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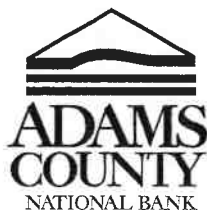
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WILLS ESTATES

This opinion continues to next issue (1/14/2005)

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



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. 03-S-487 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the center line of Township Road (T-842) known as Fish and Game Road and Lot No. 7 of the hereinafter referenced subdivision plan; thence along said Lot No. 7 and through a steel pin on line set back twenty-nine and sixteen hundredths (29.16) feet from said starting point, North fifty-seven (57) degrees twenty-one (21) minutes forty-nine (49) seconds East, five hundred two and eighteen hundredths (502.18) feet to a steel pin at Lot No. 1 of said plan; thence along same South twelve (12) degrees fifty-six (56) minutes twenty (20) seconds East, three hundred twenty-seven and nineteen hundredths (327.19) feet to a steel pin at Lot No. 9 of said plan; thence along same and through a steel pin on line set back twenty-six and fifty hundredths (26.50) feet from the termination of this course, South sixty (60) degrees zero (00) minutes two (02) seconds West, four hundred eighty-four and seven hundredths (484.07) feet to a point on the center line of Township Road (T-842) known as Fish and Game Road; thence along same the following three courses and distances; 1) North twenty-five (25) degrees forty-one (41) minutes nineteen (19) seconds West, thirty-five (35) feet to a point; thence 2) North thirteen (13) degrees nineteen (19) minutes nineteen (19) seconds West, one hundred twenty-eight and forty-seven hundredths (128.47) feet to a point said point being one and two hundredths (1.02) feet West of the centerline of Fish and Game Road; thence 3) North thirteen (13) degrees thirty-two (32) minutes twenty-one (21) seconds West, two hundred twenty-six and six hundredths (226.06) feet to a point at Lot No. 7, the point and

place of BEGINNING, CONTAINING 3.407 acres and identified as Lot No. 8 on a plan of lots prepared by George M. Wildasin, CE, Inc. on August 14, 1999 as revised on September 27, 1999. Said plan is recorded in the Recorder of Deeds Office in and for Adams County, Pennsylvania, in Map Book 77, page 65.

SUBJECT, NEVERTHELESS, to the following restrictions:

1. All new utility lines shall be installed underground.
2. No single or double wide mobile homes shall be placed on the lot at any time, either temporarily or permanently.
3. Only a single family dwelling shall be placed on the lot. If the dwelling is a ranch style. The square footage of the living area must be at least 1,200. If the dwelling is a cape cod style or 1-1/2 stories, the square footage of the living area must be at least 1,400. If the dwelling is of a two story nature, the square footage of the living area must be at least 1,600.
4. Dwelling plans must be approved by the developer or his assigns.
5. No commercial poultry or swine operations of any nature, including, but not limited to the raising or processing of poultry or swine shall be permitted.
6. The restriction set forth in Number 3, above, shall not be construed to prohibit a lot owner from constructing or erecting accessory buildings, including but not limited to garages, sheds, and small barns to house horses, for example, that are reasonable and customary as accessory uses to a single-family dwelling.

HAVING THEREON ERECTED A DWELLING HOUSE KNOWN AS: 1205 Fish and Game Road, East Berlin, Pennsylvania 17316

BEING THE SAME PREMISES WHICH Ronald L. Hoke and Jeanne M. Hoke, by Deed dated 5/2/00 and recorded 5/19/00 in Adams County Deed Book 2053, Page 88, granted and conveyed unto Randy W. Feight and Michelle L. Feight.

SEIZED IN EXECUTION AS THE PROPERTY OF MICHELLE L. FEIGHT AND RANDY W. FEIGHT UNDER ADAMS COUNTY JUDGMENT NO. 03-S-487.

MAP & PARCEL L6-46

SEIZED and taken into execution as the property of **Randy W. Feight & Michelle L. Feight** and to be sold by me,

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/22, 30 & 1/7

NONPROFIT ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Nonprofit Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on November 18, 2004, for the purpose of obtaining a Certificate of Incorporation under the provisions of the Nonprofit Corporation Law of 1988. The name of the proposed nonprofit corporation is: MT. TABOR UNITED METHODIST CHURCH.

The purpose for which it will be organized is: Church services within United Methodist Church denomination and the teachings of the Holy Bible and Evangelism.

Law Office Forest N. Myers
137 Park Pl. W.
Shippensburg, PA 17257

1/7

WILLS ESTATES

1. In Pennsylvania the standard of care that a trustee is held to is, "such common skill, judgment, prudence, and caution as a prudent man, under similar circumstances would exercise in the management of his own estate.

2. A trustee will be held accountable to a higher standard if the trustee holds himself out to have specialized expertise or knowledge or if the trustee acquires an appointment by representing that they possess greater skill, knowledge or expertise than an ordinary person.

3. A surcharge action is the remedy available to a beneficiary when a trustee fails to conform to the standard of care. A surcharge action is properly brought to remedy an error or errors made by the trustee. It is not used to penalize the trustee; it only acts to compensate the beneficiary for any damage they may have suffered when the trustee fails, "to exercise common prudence, common skill and common caution in the performance of the fiduciary's duty."

4. The objector's burden in a surcharge action is two-fold. The objector must prove: (1) the trustee breached a duty and, (2) some type of damage has resulted from that breach. Generally, if the objector can prove these two prongs by a fair preponderance of the evidence then the burden shifts to the fiduciary to prove that the damage would have occurred absent any breach by the fiduciary.

5. Conversely, if the trustee commits a patent error such as, failure to comply with requirements of probate, overpayment of taxes, failure to make timely payments of taxes or if they incurred unnecessary real estate commissions, then the burden shifts from objector to the trustee to prove prudent management.

6. The duty of loyalty encompasses the duty to administer all the assets of the trust in a manner consistent with the best interest of the beneficiaries.

7. Acquiescence to modifying the practice of accruing income, paying an allowance as well as all bills, is tantamount to an agreement to modify.

8. Pennsylvania Courts have historically frowned "upon compound interest and as such will only permit compound interest on a debt when the parties have provided for it by agreement or a statute expressly authorizes it."

9. The duty of impartiality is the duty imposed on a trustee to treat all beneficiaries with the same level of care. The trustee must attempt to produce as much income as possible for the income beneficiaries while at the same time it must also attempt to retain as much principal as possible for the remainder beneficiaries.

10. A trustee must avoid self-dealing also. Self-dealing occurs when a trustee enters into a transaction in which the trustee had a personal interest, "of such a substantial nature that it might have affected his judgment."

11. A trustee is charged with the duty to properly administer a trust which includes such responsibilities as complying with probate requirements and filing timely tax returns.

In the Court of Common Pleas of Adams County, Pennsylvania, Orphans Court Division, Nos. OC-25 FEB. 1973, AND OC-156-95, ESTATE OF CLARENCE A. WILLS, DECEASED, AND ESTATE OF ROBERT A. WILLS, AN INCAPACITATED PERSON.

S. Berne Smith, Esq. and G. Thomas Miller, Esq., for Objector
Victor P. Stabile, Esq., for Accountant
Jack N. Hartman, Esq., for Remaindermen
Bigham, J., January 30, 2004

OPINION

PROCEDURAL STATUS

Presently before the Court are two petitions filed by Accountant, PNC Bank, National Association (hereinafter referred to as "Accountant"): (1) Petition for Confirmation of Account and Statement of Proposed Distribution with respect to the Estate of Clarence A. Wills, Deceased, (OC-25 FEB. 1973), and (2) Petition for Adjudication and Statement of Proposed Distribution, by Accountant as guardian of the Estate of Robert A. Wills, an incapacitated person, (OC-156-95), and the corresponding Objections to each petition filed by Debra Orndorff-Wills (widow of the income beneficiary and hereinafter referred to as "Objector"). Also before the Court is Accountant's request for approval of its legal fees and expenses in defending against the Objections. Patrick Wills and Patti Wills, (the children of the income beneficiary and hereinafter referred to collectively as "Remaindermen" and individually as Patrick and Patti respectively), have filed no objections.

STATEMENT OF FACTS

On June 26, 1971, Robert A. Wills' father, Clarence A. Wills (hereinafter referred to as "RAW" and "CAW" respectively) died leaving a Last Will and Testament dated September 9, 1957 and codicils dated March 13, and 24, 1965. CAW's will disposed of his substantial estate by distributing it between his wife and his three children, Mary Jane Wills, Mary Elizabeth Beach and RAW. Paragraph Seven of CAW's will provides that any share or shares that RAW is entitled to are to be held in trust for him by Accountant.¹ Paragraph Seven also outlines the terms of the trust. The pertinent sections are as follows:

¹ The Express terms of CAW's will names the trustee as Gettysburg National Bank, which as a result of several mergers is now known as PNC Bank, National Association and, therefore, Accountant.

- D. The Trustee shall pay to my son, Robert A. Wills, for the duration of his natural life, the annual net income arising from this trust in quarterly installments.
- E. The Trustee, in the exercise of its sound and sole discretion, may expend from principal from time to time such sum or sums as the Trustee shall deem necessary for the comfort, welfare and support of my son Robert A. Wills, or any of his children, as well as to alleviate any emergency which may arise in connection with him or with his children.
- F. At the death of my son, Robert A. Wills, the trustee shall pay the net balance of principal and income remaining in this trust to his children. (Remainder of paragraph F omitted).
- G. No part of the principal or income of this trust shall be subject to alienation, anticipation or pledge by any of the beneficiaries herein nor shall any part or portion thereof be subject to charge, lien or execution process.

In 1967, RAW and his first wife, Isabel, adopted two children, Patrick and Patti Wills. Isabel died in 1979. On April 7, 1986, RAW and Objector married. The marriage was very brief as RAW filed for divorce on September 26, 1986. The Court entered a Divorce Decree on June 18, 1987. RAW and Objector allegedly resumed their relationship in the early 1990s and were remarried on or about May 2, 1994.

Prior to the second marriage between RAW and Objector, RAW's estate went through several significant changes. On October 21, 1993, RAW revoked his prior will dated September 26, 1986 and executed a new Last Will and Testament. RAW's new will named Objector as executor and left his entire estate to Objector. On October 21, 1993, RAW changed his long-standing attorney-in-fact from Accountant to Objector by executing a General Power of Attorney. Additionally on May 19, 1994, RAW conveyed by deed his residence located at 180 Country Club Lane, Gettysburg, Pennsylvania from himself to himself and Objector, as tenants by the entireties.

There has been much debate and litigation over RAW's competency from approximately 1989 to his death. What is clear is that RAW was always a poor manager of his finances, hence, the creation of the trust by his father, CAW. RAW was disinterested and incapable of managing any aspect of his finances. RAW never played a significant role in maintaining or managing his finances. While alive CAW managed all of RAW's finances. Upon CAW's death, Isabel, RAW's first wife, became responsible for all of RAW's finances. After Isabel's death, in 1979, RAW attempted, with much difficulty, to manage his own finances. For example, during the 1980's RAW applied and received loans from Adams County National Bank and the commercial side of Accountant's bank. RAW gave no reason why he needed to borrow money nor could he explain what he planned to do with the money. All of those loans were paid off during RAW's lifetime with payments provided by Accountant. Additionally, RAW was unable to explain to Accountant the purpose or reason that he had incurred certain bills. As a result, beginning in 1987 and continuing until 1994, Accountant allegedly by agreement with RAW, began to accumulate the income of the trust. At that time, Accountant ceased distributing the trust income to RAW in quarterly installments. Accountant retained the income to pay RAW a weekly allowance and to directly pay any bills or expenses RAW incurred. Accountant made available any remaining income for RAW's use at any time and from time to time Accountant informed RAW of the amount of income retained. RAW would personally appear at Accountant's Bank to get his weekly allowance check and would interact with trust officers. During these weekly interactions, spanning seven years, RAW never objected to this new arrangement. Occasionally, RAW would request additional funds and Accountant accommodated those requests. For many years, senior trust officer Richard E. Schultz (hereinafter referred to as "Schultz") handled RAW's account. Eventually trust officer Paul Ketterman (hereinafter referred to as "Ketterman") took over the account.

In 1993, Objector met with Ketterman and authorized him to continue the practice of paying RAW a weekly allowance and paying RAW's bills. In 1994, after RAW and Objector were married for a second time, Objector changed her position and directed Ketterman as RAW'S attorney-in-fact to immediately distribute to her all income, including accumulated income. Ketterman complied with

Objector's request. At the same time, Objector alleged that Accountant had improperly paid \$109,997 to Patti from income rather than principal. Accountant responded by transferring \$109,997 from the principal side of the account to the income side of the account and then distributing \$109,997 from income to RAW. At the time of her demand for payments, Objector was accompanied to the Accountant's Bank by a local accountant Susan Mosser (hereinafter referred to as "Mosser"). Mosser and Ketterman eventually agreed on the amount of \$109,997 to be paid after Mosser reviewed bank records given to her by Ketterman.

In late 1995 and early 1996, the Remaindermen filed petitions which among many things sought to: have RAW declared incompetent, determine if Objector had exercised undue influence on RAW, and have Objector removed from her position as RAW's attorney-in-fact. Accountant paid the legal fees the Remaindermen incurred in such litigation from the principal of the trust. Initially, the Court appointed local attorney Mary Esther Boyd, (hereinafter referred to as "Attorney Boyd") to represent RAW in the proceedings as his attorney. Eventually, the Court appointed local attorney Gary E. Hartman (hereinafter referred to as "Attorney Hartman") to serve as guardian for RAW in those proceedings and the cost of such representation was paid out of both trust principal and income. Also, Accountant was appointed temporary Guardian of the Estate and then plenary guardian of RAW's estate. This Court declared RAW incapacitated on July 30, 1997.

Objector and the Remaindermen reached a settlement regarding the Remaindermen's petitions on May 11, 2000. That Settlement Agreement is incorporated into the May 11, 2000 entered by Judge John D. Kuhn. Specifically the Order of Court provides:

Paragraph 1. Patricia G. Nichols and Patrick G. Wills, the adopted children of Robert A. Wills, shall receive \$195,000 from the trust principal . . . which amount shall be used to purchase the real estate and residence at 180 Country Club Lane, Gettysburg . . . currently owned by Robert A. Wills and Debra Sue Orndorff-Wills.

* * *

Paragraph 4. The Power-of-Attorney granted by Robert A. Wills to Debra Sue Orndorff-Wills dated October 21, 1993 is hereby declared null and void as of March 28, 2000.

* * *

Paragraph 10. PNC Bank, N.A. is hereby appointed as permanent Guardian of the Estate of Robert A. Wills.

* * *

Paragraph 22. Debra Sue Orndorff-Wills does hereby waive and release any and all claims she did raise or may have raised against the Petitioners for any act which occurred up to this date, whether known or unknown except as expressly set forth herein.

Paragraph 23. Debra Sue Orndorff-Wills does hereby waive and release any and all claims she did or may have raised against Robert A. Wills or any trust or account in which he has an interest or is a beneficiary for any act which occurred up to this date, whether known or unknown, except as expressly set forth herein.

* * *

Paragraph 31. This settlement shall be binding upon the heirs, executors and assigns of Patricia G. Nichols, Patrick G. Wills, Debra Sue Orndorff-Wills, and Robert A. Wills.

It is important to note that Objector, who was represented by independent counsel, was a party in the proceedings that resulted in Judge Kuhn's May 11, 2000 Order of Court. Accountant was not a party, however it did prepare and submit an accounting of the trust fund for the years 1973 to 1996, as per the direction of Judge Kuhn. The Order of Court reflected the agreement of all the parties and it was never appealed. The sale of RAW's home to the Remaindermen is the only issue dealt with in the May 11, 2000, Order which is also the basis of an Objection before this Court. Paragraph 23 of the May 11, 2000 Order states Objector, "does hereby waive and release any and all claims she did or may have raised against RAW or any trust or account in which he has an interest or is a beneficiary for any act which occurred up to this date whether known or unknown, except as expressly set forth herein." This Court does not interpret such

language to mean that Objector has waived her right to object to the final accounts (trust and guardian) by raising issues of alleged breaches of fiduciary duties by Accountant. However, this Court does interpret paragraph 23 as being binding on Objector regarding Objection G, sale of RAW's house, because Paragraph 1 of the May 11, 2000 Order specifically deals with that issue.

On December 24, 2001, RAW died. RAW was survived by the Remaindermen and Objector. On August 26, 2002, Accountant petitioned this Court for Confirmation of Account and Statement of Proposed Distribution with respect to the Estate of CAW (hereinafter referred to as "Trust Account") and Adjudication and Statement of Proposed Distribution, by Accountant as guardian of the Estate of RAW (hereinafter referred to as "Guardian Account"). Subsequent to the filing of Accountant's petitions, Objector filed thirteen objections (A-M) to the Trust Account and eight Objections (A-H), to the Guardian Account with this Court on October 10, 2002. Objector amended both Objections in August of 2003. Objector's amended Objections to the Guardian Account raises six Objections (A-F). Objector's Amended Objections to the Trust Account raises nine Objections to the Trust Account (A-I). After extensive pre-trial briefing and motions in limine a trial was held on October 14, 15, 17, and 20, 2003, in which this Court heard testimony and received numerous documentary exhibits.²

Objector's testimony at the conclusion of the trial was not credible and was in conflict with the testimony and evidence from all other sources, other than that of Attorney Boyd. Ketterman's statement that Objector asked questions regarding depleting the principal of the trust in order to see that the Remaindermen got nothing was

²The Court permitted the parties to submit Post-Trial Briefs and Reply Briefs. The Court wishes to note that during the entire proceedings (discovery, pre-trial conference, conference calls, four days of trial with hundreds of exhibits, and post-trial briefing) the attorneys of record have been punctual, very well prepared, thorough, courteous and a credit to the profession. The expert witnesses were highly qualified and candid in their testimony. All parties have been well served.

Also, it seems that Objector has tried very hard to project an image of one of whom advantage has been taken. Objector had access to hundreds of thousands of dollars after becoming RAW's new attorney-in-fact in 1993. It is unclear from the record what happened to all that money. In fairness to Objector, the Court notes that she is the only beneficiary-legatee under RAW's will and therefore is the only person who could have an interest in such monies. She owes no duty of accounting to herself.

far more believable than Objector's denial of that statement. Likewise, Attorney Boyd's testimony was not credible. According to Attorney Boyd's description of the other attorneys in Adams County and the trust department staff at PNC Bank, she was the only competent legal professional in Adams County at the time. This Court found Attorney Boyd's testimony to be self-promoting.

Finally, this Court notes that the following Opinion is based on Court notes, as no transcript has been prepared. Additionally, the attached Order will include a briefing and reply briefing schedule for the issues of attorney fees and litigation costs.

LEGAL DISCUSSION OF THE BURDEN OF PROOF

In Pennsylvania the standard of care that a trustee is held to is, "such common skill, judgment, prudence, and caution as a prudent man, under similar circumstances would exercise in the management of his own estate." *Denlinger Estate*, 297 A.2d 478, 480 (Pa. 1972). A trustee will be held accountable to a higher standard if the trustee holds himself out to have specialized expertise or knowledge or if the trustee acquires an appointment by representing that they possess greater skill, knowledge or expertise than an ordinary person. *In re Estate of Killey*, 326 A.2d 372, 375 (Pa. 1974).

A surcharge action is the remedy available to a beneficiary when a trustee fails to conform to the standard of care. *In re Estate of Dobson*, 417 A.2d 138, 142 (Pa. 1980). A surcharge action is properly brought to remedy an error or errors made by the trustee. See, *Id.* at 138. It is not used to penalize the trustee; it only acts to compensate the beneficiary for any damage they may have suffered when the trustee fails, "to exercise common prudence, common skill and common caution in the performance of the fiduciary's duty." *Estate of Pew*, 655 A.2d 521, 543 (Pa.Super. 1994). The objector's burden in a surcharge action is two-fold. The objector must prove: (1) the trustee breached a duty and, (2) some type of damage has resulted from that breach. *In re Estate of Lychos*, 470 A.2d 136,142 (Pa.Super. 1983).

Generally, if the objector can prove these two prongs by a fair preponderance of the evidence then the burden shifts to the fiduciary to prove that the damage would have occurred absent any breach by the fiduciary. *Estate of Stetson*, 345 A.2d 679, 690 (Pa. 1975); *Wade's*

Estate, 23 A.2d 493, 495 (Pa. 1942). Conversely, if the trustee commits a patent error such as, failure to comply with requirements of probate, overpayment of taxes, failure to make timely payments of taxes or if they incurred unnecessary real estate commissions, then the burden shifts from objector to the trustee to prove prudent management. *In re Estate of Campbell*, 692 A.2d 1098, 1104 (Pa. Super. 1997).

In the present case, Objector alleges nine separate breaches of duty and resulting harm to the beneficiary, RAW, by Accountant acting as the trustee. Additionally, Objector alleges six separate breaches of duty and resulting harm to RAW by Accountant acting as the guardian. This Court will analyze each of the objections separately in a three-step process, if necessary. First, this Court will determine if Objector has met her initial burden of breach of a duty owed to the beneficiary. If this Court determines that Objector has not met her burden then there will be no surcharge. However, if this Court determines there has been a breach of duty then this Court will determine if there has been any damage to the beneficiary. If damage is proven then this Court will look to see if the trustee/guardian has a sustainable defense, such as there is no causal connection between the breach and the damage. Alleged patent error will be dealt with pursuant to the standard set forth above in *Campbell*.

Continued to next issue (1/14/2005)

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-860 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

Tract No. 1:

BEGINNING at a stake at the West side of the State Highway leading from Gettysburg to Emmitsburg at lands now or formerly of Robert Witherow and Mrs. Leslie Kennel; thence by lands now or formerly of Mrs. Leslie Kennel, South 77 degrees West 442.2 feet to a stake; thence by lands now or formerly of Fred W. Green, North 25 degrees East 125 feet to a stake; thence by the same, North 77 degrees East 442.2 feet to a point in the State Highway aforesaid; thence along said State Highway and land now or formerly of Robert Witherow, South 25 degrees West 125 feet to a stake, the place of BEGINNING. CONTAINING 1 acre, more or less.

Tract No. 2:

BEGINNING at a point in the State Highway Route 15, leading from Emmitsburg to Gettysburg, with an iron pin set back along the line; thence in the center of said Highway, South 25-1/2 degrees West 107.5 feet to a point in the said Highway, with an iron pin set back along the line; thence by land now or formerly George Kennel North 85-1/2 degrees West 409.5 feet to an iron pin; thence by land now or formerly of Calvin Dennis Manahan, also known as Calvin D. Manahan, North 80 degrees East 450.2 feet to a point in said Highway, with an iron pin set back along the line, the place of BEGINNING. CONTAINING 76 perches and 18 square feet, more or less.

The above-described two tracts of land are the same which Allen J. Sebold and Dorothy E. Sebold, husband and wife, by their Deed dated March 27, 1989, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 518, at page 227, sold and conveyed unto Helene D. Keese and Lory A. Keese, as joint tenants with the right of survivorship and not as tenants in common, Mortgagors herein.

SEIZED and taken into execution as the property of **Helene D. Keese & Lory A. Keese** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/22, 30 & 1/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-991 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an existing magnetic spike in the center line of Crouse Road (Township Road T-412) at corner of land now or formerly of Winifred Thomson; thence by said land of Winifred Thomson, and by land now or formerly of Robert Slapp, passing through a steel rod set back 25.0 feet from the last mentioned point, and also passing through an existing steel rod set back 274.96 feet from the next mentioned point, South 43 degrees, 22 minutes, 15 seconds West, 825.18 feet to an existing steel rod on line of land now or formerly of Mary Schildt et al; thence by said land of Mary Schildt et al, North 40 degrees, 31 minutes, 10 seconds West, 85.00 feet to an existing steel rod; thence continuing by same, South 47 degrees, 31 minutes, 50 seconds West, 125.00 feet to a concrete monument at corner of Lot No. 1 on the hereinafter referred to plan of lots; thence by said Lot No. 1, North 47 degrees, 20 minutes, 55 seconds West, 390.00 feet to a steel rod; thence continuing by same, North 43 degrees, 54 minutes, 45 seconds East, 445.64 feet to a steel rod; thence continuing by said Lot No. 1, South 46 degrees, 05 minutes, 15 seconds East, 67.73 feet to a concrete monument; thence continuing by same, passing through a steel rod set back 25.0 feet from the next mentioned point, North 43 degrees, 54 minutes, 45 seconds East, 641.28 feet to a magnetic spike,

three (3) feet West of the center line of Crouse Road; thence in said Crouse Road, South 27 degrees, 31 minutes, 00 seconds East, 429.20 feet to an existing magnetic spike in the center line of said Crouse Road (Township Road T-412), the point and place of BEGINNING. CONTAINING 10,001 acres.

THE ABOVE description was taken from a plan of lots prepared by Adams County Surveyors, dated June 25, 1998, recorded in Plat Book 75 at page 22, designating the above as Lot #2.

MAP G-18, PARCEL 3B

TITLE TO SAID PREMISES IS VESTED IN Gregory L. Crouse and Pamela L. Crouse, husband and wife by Deed from Craig A. Redding and Catherine M. Redding, husband and wife dated 3/4/1999 and recorded 3/9/1999 in Record Book 1782, Page 269.

SEIZED and taken into execution as the property of **Gregory L. Crouse & Pamela L. Crouse** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

12/22, 30 & 1/7

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania.

The name of the corporation is RON'S BODY SHOP, INC.

The corporation has been incorporated under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania Act of December 22, 1988.

Ron's Body Shop, Inc.
710 Berlin Road
New Oxford, PA 17350

1/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1235 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin driven in the center of the Gettysburg-Table Rock Road State Highway at corner of lot now or formerly of Ward Hess, being Lot No. 2 on the Plan of Lots heretobelow identified; thence running along said Lot No. 2, North 73 degrees, 53 minutes West, 150 feet to an iron pin on line of Lot No. 9 on said Plan; thence along Lots Nos. 9 and 8, North 16 degrees, 7 minutes East, 80 feet to the Southwest corner of Lot No. 4, now or formerly of Robert Mattingly; thence along said Lot No. 4, South 73 degrees, 53 minutes East, 150 feet to an iron pin in the center of the State Highway aforesaid; thence running in the center of said State Highway South 16 degrees, 7 minutes West, 80 feet to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Michael A. Serrano and Geraldine L. Serrano, Husband and Wife by Deed from Randall S. Lawson and Julie A. Lawson, Husband and Wife dated 1/22/1993 and recorded 1/22/1993 in Record Book 683, Page 22.

Tax Parcel: F12-53

Premises Being: 274 Table Rock Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of Michael A. Serrano & Geraldine L. Serrano 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 March 7, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-828 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground situate, lying and being in Bonneauville, Adams County, Pennsylvania, being Lot No. 4, "Noble's Ridge" as shown on a Final Subdivision Plan dated and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 79 Page 57, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the right-of-way line of Jessica Drive at corner of Lot No. 5 on the hereinafter referred in Subdivision Plan; thence along said Lot No. 5, North sixty-one (61) degrees, forty-three (43) minutes, forty (40) seconds West, one hundred twenty-five and zero hundredths (125.00) feet to a point on line of land or formerly of Kenneth P. McDermott; thence along said McDermott land, North twenty-eight (28) degrees, sixteen (16) minutes, twenty (20) seconds East, eighty and zero hundredths (80.00) feet to a point at corner of Lot No. 3, South sixty-one (61) degrees, forty-three (43) minutes, forty (40) seconds East, one hundred twenty-five and zero hundredths (125.00) feet to a point on the right-of-way line of Jessica Drive, South twenty-eight (28) degrees, sixteen (16) minutes, twenty (20) seconds West, eighty and zero hundredths (80.00) feet to the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Gary W. Robertson and Marion C. Robertson, husband and wife by Deed from Smokehouse, LLLP, dated 11/15/2002 and recorded 12/13/2002 in Record Book 2907 Page 309.

Premises being: 65 Jessica Drive, Gettysburg, PA 17325

Tax Parcel No. 125; Map #5

SEIZED and taken into execution as the property of Gary W. Robertson & Marion C. Robertson 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 March 7, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/7, 14 & 21

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA NO. 04-S-1223

IN RE: Petition of Mary Weller, Natural Mother of and on Behalf of, Anthony Christian Jackson

NOTICE

NOTICE IS HEREBY GIVEN, that on December 3, 2004, the Petition of Mary Weller, natural mother of and on behalf of, Anthony Christian Jackson, was filed in the above-captioned Court, requesting an ORDER to change the name of Anthony Christian Jackson, a minor child, to Anthony Jackson Weller.

The Court fixed the day of February 14, 2005 at 9:00 a.m., in Courtroom No. 2 of the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Adams County, Pennsylvania as the time, place and date for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner, on behalf of the minor child, should not be granted.

Patrick W. Quinn, Esq. Wolfe & Rice, LLC 47 West High Street Gettysburg, PA 17325 717-337-3754 Attorneys for Petitioner

1/7

LEGAL NOTICE

The annual meeting of the policyholders of the Protection Mutual Insurance Company of Littlestown will be held at the home office located at 101 South Queen Street in Littlestown, PA, between the hours of 1:00 and 2:00 p.m., on January 15th, 2005 to elect directors and to transact any other business properly presented.

Attest Marilyn Q. Butt President, Treasurer, Director

12/22, 30, 1/7 & 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 JOHN J. BAKER a/k/a JOHN JACOB BAKER, DEC'D

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

Executor: John S. Baker, II, c/o 135 South Duke Street, York, PA 17403

Attorney: Richard H. Mylin, III, Esq., 135 South Duke Street, York, PA 17403

ESTATE OF DAVID L. BRENNEMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Donna R. Brenneman, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Warren P. Bladen, Jr., Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF ETHEL M. CLAPSADDLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Gary E. Clapsaddle, 231 W. Chestnut Hill, Aspers, PA 17304; Carol E. Vines, 855 Yellow Hill Road, Biglerville, PA 17307

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

ESTATE OF THOMAS E. CRAIG, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Administrator: Dorothy M. Craig, 291 Bollinger Road, Littlestown, PA 17340

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

ESTATE OF CHARLES H. GROTE, JR., DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Dorothy E. Grote, c/o Manifold & Golla, P.O. Box 312, Stewartstown, PA 17363

Attorney: Laura S. Manifold, Esq., Manifold & Golla, P.O. Box 312, Stewartstown, PA 17363

ESTATE OF CURVIN A. MILLER, DEC'D

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

Co-Executors: Maurice A. Miller, 1109 Kohler Mill Road, New Oxford, PA 17350; Mildred A. Weaver, 898 Bon Ox Road, Gettysburg, PA 17325; Mary A. Zimmerman, 80 Cavalry Field Road, Gettysburg, PA 17325; Morgan A. Miller, 1162 Stoney Point Road, East Berlin, PA 17316

Attorney: Arthur J. Becker, Jr., Esq., Arthur J. Becker, Jr., P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF RITA J. SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Ronald J. Smith, 130 Pleasant St., Hanover, PA 17331; Julia A. Klunk, 19628 Spring Creek Rd., Hagerstown, MD 21742; Jason J. Smith, 32 Chinkapin Dr., New Oxford, PA 17350

ESTATE OF FRED H. TAYLOR, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Co-Executors: Nancy K. (Taylor) Noel, 1450 Honda Road, Hanover, PA 17331; Terry L. Taylor, 1494 Romansville Road, Downingtown, PA 19335

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

SECOND PUBLICATION

ESTATE OF MARCIA E. DAYWALT a/k/a MARCIA ELAINE DAYWALT a/k/a MARCIA DAYWALT, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Administrator: Ronald J. Daywalt, 11931 Loop Road, Fayetteville, PA 17222

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

ESTATE OF EVELYN H. GEESAMAN a/k/a EVELYN R. GEESAMAN, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Personal Representative: Donald L. Geesaman, c/o Patterson & Kiersz, PC, 239-B East Main Street, Waynesboro, PA 17268-1681

Attorney: Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

ESTATE OF JEAN G. RICE, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: William L. Rice, 108 N. Williams St., York, PA 17404

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

ESTATE OF HAROLD W. SETTLE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325, Attn: Karen B. Arthur

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

ESTATE OF JAMES A. SHANEFELTER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Personal Representatives: Joseph C. Shanefelter, 6120 Baltimore Pike, Littlestown, PA 17340; Samuel A. Shanefelter, 1561 Broadway, Hanover, PA 17371

THIRD PUBLICATION

ESTATE OF GERALD E. BROUGH a/k/a GERALD EDWARD BROUGH, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Doris Elizabeth Brough, 141 York St., Gettysburg, PA 17325

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

ESTATE OF CARRIE R. EISENHART, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Personal Representatives: B. Scott Eisenhart, 322 A High Rock Rd., Hanover, PA 17331; Joy A. Daugherty, 322 A High Rock Rd., Hanover, PA 17331

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-867 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT IMPROVED lot of ground situated on the South side of Maple Avenue and being improved with the Eastern one-half of a duplex to be known generally as 620 Maple Avenue, all of which is situate in the Village of Midway, Conewago Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the South side of Maple Avenue aforesaid at other lands now or formerly of Ernest H. Palmer marked by an iron pin at the intersecting property lines of Lot No. 4 herein and lands now or formerly of Ernest H. Palmer, said iron pin being ten (10) feet South of the South curb face of Maple Avenue; thence along lands now or formerly of Ernest H. Palmer, South four (04) degrees zero (00) minutes eighteen (18) seconds East, ninety (90) feet to an iron pin; thence by other lands now or formerly of Jad S. Sneeringer, also known as Lot No. 5, South eighty-six (86) degrees ten (10) minutes West, fifty-five and fifty-two hundredths (55.52) feet to an iron pin; thence by lands now or formerly of Jad S. Sneeringer, also known as Lot No. 3 and through the center party wall of the Duplex hereon, North four (04) degrees eleven (11) minutes forty-six (46) seconds West, ninety (90) feet to an iron pin on the South property line of Maple Avenue; thence along the South property line of Maple Avenue, North eighty-six (86) degrees ten (10) minutes East, fifty-five and eighty-two hundredths (55.82) feet to an iron pin, the point and place of BEGINNING.

CONTAINING 5,010 square feet.

THE foregoing description was taken from a Plan of Survey as prepared by Donald E. Worley, Registered Surveyor and identified as the Final Plan of Jad S. Sneeringer, dated July 7, 1976, as approved by the Board of Supervisors of Conewago Township on July 7, 1976, said Plot Plan being duly recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 10, Page 43.

TITLE TO SAID PREMISES IS VESTED IN Chad A. Gladfelter and Holly M. Gladfelter, his wife by Deed from Eva H. Zaner, widow, n/k/a Eva H. Weber, widow, dated 2/25/1998 and recorded 3/4/1998 in Record Book 1531 Page 176.

Premises being: 620 Maple Avenue, Hanover, PA 17331

Tax Parcel No. 70B Map #8

SEIZED and taken into execution as the property of **Holly M. Gladfelter & Chad A. Gladfelter** 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 March 7, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/7, 14 & 21

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, Commonwealth of Pennsylvania, for the purpose of obtaining a certificate of incorporation of a proposed business corporation under the "Business Corporation Law of 1988", P.A. 1444, number 177, 15 P.A. C.S.A. section 1101, et seq. as amended.

The name of the corporation is CTC INVESTIGATIVE & PROTECTIVE SERVICES, INC. and its initial registered address is 1480 Highland Avenue, Gettysburg, Pennsylvania, 17325.

Law Offices of Douglas H. Gent
Douglas H. Gent, Esq.
Solicitor

1/7

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that on July 8, 2004, Articles of Incorporation were filed with the Department of State for C.C. CRATERS, INC., a corporation organized under the provisions of the Pennsylvania Business Corporation Law of 1988, effective October 1, 1989, for the purpose of engaging in all lawful business for which corporations may be incorporated under said act.

Gerald Weinberg, P.C.
Attorneys at Law
90 State Street
Albany, New York 12207

1/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1075 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT LOT of ground situate on the South side of South Street in the Village of Midway in Conewago Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake at South Street aforesaid on the center line of Lot #54, the Eastern portion of which is about to be conveyed to Charles S. Frock; thence by said lands through the center line of said lot South 3 degrees 30 minutes East 172.75 feet, more or less, to a stake at an alley; thence by said South 88 degrees 55 minutes West for a distance of 45 feet to a stake at other land of the grantors also known as Lot #52; thence by the same North 3 degrees 30 minutes West 170.85 feet, more or less, to a stake at South Street aforesaid; thence by the same North 86 degrees 30 minutes East 45 feet to a stake, the place of BEGINNING.

SAID lot of ground being known as all of Lot #53 and the western half of Lot #54 on a plan or series of lots of the Estate of Edward J. Kuhn dated August 2, 1907, as prepared by A.E. Kohn, Surveyor.

Parcel No. 9-18

SEIZED and taken into execution as the property of **Nellie A. Jacobs** 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 March 7, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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1/7, 14 & 21

Adams County Legal Journal

Vol. 46

January 14, 2005

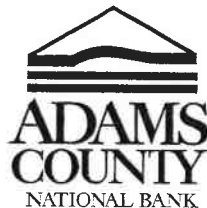
No. 34, pp. 220-229

IN THIS ISSUE

WILLS ESTATES

*This opinion continued from last issue (1/7/2005)
and continues to next issue (1/21/2005)*

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

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BEGINNING at a point on the South side of Maple Avenue aforesaid at other lands now or formerly of Ernest H. Palmer marked by an iron pin at the intersecting property lines of Lot No. 4 herein and lands now or formerly of Ernest H. Palmer, said iron pin being ten (10) feet South of the South curb face of Maple Avenue; thence along lands now or formerly of Ernest H. Palmer, South four (04) degrees zero (00) minutes eighteen (18) seconds East, ninety (90) feet to an iron pin; thence by other lands now or formerly of Jad S. Sneeringer, also known as Lot No. 5, South eighty-six (86) degrees ten (10) minutes West, fifty-five and fifty-two hundredths (55.52) feet to an iron pin; thence by lands now or formerly of Jad S. Sneeringer, also known as Lot No. 3 and through the center party wall of the Duplex hereon, North four (04) degrees eleven (11) minutes forty-six (46) seconds West, ninety (90) feet to an iron pin on the South property line of Maple Avenue; thence along the South property line of Maple Avenue, North eighty-six (86) degrees ten (10) minutes East, fifty-five and eighty-two hundredths (55.82) feet to an iron pin, the point and place of BEGINNING.

CONTAINING 5,010 square feet.

THE foregoing description was taken from a Plan of Survey as prepared by Donald E. Worley, Registered Surveyor and identified as the Final Plan of Jad S. Sneeringer, dated July 7, 1976, as approved by the Board of Supervisors of Conewago Township on July 7, 1976,

said Plot Plan being duly recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 10, Page 43.

TITLE TO SAID PREMISES IS VESTED IN Chad A. Gladfelter and Holly M. Gladfelter, his wife by Deed from Eva H. Zaner, widow, n/k/a Eva H. Weber, widow, dated 2/25/1998 and recorded 3/4/1998 in Record Book 1531 Page 176.

Premises being: 620 Maple Avenue, Hanover, PA 17331

Tax Parcel No. 70B Map #8

SEIZED and taken into execution as the property of **Holly M. Gladfelter & Chad A. Gladfelter** and to be sold by me.

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

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1/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1075 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT LOT of ground situate on the South side of South Street in the Village of Midway in Conewago Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake at South Street aforesaid on the center line of Lot #54, the Eastern portion of which is about to

be conveyed to Charles S. Frock, thence by said lands through the center line of said lot South 3 degrees 30 minutes East 172.75 feet, more or less, to a stake at an alley; thence by said South 88 degrees 55 minutes West for a distance of 45 feet to a stake at other land of the grantors also known as Lot #52, thence by the same North 3 degrees 30 minutes West 170.85 feet, more or less, to a stake at South Street aforesaid; thence by the same North 86 degrees 30 minutes East 45 feet to a stake, the place of BEGINNING.

SAID lot of ground being known as all of Lot #53 and the western half of Lot #54 on a plan or series of lots of the Estate of Edward J. Kuhn dated August 2, 1907, as prepared by A.E. Kohr, Surveyor.

Parcel No. 9-18

SEIZED and taken into execution as the property of **Nellie A. Jacobs** 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 March 7, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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1/7, 14 & 21

WILLS ESTATES

Continued from last issue (1/7/2005)

LEGAL DISCUSSION OF TRUST AND GUARDIANSHIP OBJECTIONS

I. Objections To The Trust Account

Objector's Amended Objections to the Trust Account raises nine objections (A-I). The Court notes Objection I is a request for attorney fees and litigation costs by Objector. In Accountant's Pre-Trial memorandum it raised an issue regarding this Court's approval of Accountant's own legal fees and expenses. In response, this Court determined, during the pre-trial conference, that these issues would be dealt with separately, after a decision is reached on all of the Objections Objector raised. Hence, the Court in this Opinion, will address only the remainder of the Trust Objections, A-H, which the Objector raised.

OBJECTION A-“The Trustee breached its duty of loyalty to Robert A. Wills by failing to pay over to him in a timely fashion all net income generated by the Trust and by improperly paying portions of his income to other persons. The Trustee should be surcharged with interest on a compound basis for all net income realized but not paid over or improperly paid to or for the benefit of other persons.”

The duty of loyalty encompasses the duty to administer all the assets of the trust in a manner consistent with the best interest of the beneficiaries. *In re Flagg's Estate*, 73 A.2d 411, 414 (Pa. 1950). Objector in this Objection alleges Accountant breached the duty of loyalty in two ways: A(1) by failing to pay to RAW in a timely fashion all net income generated by the trust, and A(2) by improperly paying income to other persons.

OBJECTION A(1)

Objector's trust administration expert, Dennis C. Caverly, suggests that Accountant breached the duty of loyalty because the industry standard would have required a separate agency-income account to receive the quarterly income. On the other hand, Ketterman's testimony indicated that the creation of a separate account was unnecessary because Accountant was able to track income separately within its ledger system. In other words, the unpaid or accumulated income was readily discernable from the ledgers as if it was a separate income account. Such accumulated income was always

available to RAW. Therefore, Accountant did not breach any fiduciary duty by not creating a separate agency-income account.

Although Accountant did not breach the duty of loyalty by failing to create a separate agency-income account, Accountant did commit a breach by failing to follow the trust instructions regarding the payment of trust income. Objector has met her initial burden of establishing that Accountant did breach a fiduciary duty by establishing that Accountant did not follow the clear trust instructions to pay income quarterly to RAW. The burden of proof, therefore, shifts to Accountant to establish that such conduct was not a breach of its fiduciary responsibility or that in spite of such conduct no harm came to RAW.

This Court finds that Accountant has met its burden of proof based on the doctrine of acquiescence. Direction to the trustee to pay quarterly income to the income beneficiary was clearly set forth in the trust creation provisions of CAW's will. The income beneficiary, by agreement or condition, may modify an otherwise clear direction to pay income. No written documentation was presented to this Court to suggest that RAW formally agreed to a modification but evidence does indicate that RAW did not object to such practice. Acquiescence to modifying the practice of accruing income, paying an allowance as well as all bills, is tantamount to an agreement to modify. *In re Miller's Estate*, 3 A.2d 370, 371 (Pa. 1939). The record is very clear that Accountant and its trust officers knew of RAW's lack of skill in financial matters. Caverly, Objector's expert, opined that RAW would probably have signed whatever paper was put in front of him as long as RAW was still getting his allowance and his bills paid. In this case, the difference between having a written authorization to accumulate income versus applying the doctrine of acquiescence is minimal. Even though the Court believes that Accountant should have obtained something in writing from RAW as a matter of following a "better practice", it will not impose a surcharge on that basis.

RAW's acquiescence spanned a period of seven years, 1987-1994, without complaint from RAW, and there was no evidence presented to this Court that RAW lacked for any necessity or luxury to which he had become accustomed in his adult life. Nevertheless, the record does show "harm" to RAW in the form of a time value claim for lost

income. The accounting experts disagree as to the calculation of such lost income and whether to use compound or simple interest. Each expert acknowledges that lost trust income is offset to some extent by additional income earned. Objector cites authority for compounding interest. The case, *In re Estate of Braun*, 650 A.2d 73, (Pa.Super. 1994) is not a surcharge case. *Id.* at 79. Pennsylvania Courts have historically frowned “upon compound interest and as such will only permit compound interest on a debt when the parties have provided for it by agreement or a statute expressly authorizes it.” *Katzeff v. Fazio*, 628 A.2d 425, 430 (Pa.Super. 1993) (quoting *Powell v. Ret. Bd.*, 246 A.2d 110,115 (Pa. 1968)). Accountant has correctly cited to a surcharge case, the *Mintz Trust, Mintz Trust*, 282 A.2d. 295 (Pa. 1971) a 1971 case, wherein the Pennsylvania Supreme Court did not adopt the Restatement of Trusts’ position on interest and, therefore, did not approve of compounding interest. *Id.* at 303-04. This Court accepts the calculation of Accountant’s expert of \$5,690.70, set forth in Accountant Exhibit 37A, utilizing simple interest as being the most sensible and fair. Since there was “harm” to RAW in spite of Accountant not breaching any fiduciary duty, the Court will surcharge Accountant for lost income of \$5,690.70.

OBJECTION A(2)

Objector also alleges Accountant breached the duty of loyalty by improperly paying income to other persons. The Court finds that Accountant breached its fiduciary duty to properly administer the trust by paying out of income the aggregate amount of \$109,997.00 to someone other than RAW, the income beneficiary. Payments to the Remaindermen were discretionary from principal, not income. Ketterman testified at trial that the policy of the prior trust officer, Schultz, was to use excess income before principal was used. Ketterman agreed with this policy and felt that it made more sense to use excess income and not principal because principal was earning more interest. The Court recognizes such policy as one used to avoid unnecessary accumulations, but does not find this policy appropriate under the present facts. Here, the trust document did not authorize payment of income to anyone other than RAW, the income beneficiary. If Accountant had discretionary authority to distribute income to others, then Schultz’s policy would be appropriate. However, the trust language required the income to be distributed to RAW only.

Accountant later replaced the \$109,997.00 from principal and placed it in the income side of the trust. The accounting experts using compound and simple interest have calculated the loss to RAW. As stated above, in Objection A(1), compound interest is not appropriate. This Court accepts Accountant's expert's calculation of \$1,033.35 using simple interest, set forth in Accountant Exhibit 37A, as the most sensible and fair. This Court will surcharge Accountant for lost income of \$1,033.35.

The total surcharge under this objection is \$5,690.70, for objection A(1) and \$1,033.35 for objection A(2) for a total of \$6,724.05. Simple interest shall run at a rate of 6 percent on the \$5,690.70 from January 1, 1994 to the date of payment and on the \$1,033.35 from June 14, 1994 to the date of payment.

OBJECTION B-“Because of its breaches of duties of loyalty and impartiality owed to Robert A. Wills, the Trustee should forfeit all of the fiduciary fees that were charged to Robert A. Wills from 1973 to 2001, and these fees should be surcharged against the Trustee with simple interest.”

Objection B would have been better placed at the end because it asks for a forfeiture of fiduciary fees based on all of the objections. Therefore, Objection B will be dealt with later (see pages 20-21, below) as if it were the last trust objection.

OBJECTION C-“The Trustee breached its duties of loyalty and impartiality owed to Robert A. Wills by helping initiate and supporting lawsuits [sic] against him and his wife in the names of the residuary beneficiaries of the trust, through the office of the Bank's local counsel and paid for out of principal of the trust. The Trustee refused to pay most of the legal fees and necessary litigation expenses incurred by RAW and his wife to defend themselves. These actions prevented RAW and his wife from obtaining adequate representation. The Trustee should be surcharged for all legal fees incurred on behalf of RAW and his wife which were not paid by the Trustee, and should also be surcharged for the loss of imputed income opportunity because of the improper payments from principal for the legal fees of the Remaindermen.”

The duty of loyalty encompasses the duty to administer all the assets of the trust in a manner consistent with the best interest of the beneficiaries. See *In re Flagg's Estate*, cited above. The duty of impartiality is the duty imposed on a trustee to treat all beneficiaries with the same level of care. The trustee must attempt to produce as much income as possible for the income beneficiaries while at the same time it must also attempt to retain as much principal as possible for the remainder beneficiaries. See *Estate of Pew*, 655 A.2d at 542. The trustee cannot favor an income beneficiary over a remainderman. *Id.*

Objector alleges that Accountant breached both the duties of loyalty and impartiality by helping to initiate and support lawsuits against RAW and his wife, Objector, in the name of the Remaindermen. Objector claims that Accountant was really the plaintiff in the litigation referred to and Accountant selected Attorney Henry O. Heiser, III, Esquire (hereinafter referred to as "Attorney Heiser"), to represent the "nominal plaintiff", Patti. This Court found the testimony of Ketterman and Attorney Heiser to be both credible and convincing that Accountant had nothing whatsoever to do with the selection of Attorney Heiser or the initiation of the litigation. Patti testified her cousin, Robert G. Teeter, Esquire, an Adams County attorney, recommended that she contact Attorney Heiser. Objector retained her own attorney and has cited no applicable legal authority, which would require Accountant to pay for the legal fees of the attorney selected by Objector. Objector and her expert Caverly complained that Accountant did not pay for Objector's defense to the litigation, including attorney's fees and expert fees. Objector was not, and is not, a beneficiary under the trust. Accountant, as trustee, had no authority or duty to pay any of such expenses on her behalf. The authority given to the trustee was discretionary and there were allegations made by the Remaindermen that, if proved, could have been harmful to the Remaindermen. The Court appointed an attorney and then a guardian to protect the interest of RAW throughout the litigation. Accountant paid the expenses of that guardian from the trust, which was previously approved in the aforementioned May 11, 2000 Order of Court entered by Judge John D. Kuhn (see pages 5-6, above).

Objector has not established a breach of any fiduciary duty by failing to pay legal fees referred to in this objection. Objector has not met her burden of proof and, therefore, Objection C will be overruled.

OBJECTION D—“The Trustee breached its duties of loyalty and to avoid self-dealing owed to RAW when the Trustee Bank made loans between 1980 and 1990 to RAW and collected interest and principal from him on the loans. The Trustee should not be permitted to benefit from this self-dealing and should be required to disgorge all of the interest it collected on the loans.”

The duty of loyalty encompasses the duty to administer all the assets of the trust in a manner consistent with the best interest of the beneficiaries. See *In re Flagg’s Estate*, cited above. A trustee must avoid self-dealing also. Self-dealing occurs when a trustee enters into a transaction in which the trustee had a personal interest, “of such a substantial nature that it might have affected his judgment.” *Estate of McCredy*, 470 A2d 585, 598 (Pa.Super. 1983). Objector alleges that Accountant breached the duties of loyalty and avoidance of self-dealing by making loans to RAW and collecting interest and principal on those loans.

Objector has presented no applicable legal authority to establish that there was a breach of fiduciary duty to avoid self-dealing. There is no suggestion that the loans made by the commercial side of Accountant’s bank contained any unfavorable terms such as an interest rate higher than that charged by competitor banks. There were no other facts produced at the hearing that showed impropriety in the loans. This Court is not aware of any binding precedent that suggests commercial sides of banks, whose trust department administers a trust for a customer, cannot make loans to such customer.

Objector claims that since CAW had created a spendthrift trust the loan should not have been made. She argues that the trust could not be pledged as collateral. The record does not reveal any pledge having been made. RAW did not assign his interest in the trust to any lender. He could not legally do so and the record does not suggest that he did. Had there been an attempt to assign such interest then there would be self-dealing.

Objector has not established a breach of any fiduciary duty when Accountant made loans to RAW referred to in this objection. Objector has not met her burden of proof and, therefore, Objection D will be overruled.

OBJECTION E—“The Trustee breached its duty to properly administer the trust by failing to pay Pennsylvania Inheritance Tax in a timely fashion, thereby incurring interest and penalties on the late payments of the tax. The Trustee should be surcharged for the amount of overpayment of Pennsylvania Inheritance Tax charged to and paid by Robert A. Wills.”

A trustee is charged with the duty to properly administer a trust which includes such responsibilities as complying with probate requirements and filing timely tax returns. *In re Estate of Geniviva*, 675 A.2d 306, 311 (Pa.Super. 1996). Objector alleges that Accountant breached this duty by failing to timely pay Pennsylvania Inheritance Tax.

The record clearly shows that Accountant breached its duty to properly administer the trust due to certain shortcomings regarding Pennsylvania Inheritance Tax returns. Specifically, Accountant improperly charged RAW \$38.99 in penalties and \$1,189.34 in interest. Accountant does not dispute that a breach to properly administer the trust occurred when they charged RAW \$1,228.33 for the penalties and interest imposed by the Pennsylvania Department of Revenue for late filing of Pennsylvania Inheritance Tax returns.

Additionally, the misallocation of principal payments to RAW instead of the Remaindermen is also a clear error by Accountant resulting in RAW being overcharged for Pennsylvania Inheritance Tax in the amount of \$476.08. Accountant is not relieved of the error simply because Objector did not object to the filing of the tax returns. Objector has established a breach of a fiduciary duty when Accountant failed to properly administer the trust in the manner referred to in this objection. The total damage sustained by RAW is \$476.08, and \$1,189.34, and \$38.99 for a total of \$1,704.41. Objector has met her burden of proof and therefore, Objection E will be sustained. Accountant will be surcharged \$1,704.41. Furthermore, simple interest at the rate of 6 percent will run from May 2, 2002, the date of late filing or such other date that can be

established as the date that the taxes were actually paid, to date of payment.

OBJECTION F—“The Trustee breached its duty of loyalty and impartiality to Robert A. Wills by making unjustified and unreasonably disproportionate payments from principal to the residuary beneficiaries, thereby improperly reducing the amount of principal available to generate income for Robert A. Wills. The Trustee should be surcharged with interest for loss of imputed income opportunity because of the improper payments of principal.”

The duty of loyalty encompasses the duty to administer all the assets of the trust in a manner consistent with the best interest of the beneficiaries. See *In re Flagg’s Estate*, cited above. The duty of impartiality is the duty imposed on a trustee to treat all beneficiaries with the same level of care. See *Estate of Pew*, 655 A.2d at 542. Objector alleges that Accountant breached both of these duties by making payments from trust principal to the Remaindermen.

The payments complained of in this objection were made within the discretionary authority of Accountant. The type of payments complained of were payments to the Remaindermen to buy a vehicle, a home, and for holiday expenses. None of these distributions were for luxuries or extravagances in anyway, for example not a second car or vacation home. Assuming a normal relationship, a parent with the financial means like RAW could easily be seen making such payments on behalf of his children. Objector argues that the relationship between RAW and the Remaindermen was such that these discretionary distributions would not be appropriate. Accountant as trustee had discretionary authority to make payments for the benefit of the Remaindermen and the status of the relationship between income beneficiary and the Remaindermen is irrelevant. A theory of a continuous pattern of gifting is not present. Instead there is the appropriate exercise of discretionary authority. The record does not reveal facts to support the claim that discretionary authority was abused. The fact that the principal of the trust was reduced by such discretionary payments and that more income would have been earned had principal not been reduced is nothing more than the logical and necessary result of discretionary payments. In addition, no

applicable legal authority was cited to suggest that Objector has met her burden.

Objector has not established a breach of any fiduciary duty when Accountant made discretionary payments referred to in this objection. Objector has not met her burden of proof and therefore, Objection F will be overruled.

OBJECTION G-“The Trustee should be surcharged for any adverse tax consequences incurred by Robert A. Wills due to the failure of the Trustee to pay out income to Robert A. Wills as required by the trust.”

The Court has previously determined that RAW acquiesced in the accumulation of income. (See pages 11-13, above.) Having done so Objector is bound by any adverse tax consequences that may result. In addition, the record does not suggest that Objector has met her burden of proving that RAW suffered any harm (adverse tax consequences) due to the accumulation of income. Therefore, Objection G will be overruled.

OBJECTION H-“The Trustee should be surcharged for permitting the sale of Robert and Debra Wills’ house at less than fair market value.”

Although, Accountant was not a party to the litigation that resulted in settlement and a comprehensive Order of this Court dated May 11, 2000, Objector was a party to those proceedings and is bound by that Order. Judge Kuhn’s Order clearly authorizes the sale of the residence and, therefore, Objector cannot now complain of the result to which she previously agreed to. This Court notes that independent counsel represented Objector during the aforementioned proceedings.

Objector has not established a breach of any fiduciary duty by permitting the sale of RAW and Objector’s residence. Objector has not met her burden of proof and, therefore, Objection H will be overruled.

OBJECTION B-“Because of its breaches of duties of loyalty and impartiality owed to Robert A. Wills, the Trustee should forfeit all of the fiduciary fees that were charged to Robert A. Wills from 1973 to 2001, and these fees should be surcharged against the Trustee with simple interest.” (Objection taken out of order see page 14)

As a result of this Court's findings regarding Objections A and E, Accountant will be directed to disgorge from its fiduciary fees \$9,000.00 plus interest, which is made up of the following sums:

i. Objection A(1)-\$7,000.00 (\$1,000.00 per year for 7 years, 1987 to 1994), because of harm resulting from failure to pay out income, plus simple interest at the rate of 6 percent for each \$1,000.00 from January 1, 1988, January 1, 1989, January 1, 1990, January 1, 1991, January 1, 1992, January 1, 1993, January 1, 1994, respectively until time of payment.

ii. Objection A(2)-\$1,000.00, because of the harm resulting from the payment to Remaindermen from income rather than principal, plus interest at 6 percent from June 14, 1994 until time of payment.

iii. Objection E-\$1,000.00, because of the harm resulting from the Pennsylvania Inheritance Tax matters discussed above plus simple interest at the rate of 6 percent from May 2, 2002, the date of late filing, or such other date that can be established as the date that the penalty and interest were actually paid, until time of payment.

Continued to next issue (1/21/2005)

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1235 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin driven in the center of the Gettysburg-Table Rock Road State Highway at corner of lot now or formerly of Ward Hess, being Lot No. 2 on the Plan of Lots herebelow identified; thence running along said Lot No. 2, North 73 degrees, 53 minutes West, 150 feet to an iron pin on line of Lot No. 9 on said Plan; thence along Lots Nos. 9 and 8, North 16 degrees, 7 minutes East, 80 feet to the Southwest corner of Lot No. 4, now or formerly of Robert Mattingly; thence along said Lot No. 4, South 73 degrees, 53 minutes East, 150 feet to an iron pin in the center of the State Highway aforesaid; thence running in the center of said State Highway South 16 degrees, 7 minutes West, 80 feet to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Michael A. Serrano and Geraldine L. Serrano, Husband and Wife by Deed from Randall S. Lawson and Julie A. Lawson, Husband and Wife dated 1/22/1993 and recorded 1/22/1993 in Record Book 683, Page 22.

Tax Parcel: F12-53

Premises Being: 274 Table Rock Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Michael A. Serrano & Geraldine L. Serrano** 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 March 7, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-828 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground situate, lying and being in Bonneauville, Adams County, Pennsylvania, being Lot No. 4, "Noble's Ridge" as shown on a Final Subdivision Plan dated and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 79 Page 57, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the right-of-way line of Jessica Drive at corner of Lot No. 5 on the hereinafter referred in Subdivision Plan; thence along said Lot No. 5, North sixty-one (61) degrees, forty-three (43) minutes, forty (40) seconds West, one hundred twenty-five and zero hundredths (125.00) feet to a point on line of land or formerly of Kenneth P. McDermott; thence along said McDermott land, North twenty-eight (28) degrees, sixteen (16) minutes, twenty (20) seconds East, eighty and zero hundredths (80.00) feet to a point at corner of Lot No. 3, South sixty-one (61) degrees, forty-three (43) minutes, forty (40) seconds East, one hundred twenty-five and zero hundredths (125.00) feet to a point on the right-of-way line of Jessica Drive, South twenty-eight (28) degrees, sixteen (16) minutes, twenty (20) seconds West, eighty and zero hundredths (80.00) feet to the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Gary W. Robertson and Marion C. Robertson, husband and wife by Deed from Smokehouse, LLLP, dated 11/15/2002 and recorded 12/13/2002 in Record Book 2907 Page 309.

Premises being: 65 Jessica Drive, Gettysburg, PA 17325

Tax Parcel No. 125; Map #5

SEIZED and taken into execution as the property of **Gary W. Robertson & Marion C. Robertson** 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 March 7, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1076 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, together with the improvements thereon erected, lying and being in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 56 on a plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, in Miscellaneous Book 1 at Page 1.

SUBJECT, NEVERTHELESS, to all legal highways, easements, rights-of-way and restrictions of record.

SUBJECT to the restrictions, conditions and agreements as contained in Adams County Deed Book 342 at Page 1051.

SEIZED and taken into execution as the property of **William T. Wert & Evonne K. Wert** 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-928 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a R.R. Spike in or near the center line of Sutton Road at corner of Lot No. 3 on the hereinafter referred to Final Plan; thence in or near said centerline South 69 degrees 22 minutes 15 seconds West 39.90 feet to a R.R. Spike in or near said centerline; thence continuing in same South 64 degrees 23 minutes 00 seconds West 103.18 feet to a R.R. Spike at corner of Lot No. 1 on the hereinafter referred to Final plan, thence by Lot No. 1 and running through an iron pin back 25.12 feet from the beginning of this course North 20 degrees 05 minutes 15 seconds West, 684.19 feet to an iron pin at land now or formerly of David A. Holtzinger; thence by said Holtzinger land and by land now or formerly of Abbottstown Industries, Inc. North 82 degrees 14 minutes 14 seconds East, 233.84 feet to an iron pin at corner of Lot No. 3 on the hereinafter referred to Final plan; thence by Lot No. 3 and running through an iron pin back 25.27 feet from the terminus of this course South 12 degrees 15 minutes 10 seconds East, 629.83 feet to a R.R. Spike in or near the centerline of Sutton Road, the point and place of BEGINNING. CONTAINING 2.803 Acres, more or less.

The above description was taken from Final Plan, Gerald L. Hoffheins as prepared by George M. Wildasin, PLS, dated September 8, 1992, Revised October 29, 1992, bearing Field Book 35-58 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 61 at page 98, and being Lot No. 2 thereon.

BEING the same tract of land which Gerald L. Hoffheins and Dorothy E. Hoffheins, husband and wife, by their Deed dated December 1, 1992, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 662, page 315, granted and conveyed unto Wayne A. Gebhart and Tammy L. Gebhart, husband and wife, MORTGAGORS HEREIN.

SUBJECT, NEVERTHELESS, to a drainage easement as more fully set forth in Deed Book 311 at page 1012;

and to drainage easements set forth on above mentioned Final Plan.

TOGETHER WITH a twenty (20) feet Septic Right-of-Way across lands now or formerly of Abbottstown Industries, Inc. as more particularly described in Right-of-Way Agreement dated July 12, 1993, and recorded in Book 1031, page 92.

EXCEPTING THEREOUT AND THEREFROM:

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

BEGINNING at a point at the corner of lands now or formerly of David A. Holtzinger and Lot No. 2, more particularly shown on the hereinafter referred to subdivision plan; thence continuing along lands now or formerly of David A. Holtzinger, North 20 degrees 05 minutes 15 seconds West, 299.07 feet to a point at an abandoned E. Berlin Railroad; thence continuing along said abandoned E. Berlin railroad, North 82 degrees 14 minutes 14 seconds East, 233.84 feet to an existing iron pin at other lands of the Grantees herein; thence continuing along said lands of the Grantees herein, South 12 degrees 15 minutes 10 seconds East, 244.57 feet to a point at Lot No. 2, more particularly described on the hereinafter referred to subdivision plan; thence continuing along Lot No. 2, South 67 degrees 53 minutes 42 seconds West, 195.24 feet to the point and place of BEGINNING. CONTAINING 1.3243 acres and known as Lot No. 2-A on the subdivision plan recorded in the Adams County Recorder of Deeds Office in Plant Book 77, page 69.

Lot No. 2-A is to become an integral, inseparable part of lands previously conveyed to Michael E. Miller and Lynne L. Miller and recorded in the Recorder of Deeds Office of Adams County in Record Book 1362, page 61.

IT BEING a part of a larger tract of land which Gerald L. Hoffheins and Dorothy E. Hoffheins, husband and wife, by deed dated December 1, 1992 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania, in Record Book 662, page 315 granted and conveyed unto Michael E. Miller and Lynne L. Miller, husband and wife, Grantors herein.

SEIZED and taken into execution as the property of **Wayne A. Gebhart & Tammy L. Gebhart** 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 March 7, 2005, and

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

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

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

1/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1094 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract or parcel of land and premises situate, lying and being in the township of Reading in the County of Adams and Commonwealth of Pennsylvania, and particularly described as follows:

More particularly described as Lot No. 424-A on a plan of lots of Lake Meade subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 1, page 4 and subject to all legal highways, easements, right-of-way and restrictions of record.

SEIZED and taken into execution as the property of **Michael J. Shumberger** 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/14, 21 & 28

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF MABEL M. BARAL, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Caroline E. Baral, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF RHODA S. KLINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Dorothy P. Harbold, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

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

ESTATE OF MILDRED E. LUCKENBAUGH, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Gary Luckenbaugh, 20405 Rainbowview Terrace, Montgomery Village, MD 20886; Eric Luckenbaugh, 31 Hetrick Court, Palmyra, PA 17078

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

SECOND PUBLICATION

ESTATE OF JOHN J. BAKER a/k/a JOHN JACOB BAKER, DEC'D

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

Executor: John S. Baker, II, c/o 135 South Duke Street, York, PA 17403

Attorney: Richard H. Mylin, III, Esq., 135 South Duke Street, York, PA 17403

ESTATE OF DAVID L. BRENNEMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Donna R. Brenneman, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Warren P. Bladen, Jr., Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF ETHEL M. CLAPSADDLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Gary E. Clapsaddle, 231 W. Chestnut Hill, Aspers, PA 17304; Carol E. Vines, 855 Yellow Hill Road, Biglerville, PA 17307

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

ESTATE OF THOMAS E. CRAIG, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Administrator: Dorothy M. Craig, 291 Bollinger Road, Littlestown, PA 17340

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

ESTATE OF CHARLES H. GROTE, JR., DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Dorothy E. Grote, c/o Manifold & Golla, P.O. Box 312, Stewartstown, PA 17363

Attorney: Laura S. Manifold, Esq., Manifold & Golla, P.O. Box 312, Stewartstown, PA 17363

ESTATE OF CURVIN A. MILLER, DEC'D

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

Co-Executors: Maurice A. Miller, 1109 Kohler Mill Road, New Oxford, PA 17350; Mildred A. Weaver, 898 Bon Ox Road, Gettysburg, PA 17325; Mary A. Zimmerman, 80 Cavalry Field Road, Gettysburg, PA 17325; Morgan A. Miller, 1162 Stoney Point Road, East Berlin, PA 17316

Attorney: Arthur J. Becker, Jr., Esq., Arthur J. Becker, Jr., P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF RITA J. SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Ronald J. Smith, 130 Pleasant St., Hanover, PA 17331; Julia A. Klunk, 19628 Spring Creek Rd., Hagerstown, MD 21742; Jason J. Smith, 32 Chinkapin Dr., New Oxford, PA 17350

ESTATE OF FRED H. TAYLOR, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Co-Executors: Nancy K. (Taylor) Noel, 1450 Honda Road, Hanover, PA 17331; Terry L. Taylor, 1494 Romansville Road, Downingtown, PA 19335

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

THIRD PUBLICATION

ESTATE OF MARCIA E. DAYWALT a/k/a MARCIA ELAINE DAYWALT a/k/a MARCIA DAYWALT, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Administrator: Ronald J. Daywalt, 11931 Loop Road, Fayetteville, PA 17222

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

ESTATE OF EVELYN H. GEESAMAN a/k/a EVELYN R. GEESAMAN, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Personal Representative: Donald L. Geesaman, c/o Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

Attorney: Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

ESTATE OF JEAN G. RICE, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: William L. Rice, 108 N. Williams St., York, PA 17404

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

ESTATE OF HAROLD W. SETTLE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325, Attn: Karen B. Arthur

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

ESTATE OF JAMES A. SHANEFELTER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Personal Representatives: Joseph C. Shanefelter, 6120 Baltimore Pike, Littlestown, PA 17340; Samuel A. Shanefelter, 1561 Broadway, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1129 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of lot of ground situate on the eastern side of M Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows, to wit:

LOT NO. 1: BEGINNING at a corner of lands formerly of R.M. Matthias, now or formerly of Richard Ogg Industrial Design; thence by said lands now or formerly of Richard Ogg Industrial Design, East one hundred fifty (150) feet, more or less, to a public alley; thence along said public alley, South thirty-seven (37) feet six (06) inches to lands now or formerly of Enzie Staley, now Lot No. 2, hereby conveyed; thence by said Lot No. 2 hereby conveyed, West one hundred fifty (150) feet, more or less, to M Street; thence along M Street North thirty-seven (37) feet six (06) inches to the place of BEGINNING.

IT BEING Tract No. 1 which Brian H. Smith, Larry W. Smith and Jay A. Wantz, co-partners, trading and doing business as I.C.R. Associates, by their deed bearing even date herewith and about to be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, granted and conveyed unto Martin R. Krabbe and Stephanie M. Krabbe, MORTGAGORS HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Martin Krabbe and Stephanie Krabbe, his wife by Deed from Brian H. Smith, Larry W. Smith and Jay A. Wantz, Co-Partners, trading and doing business as I.C.R. Associates, dated 8/31/2001 and recorded 9/7/2001 in Record Book 2398 Page 96.

Premises being: 220 M Street, Littlestown, PA 17340

Tax Parcel No. 44 Map-11

SEIZED and taken into execution as the property of **Martin Krabbe & Stephanie Krabbe** 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after

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

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

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

1/14, 21 & 28

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Sec. 311 of the Act of Assembly of December 16, 1982, 54 PA C.S.A. 311, that an application for registration of a fictitious name was filed on December 23, 2004 with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the conducting of a business under the fictitious name of RAYPAT ENTERPRISES, with its principal office or place of business at 60 Gordon Road, Fairfield, PA 17320. The names and addresses of all persons owning or interested in said business are: Ferdinand L. Schwartz and Patricia B. Schwartz, 60 Gordon Road, Fairfield, PA 17320.

John J. Murphy, III, Esq.
Patrono & Associates, LLC

1/14

NOTICE

NOTICE IS HEREBY GIVEN that the Lake Meade Municipal Authority of Adams County, Pennsylvania has adopted a Resolution to amend its Articles of Incorporation increasing its term of existence to a date not exceeding 50 years from the date of approval of such amendment.

An amendment to the Articles of Incorporation of the LAKE MEADE MUNICIPAL AUTHORITY shall be executed by the proper officers of the Lake Meade Municipal Authority and on February 1, 2005, or on a date thereafter, shall be filed with the Secretary of State of Pennsylvania pursuant to 53 Pa. C.S. § 5605 (originally § 3.2 of the Municipalities Planning Act). The said amendment shall authorize the increase in the Authority's term of existence to a date not exceeding 50 years from the date of approval of said amendment.

Sharon E. Myers, Esq.
Solicitor
Lake Meade Municipal Authority

1/14

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation-Nonprofit were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on the 22nd day of December, 2004, for the purpose of incorporating a non-profit corporation under the Pennsylvania Nonprofit Corporation Law of 1988, as amended and supplemented. The name of the corporation is WOMEN 4 CHRIST MUSIC MINISTRY, INC.

Larry W. Wolf, Esq.
Solicitor
215 Broadway
Hanover, PA 17331

1/14

LEGAL NOTICE

The annual meeting of the policyholders of the Protection Mutual Insurance Company of Littlestown will be held at the home office located at 101 South Queen Street in Littlestown, PA, between the hours of 1:00 and 2:00 p.m., on January 15th, 2005 to elect directors and to transact any other business properly presented.

Attest
Marilyn O. Butt
President, Treasurer, Director

12/22, 30, 1/7 & 14

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982-295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the office of the Secretary of the Commonwealth of Pennsylvania, on approximately December 27, 2004, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of ADAMS COUNTY CHOPPERS, with its principal place of business at 2063 York Road, Gettysburg, PA 17325. The names and addresses of the persons owning or interested in said business are George M. Carbaugh residing at 621 Knoxlyn-Orrtanna Road, Gettysburg, PA 17325; Ralph J. Carbaugh, Jr., 5125 Emerson Street, Hyattsville, MD 20781. The character or nature of the business is manufacturing motorcycles and/or choppers.

1/14

Adams County Legal Journal

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January 21, 2005

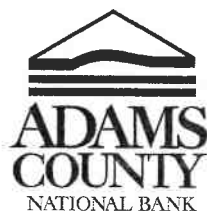
No. 35, pp. 230-238

IN THIS ISSUE

WILLS ESTATES

This opinion continued from last issue (1/14/2005)

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. 04-S-867 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT IMPROVED lot of ground situated on the South side of Maple Avenue and being improved with the Eastern one-half of a duplex to be known generally as 620 Maple Avenue, all of which is situate in the Village of Midway, Conewago Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the South side of Maple Avenue aforesaid at other lands now or formerly of Ernest H. Palmer marked by an iron pin at the intersecting property lines of Lot No. 4 herein and lands now or formerly of Ernest H. Palmer, said iron pin being ten (10) feet South of the South curb face of Maple Avenue; thence along lands now or formerly of Ernest H. Palmer, South four (04) degrees zero (00) minutes eighteen (18) seconds East, ninety (90) feet to an iron pin, thence by other lands now or formerly of Jad S. Sneeringer, also known as Lot No. 5, South eighty-six (86) degrees ten (10) minutes West, fifty-five and fifty-two hundredths (55.52) feet to an iron pin; thence by lands now or formerly of Jad S. Sneeringer, also known as Lot No. 3 and through the center party wall of the Duplex hereon, North four (04) degrees eleven (11) minutes forty-six (46) seconds West, ninety (90) feet to an iron pin on the South property line of Maple Avenue; thence along the South property line of Maple Avenue, North eighty-six (86) degrees ten (10) minutes East, fifty-five and eighty-two hundredths (55.82) feet to an iron pin, the point and place of BEGINNING.

CONTAINING 5,010 square feet.

THE foregoing description was taken from a Plan of Survey as prepared by Donald E. Worley, Registered Surveyor and identified as the Final Plan of Jad S. Sneeringer, dated July 7, 1976, as approved by the Board of Supervisors of Conewago Township on July 7, 1976,

said Plot Plan being duly recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 10, Page 43.

TITLE TO SAID PREMISES IS VESTED IN Chad A. Gladfelter and Holly M. Gladfelter, his wife by Deed from Eva H. Zaner, widow, n/k/a Eva H. Weber, widow, dated 2/25/1998 and recorded 3/4/1998 in Record Book 1531 Page 176.

Premises being 620 Maple Avenue, Hanover, PA 17331

Tax Parcel No. 70B Map #8

SEIZED and taken into execution as the property of **Holly M. Gladfelter & Chad A. Gladfelter** 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 March 7, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1075 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT LOT of ground situate on the South side of South Street in the Village of Midway in Conewago Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake at South Street aforesaid on the center line of Lot #54, the Eastern portion of which is about to

be conveyed to Charles S. Frock; thence by said lands through the center line of said lot South 3 degrees 30 minutes East 172.75 feet, more or less, to a stake at an alley, thence by said South 88 degrees 55 minutes West for a distance of 45 feet to a stake at other land of the grantors also known as Lot #52; thence by the same North 3 degrees 30 minutes West 170.85 feet, more or less, to a stake at South Street aforesaid; thence by the same North 86 degrees 30 minutes East 45 feet to a stake, the place of BEGINNING.

SAID lot of ground being known as all of Lot #53 and the western half of Lot #54 on a plan or series of lots of the Estate of Edward J. Kuhn dated August 2, 1907, as prepared by A.E. Kohr, Surveyor.

Parcel No. 9-18

SEIZED and taken into execution as the property of **Nellie A. Jacobs** 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 March 7, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/7, 14 & 21

WILLS ESTATES

Continued from last issue (1/14/2005)

II. Objections to the Guardian Account

Objector's Amended Objections to the Guardian Account raises six objections (A-F) to the Guardian Account. This Court notes Objection F is a request for attorney fees by Objector. As in the trust account, this Court will defer addressing Objection F until a decision has been reached on all of the other objections raised by Objector. The Court in the remainder of this opinion will address only objections (A-E) raised by Objector.

OBJECTION A—"The Guardian breached its duty of loyalty owed to Robert A. Wills by making payments from his account to third persons for items, which were not his obligations, and by paying for items which were not acquired for the benefit of Robert A. Wills. The Guardian should be surcharged for the amounts of such improper payments, plus interest."

The duty of loyalty encompasses the duty to administer all the assets of the trust in a manner consistent with the best interest of the beneficiaries. See *In Re Flagg's Estate*, cited above.³ Objector argues that the Guardian breached its duty of loyalty to RAW when it made payments from the account to third persons for items, that were not RAW obligations and not for RAW's benefit. The payments complained of in this objection were made within the discretionary authority of Accountant, acting as the guardian of the estate. Most of the items that Objector has objected to are household expenses Patti incurred while living and caring for RAW in his prior residence. Some of the items objected to are as follows:

\$955.69, Sprint (telephone service),
\$455.00, Cumberland Township Sewer Authority,
\$12,530.76, Capital One installment payments,
\$4,118.92, GPU Energy service,
\$3,540.76, AERO Oil Company,
\$1,111.95, Gettysburg Municipal Authority services,
\$636.03, Waste Management of Central Pennsylvania,
\$6,196.20, Donna Maring/Tax Collector,

³The duties a guardian is charged with are the same as those of a trustee, therefore, the cases cited pertaining to duties owed by the Guardian, in the Guardianship Account Objection section of this opinion, are the same as those cited in the Trust Account Objection section of this opinion. 20 Pa.C.S. § 5521.

\$2,959.55, Kennies Market Groceries,
\$735.00, Gettysburg Internal Medicine,
\$619.37, Campbell County Sheriff 1999 Property Tax,
\$265.00, City of Bellevue 1999 Property Tax
\$298.50, Kempers Insurance Company/Homeowners
Policy
\$1,739.64, Patti Wills Nichols/ Reimbursement Misc.
Expenses
\$3,849.87, ASPIRE Insurance Premium Policy

Objector testified that she was on duty caring for RAW twenty-four hours a day from January 1995 to July 1995. The record reveals that Objector was not being paid wages as a nurse but she was receiving spousal support. RAW was then placed in Michael Manor, a local nursing home, so that Objector could recover from exhaustion incurred from caring for RAW around the clock. As Objector recovered so did RAW, who had fallen, had hernia surgery and had a mild stroke. RAW remained in Michael Manor for two years.

The Accountant consistently paid the household expenses and the expenses of the provider of care regardless of who was the owner of the home. For example, the record reflects that Accountant paid household expenses such as telephone service, landscaping services and energy bills for RAW's home when he was residing there and also when he was not there, because he was residing at Michael Manor. Therefore, with regard to the payment of household expenses and expenses of the provider of care Objector has not established a breach of any fiduciary duty.

However, Objector has established a breach of fiduciary duty by Accountant paying \$884.37 (\$619.37, Campbell County Sheriff 1999 Property Tax and \$265.00, City of Bellevue 1999 Property Tax) in property taxes for the benefit of Patrick. Accountant admits these payments were improper payments made for Patrick's sole benefit and RAW received no benefit from these payments. Therefore, Accountant will be surcharged \$1,000.00 plus simple interest at 6 percent from the date of improper payment of the property taxes, in 1999, to the date of payment.

Furthermore, Objector has established a breach of fiduciary duty by Accountant paying \$3,849.87, for an ASPIRE Insurance Premium Policy. Accountant admits this was an improper payment and

corrected the error by reimbursing the guardian account the amount of the improper payment. Since the breach was corrected, the surcharge will be \$500.00 plus simple interest at 6 percent from the time of improper payment until time of payment. In addition, there will be interest at 6 percent on the \$3,849.87, from the time of improper payment until time of reimbursement of guardian account by Accountant.

OBJECTION B–“The Guardian breached its duty to Robert A. Wills, an incapacitated person by failing to make provisions for his funeral expenses as permitted and encouraged by section 5537 of PEF Code, and by refusing to pay the funeral expenses actually incurred.”

Section 5537 of the Pennsylvania Probate, Estates and Fiduciaries Code states, “[t]he court may authorize the guardian to retain such assets as are appropriate for the anticipated expense of the incapacitated person’s funeral.” 20 Pa.C.S § 5537. Objector argues that Accountant breached a fiduciary duty by not providing for RAW’s funeral expenses and has failed to protect the best interest of their ward.

The authorization permitted under section 5537 of PEF Code is not mandatory. Accountant was not required to create such an account and failure to do so is not a breach of any fiduciary duty.

Objector has not established a breach of any fiduciary duty when Accountant failed to provide for RAW’s funeral expenses. Objector has not met her burden of proof and therefore, Objection B will be overruled.

OBJECTION C–“The Guardian breached its duty of loyalty to Robert A. Wills by not challenging the Trustee’s breach of its duty of loyalty and impartiality to Robert A. Wills when the Trustee made unsound and unreasonably disproportionate payments from principal to the residuary beneficiaries, thereby improperly reducing the amount of principal available to generate income for Robert A. Wills. The Guardian and the Trustee, being one and the same, had a conflict of interest and divided loyalties which resulted in the Guardian failing to protect for the best interests of the estate of Robert A. Wills, and the Guardian/Trustee should be surcharged for these failures, including the failure to demand and obtain half the sales proceeds of the Robert A. Wills and

Debra Wills jointly owned residence, and for permitting the house to be sold for less than fair market value.”

The duty of loyalty and impartiality encompasses the duty to administer all the assets of the trust in a manner consistent with the best interest of the beneficiaries. See *In Re Flagg’s Estate*, cited above. The duty of impartiality is the duty imposed on a trustee to treat all beneficiaries with the same level of care. The trustee must attempt to produce as much income as possible for the income beneficiaries while at the same time it must also attempt to retain as much principal as possible for the remainder beneficiaries. See *Estate of Pew*, 655 A.2d at 542. Objector argues Accountant breached the duty of loyalty and impartiality by: C(1) failing to challenge certain payments made by trustee from principal, C(2) failing to object to the sale of RAW’s residence to the Remaindermen and, C(3) failing to object to the price of the residence being paid from the principal of the trust.

The payments from principal complained of were discretionary. Even if the guardian and trustee were separate fiduciary entities the Court would not surcharge the guardian for failure to challenge discretionary payments made by the trustee. Without abuse of discretion having been established objections C(2) and C(3) are mere surplusage. The Court has appropriately declined to impose surcharges regarding the trustee and the sale of residence issues. Judge Kuhn’s Order makes Objections C(2) and C(3) moot. (See page 20, above.)

Objector has not established a breach of any fiduciary duty pursuant to Objection C. Objector has not met her burden of proof and, therefore, Objection C will be overruled.

OBJECTION D–“The Guardian breached its duty to Robert A. Wills by paying legal fees to attorney Gary Hartman from the guardian account. Such payments were to have been from the principal of the trust, and the Guardian should be surcharged for the amount of legal fees paid out of the Guardian account to Mr. Hartman. In addition, the Guardian should have challenged and should not have paid the legal fees of Dilworth Paxson because they were not for the benefit of Robert A. Wills, but were for the benefit of the Bank. All of these fees should be surcharged with interest to the Guardian.”

Accountant, acting as guardian of the estate of RAW, breached no duty by paying the legal fees of Attorney Hartman. The record shows that Attorney Hartman was paid from several sources: trust principal, trust income and guardianship account pursuant to the May 11, 2000, and the October 17, 1996 Orders of Judge John D. Kuhn in line with the position Attorney Hartman filled and when the guardianship account existed. Once Accountant was appointed guardian of the estate and Attorney Hartman was appointed guardian of the person, logically it follows that Attorney Hartman should be paid from the guardian of the estate account.

The remaining portion of Objection D dealing with the failure to challenge payment of the legal fees of Accountant's attorney, Dilworth Paxson, is similar to the challenge in Objection C of the trust account. (See pages 15-16, above.) The guardian has no fiduciary duty to challenge the payment of legal fees absent an abuse of discretion.⁴

Objector has not established a breach of any fiduciary duty by failing to pay legal fees referred to in this objection. Objector has not met her burden of proof and therefore, Objection D is overruled.

OBJECTION E—"Because of its breaches of duties of loyalty and impartiality owed to Robert A. Wills, the Guardian should forfeit all of the fiduciary fees that were charged to Robert A. Wills from 1998 to 2001, and these fees should be surcharged against the Guardian with simple interest."

As a result of this Court's findings regarding Objections A, Accountant will be directed to disgorge from its fiduciary fees, \$1,000.00 plus simple interest at a rate of 6 percent, which is made up of the following sums:

⁴ Additionally, the Court cannot allow Objector's comments regarding the inadequacy of Attorney Hartman's representation in its Post-Trial Brief, on pages 15-16, and 37-38, to pass without comment. Attorney Hartman has a great deal of experience with guardian accounts, both past and present. To suggest that Attorney Hartman's representation was, "totally inadequate", or services rendered by Attorney Hartman were substandard is contrary to the record and contrary to the Court's experience with Attorney Hartman in similar matters. By way of example, comparing the relative experiences of Attorney Hartman and Attorney Boyd with fiduciary duties and Orphan's Court matters in general would be the same as comparing your "franchise player" with a "player to be named later."

- i. \$500.00, for the improper payment of property taxes for the sole benefit of Patrick, plus simple interest at the rate of 6 percent from the date of improper payment of the property taxes, to the date of payment, and
- ii. \$500.00, for the improper payment of the ASPIRE Insurance Premium Policy, plus simple interest at 6 percent from the date of the incorrect payment to the date of payment.

III. CONCLUSION

For the reasons set forth previously under the various sub-headings of the individual objections, this Court has found Accountant to have missed the mark in several areas resulting in the imposition of sanctions together with interest and a direction to disgorge certain fiduciary fees already received together with interest.⁵

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 30th day of January 2004, consistent with the accompanying opinion of this date, IT IS ORDERED THAT the following Objections to the Trust and Guardian Accounts are disposed of as follows:

I. TRUST OBJECTIONS

- A. Objection A(1) is sustained. Accountant is surcharged \$5,690.70 for lost income, plus simple interest at the

⁵ Considering the fact that the trust and eventually the guardianship account spanned four decades, Accountant handled the investments well for the beneficiaries and there is no objection in that regard. The Court agrees with Objector's trust expert, Caverly, that Accountant could have done a better job in the areas of paperwork and record keeping. The Court also recognizes that the staff of the trust department of the Gettysburg National Bank, Cumberland County National Bank and Accountant had a unique set of circumstances in that the income beneficiary was the son of a former president of the Gettysburg National Bank. The record reveals that at least one senior staff member was personally aware of the settlor's (CAW's) reasons for creating the testamentary trust.

Most trust officers do not find themselves making discretionary decisions regarding trusts created by someone who had been at the very top of the same organization. In theory, none of this should matter, but it is easy for this Court to understand how members of Accountant's trust department tried to do the right thing over the years on behalf of the adult son of their former boss. The Court is completely satisfied that the staff members of Accountant's trust department acted in good faith throughout the existence of the trust and guardianship accounts.

rate of 6 percent running from January 1, 1994 until time of payment.

Objection A(2) is sustained. Accountant is surcharged \$1,033.35 for lost income, plus simple interest at a rate of 6 percent running from June 14, 1994 until time of payment.

- B. Objection B is sustained in part and overruled in part. Accountant is not directed to disgorge all of its fiduciary fees. However, Accountant will be ordered to disgorge \$9,000.00 plus simple interest, which is made up of the following sums:
 - i. Objection A(1)-\$7,000.00 (\$1,000.00 per year for seven years, 1987 to 1994), because of harm resulting from failure to pay out income, plus simple interest at the rate of 6 percent for each \$1,000.00 from January 1, 1988, January 1, 1989, January 1, 1990, January 1, 1991, January 1, 1992, January 1, 1993, January 1, 1994, respectively until time of payment.
 - ii. Objection A(2)-\$1,000.00, because of the harm resulting from the payment to Remaindermen from income rather than principal, plus interest at 6 percent from June 14, 1994 until time of payment.
 - iii. Objection E-\$1,000.00, because of the harm resulting from the Pennsylvania Inheritance Tax matters discussed above plus simple interest at the rate of 6 percent from May 2, 2002, the date of late filing or such other date that can be established as the date that the penalty and interest were actually paid, until time of payment.
- C. Objection C is overruled.
- D. Objection D is overruled.
- E. Objection E is sustained. Accountant is surcharged \$1,704.41, plus simple interest at the rate of 6 percent running from May 2, 2002, the date of late filing or such other date that can be established as the date that the taxes were actually paid, until time of payment.
- F. Objection F is overruled.
- G. Objection G is overruled.
- H. Objection H is overruled.

II. GUARDIAN OBJECTIONS

- A. Objection A is sustained in part and overruled in part. Objector has not met her burden of proof regarding all of the payments objected to. However, as explained in the accompanying Opinion, Accountant is surcharged \$1,500.00 plus simple interest, which is made up of the following sums:
- i. \$1,000.00, plus simple interest at 6 percent from the date of improper payment of the property taxes, in 1999, until time of payment.
 - ii. \$500.00, plus simple interest at 6 percent from the time of improper payment until time of payment. In addition, there will be simple interest at 6 percent on the \$3,849.87, from the time of improper payment until time of reimbursement by Accountant.
- B. Objection B is overruled.
- C. Objection C is overruled.
- D. Objection D is overruled.
- E. Objection E is sustained in part and overruled in part. Accountant is not directed to disgorge all of its fiduciary fees. However, Accountant is ordered to disgorge \$1,000.00 plus interest, which is made up of the following sums:
- i. \$500.00, for the improper payment of property taxes for the sole benefit of Patrick, plus simple interest at the rate of 6 percent from the date of the improper payment of the property taxes, until the time of payment, and
 - ii. \$500.00, for the improper payment of the ASPIRE Insurance Premium Policy, plus simple interest at 6 percent from time of improper payment until the time of payment.

III. ISSUES OF ATTORNEY FEES AND EXPENSES

- A. Issues regarding attorney fees and expenses will now be briefed by the parties, including the Remaindermen, if they choose to do so. Each party

must submit its brief in support of its position by February 27, 2004 and its reply brief by March 5, 2004.

- B. No oral argument will be scheduled. The Court will decide the issue on briefs.

IV. **PROCEDURE**

- A. The within Order will be considered interlocutory. This Order and the subsequent Order with regard to attorney fees and expenses will be considered a complete and final Order only as of the date of the subsequent Order pertaining to attorney fees and expenses.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1235 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin driven in the center of the Gettysburg-Table Rock Road State Highway at corner of lot now or formerly of Ward Hess, being Lot No. 2 on the Plan of Lots herebelow identified; thence running along said Lot No. 2, North 73 degrees, 53 minutes West, 150 feet to an iron pin on line of Lot No. 9 on said Plan; thence along Lots Nos. 9 and 8, North 16 degrees, 7 minutes East, 80 feet to the Southwest corner of Lot No. 4, now or formerly of Robert Mattingly, thence along said Lot No. 4, South 73 degrees, 53 minutes East, 150 feet to an iron pin in the center of the State Highway aforesaid; thence running in the center of said State Highway South 16 degrees, 7 minutes West, 80 feet to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Michael A. Serrano and Geraldine L. Serrano, Husband and Wife by Deed from Randall S. Lawson and Julie A. Lawson, Husband and Wife dated 1/22/1993 and recorded 1/22/1993 in Record Book 683, Page 22.

Tax Parcel: F12-53

Premises Being: 274 Table Rock Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of Michael A. Serrano & Geraldine L. Serrano 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 March 7, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-828 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground situate, lying and being in Bonneauville, Adams County, Pennsylvania, being Lot No. 4, "Noble's Ridge" as shown on a Final Subdivision Plan dated and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 79 Page 57, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the right-of-way line of Jessica Drive at corner of Lot No. 5 on the hereinafter referred in Subdivision Plan; thence along said Lot No. 5, North sixty-one (61) degrees, forty-three (43) minutes, forty (40) seconds West, one hundred twenty-five and zero hundredths (125.00) feet to a point on line of land or formerly of Kenneth P. McDermott; thence along said McDermott land, North twenty-eight (28) degrees, sixteen (16) minutes, twenty (20) seconds East, eighty and zero hundredths (80.00) feet to a point at corner of Lot No. 3, South sixty-one (61) degrees, forty-three (43) minutes, forty (40) seconds East, one hundred twenty-five and zero hundredths (125.00) feet to a point on the right-of-way line of Jessica Drive, South twenty-eight (28) degrees, sixteen (16) minutes, twenty (20) seconds West, eighty and zero hundredths (80.00) feet to the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Gary W. Robertson and Marion C. Robertson, husband and wife by Deed from Smokehouse, LLLP, dated 11/15/2002 and recorded 12/13/2002 in Record Book 2907 Page 309.

Premises being: 65 Jessica Drive, Gettysburg, PA 17325

Tax Parcel No. 125; Map #5

SEIZED and taken into execution as the property of Gary W. Robertson & Marion C. Robertson 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 March 7, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1076 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, together with the improvements thereon erected, lying and being in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 56 on a plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, in Miscellaneous Book 1 at Page 1.

SUBJECT, NEVERTHELESS, to all legal highways, easements, rights-of-way and restrictions of record.

SUBJECT to the restrictions, conditions and agreements as contained in Adams County Deed Book 342 at Page 1051.

SEIZED and taken into execution as the property of William T. Wert & Evonne K. Wert 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-928 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a R.R. Spike in or near the center line of Sutton Road at corner of Lot No. 3 on the hereinafter referred to Final Plan; thence in or near said centerline South 69 degrees 22 minutes 15 seconds West 39.90 feet to a R.R. Spike in or near said centerline; thence continuing in same South 64 degrees 23 minutes 00 seconds West 103.18 feet to a R.R. Spike at corner of Lot No. 1 on the hereinafter referred to Final plan; thence by Lot No. 1 and running through an iron pin back 25.12 feet from the beginning of this course North 20 degrees 05 minutes 15 seconds West, 684.19 feet to an iron pin at land now or formerly of David A. Holtzinger; thence by said Holtzinger land and by land now or formerly of Abbotstown Industries, Inc. North 82 degrees 14 minutes 14 seconds East, 233.84 feet to an iron pin at corner of Lot No. 3 on the hereinafter referred to Final plan; thence by Lot No. 3 and running through an iron pin back 25.27 feet from the terminus of this course South 12 degrees 15 minutes 10 seconds East, 629.83 feet to a R.R. Spike in or near the centerline of Sutton Road, the point and place of BEGINNING. CONTAINING 2.803 Acres, more or less.

The above description was taken from Final Plan, Gerald L. Hoffheins as prepared by George M. Wildasin, PLS, dated September 8, 1992, Revised October 29, 1992, bearing Field Book 35-58 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 61 at page 98, and being Lot No. 2 thereon.

BEING the same tract of land which Gerald L. Hoffheins and Dorothy E. Hoffheins, husband and wife, by their Deed dated December 1, 1992, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 662, page 315, granted and conveyed unto Wayne A. Gebhart and Tammy L. Gebhart, husband and wife, MORTGAGORS HEREIN.

SUBJECT, NEVERTHELESS, to a drainage easement as more fully set forth in Deed Book 311 at page 1012;

and to drainage easements set forth on above mentioned Final Plan.

TOGETHER WITH a twenty (20) feet Septic Right-of-Way across lands now or formerly of Abbotstown Industries, Inc. as more particularly described in Right-of-Way Agreement dated July 12, 1993, and recorded in Book 1031, page 92.

EXCEPTING THEREOUT AND THEREFROM:

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

BEGINNING at a point at the corner of lands now or formerly of David A. Holtzinger and Lot No. 2, more particularly shown on the hereinafter referred to subdivision plan; thence continuing along lands now or formerly of David A. Holtzinger, North 20 degrees 05 minutes 15 seconds West, 299.07 feet to a point at an abandoned E. Berlin Railroad; thence continuing along said abandoned E. Berlin railroad, North 82 degrees 14 minutes 14 seconds East, 233.84 feet to an existing iron pin at other lands of the Grantees herein; thence continuing along said lands of the Grantees herein, South 12 degrees 15 minutes 10 seconds East, 244.57 feet to a point at Lot No. 2, more particularly described on the hereinafter referred to subdivision plan; thence continuing along Lot No. 2, South 67 degrees 53 minutes 42 seconds West, 195.24 feet to the point and place of BEGINNING. CONTAINING 1.3243 acres and known as Lot No. 2-A on the subdivision plan recorded in the Adams County Recorder of Deeds Office in Plan Book 77, page 69.

Lot No. 2-A is to become an integral, inseparable part of lands previously conveyed to Michael E. Miller and Lynne L. Miller and recorded in the Recorder of Deeds Office of Adams County in Record Book 1362, page 61.

IT BEING a part of a larger tract of land which Gerald L. Hoffheins and Dorothy E. Hoffheins, husband and wife, by deed dated December 1, 1992 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania, in Record Book 662, page 315 granted and conveyed unto Michael E. Miller and Lynne L. Miller, husband and wife, Grantors herein.

SEIZED and taken into execution as the property of **Wayne A. Gebhart & Tammy L. Gebhart** 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 March 7, 2005, and

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

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

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

1/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1094 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract or parcel of land and premises situate, lying and being in the township of Reading in the County of Adams and Commonwealth of Pennsylvania, and particularly described as follows:

More particularly described as Lot No. 424-A on a plan of lots of Lake Meade subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 1, page 4 and subject to all legal highways, easements, right-of-way and restrictions of record.

SEIZED and taken into execution as the property of **Michael J. Shumberger** 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/14, 21 & 28

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF PAUL A. DUDASH, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Paul Howard Dudash, 185 Confederate Drive, Gettysburg, PA 17325; Kathy Louise Johnson, 365 Rupp Road, Gettysburg, PA 17325

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

ESTATE OF FLEMING E. HESS, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Richard B. Hess, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

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

ESTATE OF WILSON W. SHULTZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Edward Shultz, 129 Zeigler Mill Road, Gettysburg, PA 17325

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

ESTATE OF OLMER B. SPENCE, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Joyce M. Hartley, 1330 Herr's Ridge Road, Gettysburg, PA 17325

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

ESTATE OF NORMAN J. STAUB, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Patsy A. Harman, 101 Bonneau Heights Circle, Gettysburg, PA 17325

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

ESTATE OF NORMAN TITMAN, SR., DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Richard A. Titman, 886 Sherman Drive, Gettysburg, PA 17325

Attorney: Andrea M. Singley, Esq., 63 W. High St., Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF MABEL M. BARAL, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Caroline E. Baral, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF RHODA S. KLINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Dorothy P. Harbold, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

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

ESTATE OF MILDRED E. LUCKEN-BAUGH, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Gary Luckenbaugh, 20405 Rainbowview Terrace, Montgomery Village, MD 20886; Eric Luckenbaugh, 31 Hetrick Court, Palmyra, PA 17078

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

THIRD PUBLICATION

ESTATE OF JOHN J. BAKER a/k/a JOHN JACOB BAKER, DEC'D

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

Executor: John S. Baker, II, c/o 135 South Duke Street, York, PA 17403

Attorney: Richard H. Mylin, III, Esq., 135 South Duke Street, York, PA 17403

ESTATE OF DAVID L. BRENNEMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Donna R. Brenneman, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Warren P. Bladen, Jr., Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF ETHEL M. CLAPSADDLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Gary E. Clapsaddle, 231 W. Chestnut Hill, Aspers, PA 17304; Carol E. Vines, 855 Yellow Hill Road, Biglerville, PA 17307

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

ESTATE OF THOMAS E. CRAIG, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Administrator: Dorothy M. Craig, 291 Bollinger Road, Littlestown, PA 17340

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

ESTATE OF CHARLES H. GROTE, JR., DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Dorothy E. Grote, c/o Manifold & Golla, P.O. Box 312, Stewartstown, PA 17363

Attorney: Laura S. Manifold, Esq., Manifold & Golla, P.O. Box 312, Stewartstown, PA 17363

ESTATE OF CURVINA A. MILLER, DEC'D

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

Co-Executors: Maurice A. Miller, 1109 Kohler Mill Road, New Oxford, PA 17350; Mildred A. Weaver, 898 Bon Ox Road, Gettysburg, PA 17325; Mary A. Zimmerman, 80 Cavalry Field Road, Gettysburg, PA 17325; Morgan A. Miller, 1162 Stoney Point Road, East Berlin, PA 17316

Attorney: Arthur J. Becker, Jr., Esq., Arthur J. Becker, Jr., P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF RITA J. SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Ronald J. Smith, 130 Pleasant St., Hanover, PA 17331; Julia A. Klunk, 19628 Spring Creek Rd., Hagerstown, MD 21742; Jason J. Smith, 32 Chinkapin Dr., New Oxford, PA 17350

ESTATE OF FRED H. TAYLOR, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Co-Executors: Nancy K. (Taylor) Noel, 1450 Honda Road, Hanover, PA 17331; Terry L. Taylor, 1494 Romansville Road, Downingtown, PA 19335

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1129 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of lot of ground situate on the eastern side of M Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows, to wit:

LOT NO. 1: BEGINNING at a corner of lands formerly of R.M. Matthias, now or formerly of Richard Ogg Industrial Design; thence by said lands now or formerly of Richard Ogg Industrial Design, East one hundred fifty (150) feet, more or less, to a public alley; thence along said public alley, South thirty-seven (37) feet six (06) inches to lands now or formerly of Enzie Staley, now Lot No. 2, hereby conveyed; thence by said Lot No. 2 hereby conveyed, West one hundred fifty (150) feet, more or less, to M Street; thence along M Street North thirty-seven (37) feet six (06) inches to the place of BEGINNING.

IT BEING Tract No. 1 which Brian H. Smith, Larry W. Smith and Jay A. Wantz, co-partners, trading and doing business as I.C.R. Associates, by their deed bearing even date herewith and about to be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, granted and conveyed unto Martin R. Krabbe and Stephanie M. Krabbe, MORTGAGORS HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Martin Krabbe and Stephanie Krabbe, his wife by Deed from Brian H. Smith, Larry W. Smith and Jay A. Wantz, Co-Partners, trading and doing business as I.C.R. Associates, dated 8/31/2001 and recorded 9/7/2001 in Record Book 2398 Page 96.

Premises being: 220 M Street, Littlestown, PA 17340

Tax Parcel No. 44 Map-11

SEIZED and taken into execution as the property of **Martin Krabbe & Stephanie Krabbe** 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after

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

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

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

1/14, 21 & 28

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on January 4, 2005 the Petition of Marissa Lynn Darragh a/k/a Marissa Lynn Swint was filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a Decree to change her name to Marissa Lynn Swint.

The Court has fixed February 14, 2005 at 9:00 am in Court Room No. 1, 2 or 3 of the Adams County Court House, Gettysburg, Pennsylvania, as the time and place for the hearing of the Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Amanda R. Swint
Mother of Minor Petitioner
615 Basehoar School Road
Littlestown, PA 17340

1/21

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the purpose of obtaining a Certificate of Incorporation for a business corporation organized under the Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the Corporation is: WOED, INC.

This notice is given pursuant to Section 1307 of the Business Corporation Law of 1988.

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

1/21

INCORPORATION NOTICE

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

The name of the corporation is JACOBY TRANSPORTATION, INC.

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

1/21

Adams County Legal Journal

Vol. 46

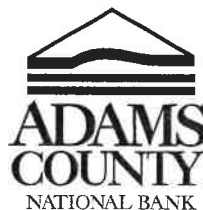
January 28, 2005

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IN THIS ISSUE

FEAGA VS. FEAGA

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1076 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land, together with the improvements thereon erected, lying and being in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 56 on a plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, in Miscellaneous Book 1 at Page 1.

SUBJECT, NEVERTHELESS, to all legal highways, easements, rights-of-way and restrictions of record.

SUBJECT to the restrictions, conditions and agreements as contained in Adams County Deed Book 342 at Page 1051.

SEIZED and taken into execution as the property of **William T. Wert & Evonne K. Wert** 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-902 Issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two (2) tracts of land, situate lying and being in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1: BEGINNING at a point in center of public road leading from Two Taverns to Barlow at corner of land now or formerly of Charles Foulk; thence along center of said public road, North 52-1/2 degrees East 214.3 feet to an iron pin; thence along land now or formerly of H.D. Crouse, South 37-1/2 degrees East, 157.7 feet to a stake; thence by same, South 52-1/2 degrees West, 340.1 feet to a stake at tree; thence along land now or formerly of Charles Foulk, North 1-1/2 degrees East, 203 feet to the place of BEGINNING. CONTAINING 1 acre.

TRACT NO. 2: BEGINNING at an iron pin at the Southeast corner of land now or formerly of Earl Helwig (Tract No. 1 herein); thence by land now or formerly of H.D. Crouse, South 71-1/4 degrees East, 731.2 feet to a stake; thence by same, South 15-1/2 degrees West, 423 feet to a stake; thence by land now or formerly of Charles Foulk, North 74 degrees West, 888.5 feet to a point; thence by same North 1-1/2 degrees East 183.3 feet to a point; thence by land now or formerly of Earl Helwig, North 52-1/2 degrees East, 340.1 feet to the place of BEGINNING. CONTAINING 8 acres and 116 perches.

BEING the same property conveyed to Frank J. Lowry and Stephanie E. Lowry, husband and wife as tenants by the entireties by Deed from Paul R. Bankard and Deborah G. Bankard, husband and wife recorded 07/02/2002 in Deed Book 2717 Page 167, in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

Premises being: 1341 Barlow Two Taverns Road, Gettysburg, PA 17325

Tax Parcel No. G16-18

SEIZED and taken into execution as the property of **Frank J. Lowry a/k/a Franklin J. Lowery & Stephanie E. Lowry a/k/a Stephanie E. Mills a/k/a Stephanie E. Edwards** 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately 12/22/04, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of Q'S CUP, with its principal place of business at 132 West Main Street, Fairfield, PA 17320. The names and addresses of the persons owning or interested in said business are Susan Kunkle, residing at 142 Seminary Avenue, Gettysburg, PA 17325. The character or nature of the business is a coffee shop.

1/28

FEAGA VS. FEAGA

1. Although the Divorce Code enumerates several factors to consider when a court is fashioning an equitable distribution scheme the ultimate decision is within the discretion of the trial court.

2. The most significant factors in 23 Pa.C.S.A. §350(a) are length of the marriage, lifestyle to which the parties had become accustomed during the marriage and the parties actual and potential income.

3. The court must consider the policy of the Divorce Code “to effectuate economic justice between parties who are divorced,” when creating a scheme of economic justice.

4. The purpose of alimony is to allow a person to meet their “reasonable needs” when otherwise they would be unable to do so. Alimony following a divorce is a *secondary remedy* and is available only where economic justice and the reasonable needs of the parties cannot be achieved by way of an equitable distribution award and development of an appropriate employable skill.

5. A Court when considering an award of alimony must take into consideration marital property distributed under Section 401(d) of the Divorce Code when considering an award of alimony and the sources of income of both parties becomes relevant in determining an equitable distribution award.

6. The general rule is that the parties to litigation are responsible for their own counsel fees...unless otherwise provided by statutory authority, agreement of the parties or some other recognized exception.

7. Typically Pennsylvania Courts impose counsel fees when to do so would effectuate fairness or when one party is disadvantaged.

8. When a court is fashioning an equitable distribution scheme it is appropriate for a spouse to receive half of the fair market rental value of the home so long as the other spouse was in exclusive possession of the marital residence during the parties’ separation. The award of half of the fair market rental value of the home is discretionary with the Court.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 00-S-996, MICHAEL J. FEAGA VS. BARBARA ANN
FEAGA.

Mary A. Etter Dissinger, Esq., for Plaintiff

Barbara Jo Entwistle, Esq., for Defendant

Tracy M. Sheffer, Esq., Master

Bigham, J., March 8, 2004

OPINION

Michael Feaga (hereinafter referred to as “Plaintiff”) and Barbara Ann Feaga (hereinafter referred to as “Defendant”) were married on May 29, 1980. Plaintiff filed a Consolidated Claim for Divorce on October 6, 2000. A divorce decree has not been entered. A Master’s Hearing concerning: divorce, alimony, equitable distribution of marital property, counsel fees, and costs and expenses was conducted on

June 25 and 26, 2003. A Master's Report and Recommendation was filed on December 9, 2003. Each party timely filed exceptions. On February 5, 2004, this Court held oral argument on the exceptions to the Master's Report and Recommendations.

The Master valued the total marital estate at \$756,648.64 and recommended the marital assets be divided, 55 percent, totaling \$415,826.75, to Defendant and 45 percent, totaling \$340,221.88, to Plaintiff.¹ The Master indicated that she considered all relevant factors in reaching her decision. It was recommended that the division of assets be accomplished by each party retaining the assets in their possession, Plaintiff's assets total \$398,428.64 and Defendant's assets total \$357,620.² To effectuate the division of assets, recommended by the Master, Plaintiff was to provide an additional payment to Defendant of \$58,206.75.³

The Master also addressed the issue of alimony in response to a request made by Defendant. At the time of the Master's hearing Defendant was receiving \$3,359.30 a month in spousal support. The Master recommended that Defendant continue to receive this amount for a period of one year from the date of the divorce decree in order to assist Plaintiff financially while she reenters the workforce.

The Master determined that costs would be divided equally between the parties with each party being responsible for his or her own legal fees. The Master was willing to award Plaintiff counsel fees for the litigation involving the issue of exclusive possession. However, the Master was unable to determine from the billing statements the amount of Plaintiff's attorney's legal fees. Lastly, the Master determined that fair rental value of the marital home should not be awarded to Plaintiff.

Both Plaintiff and Defendant filed exceptions to the Master's Report. Defendant filed three exceptions on December 19, 2003 and Plaintiff filed two **cross** exceptions on December 23, 2003. The Court will address each exception separately.

¹The Court notes that the value of the marital estate is actually \$756,048.64. The boat has a negative value considering the lien against it. The Master added the value of the boat instead of subtracting the value of the boat (-\$6,653).

²The Master determined the Plaintiff's assets were \$399,028.64 again this value is inflated due to the value of the boat being added and the mathematical error in the addition. Therefore, the Plaintiff's total is adjusted to \$398,428.64

³The Master's report calls for an additional payment of \$58,536.75 to the Defendant. This value is incorrect and has been adjusted by the Court to account for the mathematical errors.

DEFENDANT'S EXCEPTIONS

1. The Master erred in awarding Defendant only 55 percent of the marital assets.

23 Pa.C.S.A 3502(a) lists the relevant factors that shall be considered by a court during equitable distribution and are as follows:

1. The length of the marriage
2. Any prior marriage of either party.
3. The age, health, station, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties.
4. The contribution by one party to the education, training or increased earning power of the other party.
5. The opportunity of each party for future acquisitions of capital assets and income.
6. The source of income of both parties, including, but not limited to medical, retirement, insurance or other benefits.
7. The contribution or dissipation of each party in the acquisition, preservation, depreciation or appreciation of the marital property, including the contribution of a party as homemaker.
8. The value of the property set apart to each party.
9. The standard of living of the parties established during the marriage.
10. The economic circumstances of each party, including Federal, State and local tax ramifications, at the time the division of property is to become effective.
11. Whether the party will be serving as the custodian of any dependent minor children. *23 Pa.C.S. §3502(a)*

Although the Divorce Code enumerates several factors to consider when a court is fashioning an equitable distribution scheme the ultimate decision is within the discretion of the trial court. *Anderson v. Anderson*, 822 A.2d 824, 827 (Pa.Super. 2003) and *Gaydos v. Gaydos*, 693 A.2d 1368, 1376 (Pa.Super. 1997). There is no magical formula available instead the court may use a flexible approach considering the factors in 23 Pa.C.S.A 3502(a) along with the unique facts and circumstances of each case. *Gaydos at 1376*.

Defendant argues that the Master's award of 55 percent of the marital assets is insufficient. The basis of Defendant's argument is that the Master did not adequately address the factors in 23 Pa.C.S.A. 3502(a), especially factors 3, 5, 6, 8, and 10.

The Court agrees with the Master that the most significant factors in 23 Pa. C.S.A. 3502(a) are length of the marriage, lifestyle to which the parties had become accustomed during the marriage and the parties actual and potential income. The Plaintiff and Defendant have been married for twenty-four years and are fifty years old and fifty-four years old respectively. The record reflects that during the parties' twenty-four year marriage they enjoyed a very "comfortable" lifestyle. There was a sizeable marital residence, a membership to the local country club, numerous vacations to New Mexico and Australia and weekends spent in Florida. This lifestyle was largely made possible due to Plaintiff's career as a pilot for Air Borne Express where he earned between \$170,000 and \$180,000 per year.

The Master recommended Defendant receive fifty-five percent of the marital assets and Plaintiff receive forty-five percent of the marital assets. Realistically, Defendant's earning capacity is severely limited by her age, educational background and lack of employment history. Defendant possesses only a ninth grade education and has been unemployed since 1993. Plaintiff's earning capacity on the other hand is solid and unlikely to drastically change. The court must consider the policy of the Divorce Code, "to effectuate economic justice between parties who are divorced," when creating a scheme of economic justice. *Meyer v. Meyer*, 749 A.2d 917, 919 (Pa. 2000). The Court determines that Defendant receiving sixty percent of the assets, totaling \$453,629.18, and Plaintiff receiving forty percent of the assets, totaling \$302,419.45, accomplishes economic justice. Defendant's exception 1 will be sustained and the equitable distribution award is amended as set forth above.

2. The Master erred in limiting the period of alimony to be paid to Defendant to one year.

The purpose of alimony is to allow a person to meet their "reasonable needs" when otherwise they would be unable to do so. *Twillia v. Twilla*, 664 A.2d 1020, 1022 (Pa.Super. 1995). "Alimony following a divorce is a *secondary remedy* and is available only where economic justice and the reasonable needs of the parties

cannot be achieved by way of an equitable distribution award and development of an appropriate employable skill.” (emphasis original) *Moran v. Moran*, 839 A2d. 1091, 1097 (Pa.Super. 2003) (quoting *Twilla* cited above).

Defendant argues that the Master’s recommendation of one year of alimony at \$3,359.30 per month is inadequate to maintain the lifestyle that she is accustomed to living. The Court is in agreement with the Master’s recommendation that alimony continue for one year. A Court when considering an award of alimony must take into consideration marital property distributed under Section 401(d) of the Divorce Code when considering an award of alimony and the sources of incomes of both parties becomes relevant in determining an equitable distribution award.⁴ *O’Callaghan v. O’Callaghan*, 607 A.2d 735, 737 (Pa. 1992). Sixty percent of the marital assets total \$453,629.18, a considerable amount, this adequately compensates Defendant. One year is a reasonable period of time to expect Defendant to obtain sufficient training and/or skills to re-enter the work place.

Therefore, the Court finds that the Master did not err in awarding Defendant alimony for only one year and Defendant’s exception 2 will be overruled.

3. The Master made a mathematical error in computing Husband’s assets.

The Court has previously noted the mathematical error made by the Master. (See above pages 1-2). Therefore Defendant’s exception 3 will be sustained and the report and recommendation amended accordingly.

PLAINTIFF’S CROSS-EXCEPTIONS

1. The Master erred in not awarding Counsel Fees.

“The general rule is that the parties to litigation are responsible for their own counsel fees . . . unless otherwise provided by statutory authority, agreement of the parties or some other recognized exception.” *Bonds v. Bonds*, 689 A.2d 275, 279 (Pa. Super. 1997). There

⁴ The Divorce Code has since been repealed and replaced by the Domestic Relations Code, the Act of December 19, 1990, P.L. 1240, No. 206 § 2, 23 Pa.C.S. § 101.

are several sections of the Pennsylvania Divorce Code that provide statutory authority for the award of counsel fees. See 23 Pa.C.S.A §§ 3104 and 3323. Typically, Pennsylvania Courts impose counsel fees when to do so would effectuate fairness or when one party is disadvantaged. See *Id.* (Wife awarded counsel fees because husband's failure to sign or abide by the terms of a property agreement was "wholly unreasonable."); *Brody v. Brody*, 758 A.2d 1274 (Pa. Super. 2000) (Wife denied counsel fees because she could not prove that she was unable to pay counsel fees without assistance from Husband.)

Plaintiff contends he is entitled to counsel fees for the work his attorney did defending against Defendant's Petition for Exclusive Use and Possession of the Marital Residence. Plaintiff argues he was ready and willing, as evidenced by a settlement proposal, to give Defendant exclusive possession of the marital home and Defendant insisted on a hearing despite his settlement proposal for vexatious reasons only. The Master was willing to grant Plaintiff counsel fees but did not do so because she was unable to determine the correct value of Plaintiff's counsel's fees. The Court is not so inclined.

Plaintiff does not argue that counsel fees should be awarded due to his inability to pay instead he argues that fairness would permit the award of counsel fees. Plaintiff was willing to grant Defendant exclusive possession of the marital home, however, the settlement was not without a catch. In return for giving the Defendant exclusive possession Plaintiff wanted to retrieve certain "pre-marital" personal property. Defendant was unable to agree because she believed the personal property in question was marital property subject to equitable distribution.

Defendant's desire to have a hearing regarding the Petition for Exclusive Use and Possession of the Marital Residence was not motivated by "unreasonableness" instead it was based on a factual dispute. Therefore, Plaintiff's exception 1 will be overruled.

2. The Master failed to award Plaintiff the fair rental value of the marital estate.

When a court is fashioning an equitable distribution scheme it is appropriate for a spouse to receive half of the fair market rental value of the home so long as the other spouse was in exclusive possession of the marital residence during the parties' separation. *Butler v. Butler*, 621 A.2d 659, 668 (Pa. Super. 1993). The award of half of the

fair market rental value of the home is discretionary with the Court. *Middleton v. Middleton*, 812 A.2d 1241,1248 (Pa.Super. 2002).

The Plaintiff argues that he is entitled to half of the fair market rental value of the marital residence because the Defendant has been in exclusive possession of the marital home since the date of separation, October or November of 2000. The Master determined that Plaintiff was not entitled to credit for the fair market value of the marital home.

The Court agrees with the Master's determination that a credit is not appropriate in this case. Defendant was not in exclusive possession of the marital residence throughout the entire period of separation. The record reveals that Plaintiff had access to the marital home before the petition for exclusive possession was filed. Only in April 2002 after the Court granted Defendant's Petition for Exclusive Use and Possession of the Marital Residence was the Plaintiff denied the use of the marital home. Additionally, Plaintiff has had exclusive possession of the parties' boat, a marital asset. The record reflects that Plaintiff has lived on the boat since the date of separation. The record is not clear as to a rental value that could be assigned to the boat and Defendant is not arguing that she is entitled to any rental value. However, Plaintiff has been in exclusive possession of a significant marital asset and Defendant has not received any benefit from it. Furthermore, the equitable distribution scheme present here is fair and reasonable when evaluated in its entirety and an award of fair market rental value is unnecessary. Plaintiff's exception 2 will be overruled.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW this 8th day of March 2004, in accordance with this Court's Opinion, and after consideration of all exceptions and cross-exceptions, IT IS ORDERED THAT:

1. Defendant's Exceptions to Report and Recommendation of the Master:

A. Sustained. The Master's equitable distribution award is modified to award Plaintiff 40 percent of the marital assets and Defendant 60 percent of the marital assets.

- B. Overruled. There is no error in the award of alimony to Defendant for one year.
 - C. Sustained. The Master's Report and Recommendations are amended to correct the mathematical error made.
2. Plaintiff's Cross-Exceptions to the Divorce Master's Report:
- A. Overruled. Plaintiff is not entitled to counsel fees.
 - B. Overruled. Plaintiff is not entitled to a credit of the fair market rental value of the marital residence.
3. After the expiration of the appropriate appeal period the Court, on praecipe filed by either party, will enter a Divorce Decree.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-928 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of February, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a R.R. Spike in or near the center line of Sutton Road at corner of Lot No. 3 on the hereinafter referred to Final Plan; thence in or near said centerline South 69 degrees 22 minutes 15 seconds West 39.90 feet to a R.R. Spike in or near said centerline; thence continuing in same South 64 degrees 23 minutes 00 seconds West 103.18 feet to a R.R. Spike at corner of Lot No. 1 on the hereinafter referred to Final plan; thence by Lot No. 1 and running through an iron pin back 25.12 feet from the beginning of this course North 20 degrees 05 minutes 15 seconds West, 684.19 feet to an iron pin at land now or formerly of David A. Holtzinger; thence by said Holtzinger land and by land now or formerly of Abbottstown Industries, Inc. North 82 degrees 14 minutes 14 seconds East, 233.84 feet to an iron pin at corner of Lot No. 3 on the hereinafter referred to Final plan; thence by Lot No. 3 and running through an iron pin back 25.27 feet from the terminus of this course South 12 degrees 15 minutes 10 seconds East, 629.83 feet to a R.R. Spike in or near the centerline of Sutton Road, the point and place of BEGINNING. CONTAINING 2.803 Acres, more or less.

The above description was taken from Final Plan, Gerald L. Hoffheins as prepared by George M. Wildasin, PLS, dated September 8, 1992, Revised October 29, 1992, bearing Field Book 35-58 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 61 at page 98, and being Lot No. 2 thereon.

BEING the same tract of land which Gerald L. Hoffheins and Dorothy E. Hoffheins, husband and wife, by their Deed dated December 1, 1992, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 662, page 315, granted and conveyed unto Wayne A. Gebhart and Tammy L. Gebhart, husband and wife, MORTGAGORS HEREIN.

SUBJECT, NEVERTHELESS, to a drainage easement as more fully set forth in Deed Book 311 at page 1012;

and to drainage easements set forth on above mentioned Final Plan.

TOGETHER WITH a twenty (20) feet Septic Right-of-Way across lands now or formerly of Abbottstown Industries, Inc. as more particularly described in Right-of-Way Agreement dated July 12, 1993, and recorded in Book 1031, page 92.

EXCEPTING THEREOUT AND THEREFROM:

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

BEGINNING at a point at the corner of lands now or formerly of David A. Holtzinger and Lot No. 2, more particularly shown on the hereinafter referred to subdivision plan; thence continuing along lands now or formerly of David A. Holtzinger, North 20 degrees 05 minutes 15 seconds West, 299.07 feet to a point at an abandoned E. Berlin Railroad; thence continuing along said abandoned E. Berlin railroad, North 82 degrees 14 minutes 14 seconds East, 233.84 feet to an existing iron pin at other lands of the Grantees herein; thence continuing along said lands of the Grantees herein, South 12 degrees 15 minutes 10 seconds East, 244.57 feet to a point at Lot No. 2, more particularly described on the hereinafter referred to subdivision plan; thence continuing along Lot No. 2, South 67 degrees 53 minutes 42 seconds West, 195.24 feet to the point and place of BEGINNING. CONTAINING 1.3243 acres and known as Lot No. 2-A on the subdivision plan recorded in the Adams County Recorder of Deeds Office in Plan Book 77, page 69.

Lot No. 2-A is to become an integral, inseparable part of lands previously conveyed to Michael E. Miller and Lynne L. Miller and recorded in the Recorder of Deeds Office of Adams County in Record Book 1362, page 61.

IT BEING a part of a larger tract of land which Gerald L. Hoffheins and Dorothy E. Hoffheins, husband and wife, by deed dated December 1, 1992 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania, in Record Book 662, page 315 granted and conveyed unto Michael E. Miller and Lynne L. Miller, husband and wife, Grantors herein.

SEIZED and taken into execution as the property of **Wayne A. Gebhart & Tammy L. Gebhart** 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 March 7, 2005, and

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

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

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

1/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1094 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract or parcel of land and premises situate, lying and being in the township of Reading in the County of Adams and Commonwealth of Pennsylvania, and particularly described as follows:

More particularly described as Lot No. 424-A on a plan of lots of Lake Meade subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 1, page 4 and subject to all legal highways, easements, right-of-way and restrictions of record.

SEIZED and taken into execution as the property of **Michael J. Shumberger** 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-176 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, together with the improvements thereon erected, situate, lying and being in the Borough of McSherrystown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the Northern side of North Street at the Southwestern corner of lot now of formerly of Thomas B. Redding, designated as 53 North Street; thence along the Northern side of North Street, South sixty-six (66) degrees West, seventy (70) feet to a point on the Northern side of North Street, thence by lands now or formerly of Lewis S. Smith and Alma C. Smith, husband and wife, North twenty-four (24) degrees West, one hundred twenty-five and no one hundredths (125.00) feet; thence by lands of same, North sixty-six (66) degrees East, seventy-three and forty-six one hundredths (73.46) feet; thence by said lot now or formerly of Thomas D. Redding, South twenty-two (22) degrees twenty-five (25) minutes East, one hundred twenty-five and five one-hundredths (125.05) feet to the point on the North side of North Street, the place of BEGINNING, CONTAINING 0.206 acres. Known as 49 North Street.

The above description is taken from a draft made by Joe B. O'Brien, Registered Surveyor, on April 18, 1969.

BEING Tax Map 2, Parcel 213.

BEING the same premises which George D. Hartman and Mary H. Hartman, husband and wife, by Deed dated December 29, 1989 and recorded in the Office of the Recorder of Deeds in and for Adams County in Deed Book 543, Page 484, granted and conveyed unto Robert W. Myers and Eva F. Myers, husband and wife.

SEIZED and taken into execution as the property of **Robert W. Myers & Eva F. Myers** 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-425 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin on the right-of-way line of Oak Drive at corner of Lot No. 25 as shown on the hereinafter referred to subdivision plan, thence along said Lot No. 25 and passing through a reference iron pin set 25 feet back from the beginning of this course North 33 degrees 00 minutes 30 seconds West 244.13 feet to an iron pin at corner of lands now or formerly of Gilbert B. Hartzell and Francis L. Miller; thence along said Miller lands North 48 degrees 3 minutes 40 seconds East 159.00 feet to an iron pin at corner of Lot No. 27; thence along the same South 41 degrees 56 minutes 20 seconds East 250.00 feet to an iron pin on the right-of-way line of Oak Drive, thence along said right-of-way line of Oak Drive South 48 degrees 3 minutes 40 seconds West 96.58 feet to an iron pin; thence along same by a curve to the right having the radius of which is 575 feet an arc length of 100.83 feet and having a long chord bearing and distance of South 53 degrees 5 minutes 5 seconds West 100.70 feet to an iron pin on said right-of-way line of Oak Drive at corner of Lot No. 25 the point and place of BEGINNING.

The above description was taken from a draft of survey entitled "Recreations Real Estate Company," prepared by Boyer-Price Surveys, Inc. on March 19, 1974, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book No. 4 at Page 50 and designated as Lot No. 26.

TOGETHER WITH the right of ingress, egress and regress over the roadways shown on the aforesaid subdivision plan to and from U.S. Route No. 30.

TITLE TO SAID PREMISES IS VESTED IN Emory K. Clapsaddle, as to an

undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest, Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent by reason of the following:

BEING THE SAME PREMISES which Emory K. Clapsaddle, Beverly J. Couchman and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded on 3/18/2003 in the County of Adams in Record Book 3019, Page 155 conveyed unto Emory K. Clapsaddle and Glen Ronald Couchman.

AND ALSO BEING THE SAME PREMISES which Emory K. Clapsaddle and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded on 3/18/2003 in the County of Adams in Record Book 3019, Page 178 conveyed unto Emory K. Clapsaddle, as to an undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest, Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent.

Premises being: 359 Oak Drive, Orrtanna, PA 17353

Tax Parcel No. B9-203

SEIZED and taken into execution as the property of **Emory K. Clapsaddle, Lee Michael Clapsaddle, Julie Marie Clapsaddle & Glen Ronald Couchman** 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1129 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of lot of ground situate on the eastern side of M Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows, to wit:

LOT NO. 1: BEGINNING at a corner of lands formerly of R.M. Matthias, now or formerly of Richard Ogg Industrial Design; thence by said lands now or formerly of Richard Ogg Industrial Design, East one hundred fifty (150) feet, more or less, to a public alley; thence along said public alley, South thirty-seven (37) feet six (06) inches to lands now or formerly of Enzie Staley, now Lot No. 2, hereby conveyed; thence by said Lot No. 2, hereby conveyed, West one hundred fifty (150) feet, more or less, to M Street; thence along M Street North thirty-seven (37) feet six (06) inches to the place of BEGINNING.

IT BEING Tract No. 1 which Brian H. Smith, Larry W. Smith and Jay A. Wantz, co-partners, trading and doing business as I.C.R. Associates, by their deed bearing even date herewith and about to be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, granted and conveyed unto Martin R. Krabbe and Stephanie M. Krabbe, MORTGAGORS HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Martin Krabbe and Stephanie Krabbe, his wife by Deed from Brian H. Smith, Larry W. Smith and Jay A. Wantz, Co-Partners, trading and doing business as I.C.R. Associates, dated 8/31/2001 and recorded 9/7/2001 in Record Book 2398 Page 96.

Premises being: 220 M Street, Littlestown, PA 17340

Tax Parcel No. 44 Map-11

SEIZED and taken into execution as the property of **Martin Krabbe & Stephanie Krabbe** 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 March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1067 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land, with the improvements thereon erected, being known as Lot Nos. 205 and 206 on a Plan of Lots of Lake Meade Subdivision, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Misc. Book 1, page 1, in Reading Township, Adams County, Pennsylvania, being more fully bounded, limited and described as follows, to-wit:

BEGINNING at an iron pin on the East side of Pemberton Drive, said point of beginning being North thirty-four (34) degrees five (05) minutes thirty-nine (39) seconds West, a distance of two hundred eighty-two and thirteen hundredths (282.13) feet from the Northwest corner of Pemberton Drive and Schofield Drive; thence along the East side of Pemberton Drive by a curve to the right which curve has a radius of one thousand one hundred thirty-six and fifty-five hundredths (1,136.55) feet and a chord extending North thirty-four (34) degrees five (05) minutes thirty-nine (39) seconds West, a distance of nineteen (19.00) feet, an arc distance of nineteen (19.00) feet to a point on the East side of Pemberton Drive; thence along same North thirty-three (33) degrees thirty-six (36) minutes fifty-five (55) seconds West, a distance of one hundred forty-one (141.00) feet to a point at Lot No. 204; thence along Lot No. 204 North fifty-six (56) degrees twenty-three (23) minutes five (05) seconds East, two hundred (200.00) feet to a point at Lot No. 211; thence along Lot No. 211 and 210 South thirty-three (33) degrees thirty-six (36) minutes fifty-five (55) seconds East, one hundred sixty (160.00) feet to a point at Lot No. 207; thence along Lot No. 207 South fifty-six (56) degrees twenty-three (23) minutes five (05) seconds West, one hundred ninety-nine and eighty-five hundredths (199.85) feet to an iron pin, the point and place of BEGINNING.

Map and Parcel ID: Map #11, Parcel #54A

BEING KNOWN AS: 36 Pemberton Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of **Dwayne D. O'Brien a/k/a Dwayne David O'Brien & Tamara S. O'Brien a/k/a Tamara Suzanne O'Brien a/k/a Tamara Suzanne Shank** 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 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

CERTIFICATE OF AUTHORIZATION

NOTICE IS HEREBY GIVEN that application for Certificate of Authorization was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about 11th of December, 2004 by Murphy Varey, PS, doing business in Pennsylvania as MURPHY VAREY, PS, INC. Murphy Varey, PS is incorporated under the jurisdiction of the State of Washington. The address of the principal office under the laws of the jurisdiction in which it is incorporated is 2101 9th Avenue, Suite 211; Seattle, Washington 98121. Murphy Varey, PS, Inc. will utilize the services of CT Corporation System, located at 1515 Market Street, Suite 1210, Philadelphia, Pennsylvania 19102, as a registered agent as it has no intention of opening an office in the Commonwealth of Pennsylvania.

1/28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1119 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Legislative Route 01001 at corner of land of James W. Cool; thence by said land of James W. Cool and running through a steel pin located twenty-five (25) feet from the place of Beginning; North seventy-six (76) degrees five (5) minutes thirty-four (34) seconds West two hundred three and thirty-eight hundredths (203.38) feet to a point; thence by land of James G. Angelaras and wife running through a steel pin located forty-nine and fifty-six hundredths (49.56) feet from the beginning of this line, North fifteen (15) degrees forty-five (45) minutes forty-one (41) seconds East one hundred ninety-six and sixteen hundredths (196.16) feet to a steel pin; thence by the same, and running through a steel pin located seventeen and thirty-eight hundredths (17.38) feet from the end of this line, South sixty-nine (69) degrees nine (9) minutes forty-one (41) seconds East two hundred thirty and seventy-four hundredths (230.74) feet to a point in the center of Legislative Route 01001; thence in the center of said Legislative Route 01001, South twenty-four (24) degrees forty-one (41) minutes two (2) seconds West one hundred seventy-one and twenty-three hundredths (171.23) feet to a point, the place of BEGINNING. CONTAINING 39,647 square feet.

BEING KNOWN AS: 1891 Tract Road, Fairfield, (Liberty Twp.) PA 17320

PROPERTY ID NO.: D17-5B

TITLE TO SAID PREMISES IS VESTED IN Jon B. Stoner and Lillie J. Stoner, his wife by Deed from Lawrence V. Young, trustee in bankruptcy for Roger E. Oakes and Joyce J. Oakes, his wife dated 06/06/88 recorded 06/07/88 in Deed Book 491 Page 164.

SEIZED and taken into execution as the property of Jon B. Stoner & Lillie J. Stoner 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 4, 2005, and distribution will be made in accordance

with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1253 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground, situate, lying and being in the Township of Latimore, Adams County, Pennsylvania, being more particularly described as Lot No. 1125 on a plan of lots of Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, Page 7.

TITLE TO SAID PREMISES IS VESTED IN Michael Sumner, married by Deed from John Baker dated 5/5/2000, recorded 5/26/2000, in Record Book 2057, Page 176.

Tax Parcel: 9-28
Premises Being: 257 Lake Meade Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of Michael Sumner 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 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1229 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a P.K. nail in the center line of Pennsylvania Route 97, said P.K. nail being South 52 degrees 15 minutes 00 seconds East, 384 feet, more or less from corner of land now or formerly of James Martin; thence in said center line of Pennsylvania Route 97, South 52 degrees 15 minutes 00 seconds East, 478.40 feet to a P.K. nail in said center line at corner of other land now or formerly of John P. Randall; thence by said other land of John P. Randall and passing through U.T.C. Pole #96 set back 23 feet from the last mentioned point, South 29 degrees 30 minutes 00 seconds West, 463.00 feet to a steel fence post; thence by same, North 52 degrees 15 minutes 00 seconds West, 478.40 feet to a pipe; thence continuing by same, and passing through U.T.C. #94, set back 25.00 feet from the next mentioned point, North 29 degrees 30 minutes 00 seconds East, 463.00 feet to a P.K. nail, the place of BEGINNING.

CONTAINING 5.031 Acres
Address: 2779 Baltimore Pike; Gettysburg, PA 17325

Tax Map Parcel ID# (30) H15-0047
SEIZED and taken into execution as the property of Barry N. Poole & Kelly A. Poole 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 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF STANLEY P. ARVIN, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Wayne P. Arvin, 6251 Davidsburg Road, Dover, PA 17315

Attorney: Paul C. McCleary, Jr., Esq., 1998-A Carlisle Road, York, PA 17404

ESTATE OF GERALDINE H. HIRT, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Jessica H. Canale, c/o Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331

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

ESTATE OF E. VIRGINIA MILHIMES, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Tammy L. Kemp, 3 Emerson Court, Hanover, PA 17331

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

ESTATE OF EDNA M. RECK, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

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

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

SECOND PUBLICATION

ESTATE OF PAULA A. DUDASH, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Paul Howard Dudash, 185 Confederate Drive, Gettysburg, PA 17325; Kathy Louise Johnson, 365 Rupp Road, Gettysburg, PA 17325

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

ESTATE OF FLEMING E. HESS, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Richard B. Hess, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

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

ESTATE OF WILSON W. SHULTZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Edward Shultz, 129 Zeigler Mill Road, Gettysburg, PA 17325

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

ESTATE OF OLMER B. SPENCE, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Joyce M. Hartley, 1330 Herr's Ridge Road, Gettysburg, PA 17325

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

ESTATE OF NORMAN J. STAUB, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Patsy A. Harman, 101 Bonneau Heights Circle, Gettysburg, PA 17325

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

ESTATE OF NORMAN TITMAN, SR., DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Richard A. Titman, 886 Sherman Drive, Gettysburg, PA 17325

Attorney: Andrea M. Singley, Esq., 63 W. High St., Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF MABEL M. BARAL, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Caroline E. Baral, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF RHODA S. KLINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Dorothy P. Harbold, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

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

ESTATE OF MILDRED E. LUCKENBAUGH, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Gary Luckenbaugh, 20405 Rainbowview Terrace, Montgomery Village, MD 20886; Eric Luckenbaugh, 31 Hetrick Court, Palmyra, PA 17078

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1235 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of Harney Road at lands now or formerly of Esh; thence in the center of said Harney Road, South seventy-seven (77) degrees eight (08) minutes fifty-four (54) seconds East, one hundred sixty-three and forty-four hundredths (163.44) feet to a point at other lands now or formerly of Lake Weant; thence by said lands and through a steel pin set thirty (30) feet back on the line, South seventeen (17) degrees forty-one (41) minutes thirty-two (32) seconds West, two hundred seventy-three and sixty-seven hundredths (273.67) feet to a flange axle; thence continuing by lands, North seventy-seven (77) degrees sixteen (16) minutes eighteen (18) seconds West, one hundred eighteen and eighty-four hundredths (118.84) feet to a flange axle; thence continuing by said lands, South twenty-one (21) degrees eleven (11) minutes twenty-eight (28) seconds West, two hundred sixty-six and sixteen hundredths (266.16) feet to a flange axle, thence continuing by said lands, North seventy-four (74) degrees fifty-five (55) minutes twenty-two (22) seconds West, twenty-seven and ninety-two hundredths (27.92) feet to a flange axle at lands now or formerly of Esh; thence by said land, North seventeen (17) degrees thirty-nine (39) minutes twenty-five (25) seconds East, five hundred thirty-seven and ten hundredths (537.10) feet to the place of BEGINNING.

CONTAINING 1.2419 acres, neat measure.

THE above description was taken from a draft of survey, dated December 16, 1974, prepared by J.H. Rife, R.E.

TITLE TO SAID PREMISES IS VESTED IN Brian Scott Boese by Deed from Tony R. Forbes and Bonnie S. Forbes, his wife dated 10/29/1999 and recorded 11/4/1999 in Record Book 1947 Page 126.

Tax Parcel: H-18-13A

Premises Being: 1655 Harney Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Brian Scott Boese** 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 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

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

NOTICE

NO. RT-19-04(B)

TO: Sherrie Elizabeth George

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 February 17, 2005, at 9:00 a.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

1/28, 2/4 & 11

LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that the following Trust Accounts are scheduled to be confirmed by the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania, on February 14, 2005 at 9:00 A.M. in Courtroom 3 of the Adams County Courthouse, Gettysburg, Pennsylvania. Any persons desiring to object or to file exceptions to the Accounts must do so in writing in the Clerk of the Court's Office, Adams County Courthouse, Gettysburg, Pennsylvania, prior to the time for confirmation of the Accounts. Those two Accounts scheduled to be confirmed are:

1. First and Final Account of PNC Bank, National Association, Successor Trustee of the Trust for the benefit of Harold E. Raffensperger created under the Will in the Estate of Elmer E. Raffensperger, deceased.

2. First and Final Account of PNC Bank, National Association, Successor Trustee, for the Trust created for the benefit of Harold E. Raffensperger under the Will of Laura E. Raffensperger, deceased.

Robert E. Campbell, Esq.
Campbell & White, P.C.
112 Baltimore Street
Gettysburg, PA 17325
Attorney for the Trustee

1/28 & 2/4

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 21, 2004 by ROUND TOP UTILITY HOLDINGS, INC., a foreign corporation formed under the laws of the State of Delaware where its principal office is located at c/o The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801 for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Adams County.

1/28