUMBUS AVENUE, LITTLESTOWN, PA 17340 BK 1355, PG 0044

SEIZED and taken into execution as the property of **Louis A. Deitz & Tammy L. Deitz** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 29, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/31, 4/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-555 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN parcel of land situate, lying and being in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING on the Southern property line of Meadow Lane at the Northwest corner of Lot No. 15 on the Plan of Lots herebelow identified, now or formerly of Edward W. Heiser, Jr.; thence by said Lot No. 15, South 27 degrees 24 minutes 18 seconds West, 150.00 feet to a point on line of land now or formerly of Edna Grace Toddes; thence by said land of Edna Grace Toddes, North 62 degrees 35 minutes 42 seconds West, 37.00 feet to a point at Southeast corner of Lot No. 17 on the Plan of Lots herebelow identified; thence by said Lot No. 17 and running through the center of a party wall in a five-unit townhouse separating said Lot No. 17 and the lot hereby conveyed, North 27 degrees 24 minutes 18 seconds East, 150.00 feet to a point on the southern property line of Meadow Lane at the Northeast corner of said Lot No. 17; thence by the Southern property line of Meadow Lane South 62 degrees 35 minutes 42 seconds East, 37.00 feet to the above described place of beginning.

CONTAINING 5,500 square feet.

The above description was taken from a Subdivision Plan for the Meadows, dated October 5, 1977, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 31 at page 15, being Lot No. 16 designated thereon.

UNDER AND SUBJECT to the restrictions, reservations, conditions and protective covenants, also subject to the Twenty (20) foot wide drainage easement, and together with the perpetual right to use Meadow Lane, as referred to in Record Book 384 at page 860.

TAX PARCEL #F 11- 16

TITLE TO SAID PREMISES IS VESTED IN Barbara L. Gindlesperge, unmarried by Deed from Robert M. Gemmill and Mary M. Gemmill, his wife dated 2/28/96, recorded 2/28/96, in Record Book 1151, Page 237.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by

the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/24, 31 & 4/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-783 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF **RONNIE REED** and **SHARON K. REED** OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN MT PLEASANT TWP, COUNTY OF ADAMS, COMMONWEALTH OF PENNSYLVANIA, HAVING ERECTED THEREON A DWELLING KNOWN AND NUMBERED AS 474 SMOKETOWN ROAD, HANOVER, PA 17331. DEED BOOK VOLUME 1757, PAGE 223, PARCEL NO. J14.

SEIZED and taken into execution as the property of **Ronnie Reed & Sharon K. Reed** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/24, 31 & 4/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-956 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, May 5, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All that tract of land hereinafter described situate, lying and being in Reading Township, Adams County, Pennsylvania, more particularly, as follows:

BEGINNING at an iron pin in the center line of Township Route 546 at corner of Tract No. 1 (lot No. 1 on the hereinafter referred to survey), said iron pin also being South 27 degrees 04 minutes East, 722.47 feet from corner of land now or formerly of Fred L. Leas, Jr.; thence by said Tract No. 1 North 43 degrees 43 minutes East, 410.0 feet to an iron pin; thence by said Tract No. 1 North 27 degrees 04 minutes West, 175.55 feet to an iron pin at corner of Tract No. 2 (Lot No. 5 on said survey); thence by said Tract No. 2 North 41 degrees 12 minutes East, 743.26 feet to an iron pin; thence South 43 degrees 43 minutes West, 990.0 feet to an iron pin in the center line of Township Route 546; thence in said Township road North 27 degrees 04 minutes West, 21.45 feet to a point the place of BEGINNING. CONTAINING 3.203 acres and known as Lot No. 6 on the hereinafter referred to survey.

The above tract being described from a draft of survey by Geo. M. Wildasin, P.E., dated April 25, 1977.

Being the same tract of land which Milton H. Neidlinger and Hilda R. Neidlinger, husband and wife, by deed dated April 12, 1979, and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Deed Book 344 at page 739, granted and conveyed unto Douglas W. Livelsberger and Betsy S. Livelsberger, mortgagors herein.

SEIZED and taken into execution as the property of **Douglas W. & Betsy S. Livelsberger** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 29, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/31, 4/7 & 14

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 TONY LEE CRABILL, DEC'D
Late of Hamilton Township, Adams County, Pennsylvania
Executor: Mary Lou Crabill, c/o 29 North Duke Street, York, PA 17401
Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews, Esq., 29 North Duke Street, York, PA 17401

ESTATE OF STERLING LEWIS HELWIG A/K/A S. LEWIS HELWIG, DEC'D
Late of Conewago Township, Adams County, Pennsylvania
Executor: Ethelyn A. Helwig, 125 S. Madison Street, Hanover, PA 17331
Attorney: Keith A. Hassler, Esq., 9 North Beaver Street, York, PA 17401

ESTATE OF PHOEBE F. JACK, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executrices: Debra Jack Cox, 40 Mill Road, Derry, New Hampshire 03038 & Elizabeth Fahrney Jack, 43 Brookdale Road, Natick, Massachusetts 01760
Attorney: Stonesifer and Kelly, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF LINDAZ. OUSSOREN, DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Executor: Cornelis M. Oussoren, 95 Mead Drive, Gettysburg, PA 17325
Attorney: Robert E. Campbell, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ZELLA F. WALLEN A/K/A ZELLA FERN WALLEN, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Co-Executor: Phillip M. Wallen and Donald W. Wallen, 210 South Main Street, Shrewsbury, PA 17361
Attorney: Jody N. Anderson, Esq., Stock and Leader, A Professional Corporation, 35 South Duke Street, P.O. Box 5167 York, PA 17405-5167

SECOND PUBLICATION

ESTATE OF CHRISTOPHER MAYROE COWAN, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Administrator: David J. Cowan, 840 Belmont Road, Gettysburg, PA 17325
Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELIZABETH R. DUNKELBERGER, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Harold A. Dunkelberger, 78 East Broadway, Gettysburg, PA 17325
Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF CLARENCE WILLIAM GRAY A/K/A C. WILLIAM GRAY, DEC'D
Late of Highland Township, Adams County, Pennsylvania
Executrix: Margaret C. Gray, 330 Glenwood Drive, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF DELTA G. HILKER, DEC'D
Late of Union Township, Adams County, Pennsylvania
Co-Executors: Dean N. Hilker, 585 Chestnut Hill Road, Hanover, PA 17331; Kenneth E. Hilker, 222 Locust Street, Hanover, PA 17331; Raymond C. Hilker, 405 Diller Road, Hanover, PA 17331; Nancy C. Rohrbaugh, 570 Mehring Road, Littlestown, PA 17340
Attorney: Stonesifer and Kelly, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF RUTH M. POWELL, A/K/A RUTH MAE POWELL, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executor: Robert Milton Powell, Jr., 38 Maple Avenue, Biglerville, PA 17307
Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SYLVIA MARGARETTE VOSBURGH, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Rebecca Jeanne Weller, 2120 Highland Ridge Drive, Phoenix, MD 21131
Attorney: Donald W. Dorr, Esq., Buchen, Wise, & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF PAULINE M. YEALY, DEC'D
Late of Hamilton Township, Adams County, Pennsylvania
Executors: Frederick W. Yealy, Carl F. Yealy, Therese A. Boulding a/k/a Therese A. Yealy Smith, c/o Timothy J. Shultis, 249 York Street, Hanover, PA 17331
Attorney: Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF THOMAS R. BORTNER, DEC'D
Late of Hamilton Township, Adams County, Pennsylvania
Executrix: Patricia A. Bortner c/o Douglas H. Gent, Esq., 1157 Eichelberger Street, Hanover, PA 17331
Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

ESTATE OF LEONA M. HAMM, DEC'D
Late of Hamilton Township, Adams County, Pennsylvania
Executor: Larry R. Hamm, 3685 Carlisle Pike, New Oxford, PA 17350
Attorney: Elyse E. Rogers, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110

ESTATE OF CARROLL C. LAWRENCE, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Administrators: Pamela C. Markle 15B E. High Street, New Oxford, PA 17350;

Gregory F. Lawrence, 442 Mt. Misery Road, New Oxford, PA 17350
Attorney: Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331

ESTATE OF ALTON M. LEISTER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executrix: Doris E. Leister c/o Douglas H. Gent, Esq., 1157 Eichelberger Street, Hanover, PA 17331
Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

ESTATE OF MARY ELLEN MIKESELL, DEC'D
Late of the Borough of Littlestown, Adams County, Pennsylvania
Administrator: Terry L. Mikesell, P.O. Box 219, Colorado Springs, CO 80901
Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GLADYS I. REYNOLD, DEC'D
Late of Mt. Pleasant Township, Adams County, Pennsylvania
Executors: Larry G. Reynold, 88 Cheetah Drive, Hanover, PA 17331; Deborah A. Reynold Broughner, 14 Cherry Court, New Oxford, PA 17350
Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SUSAN LOUISE RISER A/K/A SUSAN L. RISER, DEC'D
Late of Mt. Pleasant Township, Adams County, Pennsylvania
Executor: Richard Francis Riser, Jr., 2898 Centennial Rd. Hanover, PA 17331
Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF RICHARD M. SITES, DEC'D
Late of Hamilton Township, Adams County, Pennsylvania
Administrator: Clair L. Sites, 77 Carroll's Tract Road, Fairfield, PA 17320
Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF SARAH CATHERINE SPENCE, DEC'D
Late of Hamilton Township, Adams County, Pennsylvania
Executrices: Dorothy May Thompson, P.O. Box 3637, 570 Hillcrest Place, Gettysburg, PA 17325; Linda Kay Isenberger, 141 Twin Lakes Drive, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ANNA C. WILDASIN, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executrix: Darlene Sneeringer, 2712 Black Rock Road, Hanover, PA 17331
Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF CHARLES HENRY WOLF A/K/A CHARLES H. WOLF, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Administrator: Martha Jane Wolf c/o Steven L. Bloom, Esq., 2100 Longs Gap Road, Carlisle, PA 17013
Attorney: Steven L. Bloom, Esq., 2100 Longs Gap Road, Carlisle, PA 17013

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-34 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate in Mount Pleasant Township, Adams County, Pennsylvania, more particularly described as Lot NO. 586 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 Misc. Book 4, at page 665, and subject to all legal highways, easements, rights of way and restrictions of record.

BEING THE SAME PREMISES WHICH Agnes Hoban, Michael R. Smith, Patricia F. Blumenthal, Fran Cooley by their Attorney in Fact, Janet M. Smith Thomas, and Janet M. Smith, Individual, by their Deed dated April 25, 1997 and recorded in Adams County Recorder of Deeds Office on May 2, 1997 in Deed Book 1366, page 56, granted and conveyed unto Wilbur Leroy Stultz and Deborah J. Stultz.

SEIZED IN EXECUTION AS THE PROPERTY OF LEROY WILBUR STULTZ A/K/A WILBUR LEROY STULTZ AND DEBORAH J. STULTZ UNDER ADAMS COUNTY JUDGMENT NO. 99-S-34.

Map & Parcel # 5-53

SEIZED and taken into execution as the property of **Leroy Wilbur Stultz a/k/a Wilbur Leroy Stultz and Deborah J. Stultz** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/17, 24 & 31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-985 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, April 28, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that improved lot of ground Situate in the Borough of East Berlin, Adams County, Pennsylvania and known on the plan of Charles S. Bechtel, as Lot No. 11, more particularly bounded and described as follows:

BEGINNING at a point on the bank of the Conewago Creek and Lot No. 10, thence Northeasterly along said Lot one hundred twenty-two (122) feet to a point on a thirteen (13) feet wide alley; thence along said alley Southerly fifty-five (55) feet to a point and corner of Lot No. 12; thence Westerly one hundred twenty-two (122) feet to a point on the bank of the Conewago Creek; thence along said creek fifty-three and one-half (53- 1/2) feet to a corner of Lot No. 11 and the place of beginning. Containing approximately 6,600 square feet.

Parcel # 4-190

TITLE TO SAID PREMISES IS VESTED IN Terry L. Haeberle, Jr. and Dorothy D. Haeberle, husband and wife by Deed from Grace M. Wonder, single dated 4/16/93, recorded 4/27/93, in Record Book 715 page 70.

PREMISES BEING KNOWN AS 104 PARK STREET, EAST BERLIN, PA 17316

SEIZED and taken into execution as the property of **Terry L. Haeberle, Jr. & Dorothy D. Haeberle** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/24, 31 & 4/7

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on December 30, 1999.

The name of the corporation is J. D. WATSON, INC.

The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

J. D. Watson, Inc.
335 Table Rock Road
Gettysburg, PA 17325

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INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on July 21, 1999 with the Department of State of the Commonwealth of Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provi-

sions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, L.P. 1444, No. 177, as amended.

This name of the corporation is 3 A ENTERPRISE, INC., with its principal office or place of business at 387 Heritage Drive, Gettysburg, PA 17325. The names and addresses of all persons owning or interested in said business are: Jayanti Patel, 387 Heritage Drive, Gettysburg, PA 17325; and Hemant Patel, 1443 Canole Wycke Drive, Middletown, PA 17057.

Alan K. Patrono, Esq.,
30 West Middle Street
Suite 1
Gettysburg, PA 17325

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