

Adams County Legal Journal

Vol. 44

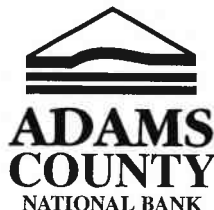
February 7, 2003

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U. S. BANK VS. JOHN DOE ET AL

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



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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

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

Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1117 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at the Northeast side of the Littlestown Road and Lot No. 66; thence along Lot No. 66, North thirty-nine (39) degrees fifteen (15) minutes zero (0) seconds East, one hundred thirty and nine hundredths (130.09) feet to a point at Lot No. 74; thence along Lot No. 74 and Lot No. 73, South thirty-five (35) degrees forty-one (41) minutes twenty-one (21) seconds East, seventy-seven and sixty-four hundredths (77.64) feet to a point at Lot No. 68; thence along Lot No. 68, South thirty-nine (39) degrees fifteen (15) minutes zero (0) seconds West, one hundred ten (110) feet to a point at the aforementioned Littlestown Road; thence along the Littlestown Road, North fifty (50) degrees forty-five (45) minutes zero (0) seconds West, seventy-five (75) feet to the point and place of BEGINNING. CONTAINING 9,003.3 square feet and identified as Lot No. 67 on a plan of lots known as Bonnie Field, prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9, page 24.

BEING KNOWN as 87 Maple Street, Littlestown, PA 17340

Property ID No.: 9-81

TITLE TO SAID PREMISES IS VESTED IN Cynthia J. Craig and Gordon L. Craig, wife and husband, as tenants by the entireties, by Deed from E. Patricia Tracey, formerly known as Evelyn Patricia Stambaugh, and Ralph E. Tracey, wife and husband, dated 5/26/92, recorded 6/11/92, in Deed Book 0630, Page 0443.

SEIZED and taken into execution as the property of **Gordon L. Craig, Jr. & Cynthia J. Craig** 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 7, 2003, 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.

1/31, 2/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-123 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the westerly right of way line of Abbots Drive in the Borough of Abbottstown, Adams County, PA known and numbered as Lot No. 47 on a plan of lots for Abbots Manor, Phase III, recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 76, page 99, more fully bounded and described as follows, to wit:

BEGINNING at a point on the westerly right of way line of Abbots Drive, at a corner of Lot No. 48 on said plan; thence extending along the said right of way line South 47 degrees 16 minutes 34 seconds East 33.85 feet to a point; thence continuing on a line curving to the right having a radius of 175 feet, an arc distance of 52.05 with a chord bearing South 38 degrees 45 minutes 17 seconds East 51.86 feet to a point; thence

extending along Lot No. 46 on a plan of lots for Abbots Manor Phase II, Plan Book 73, page 43, South 59 degrees 46 minutes 00 seconds West 246.01 feet to a point; thence extending along Lot No. 43 on a plan of lots for Abbots Manor Phase II, Plan Book 73, page 43 North 30 degrees 14 minutes 00 seconds West 52.06 feet to a point at a corner of Lot No. 48 on said plan; thence extending along the said Lot No. 48 North 51 degrees 56 minutes 06 seconds East 232.54 feet to the point and place of BEGINNING.

CONTAINING 16,579 Sq. Ft.

BEING the same premises which Garland Construction, Incorporated, by Deed dated November 2, 1999 and recorded in the Office of the Recorder of Deeds of Adams County on November 19, 1999, in Deed Book Volume 1956, Page 21, granted and conveyed unto David L. Rohrer and Laurie A. Rohrer.

Parcel No. #5-43

SEIZED and taken into execution as the property of **David L. Rohrer & Laurie A. Rohrer** 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 7, 2003, 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.

1/31, 2/7 & 14

U. S. BANK VS. JOHN DOE ET AL

1. Local rules are adopted by the Court for specific purposes and are binding on the parties. Where they are not followed, dismissal is an appropriate sanction.

2. Pennsylvania Rules of Civil Procedure not only allow an ejectment action to be initiated upon unknown parties in possession of the real property but mandate that such a person be joined as a party.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 02-S-184, U. S. BANK, N.A., AS TRUSTEE FOR THE REGISTERED HOLDERS OF SALOMON BROTHERS MORTGAGE SECURITIES VII, INC., UNDER THE APPLICABLE POOLING AND SERVICING AGREEMENT VS. JOHN DOE, BRIAN HATTER AND/OR TENANT/OCCUPIER.

Mark J. Udren, Esq., for Plaintiff

Defendant Brian Hatter, *pro se*

George, J., May 2, 2002

MEMORANDUM OPINION

This action was commenced on February 7, 2002, when Plaintiffs filed a complaint in ejectment. The complaint was served on the person found in possession of the real property on February 20, 2002. By Praeipce dated March 4, 2002, Defendant Brian Hatter, the person found in possession of the property, was indexed as a Defendant. On March 22, 2002, Brian Hatter filed Preliminary Objections to the complaint alleging that the original complaint failed to name the proper Defendant. There is no indication in the file that service was effectuated upon Plaintiff pursuant to the Pennsylvania Rules of Civil Procedure. Additionally, the Defendant failed to file a brief within ten (10) days as required by Local Rule 211.¹

¹ On April 2, 2002, the Plaintiff filed a Praeipce for Judgment in Ejection and a separate Praeipce for Writ of Possession based upon Defendants' alleged failure to file an answer to Plaintiff's complaint within twenty (20) days from service thereof. The record indicates that the Adams County Prothonotary entered judgment on default and issued a writ of seizure which the Sheriff subsequently served on April 15, 2002. This Court did not receive the record in this matter until all of the foregoing had been completed. The only issue currently before this Court is the propriety of the Defendant's Preliminary Objections. This ruling does not preclude the Defendant from initiating proceedings to vacate the default judgment. Plaintiff's counsel is admonished to make a diligent effort in all future proceedings in this Court to determine whether responsive pleadings have been filed prior to filing a praecipce for default judgment in all future proceedings in this Court. Failure to heed this direction may result in the imposition of sanctions.

Local Rule of Civil Procedure 211 requires the moving party to file a brief within ten (10) days following the filing of preliminary objections. The rule further provides that where a party fails to file a brief, the Court may, in its discretion, consider the issues waived. *See, Local Rules 210 and 211*. Local rules are adopted by the Court for specific purposes and are binding on the parties. Where they are not followed, dismissal is an appropriate sanction. *Diveglia v. Smith*, ___ Adams County L.J. ___ (01-S-1344, Adams County, Feb. 11, 2002). Defendant has failed to comply with local rules of Court and therefore his Preliminary Objections are dismissed.

Even had the Defendant timely filed a brief in support of his preliminary objections, it is obvious that the preliminary objections lack merit. Pennsylvania Rules of Civil Procedure not only allow an ejectment action to be initiated upon unknown parties in possession of the real property but mandate that such a person be joined as a party. *See, Pennsylvania Rule of Civil Procedure 411*. Accordingly, the attached Order shall be entered.

ORDER OF COURT

AND NOW, this 2nd day of May, 2002, the Defendant's Preliminary Objections are denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-931 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of February, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

TRACT NO. 1:

BEGINNING at a stake for a corner at Lot #12 and a 20-foot wide driveway; thence by said driveway, North fifteen (15) degrees, thirty (30) minutes East, fifty (50) feet to a stake at Lot #14; thence by Lot #14 South seventy-four (74) degrees, thirty (30) minutes East, two hundred sixty-three and one-tenth (263.1) feet through a stake set back 20 feet from the bank at low water, to a point in the Conewago Creek; thence by said Conewago Creek, South twenty (20) degrees, forty-five (45) minutes West, fifty and two-tenths (50.2) feet to a point in said Creek at Lot #12; thence by Lot #12, North seventy-four (74) degrees, thirty (30) minutes West, through a stake set back 20 feet from the bank at low water, two hundred fifty-eight and six-tenths (258.6) feet to a stake and place of BEGINNING.

BEING known as Lot No. 13, Block No. 1 on the Plan of Lots as surveyed August 27, 1955, by George M. Wildasin for Harry A. and Gertie R. Lauchman.

TRACT NO. 2:

BEGINNING for a point on the Eastern side of a twenty (20) feet wide private road at Lot No. 13; thence along and with said Eastern side of said private road North fifteen (15) degrees, thirty (30) minutes East, fifty (50) feet to a point at lands now or formerly of Robert F. Smith and Emma E. Smith, his wife; thence along said last mentioned lands South seventy-four (74) degrees, thirty (30) minutes East, two hundred forty-nine (249) feet to a pin fifteen (15) feet from the bank of the Conewago Creek at low water mark; thence along and with said Conewago Creek South twenty-two (22) degrees fifteen (15) minutes West, fifty and three-tenths (50.3) feet to a point at Lot No. 13; thence along and with said Lot No. 13 other lands now or formerly of Cyril J. Hockensmith and Thelma A. Hockensmith North seventy-four (74) degrees, thirty (30) minutes West, two hundred forty-three and one-tenth (243.1) feet to the point and place of BEGINNING.

CONTAINING 0.282 acres and known as Lot No. 14 on a plot or plan of lots laid

out by George M. Wildasin, Professional Engineer, bearing the date of June 21, 1977.

TITLE TO SAID PREMISES IS VESTED IN Jeffrey L. Jones and Sherry L. Jones, husband and wife by Deed from Cyril J. Hockensmith, Jr. and Gary L. Hockensmith, Personal Representatives of the Estate of Cyril J. Hockensmith, Sr., a/k/a, Cyril J. Hockensmith dated 6/29/1995 and recorded 7/11/1995, in Record Book 1053, Page 17.

Premises being: 280 Conewago Drive, East Berlin, PA 17316

Tax Parcel No. L8-29

SEIZED and taken into execution as the property of **Jeffrey L. Jones & Sherry L. Jones a/k/a Sherry L. Keagy** 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 24, 2003, 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.

1/24, 31 & 2/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1052 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of real estate lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point along a private street known as Apple Grove Lane at a corner of Lot No. 433 on the plan of lots hereinafter referred to; thence along Lot No. 433, South 61 degrees 18 minutes 33 seconds West, 95.00 feet to a point along Appler - Phase II - Section A; thence along Appler - Phase II - Section A, North 28 degrees 41 minutes 27 seconds West, 20.00 feet to a point at corner of Lot No. 435; thence along Lot No. 435, North 61 degrees 18 minutes 33 seconds East, 95.00 feet to a point at the

edge of the private street; thence along said private street, South 28 degrees 41 minutes 27 seconds East, 20.00 feet to a point at a corner of Lot No. 433, the place of BEGINNING. CONTAINING 1,900 square feet.

BEING designated as Lot No. 434 on a plan of lots for Appler prepared by Group Hanover, Inc., dated January 21, 1999, which together with all necessary municipal approvals, is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 77, Pages 94 through 94-C.

HAVING ERECTED THEREON a dwelling known as 143 Apple Grove Lane, Littlestown, Pennsylvania.

BEING THE SAME PREMISES WHICH Appler Properties, LLC by Deed dated March 30, 2001 and recorded April 26, 2001 in Adams County Deed Book 2266, Page 100, granted and conveyed unto Jody W. Oliver and Holly C. Oliver.

SEIZED IN EXECUTION AS THE PROPERTY OF JODY W. OLIVER AND HOLLY C. OLIVER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-1052.

MAP & PARCEL #(27) 4-149

SEIZED and taken into execution as the property of **Holly C. Oliver & Jody W. Oliver** 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 7, 2003, 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.

1/31, 2/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1152 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of February, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

TRACT NO. 1:

BEGINNING at a nail in the center line of Franklin Church Road (LR No. 01008), which is 2,790 feet, more or less, to intersection of Franklin Church Road and Bermudian Creek Road; thence, South 20 degrees 30 minutes East, 28.65 feet to a nail in the center line of Franklin Church Road (LR No. 01008); thence along land now or formerly of A.C. Criswell, North 80 degrees 15 minutes West, for a distance of 1,135.37 feet to an iron pin; thence, North 25 degrees 26 minutes 48 seconds East, 106.30 feet to an iron pin; thence along land now or formerly of Harry Hockenberry, South 80 degrees 15 minutes East, 782 feet to a concrete monument on the corner of Hockenberry land and land now or formerly of William J. Grimm; thence along land of William J. Grimm, South 09 degrees 45 minutes West, 129.57 feet to an iron pin; thence along land of William J. Grimm, South 80 degrees 15 minutes East, 295.57 feet to a nail in the center line of Franklin Church Road (LR No. 01008) and the place of BEGINNING.

CONTAINING 3.79 acres of land.

TAKEN from a survey by Stanley Jarmolenko and Mark Burleson, Registered Surveyors, dated April 30, 1977.

TRACT NO. 2:

BEGINNING at a point in the center of the Braggtown-East Berlin State Highway at lands now or formerly of Myrl I. and M. James Hockenberry; thence by said Hockenberry land, North 80 degrees 15 minutes West, through an iron pin set back 20 feet from the center of said road, 220 feet to a concrete monument at land now or formerly of Sadie M. Criswell; thence by said Criswell land, South 9 degrees 45 minutes West, 129.57 feet to a concrete monument; thence by same, South 80 degrees 15 minutes East, 295.57 feet through a concrete monument set back 25 feet from the center of the aforesaid road, to a point in the center of said road; thence by the center of said road, North 20 degrees 30 minutes West, 150 feet to the point and place of BEGINNING.

THE above description being taken from a draft of survey made September 4, 1956, by John C. Brihart, R.S., for the use of William J. Grimm and Dolores L. Grimm.

TITLE TO SAID PREMISES IS VESTED IN Victor M. Tsatiris and Kathi Ann Tsatiris, husband and wife by Deed from Keith M. Grimm, single and Mary M. Grimm, single dated 6/24/1996 and recorded 6/25/1996 in Record Book 1216 Page 172.

Premises being: 1611 Braggtown Road, East Berlin, PA 17316

Tax Parcel No. K4-11

SEIZED and taken into execution as the property of **Victor Tsatiris a/k/a Victor M. Tsatiris & Kathi A. Tsatiris a/k/a Kathi Ann Tsatiris** 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 24, 2003, 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.

1/24, 31 & 2/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1133 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of February, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground situate on the South side of Main Street in the Borough of McSherrystown, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a steel pin along the edge of the sidewalk along the Southern side of Main Street at corner of land now or formerly of St. Paul's Evangelical Lutheran Church; thence along the edge of said sidewalk, South 63 degrees West, 45 feet to a point at land now or formerly of Patricia L. Orndorff; thence by said land now or formerly of Patricia L. Orndorff, South 28 degrees 9 minutes

30 seconds East, 172.4 feet to a point along a public alley; thence by said public alley, North 63 degrees East, 43 feet to a steel pin at land now or formerly of St. Paul's Evangelical Lutheran Church; thence by said land now or formerly of St. Paul's Evangelical Church, North 27 degrees 29 minutes 30 seconds West, 172.37 feet to a steel pin, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Helen M. Pheabus, married woman by Deed from James A. Lawrence and Rebecca A. Lawrence, husband and wife, dated 3/5/2001 and recorded 3/9/2001 in Record Book 2227, Page 329.

Premises being: 404 & 406 Main Street, McSherrystown, PA 17344

Tax Parcel No. 005-0241-000

SEIZED and taken into execution as the property of **Helen Pheabus a/k/a Helen M. Pheabus** 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 24, 2003, 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.

1/24, 31 & 2/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1090 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the center of the Gettysburg-Emmitsburg State Highway at other lands now or formerly of Maurice E. Fissel; thence by said lands and through a railroad spike North 57 degrees West, 115 feet to an iron pin; thence by same North 33 degrees East, 30 feet to a point; thence by same North 57 degrees West, 212.5 feet to a post at lands now or formerly of Russell Reaver; thence by same North 16 degrees East, 121 feet to a post at lands now or formerly of Walter May; thence by same South 53 degrees 24 minutes East, 372.4 feet to a spike in the center of the aforesaid State Highway; thence in said State Highway South 37 degrees 15 minutes West, 122.4 feet to a spike, the place of BEGINNING. CONTAINING 146 perches.

The above description was taken from a draft of survey prepared by Leroy H. Winebrenner, C.S., and dated August 12, 1965.

IT BEING the same premises which Curtis W. Fissel and Betty S. Fissel, husband and wife, by their deed dated July 12, 1989 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Record Book 528, page 408, granted and conveyed unto Betty S. Fissel, Grantor herein.

THIS IS A TAX-EXEMPT TRANSFER BETWEEN MOTHER AND SON.

Premises being: 2691 Emmitsburg Road, Gettysburg, PA 17325

Tax Parcel No. E18-58

SEIZED and taken into execution as the property of **Estate of Betty S. Fissel, Michael J. Fissel, Executor, Devisee & All Heirs at Law of the Estate of Betty S. Fissel & Curtis W. Fissel, II, Individually & Devisee of the Estate of Betty S. Fissel** 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 14, 2003, 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.

1/31, 2/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1244 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the West side of Bair Road (T-504), at a corner of Lot No. 1 of the Dale E. Brown Subdivision; thence along said lot South seventy-six (76) degrees zero (00) minutes West, two hundred twenty-five (225.00) feet to a point at lands now or formerly of Dale E. Brown and Cynthia M. Brown, his wife; thence along said land North fourteen (14) degrees zero (00) minutes West, one hundred (100.00) feet to a point at Lot No. 3 of the Dale E. Brown Subdivision; thence North seventy-six (76) degrees zero (00) minutes East, two hundred twenty-five (225.00) feet to a point; thence along the West side of Bair Road, South fourteen (14) degrees zero (00) minutes East, one hundred (100.00) feet to a point, being the place of BEGINNING. Being Lot No. 2 on the aforesaid Dale E. Brown Subdivision plan containing approximately 22,500 square feet, more or less.

TITLE TO SAID PREMISES IS VESTED IN Daniel T. Cranston and Loretta J. Cranston by Deed from U.G.C. Custom Homes, Inc., a Maryland Corporation dated 12/20/1990, recorded 12/31/1990, in Record Book 576, Page 813.

Premises being: 355 Bair Road, Abbottstown, PA 17301

Tax Parcel No. K11-95C

SEIZED and taken into execution as the property of **Daniel T. Cranston & Loretta J. Cranston** 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 14, 2003, 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.

2/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1220 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a P.K. nail in the centerline of Township Road T-493 (Kohler Mill Road) at the Northeastern most corner of Lot No. 2 as shown on the hereinafter referred to Subdivision Plan; thence in and along the centerline of Township Road T-493 (Kohler Mill Road) South 58 degrees 45 minutes East, 201.00 feet to a railroad spike at lands now or formerly of Michael Sanders as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Michael Sanders, through an existing wood post set 15.5 feet from the beginning of this course, South 31 degrees 35 minutes 35 seconds West, 225.04 feet to an existing wooden post at lands now or formerly of Thomas Wright as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Thomas Wright, and also along lands now or formerly of John Greenholt and now or formerly of Robert Hemler as shown on the hereinafter referred to Subdivision Plan, North 58 degrees 30 minutes 35 seconds West through an existing steel rod on line 6.12 feet from the end of this course 201.00 feet to a pipe at Lot No. 2 aforesaid; thence along said Lot No. 2, North 31 degrees 35 minutes 35 seconds East through a steel rod 25 feet from the end of this course, 224.19 feet to the point and place of BEGINNING. CONTAINING 1.036 acres.

THE above description was taken from a Final Plan prepared by Adams County Surveyors dated September 17, 1987, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 48, Page 38, and designated thereon as Lot No. 1.

UNDER AND SUBJECT, NEVERTHELESS, to easements, restrictions, conditions and reservations of record and of those visible upon the subject premises.

TITLE TO SAID PREMISES IS VESTED IN Bobbi L. Helwig, unmarried by Deed from Douglas A. Kaltreider, unmarried and Bobbi L. Helwig dated 3/8/2001, recorded 3/16/2001, in Record Book 2232, Page 279.

Premises being: 935 Kohler Mill Road, New Oxford, PA 17350

Tax Parcel No. 41 MAP J12

SEIZED and taken into execution as the property of **Bobbi Helwig a/k/a Bobbi L. Helwig** 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 14, 2003, 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.

2/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1249 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the Eastern side of Bonnie Field Circle and Lot No. 56; thence along Lot No. 56, South sixty (60) degrees two (02) minutes forty-one (41) seconds East, one hundred eight and twenty-five hundredths (108.25) feet to a point at lands now or formerly of John E. and Reba F. Biemiller; thence along said lands, South thirty-four (34) degrees five (05) minutes forty-one (41) seconds West, eighty and fifty-eight hundredths (80.58) feet to a point at Lot No. 58; thence along Lot No. 58, North sixty-two (62) degrees eight (08) minutes zero (00) seconds West, one hundred (100.00) feet to a point at the aforementioned Bonnie Field Circle; thence along Bonnie Field Circle, North twenty-seven (27) degrees fifty-two (52) minutes zero (00) seconds East, fifty-three and fourteen hundredths (53.14) feet to a point; thence continuing along the same, by a curve to the right whose radius is eight hundred forty-eight and eight hundredths (848.08) feet and whose chord bearing is North twenty-eight (28) degrees fifty-four

(54) minutes thirty-nine (39) seconds East, thirty and ninety-one hundredths (30.91) feet for an arc distance of thirty and ninety-two hundredths (30.92) feet to the point and place of BEGINNING.

CONTAINING 8,569.8 square feet and identified as Lot No. 57, on a plan of lots entitled Bonnie Field, prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds of Adams.

TITLE TO SAID PREMISES IS VESTED IN Victoria L. Schrader, formerly known as Victoria L. Mullinix by Deed from Larry E. Mullinix and Victoria L. Mullinix, now known as Victoria L. Schrader, husband and wife dated 12/7/2000 and recorded 2/9/2001, in Record Book 2193, Page 140.

Premises being: 25 Bonniefield Circle, Gettysburg, PA 17325

Tax Parcel No. 9-71

SEIZED and taken into execution as the property of **Victoria L. Schrader a/k/a Victoria L. Mullinix** 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 14, 2003, 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.

2/7, 14 & 21

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF JACOB O. FUNK, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: David Kanarr Funk, 134 McDermott Street, Chambersburg, PA 17201

Attorney: George E. Wenger, Jr., Esq., Hoskinson & Wenger, 147 East Washington Street, Chambersburg, PA 17201

ESTATE OF LOUISE J. KELLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Pamela J. Keller, 290 Belmont Road, Gettysburg, PA 17325

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

ESTATE OF VERNON S. LEHR, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Mary Ann Shriver, 757 Lingg Road, New Oxford, PA 17350; Bank of Hanover, n/k/a Sterling Financial Trust Company, Attn: Patricia K. Kint, 6 Lincoln Square, Gettysburg, PA 17325

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

ESTATE OF RONALD L. MILLER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Administratrix: Jody C. Miller, 35 Fifth Street, Biglerville, PA 17307

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

ESTATE OF MALCOLM W. PATTON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Valerie Ann Huber, 120 North Stratton Street, Gettysburg, PA 17325

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

ESTATE OF SHERRY L. SWENSKI, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Joseph L. Swenski

Attorney: Susan H. Confair, Esq., Reager & Adler, P.C., 2331 Market Street, Camp Hill, PA 17011

SECOND PUBLICATION

ESTATE OF THELMA W. BULLEIT, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF ROMAINE B. COPENHAVER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrices: Nancy Michael, 1335 Pine Grove Rd., Hanover, PA 17331; Gloria A. Weant, 337 Lumber Street, Littlestown, PA 17340; Linda Kohler, 12181 Highway 117S, Lot 21, Rocky Point, NC 28457

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

ESTATE OF MILDRED A. HOUCK, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: Patricia Kint, 176 S. Main Street, Biglerville, PA 17307

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

ESTATE OF ETHEL I. McGLAUGHLIN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: James E. McGlaughlin, 90 Crooked Creek Rd., Gettysburg, PA 17325; Dorothy I. Shaffer, 839 Boyer Nursery Rd., Biglerville, PA 17307

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

ESTATE OF ELISSA K. PETERSON a/k/a ELISSA K. WEAVER, DEC'D

Late of the Borough of Hanover, York County, Pennsylvania

Administrator: Kurt A. Blake, Esq., c/o Blake & Gross, LLC, 29 East Philadelphia Street, York, PA 17401

Attorney: Kurt A. Blake, Esq., Blake & Gross, LLC, 29 East Philadelphia Street, York, PA 17401

ESTATE OF RUBY F. REBERT, DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania

Executors: John P. Musselman, 15 White Oak Tr., Gettysburg, PA 17325; James D. Rebert, 702 Wright Ave., Gettysburg, PA 17325

ESTATE OF BERNICE STRATZ a/k/a BERNICE G. STRATZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Joy Ann Cox, 280 Country Club Lane, Gettysburg, PA 17325

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

ESTATE OF ROBERT W. WEIKERT, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Winifred A. Weikert, 110 Knox Road, Gettysburg, PA 17325

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

ESTATE OF ROBERT EDWARD WENSCHHOF a/k/a ROBERT E. WENSCHHOF, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Executrix: Kathleen Joyce Shindie-decker, 76 Pin Oak Lane, Gettysburg, PA 17325

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

ESTATE OF BOYD ALEXANDER WHITLOCK, DEC'D

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

Executrix: Jacqueline L. Harmon, 407 Dale Rd., Millersville, MD 21108

THIRD PUBLICATION

ESTATE OF DALE E. DEARDORFF, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Robert G. Teeter, 108 West Middle Street, Gettysburg, PA 17325

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

ESTATE OF MARY M. HERR, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Grace Rider, 237 York St., Gettysburg, PA 17325; Terry E. Leach, 2215 Old Harrisburg Rd., Gettysburg, PA 17325

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

(continued on page 8)

THIRD PUBLICATION (continued)

ESTATE OF ANN TYSON KUHN, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Joanne K. Donato, 1959 Tripp Road, Woodstock, GA 30018; Donald T. Hoff, 5840 Chambers Hill Road, Swatara, PA 17111-3305

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

ESTATE OF SHAWN D. SMILEY, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Administrator: David L. Smiley, 150 Tree Lane Road, Aspers, PA 17304

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

ESTATE OF EDNA M. WEIMER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Janice M. Keller, 535 Knoxlyn-Orrtanna Road, Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-655 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded and described as follows, to-wit:

BEGINNING at a point along the Northern edge of Appler Court at a corner of Lot No. 53, thence along Lot No. 53, North 32 degrees 48 minutes 41 seconds East, 100.00 feet to a point in Appler, Phase II-Section B, thence along the same, North 57 degrees 11 minutes 19 seconds West, 55.00 feet to a point at a corner of Lot No. 55, thence along Lot No. 55, South 32 degrees 48 minutes 41 seconds West, 100.00 feet to a point along the Northern edge of Appler Court, South 57 degrees 11 minutes 19 seconds East, 55.00 feet to a point at a corner of Lot No. 53, the place of BEGINNING. CONTAINING 5,500 square feet.

BEING Lot No. 54 on a final plan of Appler, Phase II-Section A prepared by Group Hanover, Inc. dated 8/12/96, Project No. 951872, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 72, Page 25-C.

Premises being: 30 Appler Court, Littlestown, PA 17340

Tax Parcel No. 4-109

SEIZED and taken into execution as the property of **Kevin W. Davis & Robin L. Davis** 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 14, 2003, 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.

2/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-441 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 April, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the northerly right of way line of Oxwood Circle in the Borough of New Oxford, County of Adams and State of Pennsylvania known and numbered as Lot No. 19 on a final plan of lots for Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58, Page 41A, more fully bounded and described as follows, to-wit:

BEGINNING at a point on the northerly right of way line of Oxwood Circle, at a corner of Lot No. 20 on said plan; thence extending along the said Lot No. 20 North 13 degrees 48 minutes 06 seconds East 125 to a point; thence South 76 degrees 11 minutes 54 seconds East 20 feet to a point, at a corner of Lot No. 18 on said plan; thence extending along the said Lot No. 18 South 13 degrees 48 minutes 06 seconds West 125 feet to a point on the northerly right of way line of Oxwood Circle; thence extending along the said right of way line North 76 degrees 11 minutes 54 seconds West 20 feet to the point and place of BEGINNING.

Tax Parcel 007-0094

Being known as 19 Oxwood Circle, New Oxford, PA 17350

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 28, 2003, 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.

2/7, 14 & 21

Adams County Legal Journal

Vol. 44

February 14, 2003

No. 38, pp. 199-203

IN THIS ISSUE

WELLS FARGO ET AL VS. JOHN DOE ET AL

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1220 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a P.K. nail in the centerline of Township Road T-493 (Kohler Mill Road) at the Northeastern-most corner of Lot No. 2 as shown on the hereinafter referred to Subdivision Plan; thence in and along the centerline of Township Road T-493 (Kohler Mill Road) South 58 degrees 45 minutes East, 201.00 feet to a railroad spike at lands now or formerly of Michael Sanders as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Michael Sanders, through an existing wood post set 15.5 feet from the beginning of this course, South 31 degrees 35 minutes 35 seconds West, 225.04 feet to an existing wooden post at lands now or formerly of Thomas Wright as shown on

the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Thomas Wright, and also along lands now or formerly of John Greenholt and now or formerly of Robert Hemler as shown on the hereinafter referred to Subdivision Plan, North 58 degrees 30 minutes 35 seconds West through an existing steel rod on line 6.12 feet from the end of this course 201.00 feet to a pipe at Lot No. 2 aforesaid; thence along said Lot No. 2, North 31 degrees 35 minutes 35 seconds East through a steel rod 25 feet from the end of this course, 224.19 feet to the point and place of BEGINNING. CONTAINING 1.036 acres.

THE above description was taken from a Final Plan prepared by Adams County Surveyors dated September 17, 1987, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 48, Page 38, and designated thereon as Lot No. 1.

UNDER AND SUBJECT, NEVERTHELESS, to easements, restrictions, conditions and reservations of record and of those visible upon the subject premises.

TITLE TO SAID PREMISES IS VESTED IN Bobbi L. Helwig, unmarried by Deed from Douglas A. Kaltreider, unmarried and Bobbi L. Helwig dated 3/8/2001, recorded 3/16/2001, in Record Book 2232, Page 279.

Premises being: 935 Kohler Mill Road, New Oxford, PA 17350

Tax Parcel No. 41 MAP J12

SEIZED and taken into execution as the property of **Bobbi Helwig a/k/a Bobbi L. Helwig** 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 14, 2003, 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.

2/7, 14 & 21

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

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

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1117 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at the Northeast side of the Littlestown Road and Lot No. 66; thence along Lot No. 66, North thirty-nine (39) degrees fifteen (15) minutes zero (0) seconds East, one hundred thirty and nine hundredths (130.09) feet to a point at Lot No. 74; thence along Lot No. 74 and Lot No. 73, South thirty-five (35) degrees forty-one (41) minutes twenty-one (21) seconds East, seventy-seven and sixty-four hundredths (77.64) feet to a point at Lot No. 68; thence along Lot No. 68, South thirty-nine (39) degrees fifteen (15) minutes zero (0) seconds West, one hundred ten (110) feet to a point at the aforementioned Littlestown Road; thence along the Littlestown Road, North fifty (50) degrees forty-five (45) minutes zero (0) seconds West, seventy-five (75) feet to the point and place of BEGINNING. CONTAINING 9,003.3 square feet and identified as Lot No. 67 on a plan of lots known as Bonnie Field, prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9, page 24.

BEING KNOWN as 87 Maple Street, Littlestown, PA 17340

Property ID No.: 9-81

TITLE TO SAID PREMISES IS VESTED IN Cynthia J. Craig and Gordon L. Craig, wife and husband, as tenants by the entireties, by Deed from E. Patricia Tracey, formerly known as Evelyn Patricia Stambaugh, and Ralph E. Tracey, wife and husband, dated 5/26/92, recorded 6/11/92, in Deed Book 0630, Page 0443.

SEIZED and taken into execution as the property of **Gordon L. Craig, Jr. & Cynthia J. Craig** 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 7, 2003, 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.

1/31, 2/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-123 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the westerly right of way line of Abbots Drive in the Borough of Abbottstown, Adams County, PA known and numbered as Lot No. 47 on a plan of lots for Abbots Manor, Phase III, recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 76, page 99, more fully bounded and described as follows, to wit:

BEGINNING at a point on the westerly right of way line of Abbots Drive, at a corner of Lot No. 48 on said plan; thence extending along the said right of way line South 47 degrees 16 minutes 34 seconds East 33.85 feet to a point; thence continuing on a line curving to the right having a radius of 175 feet, an arc distance of 52.05 with a chord bearing South 38 degrees 45 minutes 17 seconds East 51.86 feet to a point; thence

extending along Lot No. 46 on a plan of lots for Abbots Manor Phase II, Plan Book 73, page 43, South 59 degrees 46 minutes 00 seconds West 246.01 feet to a point; thence extending along Lot No. 43 on a plan of lots for Abbots Manor Phase II, Plan Book 73, page 43 North 30 degrees 14 minutes 00 seconds West 52.06 feet to a point at a corner of Lot No. 48 on said plan; thence extending along the said Lot No. 48 North 51 degrees 56 minutes 06 seconds East 232.54 feet to the point and place of BEGINNING.

CONTAINING 16,579 Sq. Ft.

BEING the same premises which Garland Construction, Incorporated, by Deed dated November 2, 1999 and recorded in the Office of the Recorder of Deeds of Adams County on November 19, 1999, in Deed Book Volume 1956, Page 21, granted and conveyed unto David L. Rohrer and Laurie A. Rohrer.

Parcel No. #5-43

SEIZED and taken into execution as the property of **David L. Rohrer & Laurie A. Rohrer** 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 7, 2003, 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.

1/31, 2/7 & 14

WELLS FARGO ET AL VS. JOHN DOE ET AL

1. Summary judgment may be granted in cases where the record clearly shows that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law.

2. Since, under the Pennsylvania Rules of Civil Procedure, the non-moving party bears a clear duty to respond to a motion for summary judgment, the Trial Court may grant summary judgment in instances where the non-moving party has failed to file an appropriate response.

3. Ejectment is an appropriate remedy of a Sheriff's execution purchaser to recover possession of real estate purchased at the execution sale.

4. Pennsylvania Rule of Civil Procedure 3132 sets forth the method for challenging a completed Sheriff's sale. The failure to proceed in accordance with Rule 3132 precludes entitlement to relief from the sale.

5. After delivery of the Sheriff's Deed to a purchaser, the only attacks possible on the Sheriff's sale are those based on fraud or a lack of authority to make the sale.

6. It has long been the law in this Commonwealth that the purchaser at an execution sale acquires by their purchase every right which the debtor had with regard to the property. I interpret this to include equitable interests... Holding otherwise would allow a judgment debtor the ability to raise a superficial claim thereby avoiding the statutory requirements for setting aside a Sheriff's sale.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 01-S-924, WELLS FARGO BANK MINNESOTA, N.A., F/K/A NORTHWEST BANK MINNESOTA, N.A., AS SUCCESSOR TRUSTEE TO BANKERS TRUST COMPANY OF CALIFORNIA, N.A., AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED SEPT. 26, 1997, DELTA FUNDING HOME EQUITY LOAN TRUST 1992-3 VS. JOHN DOE, MELISSA SMITH, ROSE NATHAN BOLTON AND/OR TENANT/OCCUPIER.

Mark J. Udren, Esq., for Plaintiff

Edward G. Puhl, Esq., for Defendants

George, J., May 3, 2002

MEMORANDUM OPINION

This matter comes before the Court on Plaintiff's Motion for Summary Judgment on their Complaint in Ejectment filed on August 23, 2001. The factual background for this matter actually arises from a mortgage foreclosure action initiated by the Plaintiff against Rose B. Nathan.¹ That action resulted in a judgment in favor of the

¹The mortgage foreclosure action is docketed at Northwest Bank Minnesota, N.A., as Trustee under the Pooling and Servicing Agreement, dated as of 9/26/97, Delta Funding Home Equity Loan Trust 1997-3, c/o Delta Funding Corporation as Servicing Agent v. Rose B. Nathan, Adams County Court of Common Pleas, No. 00-S-873.

Plaintiff and the resultant Sheriff's sale of the property located at 391 Seven Stars Road, Gettysburg, Pennsylvania, on April 20, 2001. The Plaintiff, as foreclosing mortgagee, was the successful bidder and purchaser at the sale.

On August 23, 2001, the Plaintiff filed an action in ejectment seeking to obtain possession of the premises. Rose Nathan Bolton² filed an answer and counterclaim for a specific performance of a forbearance agreement allegedly entered between the parties on March 27, 2001. Thereafter, the Plaintiff has moved for summary judgment alleging that there are no genuine issues of material fact.

Summary judgment may be granted in cases where the record clearly shows that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. *Rush v. Philadelphia Newspapers, Inc.*, 732 A.2d 648 (Pa. Super. 1999). Only when the facts are so clear that reasonable minds cannot differ, may a Trial Court properly enter summary judgment. *Basile v. H & R Block*, 761 A.2d 1115 (Pa. Super. 2001). The Court must review the record in a light most favorable to the non-moving party, accepting as true all well-pleaded facts and giving the non-moving party the benefit of all reasonable inferences which can be drawn from those facts. *Winwood v. Bregman*, 788 A.2d 983 (Pa. Super. 2001). Since, under the Pennsylvania Rules of Civil Procedure, the non-moving party bears a clear duty to respond to a motion for summary judgment, the Trial Court may grant summary judgment in instances where the non-moving party has failed to file an appropriate response. *Harber Philadelphia Center City Office, Ltd. v. L.P. CI Ltd. Partnership*, 764 A.2d 1100 (Pa. Super. 2000), appeal denied, 782 A.2d 546 (2001).

“Ejectment, being a possessory action, can be maintained if the Plaintiff has the right to immediate possession with the concomitant right to demand that the Defendant vacate the land.” *Plauchak v. Boling*, 653 A.2d 671, 674 (Pa. Super. 1995). Ejectment is an appropriate remedy of a Sheriff's execution purchaser to recover possession of real estate purchased at the execution sale. *Buckwalter Stove Company v. Edmunds*, 128 A. 835 (Pa. 1925). With this background,

² According to documents attached to the counterclaim, Rose B. Nathan and Rose Nathan Bolton are the same person.

I now turn to the record in this matter to determine whether there are any genuine issues of material facts.

In their complaint, Plaintiff alleges that the property which is the subject of the ejectment action was sold at a Sheriff's sale on April 20, 2001, and that the Plaintiff was the successful bidder at the sale. This allegation is admitted by the Defendant in her answer, however, she denies that "by virtue of said sale Plaintiff became the owner of the subject property free and clear of the claims of Defendant, Rose Nathan Bolton." She goes on to claim in a counterclaim that the Plaintiff breached a forbearance agreement entered on March 27, 2001. According to the Defendant, in that agreement the Plaintiff agreed to take no further action in their foreclosure proceeding provided that the Defendant complied with a payment plan. She alleges in her counterclaim that despite her compliance, the Plaintiff moved forward with the foreclosure action. Therefore, Defendant alleges that she continues to have a valid right or claim to title in the real property. For the reasons set forth below, Defendant's argument is legally insufficient.

As mentioned, there is no factual disagreement concerning whether a Sheriff's sale of the property was held on April 20, 2001. It is equally clear that a Sheriff's Deed was acknowledged on May 25, 2001, and recorded at the Adams County Recorder of Deeds Office on that same day. There is no indication in the record, nor has the Defendant alleged, that the Sheriff's sale was set aside or that proper objection to the sale was filed prior to delivery of the Sheriff's Deed.

Pennsylvania Rule of Civil Procedure 3132 sets forth the method for challenging a completed Sheriff's sale. That section provides that the aggrieved party must file a petition to set aside the sale prior to delivery of the Sheriff's Deed. *Farmers First Bank v. Wagner*, 687 A.2d 390 (Pa. Super. 1997). "The failure to proceed in accordance with Rule 3132 precludes entitlement to relief from the sale." *Kaib v. Smith*, 684 A.2d 630 (1996). The purpose of this rule was recognized by the Superior Court when they stated:

The reasons for precluding a petition to set aside an execution sale after delivery of the Sheriff's Deed are obvious. "The judgment debtor, who is most likely to suffer from defects in the process of the execution sale,

should be held in the normal case to be on notice of the defects and should be expected to raise...objections in a timely fashion.”

Id. A2d at 632. After delivery of the Sheriff’s Deed to a purchaser, the only attacks possible on the Sheriff’s sale are those based on fraud or a lack of authority to make the sale. *Concord-Liberty Savings and Loan Association v. NTC Properties, Inc.*, 312 A.2d 4 (Pa. 1973). The Defendant, in her brief, acknowledges that the Sheriff’s sale was valid. She argues, however, that she retained an equitable interest in the property through the Plaintiff’s breach of the forbearance agreement. Her argument, therefore, does not raise a factual issue but rather initially raises a legal issue as to what effect, if any, her claim of an equitable title to the property has on this litigation. In the event that her claim of an equitable title survives the Sheriff’s sale, then a factual issue would clearly exist thereby precluding summary judgment. On the other hand, if her claim of equitable title is extinguished through the Sheriff’s sale, then there is no genuine issue of fact and summary judgment is appropriate.

Unfortunately for the Defendant, her argument, while novel, is not founded in the law. It has long been the law in this Commonwealth that the purchaser at an execution sale acquires by their purchase every right which the debtor had with regard to the property. *Moseby v. Fleck*, 81 A. 930 (Pa. 1911); *Bangor Park Association Case*, 88 A.2d 769 (1952); *Juniata Bank v. Martin Oil Company*, 736 A.2d 650 (Pa. Super. 1999). I interpret this to include equitable interests such as those alleged by the Defendant. Holding otherwise would allow a judgment debtor the ability to raise a superficial claim thereby avoiding the statutory requirements for setting aside a Sheriff’s sale.

In essence, the Defendant attempts to contest the Sheriff’s sale by arguing that rights acquired in a forbearance agreement have survived the Sheriff’s sale. This argument is no different than an argument that rights acquired through a mortgage agreement survive execution and delivery of the Sheriff’s Deed. Adoption of such an argument would essentially nullify the validity of any Sheriff’s sale.

I find that there is no issue of material fact and that the Plaintiff is entitled to judgment as a matter of law. Moreover, the Defendant’s counterclaim is insufficient as a matter of law and will be dismissed.

ORDER OF COURT

AND NOW, this 3rd day of May, 2002, the Plaintiff's Motion for Summary Judgment is granted. Accordingly, judgment on the Plaintiff's Complaint in Ejectment is entered in favor of the Plaintiff and against the Defendant, Rose Nathan Bolton. The Defendant's Counterclaim is dismissed with prejudice.

It is further Ordered that the Plaintiff shall have immediate possession of the premises located at 391 Seven Stars Road, Gettysburg, Pennsylvania, 17325. The Adams County Prothonotary's Office is directed to immediately issue a writ of possession authorizing the immediate ejectment of the Defendant, Rose Nathan Bolton, and any other occupants, from the subject premises. Costs of this action shall be paid by the Defendant.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1052 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of real estate lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point along a private street known as Apple Grove Lane at a corner of Lot No. 433 on the plan of lots hereinafter referred to; thence along Lot No. 433, South 61 degrees 18 minutes 33 seconds West, 95.00 feet to a point along Applier - Phase II - Section A; thence along Applier - Phase II - Section A, North 28 degrees 41 minutes 27 seconds West, 20.00 feet to a point at corner of Lot No. 435; thence along Lot No. 435, North 61 degrees 18 minutes 33 seconds East, 95.00 feet to a point at the edge of the private street; thence along said private street, South 28 degrees 41 minutes 27 seconds East, 20.00 feet to a point at a corner of Lot No. 433, the place of BEGINNING, CONTAINING 1,900 square feet.

BEING designated as Lot No. 434 on a plan of lots for Applier prepared by Group Hanover, Inc., dated January 21, 1999, which together with all necessary municipal approvals, is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 77, Pages 94 through 94-C.

HAVING ERECTED THEREON a dwelling known as 143 Apple Grove Lane, Littlestown, Pennsylvania.

BEING THE SAME PREMISES WHICH Applier Properties, LLC by Deed dated March 30, 2001 and recorded April 26, 2001 in Adams County Deed Book 2266, Page 100, granted and conveyed unto Jody W. Oliver and Holly C. Oliver.

SEIZED IN EXECUTION AS THE PROPERTY OF JODY W. OLIVER AND HOLLY C. OLIVER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-1052.

MAP & PARCEL #(27) 4-149

SEIZED and taken into execution as the property of **Holly C. Oliver & Jody W. Oliver** 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 7, 2003, 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.

1/31, 2/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1090 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the center of the Gettysburg-Emmitsburg State Highway at other lands now or formerly of Maurice E. Fissel; thence by said lands and through a railroad spike North 57 degrees West, 115 feet to an iron pin; thence by same North 33 degrees East, 30 feet to a point; thence by same North 57 degrees West, 212.5 feet to a post at lands now or formerly of Russell Reaver; thence by same North 16 degrees East, 121 feet to a post at lands now or formerly of Walter May; thence by same South 53 degrees 24 minutes East, 372.4 feet to a spike in the center of the aforesaid State Highway; thence in said State Highway South 37 degrees 15 minutes West, 122.4 feet to a spike, the place of BEGINNING, CONTAINING 146 perches.

The above description was taken from a draft of survey prepared by Leroy H. Winebrenner, C.S., and dated August 12, 1965.

IT BEING the same premises which Curtis W. Fissel and Betty S. Fissel, husband and wife, by their deed dated July 12, 1989 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Record Book 528, page 408, granted and conveyed unto Betty S. Fissel, Grantor herein.

THIS IS A TAX-EXEMPT TRANSFER BETWEEN MOTHER AND SON.

Premises being: 2691 Emmitsburg Road, Gettysburg, PA 17325

Tax Parcel No. E18-58

SEIZED and taken into execution as the property of **Estate of Betty S. Fissel, Michael J. Fissel, Executor, Devisee & All Heirs at Law of the Estate of Betty S. Fissel & Curtis W.**

Fissel, II, Individually & Devisee of the Estate of Betty S. Fissel 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 14, 2003, 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.

1/31, 2/7 & 14

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on January 15, 2003 with the Department of State of the Commonwealth of Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed non-profit business corporation to be organized under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, L.P. 1444, No. 177, as amended.

The name of the corporation is ORCHARD SPRINGS FELLOWSHIP OF THE ASSEMBLIES OF GOD, INC., with its principal office or place of business at 411 Glenn Avenue, Boiling Springs, PA 17007. The names and addresses of all persons owning or interested in said business are: Anthony C. DeRosa, 411 Glenn Avenue, Boiling Springs, PA 17007.

2/14

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Commonwealth of Pennsylvania. The name of the corporation is: CTQ SERVICES, INC. The corporation has been incorporated under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 22, 1988.

2/14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1244 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the West side of Bair Road (T-504), at a corner of Lot No. 1 of the Dale E. Brown Subdivision; thence along said lot South seventy-six (76) degrees zero (00) minutes West, two hundred twenty-five (225.00) feet to a point at lands now or formerly of Dale E. Brown and Cynthia M. Brown, his wife; thence along said land North fourteen (14) degrees zero (00) minutes West, one hundred (100.00) feet to a point at Lot No. 3 of the Dale E. Brown Subdivision; thence North seventy-six (76) degrees zero (00) minutes East, two hundred twenty-five (225.00) feet to a point; thence along the West side of Bair Road, South fourteen (14) degrees zero (00) minutes East, one hundred (100.00) feet to a point, being the place of BEGINNING. Being Lot No. 2 on the aforesaid Dale E. Brown Subdivision plan containing approximately 22,500 square feet, more or less.

TITLE TO SAID PREMISES IS VESTED IN Daniel T. Cranston and Loretta J. Cranston by Deed from U.G.C. Custom Homes, Inc., a Maryland Corporation dated 12/20/1990, recorded 12/31/1990, in Record Book 576, Page 813.

Premises being: 355 Bair Road, Abbottstown, PA 17301

Tax Parcel No. K11-95C

SEIZED and taken into execution as the property of Daniel T. Cranston & Loretta J. Cranston 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 14, 2003, 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.

2/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-655 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point along the Northern edge of Appler Court at a corner of Lot No. 53, thence along Lot No. 53, North 32 degrees 48 minutes 41 seconds East, 100.00 feet to a point in Appler, Phase II-Section B, thence along the same, North 57 degrees 11 minutes 19 seconds West, 55.00 feet to a point at a corner of Lot No. 55, thence along Lot No. 55, South 32 degrees 48 minutes 41 seconds West, 100.00 feet to a point along the Northern edge of Appler Court, South 57 degrees 11 minutes 19 seconds East, 55.00 feet to a point at a corner of Lot No. 53, the place of BEGINNING. CONTAINING 5,500 square feet.

BEING Lot No. 54 on a final plan of Appler, Phase II-Section A prepared by Group Hanover, Inc. dated 8/12/96, Project No. 951872, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 72, Page 25-C.

Premises being: 30 Appler Court, Littlestown, PA 17340

Tax Parcel No. 4-109

SEIZED and taken into execution as the property of Kevin W. Davis & Robin L. Davis 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 14, 2003, 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.

2/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-441 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 April, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the northerly right of way line of Oxwood Circle in the Borough of New Oxford, County of Adams and State of Pennsylvania known and numbered as Lot No. 19 on a final plan of lots for Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58, Page 41A, more fully bounded and described as follows, to-wit:

BEGINNING at a point on the northerly right of way line of Oxwood Circle, at a corner of Lot No. 20 on said plan; thence extending along the said Lot No. 20 North 13 degrees 48 minutes 06 seconds East 125 to a point; thence South 76 degrees 11 minutes 54 seconds East 20 feet to a point, at a corner of Lot No. 18 on said plan; thence extending along the said Lot No. 18 South 13 degrees 48 minutes 06 seconds West 125 feet to a point on the northerly right of way line of Oxwood Circle; thence extending along the said right of way line North 76 degrees 11 minutes 54 seconds West 20 feet to the point and place of BEGINNING.

Tax Parcel 007-0094

Being known as 19 Oxwood Circle, New Oxford, PA 17350

SEIZED and taken into execution as the property of James Starner 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 28, 2003, 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.

2/7, 14 & 21

ESTATE NOTICES

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

FIRST PUBLICATION**ESTATE OF GEORGE E. ALTMANN, JR., DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

Co-Executrices: Mary R. Bono, P78 Stedwick Dr., BuddLake, NJ 07828; Margaret T. Evans, 1123 South St. Paul Street, Mesa, AZ 85206

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

ESTATE OF GERALD M. EBERSOLE, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Stacie M. Horn, 65 Springhouse Ln., Red Lion, PA 17356

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

ESTATE OF SARAH C. WILDASIN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrices: Sharon E. Myers, P.O. Box 124, New Oxford, PA 17350; Victoria J. Horick, 6 Dogwood Lane, Hanover, PA 17331

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle St., Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF JACOB O. FUNK, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executor: David Kanarr Funk, 134 McDermott Street, Chambersburg, PA 17201

Attorney: George E. Wenger, Jr., Esq., Hoskinson & Wenger, 147 East Washington Street, Chambersburg, PA 17201

ESTATE OF LOUISE J. KELLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Pamela J. Keller, 290 Belmont Road, Gettysburg, PA 17325

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

ESTATE OF VERNON S. LEHR, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Mary Ann Shriver, 757 Lingg Road, New Oxford, PA 17350; Bank of Hanover, n/k/a Sterling Financial Trust Company, Attn: Patricia K. Kint, 6 Lincoln Square, Gettysburg, PA 17325

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

ESTATE OF RONALD L. MILLER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Administratrix: Jody C. Miller, 35 Fifth Street, Biglerville, PA 17307

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

ESTATE OF MALCOLM W. PATTON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Valerie Ann Huber, 120 North Stratton Street, Gettysburg, PA 17325

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

ESTATE OF SHERRY L. SWENSKI, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Joseph L. Swenski

Attorney: Susan H. Confair, Esq., Reager & Adler, P.C., 2331 Market Street, Camp Hill, PA 17011

THIRD PUBLICATION**ESTATE OF THELMA W. BULLEIT, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF ROMAINE B. COPENHAVER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrices: Nancy Michael, 1335 Pine Grove Rd., Hanover, PA 17331; Gloria A. Weant, 337 Lumber Street, Littlestown, PA 17340; Linda Kohler, 12181 Highway 117S, Lot 21, Rocky Point, NC 28457

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

ESTATE OF MILDRED A. HOUCK, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: Patricia Kint, 176 S. Main Street, Biglerville, PA 17307

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

ESTATE OF ETHEL I. McGLAUGHLIN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: James E. McLaughlin, 90 Crooked Creek Rd., Gettysburg, PA 17325; Dorothy I. Shaffer, 839 Boyer Nursery Rd., Biglerville, PA 17307

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

ESTATE OF ELISSA K. PETERSON a/k/a ELISSA K. WEAVER, DEC'D

Late of the Borough of Hanover, York County, Pennsylvania

Administrator: Kurt A. Blake, Esq., c/o Blake & Gross, LLC, 29 East Philadelphia Street, York, PA 17401

Attorney: Kurt A. Blake, Esq., Blake & Gross, LLC, 29 East Philadelphia Street, York, PA 17401

ESTATE OF RUBY F. REBERT, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executors: John P. Musselman, 15 White Oak Tr., Gettysburg, PA 17325; James D. Rebert, 702 Wright Ave., Gettysburg, PA 17325

ESTATE OF BERNICE STRATZ a/k/a BERNICE G. STRATZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Joy Ann Cox, 280 Country Club Lane, Gettysburg, PA 17325

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

ESTATE OF ROBERT W. WEIKERT, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Winifred A. Weikert, 110 Knox Road, Gettysburg, PA 17325

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

(continued on page 6)

THIRD PUBLICATION (continued)

ESTATE OF ROBERT EDWARD WENSCHHOF a/k/a ROBERT E. WENSCHHOF, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Executrix: Kathleen Joyce Shindle-decker, 76 Pin Oak Lane, Gettysburg, PA 17325

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

ESTATE OF BOYD ALEXANDER WHITLOCK, DEC'D

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

Executrix: Jacqualine L. Harmon, 407 Dale Rd., Millersville, MD 21108

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1249 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the Eastern side of Bonnie Field Circle and Lot No. 56; thence along Lot No. 56, South sixty (60) degrees two (02) minutes forty-one (41) seconds East, one hundred eight and twenty-five hundredths (108.25) feet to a point at lands now or formerly of John E. and Reba F. Biemiller; thence along said lands, South thirty-four (34) degrees five (05) minutes forty-one (41) seconds West, eighty and fifty-eight hundredths (80.58) feet to a point at Lot No. 58; thence along Lot No. 58, North sixty-two (62) degrees eight (08) minutes zero (00) seconds West, one hundred (100.00) feet to a point at the aforementioned Bonnie Field Circle; thence along Bonnie Field Circle, North twenty-seven (27) degrees fifty-two (52) minutes zero (00) seconds East, fifty-three and fourteen hundredths (53.14) feet to a point; thence continuing along the same, by a curve to the right whose radius is eight hundred forty-eight and eight hundredths (848.08) feet and whose chord bearing is North twenty-eight (28) degrees fifty-four (54) minutes thirty-nine (39) seconds East, thirty and ninety-one hundredths (30.91) feet for an arc distance of thirty and ninety-two hundredths (30.92) feet to the point and place of BEGINNING.

CONTAINING 8,569.8 square feet and identified as Lot No. 57, on a plan of lots entitled Bonnie Field, prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds of Adams.

TITLE TO SAID PREMISES IS VESTED IN Victoria L. Schrader, formerly known as Victoria L. Mullinix by Deed from Larry E. Mullinix and Victoria L. Mullinix, now known as Victoria L. Schrader, husband and wife dated 12/7/2000 and recorded 2/9/2001, in Record Book 2193, Page 140.

Premises being: 25 Bonniefield Circle, Gettysburg, PA 17325

Tax Parcel No. 9-71

SEIZED and taken into execution as the property of **Victoria L. Schrader a/k/a Victoria L. Mullinix** 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 14, 2003, 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.

2/7, 14 & 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, Pennsylvania, on November 25, 2002.

Then name of the corporation is THE MIKE VICTOR FOUNDATION, INC.

The corporation has been incorporated under the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

John R. White, Esq.
Campbell & White
112 Baltimore Street
Gettysburg, PA 17325
Attorneys for the Corporation

2/14

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation for a Domestic Non-Profit Corporation were filed in the Department of State of the Commonwealth of Pennsylvania for LLOYD'S PLUMBING & HEATING, INC. in Pennsylvania on January 22, 2003.

This corporation is incorporated under the provisions of the Pennsylvania Non-Profit Corporation Law of 1988, as amended.

2/14

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation-For Profit of KAUFFMAN MOTORSPORTS INC., have been filed with the Pennsylvania Department of State on January 7, 2003. This organization has been incorporated as a domestic Business-stock corporation under the provisions of the Business Corporation Law of 1988.

2/14

Adams County Legal Journal

Vol. 44

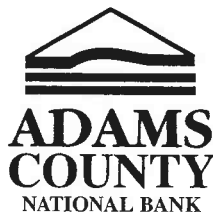
February 21, 2003

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IN THIS ISSUE

PEOPLES STATE BANK VS. HIGH

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

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

Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1220 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a P.K. nail in the centerline of Township Road T-493 (Kohler Mill Road) at the Northeastern-most corner of Lot No. 2 as shown on the hereinafter referred to Subdivision Plan; thence in and along the centerline of Township Road T-493 (Kohler Mill Road) South 58 degrees 45 minutes East, 201.00 feet to a railroad spike at lands now or formerly of Michael Sanders as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Michael Sanders, through an existing wood post set 15.5 feet from the beginning of this course, South 31 degrees 35 minutes 35 seconds West, 225.04 feet to an existing wooden post at lands now or formerly of Thomas Wright as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Thomas Wright, and also along lands now or formerly of John Greenholt and now or formerly of Robert Hemler as shown on the hereinafter referred to Subdivision Plan, North 58 degrees 30 minutes 35 seconds West through an existing steel rod on line 6.12 feet from the end of this course 201.00 feet to a pipe at Lot No. 2 aforesaid; thence along said Lot No. 2, North 31 degrees 35 minutes 35 seconds East through a steel rod 25 feet from the end of this course, 224.19 feet to the point and place of BEGINNING. CONTAINING 1.036 acres.

THE above description was taken from a Final Plan prepared by Adams County Surveyors dated September 17, 1987, and recorded in the Office of the Recorder

of Deeds in and for Adams County, Pennsylvania, in Plan Book 48, Page 38, and designated thereon as Lot No. 1.

UNDER AND SUBJECT, NEVERTHELESS, to easements, restrictions, conditions and reservations of record and of those visible upon the subject premises.

TITLE TO SAID PREMISES IS VESTED IN Bobbi L. Helwig, unmarried by Deed from Douglas A. Kaltreider, unmarried and Bobbi L. Helwig dated 3/8/2001, recorded 3/16/2001, in Record Book 2232, Page 279.

Premises being: 935 Kohler Mill Road, New Oxford, PA 17350

Tax Parcel No. 41 MAP J12

SEIZED and taken into execution as the property of **Bobbi Helwig a/k/a Bobbi L. Helwig** 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 14, 2003, 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.

2/7, 14 & 21

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that COLDSMITH ROOFING, INC. has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Scott J. Strausbaugh, Esq.

Arthur J. Becker, Jr., P.C.

Attorney for Coldsmith Roofing, Inc.

2/21

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 4th day of April, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of 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.

Premises being: 257 Lake Meade Drive, East Berlin, PA 17316

Tax Parcel No. #9-28

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 28, 2003, 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.

2/21, 28 & 3/7

PEOPLES STATE BANK VS. HIGH

1. Clearly, the making of a contract constitutes a transaction. In the context of contract law, the transaction occurs where the offer is accepted.

2. Our courts have long recognized that failure to perform an obligation in a county qualifies as an “occurrence” for purposes of establishing venue. Venue is proper in the county where payment is due in a breach of contract action alleging failure to make payment. In absence of any agreement to the contrary, it is presumed that payment under a contract is due at the Plaintiff’s residence or place of business.

3. The loan was actually an assignment from Spankey’s Auto Sales to Peoples State Bank. As such, Peoples State Bank does not obtain any greater right, power or interest than that possessed by Spankey’s Auto Sales. Since (the) bank, as assignee, can only bring suit where (the assignor) could have brought suit, venue is not proper in (this) County.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 02-S-229, PEOPLES STATE BANK VS. MICHAEL P.
HIGH AND PAMELA A. HIGH.

Steven C. Courtney, Esq., for Plaintiff

Jeffrey N. Yoffe, Esq., for Defendants

George, J., May 16, 2002

OPINION

This action arises as the result of a complaint filed by the Peoples State Bank attempting to collect a deficiency on a defaulted vehicle loan which resulted in the repossession and sale of a 1997 Ford Taurus. The complaint alleges that Peoples State Bank is a financial institution with offices and a place of business situate at 100 East King Street, East Berlin, Adams County, Pennsylvania. The Defendants, Michael P. High and Pamela A. High (hereinafter referred to as “the Highs”), allegedly reside at 3133 Main Street, Conestoga, Lancaster County, Pennsylvania. The alleged defaulted loan was apparently executed in Dauphin County, Pennsylvania, at Spankey’s Auto Sales, 701 East Locust Street, Mechanicsburg. Peoples State Bank has attached to its complaint copies of documents which the Bank represents to be the loan application and subsequent contract. That application contains the language “[t]his application will be submitted to the creditor indicated at the top of this application for approval.” At the top of the application is the logo “Spankey’s’ PA’s Used Car Giant”. Similarly, the contract lists the seller as “Spankey’s Auto Sales, 701 E. Locust Street, Mechanicsburg, Pa”. A reading of the contract indicates that payments

are due to the seller, however, places the debtors on notice that Spankey's "may assign this Contract and Security Agreement to a sales finance company". The agreement designates the Plaintiff, Peoples State Bank, as the prospective assignee. The Highs have filed Preliminary Objections challenging the venue of the Adams County Court of Common Pleas.

According to Pennsylvania Rule of Civil Procedure 1006, venue is appropriate where "the individual may be served or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose...". Peoples State Bank claims that venue is appropriate in Adams County under the theory that Adams County is the location where a "transaction or occurrence took place out of which the cause of action arose". For the reasons set forth below, I cannot agree.

Clearly, the making of a contract constitutes a transaction. *Telstar Corp. v. Berman*, 422 A.2d 551 (1980). In the context of contract law, the transaction occurs where the offer is accepted. *Lucas Enterprises, Inc. v. Paul C. Harman Co., Inc.*, 417 A.2d 720 (1980). Although the complaint does not specifically allege the location where the contract was executed, documents attached to Plaintiff's complaint indicate that the contract was consummated in Dauphin County. While Plaintiff's Answer to Defendant's Preliminary Objections alleges that "the contract was submitted for approval in Adams County", the documents themselves contradict that the Defendants' had any direct contact with Peoples State Bank.

Despite an absence of language in the complaint establishing that the execution of the contract took place in Adams County, venue may still be appropriate based upon the determination of whether the Defendants' failed to perform an obligation in Adams County. Our courts have long recognized that failure to perform an obligation in a county qualifies as an "occurrence" for purposes of establishing venue. *Oxford Container Co. v. C.R. Containers E-T-C Ltd.*, 23 Pa. D&C 3d 613 (Adams 1983). More specifically, the Pennsylvania Superior Court held in *Lucas Enterprises, Inc. v. Paul C. Harman Co., Inc.*, *supra*, that venue is proper in the county where payment is due in a breach of contract action alleging failure to make payment. In absence of any agreement to the contrary, it is presumed that payment under a contract is due at the Plaintiff's residence or place of

business. *Lucas Enterprises, Inc. v. Paul C. Harman Co., Inc.*, supra. Although the current complaint lacks any factual allegations as to the location where payment was due, the Plaintiff does allege that their place of business is located at 100 East King Street, East Berlin, Adams County, Pennsylvania. Accordingly, if this transaction was a contract for payment reached directly between the Plaintiff and the Defendants, I would be able to conclude for the purposes of venue that payment is due in Adams County. See, *Lucas Enterprises, Inc. v. Paul C. Harman Co., Inc.*, supra. Unfortunately for the Plaintiffs, their complaint does not support such a factual scenario.

As mentioned, attachments to Plaintiff's complaint indicate that the loan was actually an assignment from Spankey's Auto Sales to Peoples State Bank. As such, Peoples State Bank does not obtain any greater right, power or interest than that possessed by Spankey's Auto Sales. See, *Camenisch v. Allen*, 44 A.2d 309 (1945). Since Peoples State Bank, as assignee, can only bring suit where Spankey's Auto Sales could have brought suit, venue is not proper in Adams County.

In *Pennsylvania Higher Education Assistance Agency v. Devore*, 406 A.2d 343 (1979), the Pennsylvania Superior dealt with an essentially similar factual pattern. In that case, the defendant signed a promissory note in Allegheny County with the Pittsburgh National Bank. The note was thereafter assigned by Pittsburgh National Bank to the Pennsylvania Higher Education Assistance Agency. After default, the Pennsylvania Higher Education Assistance Agency, located in Dauphin County, Pennsylvania, attempted to initiate suit in Dauphin County. On appeal, the Superior Court determined that Dauphin County lacked venue. In doing so, the Pennsylvania Superior Court specifically held that Allegheny County was the only place where venue was proper since the transaction or occurrence took place in that County and the assignee gained no greater right than that which was previously held by the assignor. A similar result is required presently.

Should Plaintiff be able to allege that Defendants contracted to make payments at the address of the assignee, Peoples State Bank, a different result might occur. However, that information is currently lacking in the current proceeding.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 16th day of May, 2002, the Defendants' Preliminary Objection is sustained. Pursuant to Pennsylvania Rule of Civil Procedure 1006, this action will be transferred to Dauphin County. Prior to transfer of this case, however, the Plaintiff will be given the opportunity to amend the complaint to allege factual circumstances, if they exist, justifying venue in this County. Accordingly, if Plaintiff desires, they may file an amended complaint within twenty (20) days of the date of this Order. In the event that an amended complaint is filed, the Defendant is directed to file a responsive pleading. In the event that the Plaintiff does not file an amended complaint within twenty (20) days of the date of this Order, the Adams County Prothonotary's Office is directed to transfer this action to the Prothonotary of Dauphin County as provided in Pennsylvania Rule of Civil Procedure 1006(d)(3). Costs and fees for the transfer and removal of the record shall be paid by the Plaintiff. The Adams County Prothonotary's Office is directed to advise both parties once transfer has been effectuated. Upon receiving notice of said transfer, the Defendant is granted twenty (20) days to file an answer to Plaintiff's complaint.

The Dauphin County Prothonotary's Office is apprised that this action arises as a result of a de novo appeal from a decision of the District Justice. The amount in controversy does not exceed the mandatory arbitration limits.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1244 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the West side of Bair Road (T-504), at a corner of Lot No. 1 of the Dale E. Brown Subdivision; thence along said lot South seventy-six (76) degrees zero (00) minutes West, two hundred twenty-five (225.00) feet to a point at lands now or formerly of Dale E. Brown and Cynthia M. Brown, his wife; thence along said land North fourteen (14) degrees zero (00) minutes West, one hundred (100.00) feet to a point at Lot No. 3 of the Dale E. Brown Subdivision; thence North seventy-six (76) degrees zero (00) minutes East, two hundred twenty-five (225.00) feet to a point; thence along the West side of Bair Road, South fourteen (14) degrees zero (00) minutes East, one hundred (100.00) feet to a point, being the place of BEGINNING. Being Lot No. 2 on the aforesaid Dale E. Brown Subdivision plan containing approximately 22,500 square feet, more or less.

TITLE TO SAID PREMISES IS VESTED IN Daniel T. Cranston and Loretta J. Cranston by Deed from U.G.C. Custom Homes, Inc., a Maryland Corporation dated 12/20/1990, recorded 12/31/1990, in Record Book 576, Page 813.

Premises being: 355 Bair Road, Abbottstown, PA 17301

Tax Parcel No. K11-95C

SEIZED and taken into execution as the property of Daniel T. Cranston & Loretta J. Cranston 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 14, 2003, 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.

2/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-655 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point along the Northern edge of Appler Court at a corner of Lot No. 53, thence along Lot No. 53, North 32 degrees 48 minutes 41 seconds East, 100.00 feet to a point in Appler, Phase II-Section B, thence along the same, North 57 degrees 11 minutes 19 seconds West, 55.00 feet to a point at a corner of Lot No. 55, thence along Lot No. 55, South 32 degrees 48 minutes 41 seconds West, 100.00 feet to a point along the Northern edge of Appler Court, South 57 degrees 11 minutes 19 seconds East, 55.00 feet to a point at a corner of Lot No. 53, the place of BEGINNING. CONTAINING 5,500 square feet.

BEING Lot No. 54 on a final plan of Appler, Phase II-Section A prepared by Group Hanover, Inc. dated 8/12/96, Project No. 951872, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 72, Page 25-C.

Premises being: 30 Appler Court, Littlestown, PA 17340

Tax Parcel No. 4-109

SEIZED and taken into execution as the property of Kevin W. Davis & Robin L. Davis 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 14, 2003, 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.

2/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-441 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 April, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the northerly right of way line of Oxwood Circle in the Borough of New Oxford, County of Adams and State of Pennsylvania known and numbered as Lot No. 19 on a final plan of lots for Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58, Page 41A, more fully bounded and described as follows, to-wit:

BEGINNING at a point on the northerly right of way line of Oxwood Circle, at a corner of Lot No. 20 on said plan; thence extending along the said Lot No. 20 North 13 degrees 48 minutes 06 seconds East 125 to a point; thence South 76 degrees 11 minutes 54 seconds East 20 feet to a point, at a corner of Lot No. 18 on said plan; thence extending along the said Lot No. 18 South 13 degrees 48 minutes 06 seconds West 125 feet to a point on the northerly right of way line of Oxwood Circle; thence extending along the said right of way line North 76 degrees 11 minutes 54 seconds West 20 feet to the point and place of BEGINNING.

Tax Parcel 007-0094

Being known as 19 Oxwood Circle, New Oxford, PA 17350

SEIZED and taken into execution as the property of James Starner 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 28, 2003, 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.

2/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-914 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 April, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in or near the center line of Township Road T-534, at corner of Lot No. 5 (now or formerly of John F. Donnelly); thence by said Lot No. 5, due East, 698.14 feet to an iron pin at corner of Lot No. 7 (now or formerly of William V. Price); thence by said Lot No. 7, South 19 degrees 43 minutes 10 seconds East, 540.81 feet to an iron pin on line of Lot No. 9 (now or formerly of David R. Keller); thence by Lot No. 9, South 70 degrees 16 minutes 30 seconds West, 489.28 feet to an iron pin at corner of Lot No. 10A (now or formerly of Dwight E. Kuntz, grantee herein); thence by said Lot No. 10A, North 76 degrees 56 minutes 20 seconds West; 424.88 feet to an iron pin in the eastern half of Township Road T-534; thence in said Township Road T-534, North 00 degrees 36 minutes 30 seconds West, 578.20 feet to a railroad spike, the place of BEGINNING. CONTAINING 11.180 Acres.

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

BEGINNING at a point in or near the center line of Township Road T-534, at corner of land now or formerly of Donald M. Redding and corner of Lot No. 6; thence by Lot No. 6, South 76 degrees 56 minutes 20 seconds East, 424.88 feet to a pin at corner of Lot No. 9; thence by Lot No. 9, South 19 degrees 43 minutes 10 seconds East, 306.70 feet to a pipe at corner of Lot No. 10B; thence by Lot No. 10B, and passing through a reference pipe set back 25 feet from the next mentioned point, South 78 degrees 50 minutes 40 seconds West, 517.78 feet to a point in said Township Road, T-534, South 01 degree 16 minutes 00 seconds East, 229.94 feet to a point at corner of land now or formerly of Pet, Inc.; thence by said land of Pet, inc., and passing through a reference pin set back 26.39 feet from the last mentioned point, North 54 degrees 12 minutes 40 seconds West, 440.13 feet to an iron pin/thence by same, North 31 degrees 20 minutes 40 seconds West 516.35 feet to an iron pin on line of land now or formerly of Donald M. Redding, North 88 degrees 27

minutes 40 seconds East, 611.38 feet to a point in or near the center line of T-534, the place of BEGINNING. CONTAINING 10.123 Acres.

SEIZED and taken into execution as the property of **Dwight E. Kuntz & Karin L. Kuntz** 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 28, 2003, 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.

2/21, 28 & 3/7

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 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land, situate, lying and being in 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.

Premises being: 1655 Harney Road, Littlestown, PA 17340

Tax Parcel No. H-18-13A

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 14, 2003, 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.

2/21, 28 & 3/7

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 FRED HESS CRUM, DEC'D
Late of Liberty Township, Adams County, Pennsylvania
Executor: Fred Harry Crum, 845 Pecher Road, Fairfield, PA 17320

ESTATE OF DWIGHT LEON HARBAUGH, DEC'D

Late of Liberty Township, Adams County, Pennsylvania
Executor: Leon G. Harbaugh, 601 Harbaugh Valley Road, Fairfield, PA 17320
Attorney: Walton V. Davis, 63 West High Street, Gettysburg, PA 17325

ESTATE OF GERALD A. MYERS, DEC'D
Late of Hamilton Township, Adams County, Pennsylvania

Executors: Barbara Ann Hicks, Robert A. Myers, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331
Attorney: William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

ESTATE OF GARY LEE YOUNT, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Garret L. Yount, 3940 Lawton Street, San Francisco, CA 94122
Attorney: Walton V. Davis, 63 West High Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF GEORGE E. ALTMANN, JR., DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania

Co-Executrices: Mary R. Bono, P78 Stedwick Dr., BuddLake, NJ 07828; Margaret T. Evans, 1123 South St. Paul Street, Mesa, AZ 85206
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF GERALD M. EBERSOLE, DEC'D

Late of Reading Township, Adams County, Pennsylvania
Executrix: Stacie M. Horn, 65 Springhouse Ln., Red Lion, PA 17356
Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

ESTATE OF SARAH C. WILDASIN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
Executrices: Sharon E. Myers, P.O. Box 124, New Oxford, PA 17350; Victoria J. Horick, 6 Dogwood Lane, Hanover, PA 17331
Attorney: Elinor Albright Rebert, Esq., 515 Carlisle St., Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF JACOB O. FUNK, DEC'D

Late of Franklin Township, Adams County, Pennsylvania
Executor: David Kanarr Funk, 134 McDermott Street, Chambersburg, PA 17201
Attorney: George E. Wenger, Jr., Esq., Hoskinson & Wenger, 147 East Washington Street, Chambersburg, PA 17201

ESTATE OF LOUISE J. KELLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania
Pamela J. Keller, 290 Belmont Road, Gettysburg, PA 17325
Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF VERNON S. LEHR, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania
Mary Ann Shriver, 757 Lingg Road, New Oxford, PA 17350; Bank of Hanover, n/k/a Sterling Financial Trust Company, Attn: Patricia K. Kint, 6 Lincoln Square, Gettysburg, PA 17325
Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF RONALD L. MILLER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania
Administratrix: Jody C. Miller, 35 Fifth Street, Biglerville, PA 17307
Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF MALCOLM W. PATTON, DEC'D

Late of Straban Township, Adams County, Pennsylvania
Executrix: Valerie Ann Huber, 120 North Stratton Street, Gettysburg, PA 17325
Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF SHERRY L. SWENSKI, DEC'D

Late of Latimore Township, Adams County, Pennsylvania
Executor: Joseph L. Swenski
Attorney: Susan H. Confair, Esq., Reager & Adler, P.C., 2331 Market Street, Camp Hill, PA 17011

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1122 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 April, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of a private road 50 feet in width at the Westernmost corner of the lot designated as Lot No. 1 on the plan of lots referred to below; thence by said Lot No. 1 and running through an iron pin located 25 feet from the place of Beginning South 48 degrees 23 minutes 38 seconds East, 183.56 feet to an iron pin; thence by land now or formerly of Charles E. Ott and wife South 41 degrees 5 minutes 37 seconds West, 353.01 feet to an iron pin; thence by the lot designated as Lot No. 5 on the plan of lots referred to below and running through an iron pin located 25 feet from the end of this line North 48 degrees 23 minutes 38 seconds West, 186.72 feet to a point in the center of the aforementioned private road; thence in the center of said private road and by the lot designated as Lot No. 4 on the plan of lots referred to below North 41 degrees 36 minutes 22 seconds East, 353 feet to a point in the center of said private road, the place of BEGINNING.

TOGETHER WITH the right to use the 50-foot private road referred to in the foregoing description as a means of ingress, egress and regress from Legislative Route 01041 to the lot hereby conveyed.

SUBJECT, HOWEVER, to the restrictions and responsibilities contained in a deed recorded in the aforementioned Recorder's Office in Deed Book 356 at Page 654.

SEIZED and taken into execution as the property of **Patricia Slaybaugh** 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 28, 2003, 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.

2/21, 28 & 3/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1249 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the Eastern side of Bonnie Field Circle and Lot No. 56; thence along Lot No. 56, South sixty (60) degrees two (02) minutes forty-one (41) seconds East, one hundred eight and twenty-five hundredths (108.25) feet to a point at lands now or formerly of John E. and Reba F. Biemiller; thence along said lands, South thirty-four (34) degrees five (05) minutes forty-one (41) seconds West, eighty and fifty-eight hundredths (80.58) feet to a point at Lot No. 58; thence along Lot No. 58, North sixty-two (62) degrees eight (08) minutes zero (00) seconds West, one hundred (100.00) feet to a point at the aforementioned Bonnie Field Circle; thence along Bonnie Field Circle, North twenty-seven (27) degrees fifty-two (52) minutes zero (00) seconds East, fifty-three and fourteen hundredths (53.14) feet to a point; thence continuing along the same, by a curve to the right whose radius is eight hundred forty-eight and eight hundredths (848.08) feet and whose chord bearing is North twenty-eight (28) degrees fifty-four (54) minutes thirty-nine (39) seconds East, thirty and ninety-one hundredths (30.91) feet for an arc distance of thirty and ninety-two hundredths (30.92) feet to the point and place of BEGINNING.

CONTAINING 8,569.8 square feet and identified as Lot No. 57, on a plan of lots entitled Bonnie Field, prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds of Adams.

TITLE TO SAID PREMISES IS VESTED IN Victoria L. Schrader, formerly known as Victoria L. Mullinix by Deed from Larry E. Mullinix and Victoria L. Mullinix, now known as Victoria L. Schrader, husband and wife dated 12/7/2000 and recorded 2/9/2001, in Record Book 2193, Page 140.

Premises being: 25 Bonniefield Circle, Gettysburg, PA 17325

Tax Parcel No. 9-71

SEIZED and taken into execution as the property of **Victoria L. Schrader a/k/a Victoria L. Mullinix** 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 14, 2003, 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.

2/7, 14 & 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 K-Z STATION CORPORATION.

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

2/21

Adams County Legal Journal

Vol. 44

February 28, 2003

No. 40, pp. 208-213

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CONTINUING LEGAL EDUCATION PROGRAM

*Local, State and Federal Taxes Affecting
Real Estate Transactions*

Friday, March 7, 2003 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

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

Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1122 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 April, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of a private road 50 feet in width at the Westernmost corner of the lot designated as Lot No. 1 on the plan of lots referred to below; thence by said Lot No. 1 and running through an iron pin located 25 feet from the place of Beginning South 48 degrees 23 minutes 38 seconds East, 183.56 feet to an iron pin; thence by land now or formerly of Charles E. Ott and wife South 41 degrees 5 minutes 37 seconds West, 353.01 feet to an iron pin; thence by the lot designated as Lot No. 5 on the plan of lots referred to below and running through an iron pin located 25 feet from the end of this line North 48 degrees 23 minutes 38 seconds West, 186.72 feet to a point in the center of the aforementioned private road; thence in the center of said private road and by the lot designated as Lot No. 4 on the plan of lots referred to below North 41 degrees 36 minutes 22 seconds East, 353 feet to a point in the center of said private road, the place of BEGINNING.

TOGETHER WITH the right to use the 50-foot private road referred to in the foregoing description as a means of ingress, egress and regress from Legislative Route 01041 to the lot hereby conveyed.

SUBJECT, HOWEVER, to the restrictions and responsibilities contained in a deed recorded in the aforementioned Recorder's Office in Deed Book 356 at Page 654.

SEIZED and taken into execution as the property of **Patricia Slaybaugh** 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 28, 2003, 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.

2/21, 28 & 3/7

EVERGREEN CEMETERY
ASSOCIATION
NOTICE OF CONFIRMATION
OF ACCOUNT

NOTICE IS HEREBY GIVEN that the account filed on January 31, 2003 pursuant to 9 Pa. C.S.A. Section 308(b) will be called for confirmation on the 8th day of April, 2003 in Courtroom 3 of the Adams County Court of Common Pleas at 9:00 a.m. The account filed is available for inspection by members of the Association at the office of Evergreen Cemetery, 799 Baltimore Street, Gettysburg, PA 17325, during regular business hours.

Attorney: Kristin L. Rice, Esq.
Wolfe & Rice, LLC
47 West High Street
Gettysburg, PA 17325

2/28

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that LANFIELD ASSOCIATES, INC. has been organized under the Business Corporation Law of 1988, as amended, and has filed Articles of Incorporation with the Pennsylvania Department of State on February 7th, 2003.

2/28

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 4th day of April, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of 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.

Premises being: 257 Lake Meade Drive, East Berlin, PA 17316

Tax Parcel No. #9-28

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 28, 2003, 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.

2/21, 28 & 3/7

SHORE VS. MCFARLAND ET AL

1. In reaching a decision on a Motion for Judgment on the Pleadings, the Court must accept as true all well-pleaded facts of the party against whom the motion is made, while considering against him only those facts which he specifically admits.

2. An exculpatory clause is valid if (a) it does not contravene any policy of law, that is, if it is not a matter of interest to the public or state; (b) the contract is between persons relating entirely to their own private affairs; (c) each party is a free bargaining agent, and the clause is not in effect a mere contract of adhesion whereby [one party] simply adheres to a document which he is powerless to alter, having no alternative other than to reject the transaction entirely.

3. In order to be enforceable, an exculpatory clause must specifically set forth the intention of the parties and must show the parties' intention to release from liability beyond doubt and by express stipulation.

4. Where the validity of an exculpatory clause is denied by the assertion that the clause was unconscionable, a motion for judgment on the pleadings may not be granted.

5. Summary judgment may be granted in cases where the record clearly shows that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law.

6. Only when the facts are so clear that reasonable minds cannot differ may a trial court properly enter summary judgment.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 01-S-692, CHARLIE E. SHORE AND RUTH C. SHORE
VS. RICHARD McFARLAND AND LEE McFARLAND AND
NATIONAL PROPERTY INSPECTIONS.

John J. Mooney, III, Esq., for Plaintiffs

Craig A. Diehl, Esq., for Defendants

George, J., May 20, 2002

OPINION

On January 12, 2000, Plaintiffs, Charlie E. Shore and Ruth C. Shore (hereinafter referred to collectively as "Shore") entered into an agreement of sale with Richard L. McFarland and Lee McFarland (hereinafter referred to collectively as "McFarland") for the purchase of real estate located at 425 Boy Scout Road, New Oxford, Adams County, Pennsylvania (hereinafter referred to as the "property"). In preparing for settlement, Shore retained National Property Inspections (hereinafter referred to as "N.P.I.") to perform a septic system inspection on the property. N.P.I. completed a "Level 1A

analysis”¹ and on February 22, 2000, provided a report to Shore prior to settlement. Closing ultimately occurred on the property on February 29, 2000, at which time Shore took possession. Their complaint alleges that shortly thereafter, on or about March 6, 2000, they discovered that the sewage system was defective.

A civil action was commenced on June 21, 2001, against McFarland and N.P.I. seeking reimbursement of various out-of-pocket expenses as well as payment for the cost of replacing the existing sewage system. The Plaintiffs pursued a negligence action against N.P.I. alleging, generally, that they inadequately and improperly performed an inspection on the septic system. The Plaintiffs’ cause of action against McFarland advances several theories of liability including: a) misrepresentation; b) breach of contract; c) unfair trade practices; and d) fraud.²

On July 13, 2001, Defendant N.P.I. filed an Answer with New Matter claiming, among other things, that the Plaintiffs’ complaint is barred by an exculpatory clause in a pre-inspection agreement. In support thereof, they have attached a document to their Answer of New Matter purporting to be that agreement. N.P.I. has now moved this Court for judgment on the pleadings based upon this exculpatory clause.

Similarly, Defendants McFarland are seeking pre-trial dismissal of the complaint against them through a Motion for Summary Judgment. McFarland argues that the facts are undisputed that the Plaintiffs had an independent inspection of the system and relied upon that inspection before purchasing the property. McFarland urges that, as a matter of law in Pennsylvania, the Plaintiff may not proceed with their breach of contract action or misrepresentation action under this factual scenario.

¹ According to the septic system evaluation form, a Level 1A analysis consists of running an adequate amount of water for each bedroom present plus flushing toilet(s) at least twice. The represented purpose of the evaluation is to identify a failed or suspect sewage system through the observation of water seeping to the surface of the leaching field or water backing up into the waste system such that all drains run slow or over-spilling occurs from the drain traps. The septic system evaluation form contains language that the report “cannot and does not provide warranties or guarantees of any kind...” and “is designed to reduce the risk of having a non-disclosed failed system—not eliminate that risk.”

² Plaintiffs’ complaint originally contained a cause of action for breach of implied warranties, however, that count was dismissed by Order of Court dated September 14, 2001.

Accordingly, I am faced with an interesting factual pattern wherein Defendants McFarland are claiming that the Plaintiffs relied on an inspection of a septic system which Defendants N.P.I. are claiming Plaintiffs cannot rely upon. Collectively, the Defendants argue that under the factual scenario of this case, the Plaintiffs have no redress for the damages which they may have suffered. For purposes of clarity, I will treat each argument separately.

Defendants N.P.I.'s Motion for Judgment on the Pleadings

A Motion for Judgment on the Pleadings is a pre-trial mechanism allowing for disposition of a matter without going through the expenses of a trial where the pleadings clearly demonstrate that there is no genuine issue of fact and that a trial would prove to be a fruitless exercise. *Kelley v. Nationwide Insurance Company*, 606 A.2d 470 (Pa. Super. 1992). A Motion for Judgment on the Pleadings is similar to a common-law demurrer and is the proper procedure for demurring after an answer has been filed and the pleadings are closed. *Valley Forge Historical Society v. Washington Memorial Chapel*, 479 A.2d 1011 (Pa. Super. 1984). Thus, the principals applicable to a judgment on the pleadings are the same as the principals applicable to a preliminary objection in the nature of a demurrer. *Emerich v. Philadelphia Center for Human Development, Inc.*, 720 A.2d 1032 (Pa. 1998). Therefore, in conducting its inquiry, the Court should confine itself to the pleadings themselves and any documents or exhibits properly attached to them. *Kelley v. Nationwide Insurance Company*, *supra*.³ In reaching a decision on a Motion for Judgment on the Pleadings, the Court must accept as true all well-pleaded facts of the party against whom the motion is made, while considering against him only those facts which he specifically admits. *Jones v. Travelers Insurance Company*, 514 A.2d 576 (1986).

Instantly, Defendant N.P.I.'s Motion for Judgment on the Pleadings centers upon the validity of an exculpatory clause contained in a Pre-Inspection Agreement which is attached to the Defendant's Answer with New Matter. The relevant pleadings in that

³In this regard, a Motion for Judgment on the Pleadings is distinguishable from a Motion for Summary Judgment wherein, in addition to the pleadings, the Court may consider affidavits and depositions. *Leidy v. Deseret Enterprises, Inc.*, 381 A.2d 164 (1977).

regard appear in the Defendant's Answer with New Matter as follows:

57. Plaintiffs' Complaint for damages, if successful, is limited to the fee charged for the inspection.

58. Should Plaintiffs' Complaint be dismissed or an award of zero is rendered, Plaintiffs have agreed to pay National Property Inspections' reasonable costs and attorney fees as set forth in the Pre-Inspection Agreement.

In their reply to new matter, the Plaintiffs only state "denied" in response to paragraph 57. However, in regard to paragraph 58, the Plaintiffs allege that the terms of the Pre-Inspection Agreement language are unconscionable and void as against public policy.

An exculpatory clause is valid if:

- "(a) 'it does not contravene any policy of the law, that is, if it is not a matter of interest to the public or state' ...;
- (b) 'the contract is between persons relating entirely to their own private affairs' ...;
- (c) 'each party is a free bargaining agent' and the clause is not in effect 'a mere contract of adhesion whereby [one party] simply adheres to a document which he is powerless to alter, having no alternative other than to reject the transaction entirely.' ..."

Employers Liability Assurance Corp., Ltd. v. Greenville Businessmen's Association, 224 A.2d 620 (Pa. 1966). Moreover, in order to be enforceable, an exculpatory clause must specifically set forth the intention of the parties and must show the parties' intention to release from liability beyond doubt and by express stipulation. *Princeton Sportswear Corp. v. H&M Associates*, 507 A.2d 339 (Pa. 1986). Where the validity of an exculpatory clause is denied by the assertion that the clause was unconscionable, a motion for judgment on the pleadings may not be granted. *Leidy v. Deseret Enterprises, Inc., supra*.

I am going to deny the Motion for Judgment on the Pleadings filed by Defendant N.P.I. for two reasons. Initially, the Superior Court's Opinion in *Leidy v. Deseret Enterprises, Inc., supra*, is controlling and has not been overruled. Secondly, although the Plaintiff's general denial to paragraph 57 is improper, the allegations in Defendant

N.P.I.'s new matter, even if deemed admitted, are insufficient to warrant judgment on the pleadings. Specifically, a close reading of N.P.I.'s new matter reveals that the Defendants have not alleged an agreement between the parties limiting the Plaintiff's ability to proceed in a civil action against them. While their pleadings may imply such an agreement, they have not specifically alleged the terms of a binding agreement between the parties. Notably, the copy of the Pre-Inspection Agreement which is attached to that pleading does not carry the signature of the Plaintiffs. Under these circumstances, I cannot find a clear intent to release the Defendant from liability "beyond doubt". *Princeton Sportswear Corp. v. H&M Associates, supra*. Accordingly, Defendant N.P.I.'s Motion will be denied.

Motion of Defendant McFarlands for Summary Judgment

Summary judgment may be granted in cases where the record clearly shows that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. *Rush v. Philadelphia Newspapers, Inc.*, 732 A.2d 648 (Pa. Super. 1999). Only when the facts are so clear that reasonable minds cannot differ may a trial court properly enter summary judgment. *Basile v. H&R Block*, 761 A.2d 1115 (Pa. Super. 2001). The Court must review the record in a light most favorable to the non-moving party, accepting as true all well-pleaded facts and giving the non-moving party the benefit of all reasonable inferences which can be drawn from those facts. *Winwood v. Bregman*, 788 A.2d 983 (Pa. Super. 2001).

Defendants McFarland seek summary judgment based upon the theory that since the Plaintiffs had an inspector check the sewage system prior to settlement, as a matter of law, the Plaintiffs' complaint must be dismissed. Although it is true that there is no factual dispute concerning the fact that the Plaintiffs retained N.P.I. to conduct a sewer system inspection and, in fact, N.P.I. conducted such an inspection, I do not agree that summary judgment is appropriate.⁴

⁴ As mentioned, Plaintiffs' complaint contains four separate causes of action against Defendants McFarland. Although the counts in the complaint contain different legal theories, the underlying factual basis for each of those counts, as alleged in the complaint, incorporated misrepresentation. Thus, the thrust of the Plaintiffs' theory in all counts is that they relied upon Defendants McFarland's representation that the property had no latent defects when, they claim, in fact, defects existed. Accordingly, this opinion will treat the different legal theories as one issue.

In support of their Motion for Summary Judgment, McFarland relies upon the Superior Court case of *Potter v. Herman*, 762 A.2d 1116 (Pa. Super. 2000). In that case, under a similar factual pattern, the Superior Court affirmed the decision of the trial court granting summary judgment in favor of the Defendants. In doing so, the Superior Court found that there was no evidence of any misrepresentations regarding the functioning of the septic system. They further noted that the appellants in that case “took advantage of the opportunity to have their own expert inspect the septic system and they relied on the expert’s determination in deciding to purchase the property”. *Potter v. Herman*, supra, A.2d at 1118. It is this statement which McFarland relies upon in arguing that summary judgment is appropriate in this case.

While McFarland is correct that a party’s reliance on an independent inspection is a consideration in granting summary judgment, they misinterpret *Potter* in arguing that it is the only consideration. As mentioned, *Potter* held that there was no evidence of any misrepresentation. That finding distinguishes the current case.

The Plaintiffs have alleged that, prior to settlement of the property, McFarland represented they were unaware of any latent defects in the real property despite having knowledge of a defect affecting the property. The Plaintiffs further allege that they relied upon that representation. As evidence of McFarland’s prior knowledge, they point to Richard McFarland’s statements in his deposition that shortly before settlement, the septic system was pumped out because of water “backed up” in an outhouse on the property as well as an abundance of water and sludge in the area around the septic system. This evidence, while sparse, precludes me from finding that no genuine issue of fact exists. Accordingly, the factual issues in this dispute are left to be flushed out before a board of arbitrators.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 20th day of May, 2002, Defendant National Property Inspections’ Motion for Judgment on the Pleadings is denied. The Motion for Summary Judgment filed by Richard L. McFarland and Lee McFarland is also denied. A copy of this Order shall be provided to Roy A. Keefer, Esquire, who shall promptly schedule an arbitration hearing in this matter.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-914 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 April, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in or near the center line of Township Road T-534, at corner of Lot No. 5 (now or formerly of John F. Donnelly); thence by said Lot No. 5, due East, 698.14 feet to an iron pin at corner of Lot No. 7 (now or formerly of William V. Price); thence by said Lot No. 7, South 19 degrees 43 minutes 10 seconds East, 540.81 feet to an iron pin on line of Lot No. 9 (now or formerly of David R. Keller); thence by Lot No. 9, South 70 degrees 16 minutes 30 seconds West, 489.28 feet to an iron pin at corner of Lot No. 10A (now or formerly of Dwight E. Kuntz, grantee herein); thence by said Lot No. 10A, North 76 degrees 56 minutes 20 seconds West; 424.88 feet to an iron pin in the eastern half of Township Road T-534; thence in said Township Road T-534, North 00 degrees 36 minutes 30 seconds West, 578.20 feet to a railroad spike, the place of BEGINNING. CONTAINING 11.180 Acres.

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

BEGINNING at a point in or near the center line of Township Road T-534, at corner of land now or formerly of Donald M. Redding and corner of Lot No. 6; thence by Lot No. 6, South 76 degrees 56 minutes 20 seconds East, 424.88 feet to a pin at corner of Lot No. 9; thence by Lot No. 9, South 19 degrees 43 minutes 10 seconds East, 306.70 feet to a pipe at corner of Lot No. 10B; thence by Lot No. 10B, and passing through a reference pipe set back 25 feet from the next mentioned point, South 78 degrees 50 minutes 40 seconds West, 517.78 feet to a point in said Township Road, T-534, South 01 degree 16 minutes 00 seconds East, 229.94 feet to a point at corner of land now or formerly of Pet, Inc.; thence by said land of Pet, Inc., and passing through a reference pin set back 26.39 feet from the last mentioned point, North 54 degrees 12 minutes 40 seconds West, 440.13 feet to an iron pin/thence by same, North 31 degrees 20 minutes 40 seconds West 516.35 feet to an iron pin on line of land now or formerly of Donald M. Redding, North 88 degrees 27

minutes 40 seconds East, 611.38 feet to a point I nor near the center line of T-534, the place of BEGINNING. CONTAINING 10.123 Acres.

SEIZED and taken into execution are the property of **Dwight E. Kuntz & Karin L. Kuntz** 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 28, 2003, 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.

2/21, 28 & 3/7

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 21st day of March, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land, situate, lying and being in 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.

Premises being: 1655 Harney Road,
Littletown, PA 17340

Tax Parcel No. H-18-13A

SEIZED and taken into execution are 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 14, 2003, 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.

2/21, 28 & 3/7

LEGAL NOTICE

NOTICE OF INTENTION OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, BY THE MOUNT JOY TOWNSHIP BOARD OF SUPERVISORS, TO ENACT, ADOPT AND ORDAIN AN ORDINANCE AUTHORIZING AND DIRECTING THE INCORPORATION OF A MUNICIPAL AUTHORITY TO BE KNOWN AS "RED ROCK MUNICIPAL AUTHORITY"

AND

NOTICE OF TUESDAY, APRIL 15, 2003 PUBLIC HEARING THEREON

NOTICE IS HEREBY GIVEN that the Township of Mount Joy, Adams County, Pennsylvania (the "Township"), by the Mount Joy Township Board of Supervisors (the "Township Supervisors"), intends to enact, adopt and ordain an Ordinance authorizing and directing the incorporation of a municipal authority, to be known as the "Red Rock Municipal Authority", at a regular meeting of the Mount Joy Township Board of Supervisors on **Tuesday, April 15, 2003, commencing at 7:30 o'clock p.m.**, prevailing time, in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Mount Joy Township, Adams County, Pennsylvania 17325 [(717) 359-4500]. In accordance with Section 5603.(a) of the "Municipality Authorities Act", Act of June 19, 2001, P.L. 287, No. 22, 53 Pa. C.S.A. §5603.(a), as amended and supplemented (the "Act"), the Mount Joy Township Board of Supervisors will hold a **PUBLIC HEARING** to consider the enactment of the subject Ordinance, and to receive and review written or verbal public comment relative thereto, immediately prior to such regular public meeting on **Tuesday, April 15, 2003, commencing at 7:00 o'clock p.m.**, prevailing time, in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Mount Joy Township, Adams County, Pennsylvania 17325 [(717) 359-4500]. The title of the proposed Ordinance is as follows:

ORDINANCE NO. 2003 - _____

AN ORDINANCE SIGNIFYING THE INTENT AND DESIRE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, BY THE MOUNT JOY TOWNSHIP BOARD OF SUPERVISORS, TO ORGANIZE A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE MUNICIPALITY AUTHORITIES ACT, ACT OF JUNE 19, 2001, P.L. 287, NO. 22, 53 PA. C.S.A. §5601. ET SEQ., AS AMENDED AND SUPPLEMENTED, TO BE KNOWN AS THE "RED ROCK MUNICIPAL AUTHORITY"; SETTING FORTH THE

FORM OF THE ARTICLES OF INCORPORATION; DESIGNATING THE PURPOSES AND POWERS OF THE AUTHORITY; AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION; AND AUTHORIZING THE TAKING OF ALL SUCH ACTION AS MAY BE NECESSARY OR APPROPRIATE TO ORGANIZE THE AUTHORITY.

A summary of the above-entitled Ordinance is as follows:

Section 1 of the Ordinance states the intention of the Township Supervisors of the Township of Mount Joy to organize the Authority under the provisions of the "Municipality Authorities Act", Act of June 19, 2001, P.L. 287, No. 22, 53 Pa. C.S.A. §5601. et seq., as amended and supplemented (the "Act").

Section 2 of the Ordinance provides that the name of the Authority is "Red Rock Municipal Authority", and sets forth and approves the form of the Articles of Incorporation of the Authority.

Section 3 of the Ordinance appoints the first members of the Board of the Authority, as set forth in the form of Articles of Incorporation, and specifies the initial terms of the members of the Board of the Authority.

Section 4 of the Ordinance authorizes and directs the Chairman of the Township Supervisors of the Township to execute said Articles of Incorporation on the Township's behalf, and authorizes and directs the Secretary of the Township to affix thereto and attest the seal of said Township. Section 4 further authorizes and directs such officers to cause a notice of intention to file said Articles of Incorporation to be published as required by law, and to file said Articles of Incorporation, together with a certified copy of the Ordinance and required proofs of publication, with the Secretary of the Commonwealth of Pennsylvania, and to take all such action as they may deem necessary or appropriate to organize said Authority.

Section 5 of the Ordinance states the purpose for which said Authority is created, namely: overseeing the management of The Links At Gettysburg Neighborhood Improvement District (the "NID"), pursuant to the "Neighborhood Improvement District Act", Act of December 20, 2000, P.L. 949, No. 130, 73 P.S. §8831. et seq., as amended and supplemented (the "Neighborhood Improvement District Act"), and states that the Township Supervisors shall designate the Red Rock Municipal Authority as the Neighborhood Improvement District Management Association (the "NIDMA") to administer programs, improvements and services within the NID.

Section 6 of the Ordinance sets forth the powers of the Authority, which are limited to those powers specifically named in Section 7 of the Neighborhood Improvement District Act. Section 6 further provides that the Township retains its right under the Act to approve any plan of the Red Rock Municipal Authority.

Section 7 of the Ordinance repeals all ordinances or parts thereof inconsistent with the Ordinance.

Section 8 states that the Ordinance shall be effective five (5) days subsequent to enactment in accordance with the provisions of Pennsylvania's "Second Class Township Code", as amended.

This public notice is being given pursuant to Section 5603.(a) of the Act.

The proposed Ordinance will be adopted by the Mount Joy Township Board of Supervisors during their aforementioned regular public meeting on April 15, 2003, commencing at 7:30 o'clock p.m., prevailing time, in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Mount Joy Township, Adams County, Pennsylvania 17325 [(717) 359-4500], if approved by the Mount Joy Township Board of Supervisors after the public hearing thereon.

The full text of the proposed Ordinance, authorizing and directing the incorporation of the Red Rock Municipal Authority, as aforesaid, may be examined without charge or obtained for a charge not greater than the cost thereof at the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Mount Joy Township, Adams County, Pennsylvania 17325 [(717) 359-4500]; the Adams County Courthouse Law Library, Third Floor, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Adams County, Pennsylvania 17325; and the Office of The Gettysburg Times, 1570 Fairfield Road, Gettysburg, Adams County, Pennsylvania 17325.

The public is cordially invited to participate in the aforementioned **Tuesday, April 15, 2003 Public Hearing, commencing at 7:00 o'clock p.m.**, prevailing time, at which verbal or written comments will be received.

Mount Joy Township Board
of Supervisors

2/28

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 MARGARET L. ALWINE, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: James C. Alwine, 108 Manchester Road, Media, PA 19063

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

ESTATE OF L. IRENE CROUSE, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Keith E. Crouse, 121 Centre Mills Road, Aspers, PA 17304

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

ESTATE OF AUBREY LEE HARTLEY, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: John David Pihl, 114 Valley Drive, Birdsboro, PA 19508

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

ESTATE OF GLENN E. OHLER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: Randy C. Ohler, 39 Park Avenue, Littlestown, PA 17340

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

SECOND PUBLICATION**ESTATE OF FRED HESS CRUM, DEC'D**

Late of Liberty Township, Adams County, Pennsylvania

Executor: Fred Harry Crum, 845 Pecher Road, Fairfield, PA 17320

ESTATE OF DWIGHT LEON HARBAUGH, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executor: Leon G. Harbaugh, 601 Harbaugh Valley Road, Fairfield, PA 17320

Attorney: Walton V. Davis, 63 West High Street, Gettysburg, PA 17325

ESTATE OF GERALD A. MYERS, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executors: Barbara Ann Hicks, Robert A. Myers, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF GARY LEE YOUNT, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Garret L. Yount, 3940 Lawton Street, San Francisco, CA 94122

Attorney: Walton V. Davis, 63 West High Street, Gettysburg, PA 17325

THIRD PUBLICATION**ESTATE OF GEORGE E. ALTMANN, JR., DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

Co-Executrices: Mary R. Bono, P78 Stedwick Dr., BuddLake, NJ 07828; Margaret T. Evans, 1123 South St. Paul Street, Mesa, AZ 85206

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

ESTATE OF GERALD M. EBERSOLE, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Stacie M. Horn, 65 Springhouse Ln., Red Lion, PA 17356

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

ESTATE OF SARAH C. WILDASIN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrices: Sharon E. Myers, P.O. Box 124, New Oxford, PA 17350; Victoria J. Horick, 6 Dogwood Lane, Hanover, PA 17331

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle St., Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1069 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point in a public right-of-way known as Boy Scout Road and lands now or formerly of Richard Stegman; thence along and through said Boy Scout Road South fifty-five (55) degrees forty-five (45) minutes thirty-five (35) seconds West, two hundred and twenty hundredths (200.20) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North twenty-two (22) degrees eleven (11) minutes forty (40) seconds West, one hundred and fifty-six hundredths (100.56) feet to a point at a twenty (20) foot private right-of-way; thence along said private right-of-way North sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds East, one hundred thirty-five and zero hundredths (135.00) feet to a point; thence continuing along the same North thirty-nine (39) degrees thirty-eight (38) minutes thirty-five (35) seconds West, twenty and thirty hundredths (20.30) feet to a point; thence continuing along the same South sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds West, one hundred and zero hundredths (100.00) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North thirty-

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

HAVING ERECTED THEREON a dwelling known as 217 Boy Scout Road, New Oxford, Pennsylvania.

BEING THE SAME PREMISES WHICH Eric J. Carbaugh and Elecia Carbaugh, by their Attorney-in-fact Edward Francis Powers, by their Deed dated September 30, 1999 and recorded October 6, 1999 in Adams County Deed Book 1928, Page 233, granted and conveyed unto Shawn Gladfelter and Michelle Gladfelter.

TOGETHER WITH all and singular ways, waters, watercourses, rights, liberties, privileges, heraditaments and appurtenances, whatsoever thereunto belonging, or in anywise appertaining, and the reversions, and remainders,

rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever, of Grantors in law, equity, or otherwise howsoever, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said tract of land, together with the hereditaments and premises hereby granted or mentioned and intended so to be with the appurtenances unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns forever.

SEIZED IN EXECUTION AS THE PROPERTY OF SHAWN GLADFELTER AND MICHELLE GLADFELTER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-1069.

MAP & PARCEL #J10-23B

SEIZED and taken into execution as the property of **Michelle Gladfelter & Shawn Gladfelter** and to be sold by me.

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

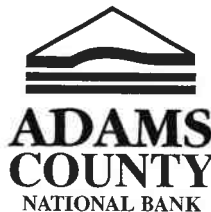
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2003, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser 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.

2/28, 3/7 & 14

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



Member FDIC