Adams County Legal Journal

Vol. 41 June 4, 1999 No. 2, pp. 5-8

NOTICE

The Office of Attorney General of the Commonwealth of Pennsylvania is seeking a member of the Bar with health care and charitable/nonprofit legal experience to fill the position of Chief Deputy Attorney General of the Charitable Trusts and Organizations Section. This Section is responsible for overseeing the activities of charitable organizations in Pennsylvania. This includes the responsibility for ensuring that charitable organizations seeking donations through telemarketers follow Pennsylvania laws for charitable registration. With the increase of mergers and acquisitions in the health care industry, the Charitable Trusts and Organizations Section plays an important role in making sure nonprofit organizations maintain their stated charitable and social missions.

The Chief Deputy Attorney General serves as the head of the Charitable Trusts and Organizations Section and reports directly to the Executive Deputy Attorney General for the Public Protection Division. This position is in Harrisburg and requires the performance of highly advanced professional legal and administrative work involving the rendering of legal services of the greatest scope of complexity and importance. Candidates should have at least seven years of progressively responsible legal experience, a thorough knowledge of legal principles and their application, and the ability to prepare, present and handle legal cases including difficult and complex legal problems. In addition, candidates must be capable of directing a staff of attorneys, investigators, paralegals, and clerical personnel.

Salary commensurate with experience along with an excellent benefits package.

Interested candidates should submit a resume with salary history and requirement to Bruce J. Sarteschi, Chief of Personnel, Office of Attorney General, 14th Floor, Strawberry Square, Harrisburg, PA 17120. The Pennsylvania Office of Attorney General is an equal opportunity employer and complies with the Americans with Disabilities Act (ADA) by providing equal opportunity for qualified candidates with a disability.

5/28 & 6/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-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 25th day of June, 1999, 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, with any improvements thereon erected, situate, lying and being in Reading Township, Adams County, Pennsylvania, being Lot No. 2 as shown on a Final Plan prepared for Robert C. Ruppert and Dorothy M. Ruppert by George M. Wildasin, PLS, dated May 21, 1988, and recorded in Adams County Plan Book 55, at page 74, as more fully bounded, limited and described as follows, to wit:

BEGINNING at a point in Stoney Point Road, at corner of Lot No. 1; thence along Lot No. 1 South forty-six degrees thirty minutes zero seconds East (S. 46 degrees 30' 00" E.), two hundred sixty-one and ninety hundredths (261.90) feet to an iron pin; thence continuing along Lot No. 1, South sixty- one degrees thirty minutes zero seconds West (S. 61 degrees 30' 00" W.), one hundred and zero hundredths (100.00) feet to an iron pin at lands now or formerly of Barry R. Rauhauser; thence along said lands now or formerly of Barry R. Rauhauser, North forty-six degrees thirty minutes zero seconds West (N. 46 degrees 30' 00"W.), two hundred sixty-one and ninety hundredths (261.90) feet to an existing RR stake in the centerline of Stoney Point Road; thence along in and through Stoney Point Road. North sixty-one degrees thirty minutes zero seconds East (N. 61 degrees 30' 00" E.), one hundred and zero hundredths (100.00) feet to a point and place of BEGINNING.

CONTAINING 24,910 square feet.

BEING Tax Parcel # J-8-126.

TITLE TO SAID PREMISES IS VESTED IN Timothy L. Myers, single man by Deed from Ray E. Ruppert and Kathryn M. Myers, Executors of the Will of Velma K. Ruppert dated 1/10/97, recorded 1/15/97, in Record Book, 1317, page 39.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 19, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/4, 11&18

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.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1035 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of June, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Lynx Drive and Lot No. 133A; thence along Lot No. 133A South Forty-three (43) degrees, Nineteen (19) minutes, Twenty-four (24) seconds East One hundred Eighty (180.00) feet to a point at Conewago Industrial Park; thence along said lands South Forty-six (46) degrees, Forty (40) minutes, Thirty-six (36) seconds West Sixty-five (65.00) feet to a point at Lot No. 134; thence along Lot No. 134 North Forty-three (43) degrees, Nineteen (19) minutes, Twenty -four (24) seconds West One hundred Eighty (180.00) feet to a point at Lynx Drive; thence along Lynx Drive North Forty-six (46) degrees, Forty (40) minutes, Thirty-six (36) seconds East Sixty five (65.00) feet to the point and place of beginning. Containing 11,700 square feet and identified as Lot No. 133B on a plan of lots entitled Lot 133, Conewago Estates, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 58 page 90.

TITLE TO SAID PREMISES IS VESTED IN David Gregory Herb and Barbara J. Herb, husband and wife by Deed from Leroy E. Hoffheins and Nadine E. Hoffheins, husband and wife dated 7/8/94 recorded 7/18/94 in Record Book 913 page 151.

SEIZED and taken into execution as the property of **David Gregory Herb & Barbara J. Herb** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 19, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/4, 11&18

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, June 14, 1999, at 9:00 o'clock a.m.

PITTENTURF—Orphans' Court Action Number OC-41-99. The First and Final Account of Harvey W. Stimer, Jr. and Dorothy Ruppert, Executors of the Last Will and Testament of Wilbur Pittenturf, deceased, late of Reading Township, Adams County, Pennsylvania.

STALLSMITH—Orphans' Court Action Number OC-46-99. The First and Final Account of Constance Lee Machamer, Executrix of the Last Will and Testament of Margaret A. Stallsmith, deceased, late of Biglerville Borough, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk Of Courts

6/4 & 11

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

NO. 99-S-427
ACTION TO QUIET TITLE

LEE M. WICKER and MICHELLE L. DESCHEEMAEKER, Plaintiffs,

vs.

LAKE MEADE, INC. and DEB QUIVEL, as Personal Representative of the Estate of Fred Cookerly, Deceased, Defendants.

TO: Lake Meade, Inc., its distributees, successors and assigns

TAKE NOTICE that on May 10, 1999, Lee M. Wicker and Michelle L. Descheemaeker filed a Complaint in Action to Quiet Title, against Lake Meade, Inc. averring that Lee M. Wicker and Michelle L. Descheemaeker are the owners of the real property described herein. The Complaint requests the Court to extinguish any possible interest you may have in said real estate. The subject property is a tract of land situate in Reading Township, Adams County, Pennsylvania, and described as follows:

ALL that certain lot of land situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot #80 on Plan of Lots of LAKE MEADE SUBDIVISION, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 1, Page 1 and subject to all legal highways, easements, rights-of-ways and restrictions of record.

The Complaint requested the Court to enter a Decree and Order that the title of the property described above is in the Plaintiffs and that the Defendant be forever barred from asserting any right, lien, title or interest in the said land inconsistent with the interest of the Plaintiffs as set forth in their Complaint.

WHEREFORE, the Court of Common Pleas of Adams County, Pennsylvania has ordered that service of the Complaint be made on the above Defendant, its distributees, successors and assigns, by publication. Plaintiffs will request the Court to enter a final judgment ordering that any possible legal interest the Defendant might have had in the property be extinguished.

NOTICE TO DEFEND

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

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

Court Administrator
Adams County Court House
111- 117 Baltimore Street
Gettysburg, Pennsylvania 17325
Telephone No. (717) 337-9846

Countess Gilbert Andrews
Joseph C. Adams
Attorneys for Plaintiffs
29 North Duke Street
York, PA 17401

6/4

COMMONWEALTH VS. DAVES

There is need for a balance to be struck between avoiding the dangers of hearsay testimony and the need for evidence that explains why police pursued a given course of action and this balancing process is governed by the sound discretion of the trial court.

In the Court of Common Pleas, Adams County, Pennsylvania, Criminal No. CC-240-97, COMMONWEALTH VS. TONYA ANDREA DAVES.

Bernard A. Yannetti, Jr., Esq., Assistant District Attorney for Commonwealth

Robert J. Chester, Esq., for Defendant

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

Kuhn, J., April 28, 1998.

Appellant, Tonya Andrea Daves, appeals a jury verdict of guilty entered January 14, 1998, on the charges of possession with intent to deliver a controlled substance in violation of 35 P.S. §780-113(a)(30) (Count I), possession of a controlled substance in violation of 35 P.S. §780-1 13(a)(16) (Count II), and possession of a small amount of marijuana in violation of 35 P.S. §780-1 13(a)(3 1) (Count III). Sentence was imposed on February 17, 1998 and resulted in a 3-6 year sentence of incarceration with a $15,000 fine plus costs for Count I. Sentencing for Count II was merged with Count I and no further sentence was imposed for Count III.

The factual background, presented in a light most favorable to the Commonwealth, reveals the following situation. On February 15, 1997, Appellant was staying at the Eisenhower Inn when she called the police at 7:00 a.m. claiming that approximately $1,150.00 had been stolen from her room. Patrolman Louis N. Whittington of the Cumberland Township Police Department replied. Upon arriving at Appellant's hotel room, Patrolman Whittington was told by Appellant that two male individuals, later identified as Raymond Curtis Heron and Steven Anthony Williams, were in her room and that she had placed the money under a pillow on the bed and went into the bathroom to change her clothes. When she came out of the bathroom she noticed the pillows had been moved and realized her money was missing. She confronted the two men who denied taking the money.

In response to Appellant's story, Patrolman Whittington attempted to locate the men to talk with them about the missing money. According to Patrolman Whittington's testimony, Williams was found in his room and was brought to a conference room in the hotel for questioning in

the presence of Appellant. Williams was Mirandized and asked about the missing money. Although he denied taking the money he stated that he had been in Appellant's room and that they were using drugs. In response, Appellant stated, "Why you had to dime me out. He don't give a fuck about what we doing in here. That ain't nothing to do with my money getting stole." (T. 13). After this initial interview, Appellant left the room and Patrolman Whittington testified that Williams then stated that he had bought cocaine from Defendant. Williams then agreed to allow the Patrolman to search his room and a small amount of cocaine was found rolled up in a dollar bill.

Officer Tim Guise, who arrived on the scene at a later time to aid Patrolman Whittington, spoke with Heron who admitted that he had ingested cocaine while in Appellant's room. Heron also consented to a search of his room where a small amount of marijuana residue was found. Both men were taken to the police station and were charged. According to Patrolman Whittington's testimony, warrants for the arrest of both men have been issued. Heron and Williams were subpoenaed for trial but did not report.

In response to the statements of both men, Patrolman Whittington and Officer Guise completed a search warrant and had it approved by District Justice Frymyer. (T. 62). They returned to the Inn and searched Appellant's room and found the following: single plastic baggie with 15.9 grams of cocaine, two smaller plastic baggies with cocaine, four small baggies of marijuana, three dollar bills with cocaine residue, one ten dollar bill with cocaine residue, baggie filled with several smaller Zip Lock baggies, a sifter, various baggies with assorted residue, one pack of rolling paper, two plastic vials, $229.00 dollars in mostly tens and twenties, and $61.00 dollars in assorted bills. (T. 23-31).

LEGAL DISCUSSION

In Appellant's statement of the matters complained of on appeal she has raised two issues. First, she claims the testimony of both Patrolman Whittington and Officer Guise indicating that Appellant had delivered cocaine to Heron and Washington in her room and that they had all ingested cocaine was hearsay and thus improperly admitted. Appellant also objects to the testimony on the grounds that it violates the confrontation clauses of both the federal and state constitutions. Second, Appellant argues that Defense counsel twice requested an opinion of Patrolman Whittington at trial and that the Court in error sustained the Commonwealth's objections on the grounds that the Patrolman was not an expert witness.[1]

---

[1]The Court need not address Appellant's objections involving the confrontation clauses of both the federal and state constitutions or the opinion evidence of Patrolman Whittington due to the Court's determination on Appellant's hearsay objection.

In reviewing the transcript of the proceedings, it is clear that defense counsel objected to the introduction of the testimony of Patrolman Whittington and Officer Guise on hearsay grounds. The Commonwealth responded by arguing that the statement was not offered for the truth of the matter "but rather to show why the officer had probable cause to come back with a search warrant and then return to search Miss Daves room...." (T. 14). At the appropriate time during both officers' testimony, this Court gave the jury instructions on hearsay and indicated that the statements were not to be taken for the truth of the matter asserted but only to shed light on why the officers took the action they did (T. 14, 61). Additionally, in the charge to the jury the Court again explained that the testimony regarding the statements made by Heron and Williams on Appellant's drug activity were not to be considered true and were only meant to give the jury "a basis for understanding why the police took certain action." (T. 134).

Hearsay is an out-of-court statement offered for the truth of the matter asserted. Commonwealth v. Rosario, 438 Pa. Super. 241, 267, 652 A.2d 354, 367 (1994); alloc. den., 685 A.2d 547. The Superior Court has held that out-of-court statements that are not offered for their truth and that only go to explain why certain conduct was taken by police are admissible at trial. Commonwealth v. Collazo, 440 Pa. Super. 13, 20-21, 654 A.2d 1174, 1178 (1995). However, not all out-of-court statements that show subsequent police action are admissible. The court opined,

> Nevertheless, it cannot be said that every out-of-court statement having bearing upon subsequent police conduct is to be admitted, for there is great risk that, despite cautionary jury instructions, certain types of statements will be considered by the jury as substantive evidence of guilt. Further, the police conduct rule does not open the door to unbounded admission of testimony, for such would nullify an accused's right to cross-examine and confront the witness against him.
>
> Clearly, there is need for a balance to be struck between avoiding the dangers of hearsay testimony and the need for evidence that explains why police pursued a given course of action. This balancing process is governed by the sound discretion of the trial court, and, as with other evidentiary decisions, the trial court's decision will be upheld on appeal unless there has been an abuse of discretion. See Commonwealth v. Hart, 479 Pa. 84, 87, 387 A.2d 845, 847 (1978) (trial court's discretion on evidentiary rulings).

Commonwealth v. Collazo, 440 Pa. Super. 13, 22, 654 A.2d 1174, 1178 (1995) (quoting Commonwealth v. Palsa, 521 Pa. 113, 118-119, 555

A.2d 808, 810-811(1989)); see also, Commonwealth v. Yates, 531 Pa. 373, 375-377, 613 A.2d 542, 543-544 (1992); Commonwealth v. Thomas, 396 Pa. Super. 92, 101-104, 578 A.2d 422, 426-428 (1990).

The testimony in the case at hand was not admitted for the truth of the asserted but only to give the jury some understanding as to why the police officers returned to Appellant's room to conduct a search. However, although at the time of trial this Court believed the prosecution's need outweighed possible prejudice to Appellant, further review of the case law shows this determination to be in error. Our Supreme Court has held that hearsay testimony implicating a defendant as a drug offender is highly prejudicial and may not be admitted under the police conduct rule. Our Supreme Court held,

> In criminal cases, an arresting or investigating officer should not be put in the false position of seeming just to have happened upon the scene; he should be allowed some explanation of his presence and conduct. His testimony that he acted "upon information received," or words to that effect, should be sufficient. Nevertheless, cases abound in which the officer is allowed to relate historical aspects of the case, replete with hearsay statements in the form of complaints and reports, on the ground that he was entitled to give the information upon which he acted. The need for the evidence is slight, the likelihood of misuse great.

Commonwealth v. Palsa, 521 Pa. at 118, 555 A.2d at 810-811 (quoting McCormick, Evidence, § 249, at 734 (Cleary 3rd ed. 1984); see also, Commonwealth v. Yates, 531 Pa. at 376-377, 613 A.2d at 543.

Thus, it is this Court's position that the hearsay testimony offered by the officer's in the case at hand which repeated accusations made by third parties of Appellant's drug use and sales were not properly admitted.[2]

---

[2]The Court notes that there were three hearsay statements testified to by the officers at trial. Two of those statements involved conversations between only one officer and either Washington or Heron implicating Appellant for drug use and sales. It is these statements that this Court believes to have been admitted in error. The remaining statement was made in the presence of Appellant. It was in response to this statement that Appellant declared, "Why you had to dime me out. He don't give a fuck about what we doing in here. That ain't nothing to do with my money getting stole." (T. 13). This statement would be admissible because it is not offered for the truth of the matter asserted but to show the effect on Appellant. See, Commonwealth v. Smith, 341 Pa. Super. 564, 492 A.2d 9(1985) (hearsay rule does not apply when purpose of introducing the statement is to show the effect on the listener). Appellant's statement would fall under the admission exception to the hearsay rule and thus would also be admissible. Commonwealth v. Smith, 518 Pa. 15, 540 A.2d 246 (1988) (admissions of defendant are admissible). Therefore, this remaining statement was properly admitted at trial.

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW
NO. 98-S-1058
ACTION TO QUIET TITLE

LAWRENCE E. McGLAUGHLIN,
Plaintiff,

vs.

ESTATE OF JAMES MAJOR, Deceased, LAWANDA ADAMS JOHNSON, DERRICK ADAMS, RUBY ADAMS, DARLENE ADAMS, JOAN CRAWFORD and ARTHUR ADAMS, their heirs, administrators, successors and assigns, Defendants.

TO: ESTATE OF JAMES MAJOR, Deceased, LAWANDA ADAMS JOHNSON, DERRICK ADAMS, RUBY ADAMS, DARLENE ADAMS, JOAN CRAWFORD and ARTHUR ADAMS, their heirs, administrators, successors and assigns,

You are notified that an Order has been entered on May 3, 1999, directing that within thirty (30) days after this publication, you shall commence an Action in Ejectment or other appropriate action against the Plaintiff above to assert any claim you may have in and to the lands herein described or be forever barred from asserting any right, lien, title or interest inconsistent with the interest or claim set forth in Plaintiff's Complaint with respect to the land herein described:

ALL that tract of land situate, lying and being in the Borough of Carroll Valley (formerly Liberty Township), Adams County, Pennsylvania, being Lot No. 13 in Section W, bounded and described as follows:

BEGINNING at a point in the center of Diane Trail at Lot No. 12: thence by said lot South 46 degrees 6 minutes East, 225 feet to a point in the center of Cheryl Trail; thence in said Cheryl Trail and by Lot No. 26 South 43 degrees 54 minutes West, 104.73 feet to Lot No. 14, thence by said lot North 46 degrees 6 minutes West, 225 feet to a point in the center of said Diane Trail; thence in said Diane Trail North 43 degrees 54 minutes East, 104.73 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section W of Charnita, Inc.," dated January 3, 1970, prepared by Gordon L. Brown, R.S., and recorded in Adams County Plat Book 1 at Page 66.

BEING THE SAME which Lawanda Adams Johnson, Derrick J. Adams, Ruby M. Adams, Darlene R. Adams and Joan B. Crawford, by deed dated February 28, 1996, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1178 at Page 132, sold and conveyed unto Arthur L. Adams, single; and BEING THE SAME which Arthur L. Adams, by deed dated October 25, 1996 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 1281 at page 96, sold and conveyed unto Lawrence E. McGlaughlin, Plaintiff herein;

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

6/4

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW
NO. 99-S-33
ACTION TO QUIET TITLE

LAWRENCE E. McGLAUGHLIN,
Plaintiff,

vs.

ELEANOR A. BRADFORD, her heirs, administrators, successors and assigns, Defendant.

TO:ELEANOR A. BRADFORD, her heirs, administrators, successors and assigns,

You are notified that an Order has been entered on May 3, 1999, directing that within thirty (30) days after this publication, you shall commence an Action in Ejectment or other appropriate action against the Plaintiff above to assert any claim you may have in and to the lands herein described or be forever barred from asserting any right, lien, title or interest inconsistent with the interest or claim set forth in Plaintiff's Complaint with respect to the land herein described:

ALL that tract of land situate, lying and being in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lot No. 292 in Section W, bounded and described as follows:

BEGINNING at a point in the center of Diana Trail at Lot No. 293; thence by said lot, South 28 degrees 4 minutes 40 seconds West, 224 feet to Lot No. 269; thence by said lot, North 61 degrees 55 minutes 20 seconds West, 100 feet to Lot No. 291; thence by said Lot and in the cul-de-sac of said Diana Trail, North 28 degrees 4 minutes 40 seconds East, 225 feet to a point in said cul-de-sac; thence in the cul-de-sac and in said Diana Trail, South 61 degrees 55 minutes 20 seconds East, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section W of Charnita, Inc.", dated January 3, 1970, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book 1 at page 66.

BEING THE SAME which Charnita, Inc., by deed dated April 3, 1971 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 291 at page 609, sold and conveyed unto Eleanor A. Bradford; and BEING THE SAME which the Adams County Tax Claim Bureau, by deed dated January 4, 1988 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 477 at page 261, sold and conveyed unto Christopher A. McGee; and BEING THE SAME which Christopher A. McGee and Juanita E. McGee, husband and wife, by their attorney-in-fact Joseph P. McGee, by deed dated October 14, 1998 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 1688 at page 12, sold and conveyed unto Lawrence E. McGlaughlin, Plaintiff herein.

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

6/4

NOTICE OF INCORPORATION

NOTICE IS HEREBY BY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on April 22, 1999 for the purpose of obtaining a Certificate of Incorporation of the Proposed Corporation to be organized under the Business Corporation Law of the Commonwealth of Pennsylvania, approved December 21, 1988, as amended.

The name of the proposed corporation is: LAKE MEADE MARINA, INC.

The purpose or purposes for which it was engaged are: The corporation shall have unlimited powers to engage in and do any lawful acts concerning any and all lawful businesses for which corporations may be incorporated under the Business Corporation Law. Act of December 21, 1988, P.L. 1444, as amended.

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

6/4

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 JEWEL C. ANDREWS, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Joseph S. Andrews, 239 Valley View Drive, Hanover, PA 17331
Attorney: James T. Yingst, Esquire, Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF KELLY JO KUMP, DEC'D
Late of the Borough of Biglerville, Adams County, Pennsylvania
Executrix: Sandy Catchings, a/k/a Sandra L. Catchings, 399 Old Carlisle Road, Biglerville, PA 17307
Attorney: Bernard A. Yannetti, Jr., Esquire, Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF RAY M. MCGOUGH, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Phyllis J. McGough, 1069 Biglerville Road, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esquire, 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF BONITA C. PEARSON, DEC'D
Late of the Borough of New Oxford, Adams County, Pennsylvania
Executrix: Heidi A. Pearson, 6 Jaqueline Drive, New Oxford, PA 17350
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF ELSIE A. SADLER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executor: Wm. D. Schrack, III, 124 West Harrisburg Street, Dillsburg, PA 17019-0310

ESTATE OF THELMA A. STUFFLE, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Personal Representatives: Linda J. Hartlaub, c/o Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681; Louis W. Stuffle, c/o Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681
Attorney: Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

SECOND PUBLICATION

ESTATE OF CHAN L. COULTER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executrix: Trocelia W. Coulter, 104 Rodes Avenue, Gettysburg, PA 17325
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF KENNETH E. GUISE, DEC'D
Late of the Borough of York Springs, Adams County, Pennsylvania
Co-Administrators: Robert E. Guise, P.O. Box 188, Gardners, PA 17324; George E. Guise, 819 Yellow Hill Road, Biglerville, PA 17307
Attorney: Gary E. Hartman, Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GLENN HOKE a/k/a E. GLENN HOKE, DEC'D
Late of the Borough of Arendtsville, Adams County, Pennsylvania
Executor: Loy C. Hoke, 124 Main Street, P.O. Box 545, Arendtsville, PA 17303
Attorney: John R. White, Esquire, Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF J. CALVIN LEREW, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Executrix: Margaret A. Lerew, c/o William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331
Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF ROBERT O. MICKLEY, DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania
Executors: Susan Rohrbaugh, 1103 Mt. Hope Road, Fairfield, PA 17320; Shirley Sites, 1765 Mt. Hope Road, Fairfield, PA 17320; Karen McGarry, 1125 Mt. Hope Road, Fairfield, PA 17320; Lois Ann Heckman, 290 West Second Street, Hummelstown, PA 17036; David J. Mickley, 1865 Mt. Hope Road, Fairfield, PA 17320;
Attorney: Clayton R. Wilcox, Esquire, 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GLADYS A. RILEY, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executor: Adams County National Bank, Lincoln Square, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF FLORENCE P. RUDISILL, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Paul K. Rudisill, c/o Alan M. Cashman, Esquire, 141 Broadway, Suite 230, Hanover, PA 17331
Attorney: Alan M. Cashman, Esquire, 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF MARGARET C. TASTO, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Co-Executors: Donald E. Tasto, c/o Douglas H. Gent, Esquire, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331; Richard H. Tasto, c/o Douglas H. Gent, Esquire, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331
Attorney: Douglas H. Gent, Esquire, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

ESTATE OF ROBERT P. QUINN, DEC'D
Late of Union Township, Adams County, Pennsylvania
Executrix: Karen M. Quinn, 60 Sycamore Lane, Hanover, PA 17331
Attorney: David K. James, Esquire, 234 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF THERON S. DAYHOFF, SR., DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Co-Executors: Theron S. Dayhoff, Jr., 3602 Fairfield Road, Gettysburg, PA 17325; Barry R. Dayhoff, 57 Bankert Road, Hanover, PA 17331
Attorney: Bernard A. Yannetti, Jr., Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF THELMA H. KEYSER, a/k/a THELMA G. KEYSER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Co-Executors: E. Edward Keyser, 65 Cumberland Drive, Gettysburg, PA 17325; Jack E. Keyser, 106 Hess Boulevard, Lancaster, PA 17601-4046
Attorney: Gary E. Hartman., Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF NATHAN P. KITZMILLER, DEC'D
Late of the Borough of New Oxford, Adams County, Pennsylvania
Co-Executrices: Tammy Jane Kitzmiller, 1581 Storms Store Road, New Oxford, PA 17350; Lori Ann Kitzmiller, 211-B Beaver Creek Road, Abbottstown, PA 17301
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF JAMES O. KOONTZ, DEC'D
Late of Freedom Township, Adams County, Pennsylvania
Administrators: Charles W. Koontz, 4450 Emmitsburg Road, Fairfield, PA 17320; Rosemary McNair, 9225 Waynesboro Pike, Emmitsburg, MD 21727
Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF MARIAN C. MICKLEY, a/k/a MARION C. MICKLEY, DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania
Executor: John W. Mickley, Jr., 66 White Run Road, Gettysburg, PA 17325
Attorney: Gary E. Hartman., Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SHIRLEY A. MULLER, DEC'D
Late of Germany Township, Adams County, Pennsylvania
Executor: Richard Allen Muller, 175 St. John's Road, Littlestown, PA 17340
Attorney: Catherine J. Gault, Esquire, 31 South Washington Street, Gettysburg, PA 17325

ESTATE OF KATHRYN J. WITTES, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Ray D. Wittes, c/o Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402
Attorney: Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402

ESTATE OF EDWARD C. ZINN, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Mary Ellen Yeagy Berwager, 4525 York Road, New Oxford, PA 17350; Jane Louise Yeagy Bean, 415 Lincoln Way West, New Oxford, PA 17350
Attorney: Donald W. Dorr, Esquire, Buchen, Wise & Door, 126 Carlisle Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1194 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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 THOSE TWO CERTAIN tracts of land situate in the township of Latimore, County of Adams, and Commonwealth of Pennsylvania, being more particularly bounded and follows, to wit:

TRACT NO. 1: BEGINNING at a nail in Township Road known as Mountain Road, at the point of joinder of the within described tract with other lands N/F of Marlin C. Fleming; thence extending in and along the aforementioned Mountain Road South zero (00) degrees eighteen (18) minutes West for a distance of eight hundred twenty and five hundredths (820.05) feet to a stake at lands N/F of Bruce Wagner, Jr.; thence extending along lands N/F of Bruce Wagner, Jr., North eighty-three (33) degrees seven (07) minutes West for a distance of nine hundred twenty-four and no hundreths (924.00) feet to a stake at lands N/F of Marlin C. Fleming; thence extending along lands N/F of Marlin C. Fleming following seven courses and distances North twelve (12) degrees twenty-seven (27) minutes East for a distance of four hundred forty-seven and seventy-nine hundredths (447.79) feet to a stake; thence continuing North twelve (12) degrees twenty-seven (27) minutes East for a distance of four hundred fifty-five and seven hundredths (455.07) feet to a stake; thence extending North forty-three (43) degrees forty-eight (48) minutes East for a distance of seventy-five and ninety hundreths (75.90) feet to a stake; thence extending South seventy (70) degrees forty-two minutes East for a distance of two hundred twenty-six and five hundredths (226.05) feet to a stake; thence extending South sixty-seven (67) degrees twelve (12) minutes East for a distance of eighty and twenty-four hundreths (80.24) feet to a stake; thence continuing South sixty-seven (67) degrees twelve (12) minutes East for a distance of two hundred thirty-one and sixty-one hundredths (231.61) feet to a stake; thence South seventy-nine (79) degrees forty-two minutes East for a distance of one hundred seventy-six and fifty-five hundredths (176.55) feet to a nail in aforementioned Mountain Road, said nail marking Place of Beginning

TRACT NO. 2: BEGINNING at a steel pin on the dedicated right-of-way line of L.R. 01009 a/k/a Mountain Road and at lands N/F of Michael E. Derr; thence along last mentioned lands North six (06) degrees six minutes twenty-five (25) seconds West, seven hundred thirty-seven and sixty-six hundredths (737.66) feet to steel pin at the dedicated right-of-way line of Township Road T-635 a/k/a Hollow Road; thence extending along said right-of-way line along a curve having a bearing of South sixty-six (66) degrees forty-seven (47) minutes fifteen (15) seconds East, a radius of six hundred seven and seven hundredths (607.07) feet in an arc distance of fifty-seven and thirty-one hundredths (57.31) feet to a point; thence along said right-of-way line South sixty-four (64) degrees five (05) minutes zero (0) seconds East, four hundred fourteen and five hundredths (414.05) feet to a point on said right-of-way line; thence extending along a curve having a bearing of South eleven (11) degrees five (05) minutes thirty-five (35) seconds East, a radius of fifty and zero hundredths (50.00) feet in an arc of ninety-two and forty-nine hundredths (92.49) feet to a point on the dedicated right of-way line of L.R. 01009 a/k/a Mountain Road; thence extending along said right-of-way line South forty-one (41) degrees fifty-three, (53) minutes fifty (50) seconds West, four hundred twenty-seven and sixty-six hundredths (427.66) feet to a point on said right-of-way line; thence extending along a curve having a bearing of South twenty-nine (29) degrees forty-eight (48) minutes fifty (50) seconds West, a radius of three hundred sixty-six and eighty-one hundredths (366.81) feet in arc of one hundred fifty-four and seventy-one hundredths (154.71) feet to a steel pin on said right-of-way line and the place of BEGINNING.

CONTAINING 3.662 acres to dedicated right-of-way lines and being designated as Lot No. 2 on the final plan of minor subdivis ion prepared for Marlin C. Fleming by Rodney Lee Decker, Registered Surveyor and dated February 26, 1979; said plan being recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 28, page 14.

BEING Tax Parcel # 1-1-26

TITLE TO SAID PREMISES IS VESTED IN Wayne E. Horton and Elaine R. Horton, husband and wife by Deed from Michael E. Derr, singleman dated 10/1/86, recorded 10/1/86, in Deed Book 437 page 961.

SEIZED and taken into execution as the property of **Wayne E. Horton & Elaine R. Horton** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
April 10, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/21, 28, & 6/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1232 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of June, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, situate, lying and being in Highland Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

TRACT NO.1

BEGINNING at a point for a corner, in the center of the State Highway leading from Gettysburg to Fairfield marked by an iron pin set on the North side of said highway; thence running by land now or formerly of J.J. Spence, North eight and three fourths (8 3/4) degrees West, two hundred and fourteen (214) feet to an iron pin; thence running by land of the same, North eighty-one and one-fourth (81-1/4) degrees East, one hundred and fifty-four (154) feet to an iron pin; thence running by land of the same, South eight and three fourths (8-3/4) degrees East, two hundred and fourteen (214) feet to a point in the center of the above mentioned highway marked by an iron pin set on the North side of said highway; thence running in the center of said highway, South eighty-one and one-fourth (81-1/4) degrees West, one hundred fifty-four (154) feet to a point in the center of said highway, the place of BEGINNING. CONTAINING one hundred and twenty-one perches and fourteen square feet.

TRACT NO. 2

BEGINNING at spike in the center of Pennsylvania Route #116 leading from Gettysburg to Fairfield at Southwest corner of land of the Estate of Allen L. Mallow, said spike being South 8 degrees 45 minutes East from an iron pin set back 2 1/1 feet along the line; thence in the center of said road, South 81 degrees 15 minutes West, 10 feet to a spike in the center of said road; thence along other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, through an iron pin set back 21.1 feet along the line, North 8 degrees 45 minutes West, 214 feet through a small stream to an iron pin, thence along other land now or formerly of J.J. Spence, husband and wife, North 81 degrees 15 minutes East, 10 feet to an iron pin; thence by other land of Estate of Allen L. Mallow, back across the small stream, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21/1 feet to a spike in the center of the highway, the place of BEGINNING. CONTAINING 7 perches and 204. 11 square feet.

TRACT NO.3

BEGINNING at a point in the center of Pennsylvania Route # 116 leading from Gettysburg to Fairfield at Southeast corner of lot of the Estate of Allen L. Mallow; thence by other land of the Estate of Allen L. Mallow through an iron pin set back along the line, North 8 degrees 45 minutes West, 214 feet across small stream to an iron pin; thence by other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, North 81 degrees 15 minutes East, 60 feet to an iron pin; thence by other land now of formerly of J.J. Spence and Ruth J. Spence, husband and wife, to be conveyed to John E. and Mary V. McDannell, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21.1 feet along the line to a point in the center of said State Highway; thence along the center of said State Highway, South 82 degrees 15 minutes West, 60 feet to a point, the place of BEGINNING. CONTAINING 47 perches and 44.25 square feet,

The description of Tract Nos. 2 and 3 were taken from draft of survey made June 7th, 1958, by Wilbur V. Redding, Registered Surveyor.

BEING Tax Parcel # D-14-22.

TITLE TO SAID PREMISES IS VESTED IN Michael L. Glynn by Deed from Dennis J. Baldwin and Roxann M. Baldwin, husband and wife dated 11/6/96, recorded 11/20/96, in Deed Book Volume 1291, page 224.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 19, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/28, 6/4 & 11

Adams County Legal Journal

Vol. 41 | June 11, 1999 | No. 3, pp. 9-12

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.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1035 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of June, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Lynx Drive and Lot No. 133A; thence along Lot No. 133A South Forty-three (43) degrees, Nineteen (19) minutes, Twenty-four (24) seconds East One hundred Eighty (180.00) feet to a point at Conewago Industrial Park; thence along said lands South Forty-six (46) degrees, Forty (40) minutes, Thirty-six (36) seconds West Sixty-five (65.00) feet to a point at Lot No. 134; thence along Lot No. 134 North Forty-three (43) degrees, Nineteen (19) minutes, Twenty -four (24) seconds West One hundred Eighty (180.00) feet to a point at Lynx Drive; thence along Lynx Drive North Forty-six (46) degrees, Forty (40) minutes, Thirty-six (36) seconds East Sixty five (65.00) feet to the point and place of beginning. Containing 11,700 square feet and identified as Lot No. 133B on a plan of lots entitled Lot 133, Conewago Estates, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 58 page 90.

TITLE TO SAID PREMISES IS VESTED IN David Gregory Herb and Barbara J. Herb, husband and wife by Deed from Leroy E. Hoffheins and Nadine E. Hoffheins, husband and wife dated 7/8/94 recorded 7/18/94 in Record Book 913 page 151.

SEIZED and taken into execution as the property of **David Gregory Herb & Barbara J. Herb** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 19, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/4, 11&18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-131 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 1999, 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 THOSE TWO certain lots or tracts of land situate in the TOWNSHIP OF READING, County of Adams and State of Pennsylvania, more particularly bounded and described as follows, to wit:

TRACT NO. 1: Being Lot No. 497 on a Plan of Lots of Lake Meade Subdivision, which plan is recorded in the Recorder of Deeds of Adams County, Pennsylvania in Misc. Deed Book 1 at page 4.

TRACT NO. 2: Being Lot No. 498 on a Plan of Lots of Lake Meade Subdivision, which plan is recorded in the Adams County Recorder of Deeds in Misc. Book 1, at page 4.

UNDER AND SUBJECT, NEVERTHELESS, to all legal highways, easements, rights of way and restrictions and conditions of instruments of prior record. Subject to the restrictions of Lake Meade as recorded in Record Book 263, at page 425 and Book 263, page 428.

BEING THE SAME premises which Allen J. Slate and Lori Slate, husband and wife, by their deed dated July 28, 1994, and recorded on August 1, 1994 in the Recorder of Deeds Office in and for Adams County in Adams County Record Book 919, Page 336, granted and conveyed unto William A. Coombs, Jr. and Windie S. Coombs, husband and wife, the Defendants herein.

SEIZED and taken into execution as the property of **William A. Coombs & Windie S. Coombs** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 2, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/11, 18, & 25

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Fictitious Name Act, Act 1982-295, approved December 16, 1982, that on February 16, 1999, an application for a certificate to conduct a business in Adams County, Pennsylvania, under the assumed or fictitious name of BAKER'S PAINTS AND WALLCOVERINGS was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania. The principal place of business of the said business is 147 N. Fourth Street, Gettysburg, Pennsylvania, 17325. The names and address of the people owning or interested in said business are Kenneth E. Baker and Colleen Martin, 1875 Tract Road, Fairfield, PA 17320.

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

6/11

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Corporation Bureau of the Department of State of the Commonwealth of Pennsylvania for the purpose of incorporating a domestic business corporation.

1. The name of the corporation is HICKS FUNERAL HOME, INC. and its registered office is located at the following: 501 Ridge Avenue, McSherrystown, PA 17344

2. The Articles of Incorporation were filed pursuant to the provisions of the Pennsylvania Business Corporation Law, Act of December 21, 1988, P.L. 1444, as amended.

3. The business purpose of the corporation is: Funeral Home

4. The Articles of Incorporation were filed with the Corporation Bureau of the Department of State on 4/23/99.

6/11

1. The validity of a foreign search must be determined in accordance with the laws of that state.

2. Our Rule 41(c) is substantially identical to Rule 41(c) of the Federal Rules of Criminal Procedure, as amended in 1972. The federal courts have generally held that the determination of probable cause must be based solely on the facts contained within the four corners of the affidavit. Consequently, subsequent testimony from the affiant or the judicial official who issued the warrant cannot be considered in determining whether the warrant is valid.

3. Only statements contemporaneously made under oath, taken down by a court reporter or recorded, and made a part of the affidavit may be considered in determining the warrant's validity.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-758-97, COMMONWEALTH OF PENNSYVLANIA VS. JUAN VEGA.

Shawn C. Wagner, Esq., Senior Deputy Attorney General
Kevin D. Mills, Esq., for Defendant.

OPINION ON OMNIBUS MOTIONS

Spicer, P.J., April 29, 1998.

Defendant, who is charged with a number of drug offenses[1], filed an omnibus pre-trial motion seeking various forms of relief. This judge conducted a hearing, April 14, 1998, after which challenges were dismissed to, (a) the jurisdiction of this court, and (b) the admissibility of evidence obtained by electronic interception (wiretap). Motions to quash the information were denied[2]. Generally, the undersigned determined that defendant was subject to prosecution within the Common-

---

[1]The Information charges defendant with three counts (Counts I-III) of possession with intent to deliver a controlled substance and one count (IV) of conspiracy to commit that crime. Count I refers to cocaine, on or about May 31, 1997; Count II also to cocaine, June 6, 1997; Count III involved marijuana, June 10, 1997.

[2] One basis for the motions to quash was asserted lack of jurisdiction. Two others were grounded on argued failure to state where offenses were to have occurred, and the identity of the controlled substance involved in conspiracy, Count IV. The information clearly identified Adams County as one location. Because Counts I-III identified controlled substances, notice requirements for Count IV were obviously met. The purposes of an Information are to inform defendant of the nature of the crimes with which he is charged, and to insure that he will not be prosecuted again for the same crimes. An information is not to be read in an overly technical manner. Commonwealth v. Morales, 447 Pa.Super. 491, 669 A.2d 1003 (1996). The information clearly meets the first objective. As to the second, it is settled law that there is only one conspiracy even if multiple crimes are the object of the unlawful agreement. Commonwealth v. Davis, Pa. Super., 704 A.2d 650 (1997). Thus, the Commonwealth would be precluded from re-prosecuting defendant on the theory that he and his conspirators intended to distribute a controlled substance different from that identified at trial.

wealth of Pennsylvania, under the provisions of 18 Pa.C.S.A.§102(a)(1) and (3)[3], that the application for the order authorizing electronic surveillance and interception met all legal requirements, as did the means of executing the order. Specifically, we rejected arguments that the application failed to show that the Commonwealth invaded privacy rights only to the minimum, necessary extent, and alternative investigative techniques[4], were inadequate.

A part of defendant's suppression motion dealt with evidence seized at his residence in West Virginia. The hearing progressed smoothly, at first, despite the lack of a signed copy of the search warrant. Defense counsel stipulated that an unsigned copy, Commonwealth's Exhibit 9, could be considered, conditioned on the Commonwealth supplementing the record with a copy displaying a signature. However, during the testimony of Samuel Harmon, who was attached to the Sheriff's Office in Jefferson County, West Virginia, matters became slightly more complicated. Deputy Harmon was not the person who applied for the warrant, and the adequacy of the description in the application became an issue.

Exhibit 9, Attachment No. 2, contained the following:

DESCRIPTION OF PREMISES TO BE SEARCHED

THE RESIDENCE OF JUAN VEGA.

MR. VEGA'S RESIDENCE IS LOCATED WITHIN AN ORCHARD AND IS EAST OF SSR 24 (GOLDMILLER RD) AT A POINT LOCATED APPROXIMATELY 1.3 MILES SOUTH OF THE INTERSECTION OF SR 51 W AND SSR 24. MR. VEGA'S RESIDENCE IS BEST DESCRIBED AS A RESIDENCE WITHIN WHAT APPEARS TO BE DORMITORY STYLE LIVING QUARTERS FOR MIGRANT FARM WORKERS. MR. VEGA'S ADDRESS HAS BEEN CONFIRMED THROUGH UNITED STATES POSTAL SERVICES AS RR2 BOX 252, BUNKER HILL, WV. THE DORMITORY STYLE

---

[3]§ 102 Territorial applicability

(a) General rule.-Except as otherwise provided in this section, a person may be convicted under the law of this Commonwealth of an offense committed by his own conduct or the conduct of another for which he is legally accountable if either:

(1) the conduct which is an element of the offense or the result which is such an element occurs within this Commonwealth.

(3) conduct occurring outside this Commonwealth is sufficient under the law of this Commonwealth to constitute a conspiracy to commit an offense within this Commonwealth and an overt act in furtherance of such conspiracy occurs within this Commonwealth.

[4] See, e.g., Commonwealth v. Doty, 345 Pa. Super. 374, 498 A.2d 870 (1985), U.S. Cert. Denied 479 U.S. 853, 107 S.Ct. 185 (1986).

LIVING QUARTERS IS DESCRIBED AS A CINDER BLOCK STRUCTURE APPROXIMATELY 80 FEET IN LENGTH WITH A TIN ROOF, SOUTHERN SECTION. THERE ARE ADDITIONAL BUILDINGS/SHEDS IMMEDIATE TO MR. VEGA'S DWELLING. AN IMMEDIATE INVESTIGATION OF OCCUPANCY WILL NEED TO BE CONDUCTED AT THE EXECUTION OF THIS WARRANT TO NOT UNREASONABLY DISTURB OTHERS. MR. VEGA'S EXACT LOCATION COULD NOT BE CONFIRMED TO THIS POINT IN TIME WITH OUT (sic) CONCERN OF JEOPARDIZING THE OVERALL INVESTIGATION.

Deputy Harmon confirmed that the exact location of defendant's quarters could not be determined in advance without jeopardizing the investigation. Although the location was kept under surveillance by law enforcement officials, nobody went to the building and inquired exactly where Mr. Vega lived. When the warrant was executed June 21, 1997, there were about 13 persons present in the structure. The building was secured and a walk through conducted to look for weapons. It was determined that defendant's apartment had a separate, outside entrance. Members of the Eastern Panhandle Drug Task Force knocked on Vega's door, and defendant answered. Only his apartment was searched.

During the course of his testimony, the deputy referred to a sketch of the building (Commonwealth 10), that indicated the location of Mr. Vega's apartment.

Defense counsel objected to the introduction of exhibits 9 and 10. The objection to the latter exhibit was based upon lack of authentication, which we disposed of rather quickly. The deputy was familiar with the layout of the building and the sketch's preparation. See Commonwealth v. Edmiston, 535 Pa. 210, 634 A.2d 1078 (1993).

Defendant argued that he was entitled to cross-examine First Sergeant F.E. Wagoner, of the West Virginia State Police as to any statements made to the issuing authority when the search warrant was requested. Sergeant Wagoner was the person who applied for the search warrant. Defense counsel contended that West Virginia does not follow a four corners approach, as does Pennsylvania, and that oral statements were a legitimate subject of inquiry. We afforded both counsel the opportunity to submit authority for their respective positions. We will now discuss the issues remaining.

Choice of law:

Both parties agree that the validity of the West Virginian search must be determined in accordance with the laws of that state. See, Commonwealth v. Harris, 491 Pa. 402, 421 A.2d 199 (1980); cf. Commonwealth v. Dennis, 421 Pa. Super. 600, 618 A.2d 972 (1992), alloc. dn. 535 Pa. 654, 634 A.2d 218 (1993), (admissibility of evidence is a procedural matter involving the law of the forum.)

The right to cross-examine Sergeant Wagoner:

Contrary to defendant's suggestion, it appears that the law in West Virginia mirrors that of this Commonwealth. Both jurisdictions follow a four corners approach. Commonwealth v. Dennis, supra. State v. Adkins, 176 W.Va 613, 346 S.E. 2nd 762 (1986). West Virginia's highest court said:

> Our Rule 41(c) is substantially identical to Rule 41(c) of the Federal Rules of Criminal Procedure, as amended in 1972. The federal courts have generally held that the determination of probable cause must be based solely on the facts contained within the four corners of the affidavit. Consequently, subsequent testimony from the affiant or the judicial official who issued the warrant cannot be considered in determining whether the warrant is valid.
>
> 346 S.E.2d @767.

Only statements contemporaneously made under oath, taken down by a court reporter or recorded, and made a part of the affidavit may be considered in determining the warrant's validity. id. The affidavit in Commonwealth Exhibit 9 contains no reference to statements extraneous to the affidavit. Any statements made by First Sergeant Wagoner, that are not reflected in the application, are irrelevant to the issue of the search warrant's validity. Therefore, defendant has no right to cross-examine the sergeant.

The description:

Citing standards adopted by the United States Supreme Court, West Virginia's Supreme Court of Appeals has defined the purpose for particularity requirements in search warrants as being the prevention of exploratory searches made on mere suspicion rather than on judicially determined probable cause. Descriptions need not be accurate in every detail, but must furnish a sufficient basis for identifying a particular property so that it is recognizable from other adjoining and neighboring properties. If identification can be made with reasonable effort and with reasonable certainty, the description is adequate. State of West Virginia v. Haught, 179 W.Va. 557, 371 S.E.2d 54 (1988).

In the case before us, reasonable effort was certainly required to and did identify Mr. Vega's apartment. With that effort, the area to be searched was identified and the search restricted to that area. Reasonable explanation had been given concerning the lack of opportunity to locate and describe the space occupied by defendant within the larger building. We find the description adequate and in conformity with West Virginia law.

ORDER OF COURT

AND NOW, this 29th day of April 1998, all of defendant's omnibus pre-trial motions are denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-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 25th day of June, 1999, 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, with any improvements thereon erected, situate, lying and being in Reading Township, Adams County, Pennsylvania, being Lot No. 2 as shown on a Final Plan prepared for Robert C. Ruppert and Dorothy M. Ruppert by George M. Wildasin, PLS, dated May 21, 1988, and recorded in Adams County Plan Book 55, at page 74, as more fully bounded, limited and described as follows, to wit:

BEGINNING at a point in Stoney Point Road, at corner of Lot No. 1; thence along Lot No. 1 South forty-six degrees thirty minutes zero seconds East (S. 46 degrees 30' 00" E.), two hundred sixty-one and ninety hundredths (261.90) feet to an iron pin; thence continuing along Lot No. 1, South sixty- one degrees thirty minutes zero seconds West (S. 61 degrees 30' 00" W.), one hundred and zero hundredths (100.00) feet to an iron pin at lands now or formerly of Barry R. Rauhauser; thence along said lands now or formerly of Barry R. Rauhauser, North forty-six degrees thirty minutes zero seconds West (N. 46 degrees 30' 00"W.), two hundred sixty-one and ninety hundredths (261.90) feet to an existing RR stake in the centerline of Stoney Point Road; thence along in and through Stoney Point Road. North sixty-one degrees thirty minutes zero seconds East (N. 61 degrees 30' 00" E.), one hundred and zero hundredths (100.00) feet to a point and place of BEGINNING.

CONTAINING 24,910 square feet.

BEING Tax Parcel # J-8-126.

TITLE TO SAID PREMISES IS VESTED IN Timothy L. Myers, single man by Deed from Ray E. Ruppert and Kathryn M. Myers, Executors of the Will of Velma K. Ruppert dated 1/10/97, recorded 1/15/97, in Record Book, 1317, page 39.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 19, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/4, 11&18

PRESS RELEASE
Administrative Office of
Pennsylvania Courts

LOCAL COURT RULES ACCESSIBLE TO INTERNET USERS THROUGH PENNSYLVANIA'S JUDICIARY WEB SITE

Harrisburg, June 1, 1999

Pennsylvania's Judiciary Web Site is providing a growing number of computer users statewide with the ability to review local rules that govern the practice of law in county criminal, civil, orphan and domestic relations courts.

Local court guidelines and administrative procedures for 58 of Pennsylvania's 60 judicial districts are now published at: http://www.courts.state.pa.us. Huntingdon and Wayne counties have no local rules.

The rules cover an extensive array of local policies and procedures including: filing of legal papers, forms of briefs, grounds for continuing a case, service of legal papers, hearing procedures, oral arguments, pretrial conferences and petitions.

To locate the local rules electronically, access the Judiciary Home Page at http://www.courts.state.pa.us, then:

- Scroll down to the "Supreme Court Committees" listing.
- Click on the highlighted "Local-Rules project" line under the Judicial Council heading.

FICTITIOUS NAME

NOTICE IS HEREBY GIVEN, in compliance with the requirements of section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately May 4, 1999, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of RAYNE CARPENTRY, with its principal place of business at 12 Stayman Way, Littlestown, PA 17340. The names and addresses of the persons owning or interested in said business are James Ray Stewart; 12 Stayman Way; Littlestown, PA 17340, residing at 12 Stayman Way; Littlestown, PA 17340. The character or nature of the business is Carpentry.

6/11

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that PLUMBING DESIGN, INC., with a registered Office of 121 York Street, Hanover, Pennsylvania, York County, and a mailing address of 160 Ram Drive, Hanover, Adams County, Pennsylvania, a Pennsylvania business corporation, is now engaged in winding up and settling its affairs. The corporation will be filing Articles of dissolution with the Commonwealth of Pennsylvania, Department of State, at Harrisburg, Pennsylvania, so that its corporate existence shall be ended under the provisions of the business Corporation Law of 1988.

Daniel M. Frey & Associates,
a division of Barley, Snyder,
Senft & Cohen
Attorneys

6/11

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Act 295 of 1982 (54 Pa. C. S.A. §311 et seq) of the filing of an application for registration of a fictitious name on April 27, 1999, with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the conducting of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style, or designation of CENTRAL PENNSYLVANIA TECHNICAL ASSOCIATES, having its principal place of business at 295 Friendship Lane, Gettysburg, Pennsylvania 17325. The name and address of the person owning or interested in said business is Jorja Lee Waybrant, of 295 Friendship Lane, Gettysburg, PA 17325.

6/11

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on April 23, 1999, for the purpose of obtaining a Certificate of Incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

The name of the corporation is KEEFER TRUCKING, INC.

The purpose for which the corporation has been organized is: The corporation shall have unlimited power to engage in and do any law act concerning any or all lawful business for which corporations may be organized under the Pennsylvania Business Corporation Law.

Keefer Trucking, Inc.
P.O. Box 3543
Gettysburg, PA 17325

6/11

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF WALTER C. BIGHAM, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executors: Anna Mae Bigham, 485 Woodside Road, Gettysburg, PA 17325; Catherine E. Bigham, 485 Woodside Road, Gettysburg, PA 17325
Attorney: Robert E. Campbell, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PATRICK MAURICE CLAPSADL, DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania
Representative: Robin Clapsadl, 2435 A Mt. Hope Rd, Fairfield, PA 17320
Attorney: Matthew R. Battersby, Esq., P.O. Box 215, 20 W. Main Street, Fairfield, PA 17320

ESTATE OF MAYBELLE L. CLINE, DEC'D
Late of the Borough of Arendtsville, Adams County, Pennsylvania
Co-Executors: Romaine L. Weikert, P.O. Box 118, Arendtsville, PA 17303; Shirley M. Hoke, P.O. Box 545, Arendtsville, PA 17303; David L. Cline, 1357 Goodyear Road, Gardners, PA 17324; Louise E. Swartz, 204 Cockleys Drive, Mechancisburg, PA 17055
Attorney: John R. White, Esquire, Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF HELEN R. FOX, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Paul B. Fox, 424 Queen Street, Gettysburg, PA 17325
Attorney: Edward B. Bulleit, Esquire, Puhl, Eastman & Thrasher, Esquires, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF ANNA MAE HANKEY, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Administratrix: Joyce I. Hankey, 19 Fifth Street, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF HERBERT G. RAAB, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Administrator cta: Timothy Raab, 186 Blackner Road, Johnstown, PA 15905
Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF WILLIAM H. SMITH, SR., DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executors: William H. Smith, Jr., 40 Squire Circle, McSherrystown, PA 17344; Randy T. Smith, 15 Colonial Drive, Hanover, PA 17331
Attorney: Keith A. Hassler, Attorney at Law, 9 North Beaver Street, York, PA 17401

ESTATE OF MICHAEL L. STRANG, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Admininstrator: Laura V. Stine, c/o Stephen D. Kulla, Esq., 9 East Main Street, Waynesboro, PA 17268
Attorney: Stephen D. Kulla, Esq., 9 East Main Street, Waynesboro, PA 17268

SECOND PUBLICATION

ESTATE OF JEWEL C. ANDREWS, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Joseph S. Andrews, 239 Valley View Drive, Hanover, PA 17331
Attorney: James T. Yingst, Esquire, Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF KELLY JO KUMP, DEC'D
Late of the Borough of Biglerville, Adams County, Pennsylvania
Executrix: Sandy Catchings, a/k/a Sandra L. Catchings, 399 Old Carlisle Road, Biglerville, PA 17307
Attorney: Bernard A. Yannetti, Jr., Esquire, Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF RAY M. MCGOUGH, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Phyllis J. McGough, 1069 Biglerville Road, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esquire, 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF BONITA C. PEARSON, DEC'D
Late of the Borough of New Oxford, Adams County, Pennsylvania
Executrix: Heidi A. Pearson, 6 Jaqueline Drive, New Oxford, PA 17350
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF ELSIE A. SADLER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executor: Wm. D. Schrack, III, 124 West Harrisburg Street, Dillsburg, PA 17019-0310

ESTATE OF THELMA A. STUFFLE, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Personal Representatives: Linda J. Hartlaub, c/o Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681; Louis W. Stuffle, c/o Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681
Attorney: Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

THIRD PUBLICATION

ESTATE OF CHAN L. COULTER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executrix: Trocelia W. Coulter, 104 Rodes Avenue, Gettysburg, PA 17325
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF KENNETH E. GUISE, DEC'D
Late of the Borough of York Springs, Adams County, Pennsylvania
Co-Administrators: Robert E. Guise, P.O. Box 188, Gardners, PA 17324; George E. Guise, 819 Yellow Hill Road, Biglerville, PA 17307
Attorney: Gary E. Hartman, Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GLENN HOKE a/k/a E. GLENN HOKE, DEC'D
Late of the Borough of Arendtsville, Adams County, Pennsylvania
Executor: Loy C. Hoke, 124 Main Street, P.O. Box 545, Arendtsville, PA 17303
Attorney: John R. White, Esquire, Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF J. CALVIN LEREW, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Executrix: Margaret A. Lerew, c/o William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331
Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF ROBERT O. MICKLEY, DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania
Executors: Susan Rohrbaugh, 1103 Mt. Hope Road, Fairfield, PA 17320; Shirley Sites, 1765 Mt. Hope Road, Fairfield, PA 17320; Karen McGarry, 1125 Mt. Hope Road, Fairfield, PA 17320; Lois Ann Heckman, 290 West Second Street, Hummelstown, PA 17036; David J. Mickley, 1865 Mt. Hope Road, Fairfield, PA 17320;
Attorney: Clayton R. Wilcox, Esquire, 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GLADYS A. RILEY, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executor: Adams County National Bank, Lincoln Square, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF FLORENCE P. RUDISILL, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Paul K. Rudisill, c/o Alan M. Cashman, Esquire, 141 Broadway, Suite 230, Hanover, PA 17331
Attorney: Alan M. Cashman, Esquire, 141 Broadway, Suite 230, Hanover, PA 17331

Continued on next page

ESTATE NOTICES (cont.)

ESTATE OF MARGARET C. TASTO, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Co-Executors: Donald E. Tasto, c/o Douglas H. Gent, Esquire, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331; Richard H. Tasto, c/o Douglas H. Gent, Esquire, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331
Attorney: Douglas H. Gent, Esquire, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

ESTATE OF ROBERT P. QUINN, DEC'D
Late of Union Township, Adams County, Pennsylvania
Executrix: Karen M, Quinn, 60 Sycamore Lane, Hanover, PA 17331
Attorney: David K. James, Esquire, 234 Baltimore Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1232 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of June, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, situate, lying and being in Highland Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

TRACT NO.1

BEGINNING at a point for a corner, in the center of the State Highway leading from Gettysburg to Fairfield marked by an iron pin set on the North side of said highway; thence running by land now or formerly of J.J. Spence, North eight and three fourths (8 3/4) degrees West, two hundred and fourteen (214) feet to an iron pin; thence running by land of the same, North eighty-one and one-fourth (81-1/4) degrees East, one hundred and fifty-four (154) feet to an iron pin; thence running by land of the same, South eight and three fourths (8-3/4) degrees East, two hundred and fourteen (214) feet to a point in the center of the above mentioned highway marked by an iron pin set on the North side of said highway; thence running in the center of said highway, South eighty-one and one-fourth (81-1/4) degrees West, one hundred fifty-four (154) feet to a point in the center of said highway, the place of BEGINNING. CONTAINING one hundred and twenty-one perches and fourteen square feet.

TRACT NO. 2

BEGINNING at spike in the center of Pennsylvania Route #116 leading from Gettysburg to Fairfield at Southwest corner of land of the Estate of Allen L. Mallow, said spike being South 8 degrees 45 minutes East from an iron pin set back 2 1/1 feet along the line; thence in the center of said road, South 81 degrees 15 minutes West, 10 feet to a spike in the center of said road; thence along other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, through an iron pin set back 21.1 feet along the line, North 8 degrees 45 minutes West, 214 feet through a small stream to an iron pin, thence along other land now or formerly of J.J. Spence, husband and wife, North 81 degrees 15 minutes East, 10 feet to an iron pin; thence by other land of Estate of Allen L. Mallow, back across the small stream, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21/1 feet to a spike in the center of the highway, the place of BEGINNING. CONTAINING 7 perches and 204. 11 square feet.

TRACT NO.3

BEGINNING at a point in the center of Pennsylvania Route # 116 leading from Gettysburg to Fairfield at Southeast corner of lot of the Estate of Allen L. Mallow; thence by other land of the Estate of Allen L. Mallow through an iron pin set back along the line, North 8 degrees 45 minutes West, 214 feet across small stream to an iron pin; thence by other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, North 81 degrees 15 minutes East, 60 feet to an iron pin; thence by other land now of formerly of J.J. Spence and Ruth J. Spence, husband and wife, to be conveyed to John E. and Mary V. McDannell, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21.1 feet along the line to a point in the center of said State Highway; thence along the center of said State Highway, South 82 degrees 15 minutes West, 60 feet to a point, the place of BEGINNING. CONTAINING 47 perches and 44.25 square feet,

The description of Tract Nos. 2 and 3 were taken from draft of survey made June 7th, 1958, by Wilbur V. Redding, Registered Surveyor.

BEING Tax Parcel # D-14-22.

TITLE TO SAID PREMISES IS VESTED IN Michael L. Glynn by Deed from Dennis J. Baldwin and Roxann M. Baldwin, husband and wife dated 11/6/96, recorded 11/20/96, in Deed Book Volume 1291, page 224.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 19, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/28, 6/4 & 11sheriff's sale

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1017 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, being known as Lot No. 150 in Section K, bounded and described as follows:

BEGINNING at a point in the center of Ski Run Trail at Lot No. 151; thence by said lot North 25 degrees 15 minutes 35 seconds East, 225 feet to Lot No. 168; thence by said lot South 64 degrees 44 minutes 25 seconds East 100 feet to Lot No. 149; thence by said lot South 25 degrees 15 minutes 35 seconds West, 225 feet to a point in the center of said Ski Run Trail; thence in said Ski Run Trail North 64 degrees 44 minutes 25 seconds West, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section K., Charnita" dated March 3, 1969, prepared by Evan, Hagan, & Holdefer, and recorded in Adams County Plat Book 1 at page 42.

BEING THE SAME PREMISES which G.M. Leahy, Inc., by indenture dated November 23, 1997 and recorded November 23, 1987 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 0474, Page 0030, granted and conveyed unto Neal A. Wuethrich and Helen B. Wuethrich.

Seized in Execution as the property of Neal A. Wuethrich and Helen B. Wuethrich under Adams County Judgement No. 96-S 1017.

SEIZED and taken into execution as the property of **Neal A. Wuethrich & Helen B. Wuethrich** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 2, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/11, 18, & 25

Adams County Legal Journal

Vol. 41 June 18, 1999 No. 4, pp. 13-16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-77 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 1999, 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 Straban Township, Adams County, Pennsylvania, more particularly described as follows, to wit:

BEGINNING at a point in the center line of New Chester Road (T-514) which runs from U.S. Route 30 to Swift Run Road (T-515), where the dividing line between Lots 1 and 2 intersect same. Said beginning point is more exactly located as follows: from a point where the center lines of the Western Maryland Railroad and New Chester Road intersect and running therefrom along the center line of New Chester Road, North 26 degrees 28 minutes 45 seconds East, 464.99 feet to a point, the point of beginning of Lot 2; thence continuing along the center line of New Chester Road, North 26 degrees 06 minutes 50 seconds East, 350.40 feet to a point and North 46 degrees 09 minutes 17 seconds East, 148.95 feet to a point in the dividing line between Lots 2 and 3 of "Jack's Acres", thence along the dividing line between Lots 2 and 3 of "Jack's Acres", the following courses and distances; South 61 degrees 41 minutes 10 seconds East, 499.33 feet to a point, South 26 degrees 06 minutes 50 seconds West, 156.16 feet to a point and South 64 degrees 19 minutes 37 seconds East, 933.89 feet to a point in the westerly line of lands, now or formerly of Harold R. Neverly; thence along said Neverly's land, South 30 degrees 12 minutes 50 seconds West, 285.00 feet to a point in the center line of the Western Maryland Railroad; thence along the center line of the Western Maryland Railroad, North 82 degrees 48 minutes 40 seconds West 587.07 feet to a point in the dividing line between Lots 1 and 2 of "Jack's Acres"; thence along the dividing line between Lots 1 and 2 of "Jack's Acres", the following courses and distances; North 31 degrees 11 minutes 40 seconds East, 226.39 feet to a point, North 63 degrees 53 minutes 10 seconds West, 584.88 feet to a point and North 76 degrees 12 minutes 10 seconds west, 351.59 feet to a point in the center line of New Chester Road, the point of BEGINNING. CONTAINING 12.16 acres of land, more or less and being composed of all of Lot 2 of "Jack's Acres" as shown on a plan recorded on June 7, 1966 in Plat Book 50 on page 1.

BEING THE SAME premises which John H. Vockroth and Hazel M. Vockroth, husband and wife, by their deed dated the 14th day of April, 1989, and recorded at Adams County in the Office of the Recorder of Deeds, in and for the County of Adams on April 14, 1989 in Adams County Record Book 519, Page 695, granted and conveyed unto Kathy P. Oberlin, single, the Defendant herein.

SEIZED and taken into execution as the property of **Kathy P. Oberlin** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 2, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/18, 25 & 7/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-746 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of July, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the right, title, interest and claim of Jeff L. Schaffner of, in and to the following described property:

ALL the following described real estate situated in Carroll Valley Borough, County of Adams and Commonwealth of Pennsylvania. Having erected thereon a dwelling known as 18 Valley View Trail, Fairfield, PA 17321. D.B.V. 1459. Page 0073, Parcel No. 13-45. Lot Nos. 158, 159, and 160.

Execution No. 98 - S- 746

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 13, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 16, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/18, 25 & 7/2

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

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

Periodicals postage paid at Gettysburg, PA 17325.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1035 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of June, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Lynx Drive and Lot No. 133A; thence along Lot No. 133A South Forty-three (43) degrees, Nineteen (19) minutes, Twenty-four (24) seconds East One hundred Eighty (180.00) feet to a point at Conewago Industrial Park; thence along said lands South Forty-six (46) degrees, Forty (40) minutes, Thirty-six (36) seconds West Sixty-five (65.00) feet to a point at Lot No. 134; thence along Lot No. 134 North Forty-three (43) degrees, Nineteen (19) minutes, Twenty -four (24) seconds West One hundred Eighty (180.00) feet to a point at Lynx Drive; thence along Lynx Drive North Forty-six (46) degrees, Forty (40) minutes, Thirty-six (36) seconds East Sixty five (65.00) feet to the point and place of beginning. Containing 11,700 square feet and identified as Lot No. 133B on a plan of lots entitled Lot 133, Conewago Estates, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 58 page 90.

TITLE TO SAID PREMISES IS VESTED IN David Gregory Herb and Barbara J. Herb, husband and wife by Deed from Leroy E. Hoffheins and Nadine E. Hoffheins, husband and wife dated 7/8/94 recorded 7/18/94 in Record Book 913 page 151.

SEIZED and taken into execution as the property of **David Gregory Herb & Barbara J. Herb** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 19, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/4, 11&18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-131 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 1999, 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 THOSE TWO certain lots or tracts of land situate in the TOWNSHIP OF READING, County of Adams and State of Pennsylvania, more particularly bounded and described as follows, to wit:

TRACT NO. 1: Being Lot No. 497 on a Plan of Lots of Lake Meade Subdivision, which plan is recorded in the Recorder of Deeds of Adams County, Pennsylvania in Misc. Deed Book 1 at page 4.

TRACT NO. 2: Being Lot No. 498 on a Plan of Lots of Lake Meade Subdivision, which plan is recorded in the Adams County Recorder of Deeds in Misc. Book 1, at page 4.

UNDER AND SUBJECT, NEVERTHELESS, to all legal highways, easements, rights of way and restrictions and conditions of instruments of prior record. Subject to the restrictions of Lake Meade as recorded in Record Book 263, at page 425 and Book 263, page 428.

BEING THE SAME premises which Allen J. Slate and Lori Slate, husband and wife, by their deed dated July 28, 1994, and recorded on August 1, 1994 in the Recorder of Deeds Office in and for Adams County in Adams County Record Book 919, Page 336, granted and conveyed unto William A. Coombs, Jr. and Windie S. Coombs, husband and wife, the Defendants herein.

SEIZED and taken into execution as the property of **William A. Coombs & Windie S. Coombs** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 2, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/11, 18, & 25

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on the 4th day of January, 1999, for the purposes of obtaining a Certificate of Incorporation for a proposed business corporation organized under the Pennsylvania Business Corporation Law of 1988.

The name of the corporation is: LINCOLN CEMETERY PROJECT ASSOCIATION.

The purpose or purposes for which it was organized are as follows: all lawful business for which corporations may be incorporated under the provisions of this Act, including, but not limited to, the maintenance and acquisition of the Lincoln Cemetery, Gettysburg, as well as educating the public with regard to Black-American soldiers who died in the service of their country.

Fenstermacher and Associates, P.C.
5115 East Trindle Road
Mechanicsburg, PA 17055
(717) 691-5400

6/18

MCLAUGHLIN VS. WALLS

1. A court may properly grant a motion for summary judgment only where the pleadings, depositions, answers to interrogatories, admissions and affidavits demonstrate that there are no genuine issues of material fact and that the moving party is entitled to judgment as a matter of law.

2. The moving party has the burden of proving the non-existence of any genuine issue of fact, and all doubts are resolved against the moving party. Furthermore, the moving party's right must be clear and free from doubt.

3. A claim for storage costs is permissible when one party leaves his property upon the real estate of another.

4. The Court looked to the "elements of ownership" when determining an actual owner of a vehicle. The elements of ownership included "the use, benefit, possession, control, responsibility for, and disposition of the automobile..."

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 96-5-551, MATTHEW G. McLAUGHLIN AND SHERRY McLAUGHLIN VS. THOMAS L. WALLS, SR. AND DOROTHY E. WALLS.

Richard E. Thrasher, Esq., for Plaintiffs
Arthur J. Becker, Esq., for Defendants

OPINION ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Kuhn, J., May 12, 1998.

This case is before this Court for disposition on Defendants' Motion for Summary Judgment. For the following reasons, the motion is denied.

PROCEDURAL HISTORY AND STATEMENT OF FACTS

On June 27,1996, Plaintiffs, Matthew G. and Sherry McLaughlin, began this action with the filing of a complaint. Defendants, Thomas L. and Dorothy E. Walls, filed preliminary objections to the complaint. Plaintiffs responded by filing an Amended Complaint. Defendants then filed preliminary objections to the Amended Complaint. On October 29, 1996, President Judge Spicer granted Defendants' demurrer to Count I of Plaintiffs' Amended Complaint and gave Plaintiffs twenty days to file a second amended complaint. Plaintiffs' Second Amended Complaint was filed on December 16, 1996. Defendants again filed preliminary objections which President Judge Spicer granted by Order dated June 2, 1997, dismissing Count I. On April 3, 1998, Defendants filed a motion for summary judgment as to Count II.

Count II of Plaintiffs' complaint arises out of the operation of a used car lot. Plaintiffs own two contiguous lots located at 1746 and 1764 York Road, Adams County. In April of 1994, they leased lot 1746 to Defendants for the purpose of operating a used car lot. Shortly after the lease was

signed, the parties also entered into a "contract for contract employment." (Dep. M. McLaughlin at 29). Under this agreement, Plaintiff Matt McLaughlin was to purchase used cars at various auctions for Defendants. Matt would purchase the cars with a check signed by the Walls and would get the certificates of title in the name of Walls Used Cars and Parts. (Dep. of D. Walls at 13). Matt would deliver the cars to Defendants and reimburse them for the entire purchase price of the vehicle. The parties would then enter into what was entitled an Installment Sales Contract whereby Defendants would make installment payments to Plaintiffs. This procedure was apparently employed, at least in part, because Plaintiffs did not have the necessary license to sell used cars. (Dep. of D. Walls at 39; Dep. of M. McLaughlin at 98).

There are 20 cars at issue in the present case. These 20 cars were purchased under the procedure set forth above and were sold by Defendants and later repossessed beginning in 1994 through June of 1995. (Dep. of T. Walls at 19). The parties do not dispute that installment contracts were entered into for each car and that the installments have not been paid in full. They also do not dispute that the certificates of title are in the name of Walls Used Cars and Parts. However, there appears to be a dispute on the issue of whether or not Plaintiff Matt McLaughlin is listed as lienholder on the certificates of title. Copies of the titles are not available in the record[1] and in reviewing the depositions it appears this point is disputed.[2]

Under the written agreement for "contract employment," Plaintiff was to purchase the cars, set the prices (including down payments and weekly payments), and be paid $500 plus costs for each vehicle. (Dep. of M. McLaughlin at 37,45). As each of the 20 cars in question were repossessed they were placed on Plaintiff's lot at 1764 York Road. All of the cars were allegedly on the lot by June of 1995. (Dep. of M. McLaughlin at 55; D. Walls at 8). The parties dispute whether or not Plaintiffs' permission was obtained. After the cars were placed on lot 1764, the parties had a disagreement as to who was responsible for the vehicles. Defendants felt it was Plaintiffs' responsibility to determine what should be done with the vehicles, for instance, whether they should be fixed and resold or junked.

---

[1] The Court notes that although reference is made to an exhibit containing copies of the certificates of title, this exhibit cannot be found in the record.

[2] Plaintiffs have alleged that they have no lien on the titles. Mr. Walls testified that he thought Plaintiffs might have been listed as lienholders on some of the vehicles. (Dep. of T. Walls at 25). Mrs. Walls testified that the normal procedure was to place Plaintiff Matt McLaughlin's name on the certificate of title as a lienholder but that at some point either the Department of Banking or the Attorney General told them that this was not permitted. (Dep. of D. Walls at 34). Thus, it is not clear whether Plaintiff has been listed as a lienholder on any of the certificates of title in question.

(Dep. of T. Walls at 33; Dep. of D. Walls at 16). Plaintiffs felt the decision was Defendants to make. (Dep. of M. McLaughlin at 46).

LEGAL DISCUSSION

A court may properly grant a motion for summary judgment only where the pleadings, depositions, answers to interrogatories, admissions and affidavits demonstrate that there are no genuine issues of material fact and that the moving party is entitled to judgment as a matter of law. Albright v. Abington Memorial Hospital, 548 Pa. 268, 280, 696 A.2d 1159, 1165 (1997). The moving party has the burden of proving the non-existence of any genuine issue of fact, and all doubts are resolved against the moving party. Merriweather v. Philadelphia Newspapers, Inc., 453 Pa. Super. 464, 471, 684 A.2d 137, 140 (1997). Furthermore, the moving party's right must be clear and free from doubt. Welsh v. Bulger, 548 Pa. 504, 512, 698 A.2d 581, 584 (1997).

A claim for storage costs is permissible when one party leaves his property upon the real estate of another. See, e.g., Rhoads v. Walsh, 48 Pa. Super. 465, 468 (1912); Grove v. Barclay, 106 Pa. 155,164 (1884). Clearly, ownership of both the personal property and the real estate becomes an issue in an action for storage costs. Defendants argue that Plaintiffs own the cars that were stored on lot 1764 and that they cannot be charged for storage on vehicles they do not own. They claim that because the installment contracts have not been paid in full Plaintiffs have an ownership interest in the cars. Plaintiffs argue that all indicia of ownership, including the certificates of title to the cars, are in Defendants.

Owner is defined in the Vehicle Code as follows:

> "Owner." A person, other than a lienholder, having the property right in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

75 Pa.C.S.A. §102.

On the facts presented to the Court at this time summary judgment is not warranted because it appears that Plaintiffs are not the "owners" of the cars. Regardless of whether Plaintiffs were listed as lienholders on the titles, Defendants are considered the actual owners under the Vehicle Code. The definition specifically refers to an owner as a "person, *other than a lienholder,* having the property right in or *title to a vehicle.*" 75 Pa.C.S.A. §102 (emphasis added). This is exactly Defendants' position. They have title to the vehicles in question and all rights of ownership and are merely subject to Plaintiffs' interest in the cars.[3]

---

[3]Plaintiffs' interest in the cars stems from the installment contracts entered into between the parties. Initially, the Court notes that there is no evidence that Plaintiff is licensed to sell cars under an installment sale contract under 69 Pa.C.S.A. §604 and thus

Furthermore, the Vehicle Code requires that "every *owner* of a vehicle...make application to the department for a certificate of title of a vehicle." 75 Pa.C.S.A. §1101(a) (emphasis added). Defendants have title in the cars; however, our courts have held that a certificate of title is not controlling on the issue of ownership. Wasilko v. Home Mutual Casualty Company, 210 Pa. Super. 322, 325, 232 A.2d 60, 61(1967). The Wasilko Court looked to the "elements of ownership" when determining an actual owner of a vehicle. The elements of ownership included "the use, benefit, possession, control, responsibility for, and disposition of the automobile... ." Wasilko v. Home Mutual Casualty Company, 210 Pa. Super. at 326, 232 A.2d at 62.

Although Defendants' title to the cars in question is not controlling on the issue of ownership it is certainly a factor to consider. Additionally, in reviewing the "elements of ownership" it appears that Defendant's are the actual owners because they have the right to possess, use, control, and dispose of the vehicles. Thus, upon the undisputed facts presented on the record at this time, it appears as though Defendants are the owners of the cars in question and summary judgment would not be proper.

Defendants' second argument is that Plaintiffs have implicitly consented to the storage of the vehicles on their property. In reviewing the depositions of the parties it is clear that there is a genuine issue of material fact as to whether or not Plaintiffs gave consent to the storage. Thus, summary judgment may not be granted on this issue.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 12th day of May 1998, Defendants' Motion for Summary Judgment is hereby denied.

ERRATA SHEET

AND NOW, this 14th day of May, 1998, the Opinion on Defendants' Motion for Summary Judgment dated May 12,1998, is corrected as follows:

1 . Page 2, line 1 — "singed" is corrected to read "signed".

---

the contracts may be unenforceable. See, 69 Pa.C.S.A. §635 (stating that an installment sale contract, entered into by a buyer where the seller was not licensed under the requirements of the act, is unenforceable). In any event, the copies of the installment contracts provided to the Court are largely illegible; however, what can be deciphered seems to have been filled out by the parties with financing attached. It appears as though the parties were attempting to give Plaintiffs an interest in the cars through the use of an installment contract form and it was not intended as the sale of a car. This is an even more persuasive argument considering that Plaintiff is not licensed to sell cars and readily admits to this fact in his deposition. (Dep. of M. McLaughlin at 98).

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 NAOMI E. FUHRMAN, DEC'D
Late of Conewago Township, Adams County, Pennsylvania
Executors: Donald L. Elder, 628 Third Street, Hanover, PA 17331; Elizabeth A. Houser, 514 Diller Road, Hanover, PA 17331
Attorney: Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331

ESTATE OF JOYCE M. HEMLER, DEC'D
Late of Conewago Township, Adams County, Pennsylvania
Executor: Terry Lee Hemler, R.R. #2, Box 2036, Stone Church Road, Glenville, PA 17329
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, Pennsylvania 17331

SECOND PUBLICATION

ESTATE OF WALTER C. BIGHAM, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executors: Anna Mae Bigham, 485 Woodside Road, Gettysburg, PA 17325; Catherine E. Bigham, 485 Woodside Road, Gettysburg, PA 17325
Attorney: Robert E. Campbell, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PATRICK MAURICE CLAPSADL, DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania
Representative: Robin Clapsadl, 2435 A Mt. Hope Rd, Fairfield, PA 17320
Attorney: Matthew R. Battersby, Esq., P.O. Box 215, 20 W. Main Street, Fairfield, PA 17320

ESTATE OF MAYBELLE L. CLINE, DEC'D
Late of the Borough of Arendtsville, Adams County, Pennsylvania
Co-Executors: Romaine L. Weikert, P.O. Box 118, Arendtsville, PA 17303; Shirley M. Hoke, P.O. Box 545, Arendtsville, PA 17303; David L. Cline, 1357 Goodyear Road, Gardners, PA 17324; Louise E. Swartz, 204 Cockleys Drive, Mechancisburg, PA 17055
Attorney: John R. White, Esquire, Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF HELEN R. FOX, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Paul B. Fox, 424 Queen Street, Gettysburg, PA 17325
Attorney: Edward B. Bulleit, Esquire, Puhl, Eastman & Thrasher, Esquires, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF ANNA MAE HANKEY, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Administratrix: Joyce I. Hankey, 19 Fifth Street, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF HERBERT G. RAAB, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Administrator cta: Timothy Raab, 186 Blackner Road, Johnstown, PA 15905
Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF WILLIAM H. SMITH, SR., DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executors: William H. Smith, Jr., 40 Squire Circle, McSherrystown, PA 17344; Randy T. Smith, 15 Colonial Drive, Hanover, PA 17331
Attorney: Keith A. Hassler, Attorney at Law, 9 North Beaver Street, York, PA 17401

ESTATE OF MICHAEL L. STRANG, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Admininstrator: Laura V. Stine, c/o Stephen D. Kulla, Esq., 9 East Main Street, Waynesboro, PA 17268
Attorney: Stephen D. Kulla, Esq., 9 East Main Street, Waynesboro, PA 17268

THIRD PUBLICATION

ESTATE OF JEWEL C. ANDREWS, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Joseph S. Andrews, 239 Valley View Drive, Hanover, PA 17331
Attorney: James T. Yingst, Esquire, Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF KELLY JO KUMP, DEC'D
Late of the Borough of Biglerville, Adams County, Pennsylvania
Executrix: Sandy Catchings, a/k/a Sandra L. Catchings, 399 Old Carlisle Road, Biglerville, PA 17307
Attorney: Bernard A. Yannetti, Jr., Esquire, Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF RAY M. MCGOUGH, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Phyllis J. McGough, 1069 Biglerville Road, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esquire, 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF BONITA C. PEARSON, DEC'D
Late of the Borough of New Oxford, Adams County, Pennsylvania
Executrix: Heidi A. Pearson, 6 Jaqueline Drive, New Oxford, PA 17350
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF ELSIE A. SADLER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executor: Wm. D. Schrack, III, 124 West Harrisburg Street, Dillsburg, PA 17019-0310

ESTATE OF THELMA A. STUFFLE, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Personal Representatives: Linda J. Hartlaub, c/o Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681; Louis W. Stuffle, c/o Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681
Attorney: Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1017 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, being known as Lot No. 150 in Section K, bounded and described as follows:

BEGINNING at a point in the center of Ski Run Trail at Lot No. 151; thence by said lot North 25 degrees 15 minutes 35 seconds East, 225 feet to Lot No. 168; thence by said lot South 64 degrees 44 minutes 25 seconds East 100 feet to Lot No. 149; thence by said lot South 25 degrees 15 minutes 35 seconds West, 225 feet to a point in the center of said Ski Run Trail; thence in said Ski Run Trail North 64 degrees 44 minutes 25 seconds West, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section K., Charnita" dated March 3, 1969, prepared by Evan, Hagan, & Holdefer, and recorded in Adams County Plat Book 1 at page 42.

BEING THE SAME PREMISES which G.M. Leahy, Inc., by indenture dated November 23, 1997 and recorded November 23, 1987 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 0474, Page 0030, granted and conveyed unto Neal A. Wuethrich and Helen B. Wuethrich.

Seized in Execution as the property of Neal A. Wuethrich and Helen B. Wuethrich under Adams County Judgement No. 96-S-01017.

SEIZED and taken into execution as the property of **Neal A. Wuethrich & Helen B. Wuethrich** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 2, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/11, 18, & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-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 25th day of June, 1999, 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, with any improvements thereon erected, situate, lying and being in Reading Township, Adams County, Pennsylvania, being Lot No. 2 as shown on a Final Plan prepared for Robert C. Ruppert and Dorothy M. Ruppert by George M. Wildasin, PLS, dated May 21, 1988, and recorded in Adams County Plan Book 55, at page 74, as more fully bounded, limited and described as follows, to wit:

BEGINNING at a point in Stoney Point Road, at corner of Lot No. 1; thence along Lot No. 1 South forty-six degrees thirty minutes zero seconds East (S. 46 degrees 30' 00" E.), two hundred sixty-one and ninety hundredths (261.90) feet to an iron pin; thence continuing along Lot No. 1, South sixty- one degrees thirty minutes zero seconds West (S. 61 degrees 30' 00" W.), one hundred and zero hundredths (100.00) feet to an iron pin at lands now or formerly of Barry R. Rauhauser; thence along said lands now or formerly of Barry R. Rauhauser, North forty-six degrees thirty minutes zero seconds West (N. 46 degrees 30' 00"W.), two hundred sixty-one and ninety hundredths (261.90) feet to an existing RR stake in the centerline of Stoney Point Road; thence along in and through Stoney Point Road. North sixty-one degrees thirty minutes zero seconds East (N. 61 degrees 30' 00" E.), one hundred and zero hundredths (100.00) feet to a point and place of BEGINNING.

CONTAINING 24,910 square feet.

BEING Tax Parcel # J-8-126.

TITLE TO SAID PREMISES IS VESTED IN Timothy L. Myers, single man by Deed from Ray E. Ruppert and Kathryn M. Myers, Executors of the Will of Velma K. Ruppert dated 1/10/97, recorded 1/15/97, in Record Book, 1317, page 39.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 19, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/4, 11&18

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ACTION TO QUIET TITLE
No. 99-S-429

RICHARD A. TROSTLE,
Plaintiff,

vs.

ABRAHAM SENFT, his heirs and assigns, HARRY SENFT, his heirs and assigns, MILDRED TROSTLE, her heirs and assigns, THEODORE GEBHART, his heirs and assigns, NORMAN GEBHART, his heirs and assigns, and UNKNOWN DEFENDANTS,
Defendants.

TO: All Unknown Defendants

NOTICE

YOU ARE NOTIFIED that Plaintiff has commenced an action to quiet title against you which you are required to defend. You are required to plead to the Complaint within twenty (20) days after the service has been completed by publication. This action concerns approximately two (2) acres of land located in Germany Township, Adams County, Pennsylvania, being identified as Adams County Tax Parcel I16-0032A.

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

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

Court Administrator
Adams County Court House
Gettysburg, PA 17325
Phone: (717) 334-6781 Ext. 213

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

Adams County Legal Journal

Vol. 41 June 25, 1999 No. 5, pp. 17-20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-77 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 1999, 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 Straban Township, Adams County, Pennsylvania, more particularly described as follows, to wit:

BEGINNING at a point in the center line of New Chester Road (T-514) which runs from U.S. Route 30 to Swift Run Road (T-515), where the dividing line between Lots 1 and 2 intersect same. Said beginning point is more exactly located as follows: from a point where the center lines of the Western Maryland Railroad and New Chester Road intersect and running therefrom along the center line of New Chester Road, North 26 degrees 28 minutes 45 seconds East, 464.99 feet to a point, the point of beginning of Lot 2; thence continuing along the center line of New Chester Road, North 26 degrees 06 minutes 50 seconds East, 350.40 feet to a point and North 46 degrees 09 minutes 17 seconds East, 148.95 feet to a point in the dividing line between Lots 2 and 3 of "Jack's Acres", thence along the dividing line between Lots 2 and 3 of "Jack's Acres", the following courses and distances; South 61 degrees 41 minutes 10 seconds East, 499.33 feet to a point, South 26 degrees 06 minutes 50 seconds West, 156.16 feet to a point and South 64 degrees 19 minutes 37 seconds East, 933.89 feet to a point in the westerly line of lands, now or formerly of Harold R. Neverly; thence along said Neverly's land, South 30 degrees 12 minutes 50 seconds West, 285.00 feet to a point in the center line of the Western Maryland Railroad; thence along the center line of the Western Maryland Railroad, North 82 degrees 48 minutes 40 seconds West 587.07 feet to a point in the dividing line between Lots 1 and 2 of "Jack's Acres"; thence along the dividing line between Lots 1 and 2 of "Jack's Acres", the following courses and distances; North 31 degrees 11 minutes 40 seconds East, 226.39 feet to a point, North 63 degrees 53 minutes 10 seconds West, 584.88 feet to a point and North 76 degrees 12 minutes 10 seconds west, 351.59 feet to a point in the center line of New Chester Road, the point of BEGINNING. CONTAINING 12.16 acres of land, more or less and being composed of all of Lot 2 of "Jack's Acres" as shown on a plan recorded on June 7, 1966 in Plat Book 50 on page 1.

BEING THE SAME premises which John H. Vockroth and Hazel M. Vockroth, husband and wife, by their deed dated the 14th day of April, 1989, and recorded at Adams County in the Office of the Recorder of Deeds, in and for the County of Adams on April 14, 1989 in Adams County Record Book 519, Page 695, granted and conveyed unto Kathy P. Oberlin, single, the Defendant herein.

SEIZED and taken into execution as the property of **Kathy P. Oberlin** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 2, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/18, 25 & 7/2

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

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

Periodicals postage paid at Gettysburg, PA 17325.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-131 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 1999, 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 THOSE TWO certain lots or tracts of land situate in the TOWNSHIP OF READING, County of Adams and State of Pennsylvania, more particularly bounded and described as follows, to wit:

TRACT NO. 1: Being Lot No. 497 on a Plan of Lots of Lake Meade Subdivision, which plan is recorded in the Recorder of Deeds of Adams County, Pennsylvania in Misc. Deed Book 1 at page 4.

TRACT NO. 2: Being Lot No. 498 on a Plan of Lots of Lake Meade Subdivision, which plan is recorded in the Adams County Recorder of Deeds in Misc. Book 1, at page 4.

UNDER AND SUBJECT, NEVERTHELESS, to all legal highways, easements, rights of way and restrictions and conditions of instruments of prior record. Subject to the restrictions of Lake Meade as recorded in Record Book 263, at page 425 and Book 263, page 428.

BEING THE SAME premises which Allen J. Slate and Lori Slate, husband and wife, by their deed dated July 28, 1994, and recorded on August 1, 1994 in the Recorder of Deeds Office in and for Adams County in Adams County Record Book 919, Page 336, granted and conveyed unto William A. Coombs, Jr. and Windie S. Coombs, husband and wife, the Defendants herein.

SEIZED and taken into execution as the property of **William A. Coombs & Windie S. Coombs** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 2, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/11, 18, & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-540 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of July, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 504 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 4, and subject to all legal highways, easements, rights-of -way, and restrictions of record, including all rules, restrictions, conditions and agreements which are set forth at length in the deed of Lake Meade, Inc. to Ralph F. Wantz dated May 22, 1968 and recorded in the Office of Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 267, Page 875.

MAP & PARCEL NO. 2-111A

THE above described land has thereon erected a dwelling house which has the mailing address of 29 Jackson Drive, Lake Meade, East Berlin, PA 17316.

BEING THE SAME PREMISES WHICH Dale Fetrow, by his Deed dated December 2, 1993 and recorded in Adams County Deed Book 816, Page 303, granted and conveyed unto Randy L. McDougle and Patricia S. McDougle.

SEIZED IN EXECUTION AS THE PROPERTY OF RANDY L. MCDOUGLE AND PATRICIA S. MCDOUGLE UNDER ADAMS COUNTY JUDGMENT NO. 97-S-540.

SEIZED and taken into execution as the property of **Randy L. McDougle & Patricia S. McDougle** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 10, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 16, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/25, 7/2 & 9

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 144, No. 177, as amended. The name of the corporation is SHREEJE MANAGEMENT CORPORATION.

6/25

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 144, No. 177, as amended. The name of the corporation is SWAMI MANAGEMENT CORPORATION.

6/25

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 144, No. 177, as amended. The name of the corporation is YOGI MANAGEMENT CORPORATION.

6/25

1. The fact that the testator gave the proponent power of attorney over his entire life savings is a clear indication that a confidential relationship existed between the parties. It will weigh heavily against the proponent on the issue of undue influence when the proponent was either the scrivener of the will or present at the dictation of the will.

2. A confidential relationship is deemed to exist as a matter of law between a trustee and *cestui que trust,* guardian and ward, attorney and client and principal and agent. In other cases, however, as between parent and child or brother and sister, the existence of a confidential relationship is a question of fact to be established by the evidence. The mere existence of kinship, however, does not give rise to confidential relationship, but is a factor to be considered.

3. Once a confidential relationship is found to exist, the law presumes the transaction voidable. At that point, the party seeking to sustain the validity of the transaction must affirmatively demonstrate that the contract or transaction was "fair, conscientious and beyond the reach of suspicion." More precisely, the proponent of the contract must prove by clear and convincing evidence "that the contract was free, voluntary and an independent act of the other party, entered into with an understanding and knowledge of its nature and consequences."

In the Court of Common Pleas of Adams County, Pennsylvania, Orphans' Court Division, In re: ESTATE OF G. RICHARD BALDWIN, FERN F. NOWAK, PETITIONER, VS. GEORGE R. BALDWIN, INDIVIDUALLY, GEORGE R. BALDWIN, EXECUTOR OF THE ESTATE OF G. RICHARD BALDWIN, DECEASED, SAMUEL BALDWIN, RESPONDENTS.

Larry W. Wolfe, Esq., for Petitioner
Gary E. Hartman, Esq., for Respondents

OPINION AND DECREE ABSOLUTE

Spicer, P.J., May 19, 1998.

Petitioner filed nine exceptions to the adjudication entered April 9, 1998. No transcript has been prepared or filed. Although the Court allowed oral argument on the exceptions, no briefs were filed. Other than possibly exceptions 2 and 6, all exceptions relate to findings of fact, and have been only generally presented.

Exception 2 seems to advance, for the first time, a contract theory to support petitioner's demand for an award of $60,000.00. No author-

ity for this position has been provided. Although decedent promised to take care of petitioner for the rest of her life, if she took care of him while he lived, no details were discussed and the extent and meaning of decedent's promise were uncertain. It was uncontradicted that petitioner was initially satisfied upon learning that she had received a life estate in the decedent's dwelling. She only became dissatisfied upon learning that decedent had previously willed her $60,000.00. To be enforceable, any agreement must state its terms with sufficient clarity to determine the intent of the parties. Biddle v. Johnsonbaugh, 444 Pa. Super. 450, 664 A.2d 159 (1995). Even if petitioner is allowed to present this new theory, the record does not support it.

Exception 6 takes issue with our comment that the power of attorney executed by decedent was of little relevance since it was executed at the same time as the later will and deed. Perhaps this comment deserves more explanation.

In Burns v. Kabboul, 407 Pa. Super. 289, 595 A.2d 1153 (1991); alloc. dn. 529 Pa. 655, 604 A.2d 247 (1992), Superior Court said, "The fact that the testator gave the proponent power of attorney over his entire life savings is a clear indication that a confidential relationship existed between the parties... (citations omitted)... It will weigh heavily against the proponent on the issue of undue influence when the proponent was either the scrivener of the will or present at the dictation of the will." 595 A.2d at 1163.

Confidential relationships may arise out of the relationship between the parties, or out of circumstances proven by evidence. Superior Court has also said:

> A confidential relationship is deemed to exist as a matter of law between a trustee and *cestui que trust,* guardian and ward, attorney and client and principal and agent. (citation omitted). In other cases, however, as between parent and child or brother and sister, the existence of a confidential relationship is a question of fact to be established by the evidence. (citation omitted). The mere existence of kinship, however, does not give rise to a confidential relationship, but is a factor to be considered. (citation omitted).
>
> Once a confidential relationship is found to exist, the law presumes the transaction voidable. At that point, the

> party seeking to sustain the validity of the transaction must affirmatively demonstrate that the contract or transaction was "fair, conscientious and beyond the reach of suspicion." (citations omitted) . More precisely, the proponent of the contract must prove by clear and convincing evidence "that the contract was free, voluntary and an independent act of the other party, entered into with an understanding and knowledge of its nature and consequences." (citation omitted).

Biddle v. Johnsonbaugh, supra, 664 A.2d at 159.

If the power had preceded the execution of the deed, the relationship of principal and agent would have already been established. Had decedent's son executed the deed, pursuant to the power, the conveyance would have been presumed voidable.

In the situation before us, the power of attorney added very little. One could surmise a degree of trust and reliance from its execution, but hardly more than already was demonstrated by decedent's conveying away the bulk of his estate.

The existence of a confidential relationship in this case depends entirely upon facts. The donee-grantee was not present when decedent discussed his wishes and intent with Attorney Yannetti. From Mr. Yannetti's testimony, it is clear, beyond a doubt, that the conveyance, power of attorney and change in will were all expressions of decedent's wishes and decisions.

Petitioner can be excused for her frustration. Found by this court to be a credible witness, much of her testimony was adopted in the Findings of Fact. Her argument that those findings entitle her to the relief she seeks, however, ignores other persuasive evidence. Even if a confidential relationship were found to exist, Attorney Yannetti's testimony suffices to redeem the transactions. The same is true of decedent's episodes of mental aberration.

We decline to discuss general exceptions to Findings of Fact. If and when transcripts are prepared, we are confident all will find support in the record.

However, Finding 53 should be amended to correctly indicate the time of 2:00 a.m., not 2:00 p.m. Proposed Conclusions of Law will be changed to Conclusions of Law.

DECREE ABSOLUTE

AND NOW, this 19th day of May, 1998, the Adjudication is amended by changing the date in Finding of Fact 53 from 2:00 p.m. to 2:00 a.m. Proposed Conclusions of Law are changed to Conclusions of Law. Other than those two changes, the adjudication is confirmed and all exceptions are dismissed. The decree entered April 9, 1998 is confirmed absolute.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-831 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of July, 1999, 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 tract of land situate, lying and being in Oxford Township, Adams County, Pennsylvania, More particularly bounded and described as follows, to wit:

BEGINNING for a point on the right-of-way line of Kimberly Ann Lane at Lot No. 92 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 92, North eight (08) degrees twenty-six (26) minutes forty-nine (49) seconds West, one hundred twenty (120) feet to a point at Lot No. 106 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 106, North eighty-one (81) degrees thirty-three (33) minutes eleven (11) seconds East, one hundred thirty and twenty-nine hundredths (130.29) feet to a point at Lot No. 94 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 94, South three (03) degrees six (06) minutes sixteen (16) seconds West, one hundred twenty-six and ten hundredths (126.10) feet to a point on the right-of-way line of Kimberly Ann Lane; thence along the right-of-way line of Kimberly Ann Lane by a curve to the right, having a radius one hundred seventy-five (175.00) feet, an arc length of thirty-five and twenty-eight (35.28) feet and a long chord bearing and distance of South eighty-seven (87) degrees nineteen (19) minutes forty-four (44) seconds West, thirty-five and two hundredths (35.22) feet to a point; thence along the right-of-way line of Kimberly Ann Lane, south eighty-one (81) degrees thirty-three (33) minutes eleven (11) seconds West, seventy (70.00) feet to a point, the point and place of BEGINNING. CONTAINING 14,206 square feet.

MAP & PARCEL NO. 35-013-0090

THE above description being Lot No. 93 on the Final Subdivision Plan of "Colonial Acres", for Delbert Piper, prepared by Mort, Brown and Associates, dated April 1, 1993, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 64 at page 93.

SUBJECT, NEVERTHELESS, to the Protective Covenants of "Colonial Acres" dated December 24, 1992, and recorded in the office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 898 at page 222.

BEING THE SAME PREMISES WHICH Anthony J. Lawrence and Diane L. Lawrence, by their Deed dated December 29, 1995 and recorded in Adams County Deed Book 1131, Page 220, granted and conveyed unto James K. Tracey and Beverly A. Tracey.

SEIZED IN EXECUTION AS THE PROPERTY OF JAMES K. TRACEY AND BEVERLY A. TRACEY UNDER ADAMS COUNTY JUDGMENT NO. 97-S-831.

SEIZED and taken into execution as the property of **James K. Tracey & Beverly A. Tracey** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 12, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 16, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/25, 7/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-746 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of July, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the right, title, interest and claim of Jeff L. Schaffner of, in and to the following described property:

ALL the following described real estate situated in Carroll Valley Borough, County of Adams and Commonwealth of Pennsylvania. Having erected thereon a dwelling known as 18 Valley View Trail, Fairfield, PA 17321. D.B.V. 1459. Page 0073, Parcel No. 13-45. Lot Nos. 158, 159, and 160.

Execution No. 98 - S- 746

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 13, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 16, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/18, 25 & 7/2

NOTICE

On July 13, 1999, at 7:00 p.m., Gettysburg Area School District shall conduct a public auction of real estate known as 76 Pin Oak Lane, located in Cumberland Township, Adams County, Pennsylvania (Lot No. 14 of the Oakland Estates Subdivision), improved with a house built by its students.

The public auction will be held at 76 Pin Oak Lane (Cumberland Township), Gettysburg, PA.

Robert L. McQuaide
Solicitor

6/25, 7/2 & 9

FICTITIOUS NAME

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the office of the Secretary of the Commonwealth of Pennsylvania, on approximately May 25, 1999, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of NATURAL TREASURES FREEZE-DRIED FLORAL KEEPSAKES, with its principal place of business at 60 Harney Road, Littlestown, PA 17340. The names and addresses of the persons owning or interested in said business are Tracey A. Jackson, residing at 60 Harney Road, Littlestown, PA 17340. The character or nature of the business is Preservation of bridal bouquets and other floral keepsakes.

6/25

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 BETTY R. BREAM, DEC'D
Late of Conewago Township, Adams County, Pennsylvania
Co-Executors: Wayne Reid, 175 Irishtown Road, Hanover, PA 17331; Glen Bream, 5060 SW 101 Avenue, Cooper City, FL 33328
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF RUTH E. FREEMAN, DEC'D
Late of Union Township, Adams County, Pennsylvania
Executor: Bank of Hanover, 25 Carlisle Street, Hanover, PA 17331
Attorney: James T. Yingst, Esq., 515 Carlisle Street, Hanover, Pennsylvania 17331

ESTATE OF EARL W. MARTIN, DEC'D
Late of the Borough of McSherrystown, Adams County, Pennsylvania
Administrator c.t.a.: Nancy Lee Shultz, 1260 Goldenville Road, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF ORVILLE B. ORNER, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Co-Executrices: Leslie Hartman, 103 Fox Ridge Lane, Winfield, PA 17889; Marilyn Springsted, 45 Longview Drive, Gettysburg, PA 17325
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SYLVIA SHUNK, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executor: Harold Weinberg, 925 Hanover Road, Gettysburg, PA 17325
Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF NAOMI E. FUHRMAN, DEC'D
Late of Conewago Township, Adams County, Pennsylvania
Executors: Donald L. Elder, 628 Third Street, Hanover, PA 17331; Elizabeth A. Houser, 514 Diller Road, Hanover, PA 17331
Attorney: Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331

ESTATE OF JOYCE M. HEMLER, DEC'D
Late of Conewago Township, Adams County, Pennsylvania
Executor: Terry Lee Hemler, R.R. #2, Box 2036, Stone Church Road, Glenville, PA 17329
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, Pennsylvania 17331

THIRD PUBLICATION

ESTATE OF WALTER C. BIGHAM, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executors: Anna Mae Bigham, 485 Woodside Road, Gettysburg, PA 17325; Catherine E. Bigham, 485 Woodside Road, Gettysburg, PA 17325
Attorney: Robert E. Campbell, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PATRICK MAURICE CLAPSADL, DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania
Representative: Robin Clapsadl, 2435 A Mt. Hope Rd, Fairfield, PA 17320
Attorney: Matthew R. Battersby, Esq., P.O. Box 215, 20 W. Main Street, Fairfield, PA 17320

ESTATE OF MAYBELLE L. CLINE, DEC'D
Late of the Borough of Arendtsville, Adams County, Pennsylvania
Co-Executors: Romaine L. Weikert, P.O. Box 118, Arendtsville, PA 17303; Shirley M. Hoke, P.O. Box 545, Arendtsville, PA 17303; David L. Cline, 1357 Goodyear Road, Gardners, PA 17324; Louise E. Swartz, 204 Cockleys Drive, Mechancisburg, PA 17055
Attorney: John R. White, Esquire, Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF HELEN R. FOX, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Paul B. Fox, 424 Queen Street, Gettysburg, PA 17325
Attorney: Edward B. Bulleit, Esquire, Puhl, Eastman & Thrasher, Esquires, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF ANNA MAE HANKEY, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Administratrix: Joyce I. Hankey, 19 Fifth Street, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF HERBERT G. RAAB, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Administrator cta: Timothy Raab, 186 Blackner Road, Johnstown, PA 15905
Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF WILLIAM H. SMITH, SR., DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executors: William H. Smith, Jr., 40 Squire Circle, McSherrystown, PA 17344; Randy T. Smith, 15 Colonial Drive, Hanover, PA 17331
Attorney: Keith A. Hassler, Attorney at Law, 9 North Beaver Street, York, PA 17401

ESTATE OF MICHAEL L. STRANG, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Admininstrator: Laura V. Stine, c/o Stephen D. Kulla, Esq., 9 East Main Street, Waynesboro, PA 17268
Attorney: Stephen D. Kulla, Esq., 9 East Main Street, Waynesboro, PA 17268

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1017 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, being known as Lot No. 150 in Section K, bounded and described as follows:

BEGINNING at a point in the center of Ski Run Trail at Lot No. 151; thence by said lot North 25 degrees 15 minutes 35 seconds East, 225 feet to Lot No. 168; thence by said lot South 64 degrees 44 minutes 25 seconds East 100 feet to Lot No. 149; thence by said lot South 25 degrees 15 minutes 35 seconds West, 225 feet to a point in the center of said Ski Run Trail; thence in said Ski Run Trail North 64 degrees 44 minutes 25 seconds West, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section K., Charnita" dated March 3, 1969, prepared by Evan, Hagan, & Holdefer, and recorded in Adams County Plat Book 1 at page 42.

BEING THE SAME PREMISES which G.M. Leahy, Inc., by indenture dated November 23, 1997 and recorded November 23, 1987 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 0474, Page 0030, granted and conveyed unto Neal A. Wuethrich and Helen B. Wuethrich.

Seized in Execution as the property of Neal A. Wuethrich and Helen B. Wuethrich under Adams County Judgement No. 96-S-01017.

SEIZED and taken into execution as the property of **Neal A. Wuethrich & Helen B. Wuethrich** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May 1, 1999.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 2, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/11, 18, & 25

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL DIVISION
NO. 98-S-602

IMC MORTGAGE COMPANY,
Plaintiff,

vs.

MICHAEL SCHOOLCRAFT and
SUZANNE M. SCHOOLCRAFT, a/k/a
SUZANNE SCHOOLCRAFT,
Defendants.

NOTICE OF SHERIFF'S
SALE OF REAL ESTATE

TO: MICHAEL SCHOOLCRAFT

TAKE NOTICE that by virtue of the above Writ of Execution issued out of the Court of Common Pleas of Adams County, Pennsylvania, and to the Sheriff of Adams County, directed, there will be exposed to Public Sale in the

Adams County Sheriff's Office
117 Baltimore St.
Gettysburg, PA 17325

on AUGUST 20, 1999, at 10:00 A.M., the following described real estate, of which MICHAEL SCHOOLCRAFT AND SUZANNE M. SCHOOLCRAFT, A/KA SUZANNE SCHOOLCRAFT are the owners or reputed owners:

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF MICHAEL SCHOOLCRAFT AND SUZANNE SCHOOLCRAFT, A/K/A SUZANNE M. SCHOOLCRAFT OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE TOWNSHIP OF MT. JOY, COUNTY OF ADAMS AND COMMONWEALTH OF PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS 895 HERITAGE DRIVE, GETTYSBURG, PA 17325, D. B. V.- 1288, PAGE 29, PARCEL NO. 7-82.

The said Writ of Execution has been issued on a judgment in the mortgage foreclosure action of

IMC MORTGAGE COMPANY,
Plaintiff,

vs.

MICHAEL SCHOOLCRAFT and
SUZANNE M. SCHOOLCRAFT, A/K/A
SUZANNE SCHOOLCRAFT,
Defendants.

at Execution Number 98 - S- 602 in the amount of $164,127.15.

Claims against the property must be filed with the Sheriff before the above sale date.

Claims to proceeds must be made with the Office of the Sheriff before distribution.

Schedule of Distribution will be filed with the Office of the Sheriff no later than thirty (30) days from sale date.

Exceptions to Distribution or a Petition to Set Aside the Sale must be filed with the Office of the Sheriff no later than ten (10) days from the date when Schedule of Distribution is filed in the Office of the Sheriff.

This paper is a notice of the date and time of the sale of your property. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

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

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
(888) 337-9846

You may have legal rights to prevent the Sheriff's Sale and the loss of your property. In order to exercise those rights, prompt action on your part is necessary.

You may have the right to prevent or delay the Sheriff's Sale by filing, before the sale occurs, a petition to open or strike the judgment or a petition to stay the execution.

If the judgment was entered because you did not file with the Court any defense or objection, you might have within twenty (20) days after service of the Complaint for Mortgage Foreclosure and Notice to Defend, you may have the right to have the judgment opened if you promptly file a petition with the Court alleging a valid defense and a reasonable excuse for failing to file the defense on time. If the judgment is opened the Sheriff's Sale would ordinarily be delayed pending a trial of the issue of whether the plaintiff has a valid claim to foreclose the mortgage or judgment.

You may also have the right to have the judgment stricken if the Shrifff has not made a valid return of service of the Complaint and Notice to Defend or if the judgment was entered before twenty (20) days after service or in certain other events. To exercise this right you would have to file a petition to strike the judgment.

You may also have the right to petition the Court to stay or delay the execution and the Sheriff's Sale if you can show a defect in the Writ of Execution of service or demonstrate any other legal or equitable right.

YOU MAY ALSO HAVE THE RIGHT TO HAVE THE SHERIFF'S SALE SET ASIDE IF THE PROPERTY IS SOLD FOR A GROSSLY INADEQUATE PRICE OR, IF THERE ARE DEFECTS IN THE SHERIFF'S SALE. TO EXERCISE THIS RIGHT, YOU SHOULD FILE A PETITION WITH THE COURT AFTER THE SALE AND BEFORE THE SHERIFF HAS DELIVERED HIS DEED TO THE PROPERTY. THE SHERIFF WILL DELIVER THE DEED IF NO PETITION TO SET ASIDE THE SALE IS FILED WITHIN TEN (10) DAYS FROM THE DATE WHEN THE SCHEDULE OF DISTRIBUTION IS FILED IN THE OFFICE OF THE SHERIFF.

Grenen & Birsic, P.C.
Kimberly J. Hong, Esquire
Michael C. Eisen, Esquire
Attorneys for Plaintiff

6/25