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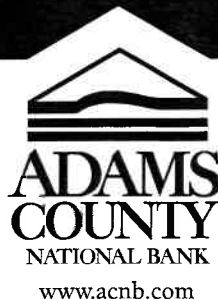
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COMMONWEALTH VS. HARRISON

This opinion continued from last issue (7/27/2007)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-430 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of August, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a P.K. nail set in the centerline of Gablers Road (S.R. 4003), said nail marking the common point of adjoiner of Lots #3, #4 and #9 on the hereinafter mentioned plan with the centerline of said roadway; thence extending in and through the centerline of Gablers Road, North 33 degrees 25 minutes 38 seconds West, for a distance of 159.92 feet to a point in the centerline of said roadway at Lot #5 on the hereinafter mentioned plan; thence departing from the centerline of Gablers Road and extending along Lot #5, North 58 degrees 21 minutes 41 seconds East, through a steel pin on the Northeasternmost dedicated right-of-way line of Gablers Road, a distance of 29.97 feet from the origin of this call, for a total distance of 525.84 feet to a steel pin at Lot #21; thence extending along Lot #21, South 15 degrees 43 minutes 52 seconds East, for a distance of 85.00 feet to a steel pin at Lot #3 on the hereinafter mentioned plan; thence extending along Lot #3, South 49 degrees 35 minutes 59 seconds West, through a steel pin set on the Northeasternmost dedicated right-of-way line of Gablers Road, a distance of 33.00 feet from the terminus of this call, for a total distance of 503.41 feet to a P.K. nail set in the centerline of Gablers Road, said nail marking the place of BEGINNING. CONTAINING 1.4030 acres, and being designated as Lot #4 on a final plan of subdivision of Cherry Hill Manor prepared for Harry H. Fox, Jr., President of Pitzer Bros. Fruit Farms, Inc., by Stanley Jarmolenko, R.S., dated September 28, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 61, page 77.

SUBJECT to an easement and right-of-way as set forth in a certain Declaration of Easement dated June 17, 2005 and recorded in the Office of the Recorder of Deeds of Adams County, in Record Book 4052, page 159, providing access for Lots 2 and 3 from Gablers Road across the subject tract.

IT BEING Tract No. 3 of those six (6) tracts of land which Harry H. Fox, Jr. and Ann G. Fox, husband and wife, by their deed dated March 17, 2005, and recorded in the Recorder of Deeds Office in and for Adams County, Pennsylvania in Record Book 3904, page 103, granted and conveyed unto Lakepoint Associates, LLC, a Pennsylvania Limited Liability Company, GRANTOR HEREIN.

Parcel Identification No.: 29-F05-0139-000

Premises: 135 Gabler Road, Aspers, PA 17304, Township of Menallen, Adams County, Pennsylvania

TITLE TO SAID PREMISES IS VESTED IN James W. Titus, Jr. and Ethel Rebecca Titus, husband and wife, as tenants by the entireties, by Deed from Lakepoint Associates, LLC., dated 09/12/2005, recorded 12/12/2005, in Deed Book 4241, page 323.

SEIZED and taken into execution as the property of **James W. Titus a/k/a James W. Titus, Jr., & Ethel R. Titus a/k/a Becky Titus a/k/a Ethel T. Titus a/k/a Ethel Rebecca Titus** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 14, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/20, 27 & 8/3

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, August 6, 2007, at 9:00 a.m.

MILLER—Orphans' Court Action Number OC-67-07. The First and Final Account of Jeffrey A. Herr and Maria L. Miller, Co-Executors of the Estate of Charles F. Miller, Jr., a/k/a Charles Francis Miller, Jr., and a/k/a Charles Miller, deceased, late of Hamilton Township, Adams County, Pennsylvania.

SWIFT—Orphans' Court Action Number OC-68-07. The First and Final Account of Michele A. Compher and Jeffrey W. Cline, Executors, under the Last Will and Testament of Margie R. Swift, a/k/a Marjorie R. Swift, deceased, late of Franklin Township, Adams County, Pennsylvania.

WOLF—Orphans' Court Action Number OC-73-07. The First and Final Account of Richard Lee Wolf, Executor of the Estate of Christine F. Wolf, deceased, late of Conewago Township, Adams County, Pennsylvania.

POLANSKY—Orphans' Court Action Number OC-3-07. The First and Partial Account of Irene D. Polansky, Executrix of the Estate of Anna Polansky, deceased, late of Adams County, Pennsylvania.

Kelly A. Lawver
Clerk of Courts

7/27 & 8/3

COMMONWEALTH VS. HARRISON

Continued from last issue (7/27/2007)

II. The search warrant lacked probable cause because the double hearsay from an anonymous source was not sufficiently corroborated or found to be reliable.

Defendant next argues that the warrant lacked probable cause because the Affidavit of Probable Cause contained double hearsay from an anonymous source whose veracity, reliability, and basis of knowledge could not be sufficiently corroborated.⁵ The Commonwealth counters that probable cause for a warrant was established because the initial reports by ACCYS and CCYS⁶ were sufficiently corroborated by Trooper Dietz's interviews with the complainant.⁷

⁵Specifically, Defendant asserts that Trooper Dietz bases his "belief" that contraband will be found at Defendant's residence on Kim Walker, an Adams County Children and Youth Services (ACCYS) caseworker and on no other corroboration or investigation by he or other police officers. Defendant maintains that Walker relayed information regarding the alleged crimes from a report referred to her by Carroll County Children and Youth Services (CCYS), an agency that Trooper Dietz misidentifies and should be properly identified as Carroll County Department of Social Services (CCDSS). Defendant argues that there was no mention made as to whether the report received by CCDSS was written or oral or whether there was one or more persons making the report to Walker. Additionally, Defendant contends that it is unknown as to when the report was received by ACCYS and then finally relayed to Trooper Dietz.

Defendant also argues that the Affidavit does not state whether Walker and the source from CCDSS are reliable or have any experience in investigating the alleged crimes.

Finally, Defendant maintains that the source from CCDSS and the complainant are "anonymous sources." Consequently, Defendant asserts that the warrant should fail because there are mistaken names, no names, no reasons given for no names, no information given regarding failure to include the names, no information provided concerning whether any of the sources have provided information to the police in the past, and no information concerning the veracity and basis of knowledge of the informants.

⁶The Commonwealth misidentifies this agency. The Maryland agency that issued the report was from CCDSS. Therefore, the Commonwealth's further mention of CCYS in any of its arguments shall be designated as CCDSS.

⁷Specifically, the Commonwealth contends that contrary to Defendant's belief that Trooper Dietz obtained all his information from Walker, a non-technical, commonsense reading of the Affidavit clearly shows that Trooper Dietz spoke with the complainant on September 6 and 7, 2005 and obtained detailed information concerning Defendant's predilection for sex with pre-pubescent children, including viewing images of child pornography. Because the complainant was Defendant's ex-girlfriend, the Commonwealth argues that that she had a "special familiarity" with Defendant's habits and mannerisms.

Furthermore, the Commonwealth maintains that the fact that Trooper Dietz forgot to specifically name the caseworker from CCDSS who referred the matter to ACCYS is of no importance because it was the complainant who provided the truly salient information needed for the search warrant.

An affidavit of probable cause does not have to reflect the personal observations of the affiant and may be based on hearsay information. *Commonwealth v. Greco*, 350 A.2d 826, 828 (Pa. 1976). Similarly, an affidavit containing double hearsay need not be categorically rejected and “must be evaluated in conjunction with the other information in the affidavit to determine whether the information is reliable.” *Commonwealth v. Singleton*, 603 A.2d 1072, 1074 (Pa. Super. 1992). When an affidavit is based on hearsay, it must contain (1) some of the underlying circumstances from which the informant concluded that the contraband was where he claimed it was and (2) reasons why the affiant believed the informant was reliable. *Greco*, 350 A.2d at 829. Furthermore, the reliability of hearsay within an affidavit may be established by corroboration. *Commonwealth v. Frazier*, 410 A.2d 826, 830 (Pa. Super. 1979).

In determining the credibility of an unidentified (anonymous) informant and the reliability of his information, a magistrate must consider the following four factors⁸:

- (1) Whether the informant gave prior reliable information;
- (2) Whether the informant’s story was corroborated by any other source;
- (3) Whether the informant’s statements constituted a declaration against interest; and
- (4) Whether the defendant’s reputation supported the informant’s tip.

Commonwealth v. Gindlesperger, 706 A.2d 1216, 1225 (Pa. Super. 1997).

Moreover, when an informant’s tip provides information demonstrating a special familiarity with the defendant’s affairs, corroboration of this information imparts additional reliability to the tip and supports a finding of probable cause. *Com. v. Whitters*, 805 A.2d 602, 606 (Pa. Super. 2002). Thus, under the totality of the circumstances test, the court must make a balanced assessment of the relative weights of all the various indicia of reliability and unreliability attending an informant’s tip. *Commonwealth v. Moore*, 467 A.2d 862, 865 (Pa. Super. 1983).

⁸This Court notes that there is no requirement that each of these criteria be present to support a finding of reliability. *Commonwealth v. Barba*, 460 A.2d 1103, 1105-1106 (Pa. Super. 1983).

In *Commonwealth v. Torres*, 564 A.2d 532, 535 (Pa. 2001), the police applied for a search warrant to search the defendant's residence after having conducted an investigation in a murder case. When the police filed their affidavit of probable cause, they failed to specifically name the witnesses who provided the salient information in the affidavit but stated that the identity of these witnesses was known and that they would be available to testify at any necessary court proceeding.⁹ *Id.* at 535. The police also failed to include the witnesses' basis of knowledge, general veracity, and reliability within the affidavit. *Id.* at 540. Consequently, the Pennsylvania Supreme Court reversed the Superior Court and upheld the Common Pleas Court in holding that there was no probable cause to issue a search warrant based on anonymous sources.¹⁰ *Id.* at 540.

In this case, Defendant contends that the complainant and the CCDSS source are "anonymous sources." First, although the complainant is not specifically mentioned in the Affidavit, her identity can be easily discerned from her description as the ex-girlfriend of Defendant and the mother of his two children. Therefore, based on a common-sense reading of the Affidavit and the totality of the circumstances set forth therein, the complainant cannot be characterized as an "anonymous source."

Next, the only reference in the Affidavit to the CCDSS source is to a report about Defendant's alleged acts referred to Walker by a CCDSS source. Because there is no information (1) whether the report received by the CCDSS source was written or oral; (2) whether there was one or multiple persons making the report; and (3) when the report was received by ACCYS and then relayed to Trooper Dietz, based on the totality of the circumstances set forth in the Affidavit, the CCDSS source can be classified as an "anonymous source."

The information conveyed by the CCDSS source and Walker is clearly double hearsay because the complainant purportedly gave the CCDSS source general information about the alleged crimes and the

⁹The court considered all of the witnesses to be anonymous sources because "none of them were named, there was no indication that any of them had previously provided information to the police and no reason was given for the failure to divulge their names." *Id.* at 537.

¹⁰The Supreme Court also found that the police observation of a vehicle parked outside Defendant's apartment complex which met the description of a vehicle seen fleeing the scene of the murders did not sufficiently corroborate the information provided by the anonymous sources.

CCDSS source relayed the information to Walker who then contacted Trooper Dietz.¹¹ Because the information conveyed by the CCDSS source and Walker is double hearsay, it must be evaluated in conjunction with the other information in the Affidavit to determine whether the information is reliable pursuant to *Singleton* standards. While the Commonwealth maintains that the initial reports by ACCYS and CCDSS were sufficiently corroborated by Trooper Dietz's interviews with the complainant on September 6 and 7 of 2005, this Court finds that when considering the evidence only within the four corners of the Affidavit, Trooper Dietz obtained all his information from Walker.¹²

Furthermore, just like the police in *Torres* who failed to include their anonymous sources' basis of knowledge, general veracity, and reliability within their Affidavit, Trooper Dietz failed to include the basis of knowledge, general veracity, and reliability of the CCDSS source within his Affidavit.¹³ Similarly, there was insufficient collaboration of the information from the anonymous sources in both cases to support a finding of probable cause for a search warrant.

Therefore, because the information from the CCDSS source and Walker is not sufficiently corroborated, does not meet any of the other reliability factors stated in *Gindlesperger*, and does not provide a basis for their knowledge, this Court finds that under the totality of the circumstances test, the Affidavit did not contain sufficient probable cause for a search warrant and therefore, all items of property

¹¹No written report from the ex-girlfriend, CCDSS or ACCYS was attached to the Affidavit.

¹²When making a plain reading of the Affidavit within its four corners, this Court finds that Trooper Dietz makes no mention of meeting with the complainant on September 6 and 7 of 2005. That allegation appeared in the Commonwealth's brief, which referenced a Pennsylvania State Police Incident Report dated November 4, 2005. Moreover, when this Court makes a commonsense, non-technical reading of the Affidavit and considers the totality of the circumstances set forth therein, there is still no indication that Trooper Dietz independently corroborated the information from the CCDSS source and Walker by meeting and interviewing the complainant.

¹³One might argue that the CCDSS and Walker are persons required by law to report child abuse to the police and therefore, they can be considered reliable. It could be further argued that their reliability is not as critical since they are only relaying information reported to them by Defendant's ex-girlfriend. However, Trooper Dietz failed to allege that these persons are mandated reporters.

seized at Defendant's residence as a result of the unlawful search and seizure should be suppressed.¹⁴

ORDER OF COURT

AND NOW, this 7th day of August, 2006, in accordance with the attached Opinion, the Omnibus Pre-Trial Motion filed by Defendant on February 13, 2006, is granted.

¹⁴Obviously, the results of the search corroborated the information reported by the ex-girlfriend. However, it is pre-search, not post-search corroboration of the source's reliability which is critical. I am not unmindful of the serious and despicable allegations made in this case and the results which will likely emanate from my ruling. Nevertheless, constitutional limitations are in place for time honored reasons which cannot be ignored simply because of the nature of the underlying facts. We cloak Lady Justice with a symbolic blindfold in order to promote fairness and impartiality. Although Lady Justice may recoil from what she sees before her if her blindfold is removed, she would be ill-advised to abandon her integrity based upon the ultimate consequences of her decision. I have no reason to doubt that Trooper Dietz did interview the ex-girlfriend in order to corroborate the report given to him. Unfortunately, that information was not placed in the Affidavit given the magistrate and therefore, cannot be considered.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1466 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of August, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in the Lake Meade Subdivision, Reading Township, Adams County, Pennsylvania, more specifically referred to as Lot No. 90 on a Plan of Lots of Lake Meade Subdivision, recorded in Plat Book 1 at page 1, and subject to all legal highways, easements, rights-of-way and restrictions of record.

IT BEING the same tract of land which Theodore J. Unger and Mary E. Unger, husband and wife, by their deed dated May 15, 1987 and recorded August 1, 1988 in the Recorder of Deeds Office in and for Adams County, Pennsylvania, in Book 496, page 373, granted and conveyed unto John J. Baker Insurance, the sole proprietor being John J. Baker, Grantor herein.

Parcel Identification No.: 37-008-0085-000

Premises: 39 Schofield Drive, East Berlin, PA 17316, Reading Township, Adams County, Pennsylvania

TITLE TO SAID PREMISES IS VESTED IN Bryan L. Cooper and Kathleen A. Cooper, husband and wife, by Deed from John J. Baker Insurance, dated 01/22/1990, recorded 02/05/1990, in Deed Book 545, page 1082.

SEIZED and taken into execution as the property of **Bryan L. Cooper a/k/a Bryan Lee Cooper & Kathleen A. Cooper a/k/a Kathleen A. Bartholomew** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 14, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/20, 27 & 8/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-510 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a stone for a corner along public road leading from Center (erroneously Centre in prior deed) Mills to Heildersburg; thence along said road South 61 degrees East, 277 feet to a post; thence along original tract now or formerly of I.J. Menis, North 22 degrees East, 228 feet to a verge of private road; thence along said private road South 85 degrees West, 267 feet; thence South 40-1/2 degrees West, 68 feet to the place of BEGINNING.

HAVING erected thereon a dwelling known as 545 Center Mills Road, Aspers, PA 17304.

PARCEL No. G07-0005.

BEING the same premises which John S. Slaybaugh and Rhonda S. Slaybaugh, married, by Deed dated 10/30/2006 and recorded 11/07/2006 in the Recorder's Office of Adams County, Pennsylvania, Deed Book Volume 4635, Page 8, granted and conveyed unto Kelly R. Yates and Doug K. Yates, married.

SEIZED and taken into execution as the property of **Doug K. Yates & Kelly R. Yates** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 28, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/27, 8/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-960 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of ground, lying, being and situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot Number 808 on Plan of Lots of Lake Meade Subdivision as more fully defined and described upon said Plan which is duly entered and appearing of Record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, Page 5, and subject to all legal highways, easements, rights-of-way and restrictions of record.

HAVING erected thereon a dwelling known as 455 Lake Meade Drive, East Berlin, PA 17326.

PARCEL No. 10-101

BEING the same premises which Frank N. Lecrone and Sarah L. Lecrone, his wife, by Deed dated 05/11/1984 and recorded 05/14/1984 in the Recorder's Office of Adams County, Pennsylvania, Deed Book Volume 379, Page 776, granted and conveyed unto David M. Eichelberger and Susan S. Eichelberger, his wife.

SEIZED and taken into execution as the property of **David M. Eichelberger & Susan S. Eichelberger** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 28, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/27, 8/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-947 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate on the West side of the Hanover-Carlisle State Highway in Conewago Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of the State Highway aforesaid at lands now or formerly of Rodney C. Rider; thence by the center of said State Highway South twenty-three (23) degrees East, forty-five (45) feet to a point at lands now or formerly of Lamar E. Null; thence by said lands South sixty-seven (67) degrees West one hundred fifty (150) feet to a point at lands now or formerly of Edward P. Emerson; thence by said lands North twenty-three (23) degrees West, forty-five (45) feet to a point at lands now or formerly of Rodney C. Rider aforesaid; thence by said lands North sixty-seven (67) degrees East, one hundred fifty (150) feet to a point in the center of the State Highway aforesaid, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Michael P. Leonard and Nancy A. Leonard, husband and wife, as tenants by the entireties by Deed from Michael P. Leonard and Nancy A. Leonard, husband and wife dated 3/24/1978 and recorded 3/31/1978, in Deed Book 336, page 693.

Premises being: 1474 Carlisle Pike, Hanover, PA 17331

Tax Parcel No. L13-18

SEIZED and taken into execution as the property of **Michael P. Leonard & Nancy A. Leonard** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 28, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost,

whichever may be the higher, shall be paid forthwith to the Sheriff.

7/27, 8/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-476 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract together with the improvements thereon erected, situate lying and being in Conewago Township, Adams County, Pennsylvania, more particularly bounded limited and described as follows, to wit:

BEGINNING at a concrete monument on the East side of North Oxford Avenue at lands now or formerly of Fred E. Borwager and Joan L. Borwager; thence along the East side of North Oxford Avenue, North twenty-five (25) degrees forty-five (45) minutes West, forty-six and eight-tenths (46.8) feet to an iron pin on the East side of North Oxford Avenue at lands now or formerly of Rosie A. Garvick; thence by lands now or formerly of Rosie A. Garvick, North sixty-four (64) degrees fifteen (15) minutes East, one hundred fifty and six-tenths (150.6) feet to a point on the West side of a twenty (20) feet wide public alley; thence said twenty (20) feet wide, public alley South twenty-six (26) degrees twelve (12) minutes East, forty-seven and thirty-hundredths (47.30) feet to a concrete monument on the West side of said twenty (20) feet wide alley at lands now or formerly of Fred E. Borwager and Joan L. Borwager, aforesaid; thence by lands now or formerly of Fred E. Borwager and Joan L. Borwager South sixty-four (64) degrees twenty-two (22) minutes West, one hundred fifty-one and five hundredths (151.05) feet to a concrete monument on the East side of North Oxford Avenue the point and place of BEGINNING (Being known as Lot No. 1 a draft of survey prepared for Louis H. Smell by J.H. Rife, R.S., dated February 5, 1949.) (Being known and numbered as 114 North Oxford Avenue, McSherrystown, Pennsylvania.)

Tax Parcel No. 4-18

Property Address: 114 N. Oxford Avenue, McSherrystown, PA 17344

SEIZED and taken into execution as the property of **Donald T. Fringer** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 28, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/3, 10 & 17

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 HELEN E. HYMILLER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
 Executrix: Joyce A. Dell, 353 Kirkhoff Road, Westminster, MD 21158
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ROY KUYKENDALL, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania
 Executrix: T. Ann Barbour, 808 Carlisle Road, Biglerville, PA 17307
 Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF FLORENCE R. LEHIGH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executor: Daniel G. Lehigh, c/o 135 North George Street, York, PA 17401
 Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF MIRIAM A. PFAFF, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Executor: Patricia A. Klunk, 20 Sandy Ct., Hanover, PA 17331

ESTATE OF DAVID E. SMITH, DEC'D

Late of Germany Township, Adams County, Pennsylvania
 Linda L. Miles a/k/a Linda L. Conrad, 15 Krug Avenue, Hanover, PA 17331
 Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF MARGARET M. LEAVY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
 Administrator: Robert L. McQuaide, Suite 204, 18 Carlisle Street, Gettysburg, PA 17325
 Attorney: McQuaide Law Office, Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF GOLDIE E. WINTER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Executors: Victoria L. Alwine, 388 Two Taverns Road, Gettysburg, PA 17325; Gail D. McLucas, 5040 Rislyn Court, Spring Grove, PA 17362; Earl G. Winter, II, 4446 Fairview Road, Columbia, PA 17512
 Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF JOHN M. BITTINGER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Administratrix: Rose Spalding, 328 Village Drive, Gettysburg, PA 17325
 Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GLADYS L. CARBAUGH, DEC'D

Late of Germany Township, Adams County, Pennsylvania
 Executrices: Phyllis J. Selby, P.O. Box 239, Littlestown, PA 17340; Linda M. Barbini, 9302 Orbitan Road, Baltimore, MD 21234
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EARLE E. MUMMERT, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania
 Executors: Lanny E. Mummert, 112 Berlin Road, New Oxford, PA 17350; Patricia M. Guise, 106 Berlin Road, New Oxford, PA 17350; Bonita M. Albright, 877 Oxford Road, New Oxford, PA 17350
 Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF JOHN W. MURREN, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania
 Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF WILBUR C. SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Administratrix: Helen L. Smith, 499 Mt. Misery Road, New Oxford, PA 17350
 Attorney: Larry W. Wolf, P.C., 215 Broadway, Hanover, PA 17331

ESTATE OF KENNETH W. WILDASIN, DEC'D

Late of Reading Township, Adams County, Pennsylvania
 Executors: Judy G. James, 560 Conewago Drive, East Berlin, PA 17316; Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325
 Attorney: Crabbs & Crabbs, Attorneys for the Estate, 202 Broadway, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-613 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain premises with the improvements thereon erected situate in Conewago Township, Adams County, Pennsylvania, known on the plat or general plan of a series of lots, streets, avenues and c. of lands of Hanover Improvement Company, as Lot No. 31, on the South side of Linden Avenue, in Block No. 1, adjoining Lot No. 32 on the West, a public alley on the South, Lot No. 30 on the East and Linden Avenue on the North.

BEING known as 722 Linden Avenue.

BEING THE SAME PREMISES which Randall D. Peterson and Donna E. Peterson, husband and wife, by Deed dated April 27, 1999 and recorded in the Recorder of Deeds of Adams County on May 11, 1999 in Deed Book Volume 1829, Page 15, granted and conveyed unto Brian K. Brown, a single male and Judy A. Reichart, a single female, as joint tenants.

Grenen & Birsic, P.C.

By:

Brian M. Kile, Esq.

Attorney for Plaintiff

One Gateway Center, Ninth Floor

Pittsburgh, PA 15222

(412) 281-7650

SEIZED and taken into execution as the property of **Brian K. Brown & Judy A. Reichart** and to be sold by me.

James W. Muller-Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 28, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/3, 10 & 17

Adams County Legal Journal

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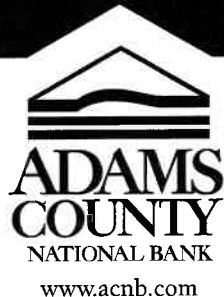
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COMMONWEALTH VS. REAVES

Helping families achieve
their long-range financial goals
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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-947 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situated on the West side of the Hanover-Carlisle State Highway in Conewago Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of the State Highway aforesaid at lands now or formerly of Rodney C. Rider; thence by the center of said State Highway South twenty-three (23) degrees East, forty-five (45) feet to a point at lands now or formerly of Lamar E. Null; thence by said lands South sixty-seven (67) degrees West one hundred fifty (150) feet to a point at lands now or formerly of Edward P. Emerson; thence by said lands North twenty-three (23) degrees West, forty-five (45) feet to a point at lands now or formerly of Rodney C. Rider aforesaid; thence by said lands North sixty-seven (67) degrees East, one hundred fifty (150) feet to a point in the center of the State Highway aforesaid, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Michael P. Leonard and Nancy A. Leonard, husband and wife, as tenants by the entireties by Deed from Michael P. Leonard and Nancy A. Leonard, husband and wife dated 3/24/1978 and recorded 3/31/1978, in Deed Book 336, page 693.

Premises being: 1474 Carlisle Pike, Hanover, PA 17331

Tax Parcel No. L13-18

SEIZED and taken into execution as the property of **Michael P. Leonard & Nancy A. Leonard** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 28, 2007, and distribution will be made in

accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/27, 8/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-476 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract together with the improvements thereon erected, situate lying and being in Conewago Township, Adams County, Pennsylvania, more particularly bounded limited and described as follows, to wit:

BEGINNING at a concrete monument on the East side of North Oxford Avenue at lands now or formerly of Fred E. Borwager and Joan L. Borwager; thence along the East side of North Oxford Avenue, North twenty-five (25) degrees forty-five (45) minutes West, forty-six and eight-tenths (46.8) feet to an iron pin on the East side of North Oxford Avenue at lands now or formerly of Rosie A. Garvick; thence by lands now or formerly of Rosie A. Garvick, North sixty-four (64) degrees fifteen (15) minutes East, one hundred fifty and six-tenths (150.6) feet to a point on the West side of a twenty (20) feet wide public alley; thence said twenty (20) feet wide, public alley South twenty-six (26) degrees twelve (12) minutes East, forty-seven and thirty-hundredths (47.30) feet to a concrete monument on the West side of said twenty (20) feet wide alley at lands now or formerly of Fred E. Borwager and Joan L. Borwager, aforesaid; thence by lands now or formerly of Fred E. Borwager and Joan L. Borwager South sixty-four (64) degrees twenty-two (22)

minutes West, one hundred fifty-one and five hundredths (151.05) feet to a concrete monument on the East side of North Oxford Avenue the point and place of BEGINNING (Being known as Lot No. 1 a draft of survey prepared for Louis H. Smell by J.H. Rife, R.S., dated February 5, 1949.) (Being known and numbered as 114 North Oxford Avenue, McSherrytown, Pennsylvania.)

Tax Parcel No. 4-18

Property Address: 114 N. Oxford Avenue, McSherrytown, PA 17344

SEIZED and taken into execution as the property of **Donald T. Fringer** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 28, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/3, 10 & 17

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on July 23, 2007, for the purpose of obtaining a Certificate of Incorporation of a corporation organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended. The name of the corporation is ERIC C. SEIDEL DMD, INC.

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

8/10

COMMONWEALTH VS. REAVES

1. Evidence which is relevant is admissible. Relevant evidence is evidence having any tendency to make the evidence of any fact that is of consequence to the determination of the action probable or less probable than it would be without the evidence.

2. To be relevant, the evidence (i.e., lack of sexual misconduct with several preadolescent females) must tend to prove the fact it is offered to prove (Defendant's lack of sexual interest in preadolescent females) and that it is of consequence to the outcome of the case.

3. Evidence of other acts is inadmissible for the purpose of showing a disposition or propensity to behave in a similar fashion.

4. Where particular incidents of good conduct are offered to prove that the accused would not have acted inconsistent with that good conduct, such evidence violates Pa.R.E. 404(b).

In the Court of Common Pleas of Adams County, Pennsylvania,
Criminal, No. CR-550-2005, COMMONWEALTH VS. GREGORY
REAVES.

Sarah Castillo, Esq., for Commonwealth
David McGlaughlin, Esq., for Defendant
Kuhn, P.J., August 8, 2006

MEMORANDUM OPINION

Before the Court for disposition is Defendant's Motion in Limine, filed October 28, 2005.¹ The issue before the Court is whether Defendant may introduce at trial evidence of his lack of sexual misconduct with other preadolescent females. For reasons set forth below, said Motion is denied.

Defendant is charged with sexually assaulting A.M.M. (d.o.b. 8/29/92), his former stepdaughter, on five separate occasions between August, 1999, and December, 2000. During that time, Defendant was married to A.M.M.'s mother, who had partial physical custody of the child on weekends. The allegations were first revealed in November, 2004. Defendant wishes to present the testimony of five other females who will purportedly testify that

¹ After a conference on December 15, 2005, the Court directed the filing of briefs. Thereafter, it was unclear whether Steve Rice, Esquire, would be continuing in his representation of Defendant and, in fact, was permitted to withdraw per Order dated January 30, 2006. Trial was continued to allow Defendant an opportunity to obtain new counsel who may or may not want to pursue the Motion in Limine. On April 10, 2006, Warren P. Bladen, Jr., Esquire, was appointed to represent Defendant. At a conference held July 6, 2006, it became clear that Defendant did want the Motion pursued.

Defendant did not sexually abuse them despite the opportunity to do so. These persons include D.S. (d.o.b. 5/19/93), Defendant's step-daughter with whom he lived from August, 2002 – February, 2005; C.A.R. (d.o.b. 12/10/97), and K.A.R. (d.o.b. 7/20/99), Defendant's daughters, who lived with him until August, 2002, and with whom he was often alone up to November, 2004; A.H. (d.o.b. 1/16/96), the niece of Defendant's wife, with whom he was often alone from August, 2002 – February, 2005; and K.F. (approximately the same age as A.M.M.) who lived with Defendant from May – August, 2001.

Defendant contends that this evidence is relevant and admissible because it tends to show his lack of desire for sexual relations with preadolescent children about the same age as A.M.M. and under similar caretaker situations where he was alone with such a child. He denies that the proffered evidence relates to his character, Pa. R.E. 404(a), or that it is offered to prove his conforming conduct, but rather that it is an "act" admissible under Pa. R.E. 404(b). Defendant's argument suggests that if the Commonwealth is permitted to offer evidence of prior sexual abuse in certain instances involving others, *Commonwealth v. Smith*, 635 A.2d 1086 (Pa. Super. 1993); *Commonwealth v. Gordon*, 673 A.2d 866 (Pa. 1996); *Commonwealth v. Luktisch*, 680 A.2d 877 (Pa. Super. 1996); *Commonwealth v. O'Brien*, 836 A.2d 966 (Pa. Super. 2003), it follows that lack of such evidence is, likewise, probative.

Defendant admittedly asks this Court to leap into uncharted waters. Although he makes a cogent, passionate, and superficially attractive argument, I have decided to wait on the shore until our appellate courts have set the course for trial courts to follow. My reluctance is not based upon a fear of sinking, per se, instead, I am not sure that the argument is seaworthy.

Generally speaking, evidence which is relevant is admissible. Pa. R.E. 402. Relevant evidence is "evidence having any tendency to make the evidence of any fact that is of consequence to the determination of the action probable or less probable than it would be without the evidence." Pa. R.E. 401. Thus, to be relevant, the evidence (i.e. lack of sexual misconduct with several preadolescent females) must tend to prove the fact it is offered to prove (Defendant's lack of sexual interest in preadolescent females) and that it is of consequence to the outcome of the case.

As a general rule, evidence of other acts is inadmissible “to prove the character of a person in order to show action in conformity therewith.” Pa. R.E. 404(b)(1). In other words, evidence of other acts is inadmissible for the purpose of showing a disposition or propensity to behave in a similar fashion.² Propensity refers to a person’s character that leads him to commit the act in question. Usually, this means that evidence of criminal acts, other than charged in the instant case, may not be presented to a jury to prove the accused’s criminal character or his tendency toward committing criminal acts.³ Of course, “other acts” need not be criminal in nature. Instead, “other acts,” as suggested by Defendant, could include an accused’s good conduct. One commentator suggests that where particular incidents of good conduct are offered to prove that the accused would not have acted inconsistent with that good conduct, such evidence violates Rule 404(b).⁴

Despite whatever linguistic twist is placed upon the evidence Defendant seeks to have admitted, it appears that the evidence violates the general prohibition of Rule 404(b). Here, Defendant wishes to introduce evidence of non-acts with others in order to show that in similar situations with A.M.M., his actions (or non-action) would have been the same. Any way the concept is massaged, it still attempts to demonstrate propensity toward good conduct.⁵

As noted, there are exceptions to the limitations of Rule 404(b). Pa. R.E. 404(b)(2) provides,

(2) Evidence of other . . . acts may be admitted for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

At first glance, it does not appear that Defendant’s proffer of other non-acts would tend to prove any of these exceptions. For example, lack of sexual misconduct with other preadolescent females would not tend to prove absence of motive or opportunity regarding his conduct (or lack thereof) with A.M.M.

²Ohlbaum on the Pennsylvania Rules of Evidence, 2005-06 Edition; §404.15.

³Bernstein, 2006 Edition of Pennsylvania Rules of Evidence (Gann), Comment 4(a) to Pa. R.E. 404(b).

⁴Ohlbaum on the Pennsylvania Rules of Evidence, 2005-06 Edition; §404.16.

⁵Defendant is not prohibited from introducing relevant character evidence under Rule 404(a). However, such evidence is based upon reputation rather than specific acts.

I must acknowledge that in sexual misconduct cases, especially those involving young victims, the courts appear to have relaxed the rule against allowing evidence of prior acts under the common plan, scheme or design theory. See *Commonwealth v. Dunkle*, 602 A.2d 830 (Pa. 1992); *Commonwealth v. Knowles*, 637 A.2d 331 (Pa. Super. 1994); *Smith, supra*; *Luktisch, supra*; *O'Brien, supra*. In those cases, the prosecution was given some leeway in order to overcome the victim's lack of prompt complaint or the lack of corroborative physical evidence. However, in the instant case, Defendant is advantaged by a lack of prompt complaint and lack of physical evidence which, when combined with the presumption of innocence, the Commonwealth's burden and his right to introduce character evidence, tends to reduce or eliminate the need for the proffered evidence.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 8th day of August, 2006, in consideration of Defendant's Motion in Limine: Lack of Sexual Misconduct with Similar Children, filed October 28, 2005, as part of Defendant's Omnibus Pre-Trial Motion, said Motion is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-613 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain premises with the improvements thereon erected situate in Conewago Township, Adams County, Pennsylvania, known on the plat or general plan of a series of lots, streets, avenues and c. of lands of Hanover Improvement Company, as Lot No. 31, on the South side of Linden Avenue, in Block No. 1, adjoining Lot No. 32 on the West, a public alley on the South, Lot No. 30 on the East and Linden Avenue on the North.

BEING known as 722 Linden Avenue.

BEING THE SAME PREMISES which Randall D. Peterson and Donna E. Peterson, husband and wife, by Deed dated April 27, 1999 and recorded in the Recorder of Deeds of Adams County on May 11, 1999 in Deed Book Volume 1829, Page 15, granted and conveyed unto Brian K. Brown, a single male and Judy A. Reichart, a single female, as joint tenants.

Grenen & Birsic, P.C.

By:

Brian M. Kile, Esq.
Attorney for Plaintiff

One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

SEIZED and taken into execution as the property of **Brian K. Brown & Judy A. Reichart** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 28, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/3, 10 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-510 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a stone for a corner along public road leading from Center (erroneously Centre in prior deed) Mills to Heidersburg; thence along said road South 61 degrees East, 277 feet to a post; thence along original tract now or formerly of I.J. Menis, North 22 degrees East, 228 feet to a verge of private road; thence along said private road South 85 degrees West, 267 feet; thence South 40-1/2 degrees West, 68 feet to the place of BEGINNING.

HAVING erected thereon a dwelling known as 545 Center Mills Road, Aspers, PA 17304.

PARCEL No. G07-0005.

BEING the same premises which John S. Slaybaugh and Rhonda S. Slaybaugh, married, by Deed dated 10/30/2006 and recorded 11/07/2006 in the Recorder's Office of Adams County, Pennsylvania, Deed Book Volume 4635, Page 8, granted and conveyed unto Kelly R. Yates and Doug K. Yates, married.

SEIZED and taken into execution as the property of **Doug K. Yates & Kelly R. Yates** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 28, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/27, 8/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-331 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described lot of ground situate, lying and being in Conewago Township, Adams County, Pennsylvania, known on a plot or general plan of a series of lots, streets, avenues, etc., of lands now or formerly of the Hanover Improvement Company, as Lot No. 20, on the South side of Linden Avenue, in Block No. 15, adjoining Lot No. 19, on the West, a public alley on the North, Madison Street on the East, and Linden Avenue to the South.

BEING the same premises which Robert L. Frock and Lynn F. Frock, husband and wife, by Deed dated May 3, 2004 and recorded in the Adams County Recorder of Deeds Office on May 25, 2004 in Deed Book 3580, page 310, granted and conveyed unto Joseph T. Nelson, Sr.

Premises being: 301 Linden Ave., Hanover, PA 17331

SEIZED and taken into execution as the property of **Joseph T. Nelson, Sr.** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-477 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN Lot or piece of ground Situate in Cumberland Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin at the intersection of the North Property line of the state highway between Gettysburg and Fairfield with the East property line of Park Avenue, which Avenue runs between said State Highway and the public road to Knoxlyn Mill, said iron pin being South 74 degrees 45 minutes West, 261.4 feet from an iron pin at the West side of Lot now or formerly of Fred W. Hankey; thence running along said Park Avenue, and through the original tract of John D. Teeter, North 3 degrees 30 minutes West, 234.3 feet to an iron pin; thence continuing through the original tract North 86 degrees 30 minutes East, 78 feet to an iron pin; thence through same South 8 degrees 48 minutes East, 215 feet to an iron pin on the North side of the aforesaid State highway; thence running along the North side of said State highway South 74 degrees 45 minutes West, 100 feet to the place of BEGINNING.

Being Known as 15 Park Avenue, Gettysburg, PA 17325.

TITLE TO SAID PREMISES IS VESTED IN Mary Anne I. Graham by deed from Quit Claim Deed from Timothy D. Graham and Mary Anne I. Graham, his wife, dated 5/25/2006 and recorded 6/9/2006 in Record Book 4447, Page 93.

Tax I.D. #9-F13-38

SEIZED and taken into execution as the property of **Mary Anne I. Graham** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost,

whichever may be the higher, shall be paid forthwith to the Sheriff.

8/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-469 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two certain lots or pieces of ground situate in Cumberland Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a P.K. nail in the center line of PA Route #134 leading from Gettysburg, Pennsylvania to Harney, Maryland at corner of Lot No. 2; thence by Lot No. 2 North 86 degrees 24 minutes 17 seconds East, 506.67 feet to a pipe at land now or formerly of J. D. Soliday; thence by J. D. Soliday South 24 degrees 02 minutes 00 seconds East, 74.45 feet to a pipe at post at land now or formerly of Romaine Maring; thence by land of Romaine Maring South 52 degrees 02 minutes 00 seconds West, 62.62 feet to a pipe at corner of Lot No. 4; thence by Lot No. 4 South 86 degrees 24 minutes 00 seconds West, 483.67 feet to a P.K. Nail in the center line of PA Route #134; thence in the center line of PA Route #134 and a curve to the right having a long chord bearing of North 02 degrees 17 minutes 50 seconds West, 105.03 feet, an arc distance of 105.05 feet and a radius of 1432.69 feet to a point in the center line of PA Route #134 the place of BEGINNING.

SAID tract being referred to as Tract No. 3 on a draft of survey dated April 24, 1977 and prepared by Adams County Surveyors for Evelyn Brown, said survey being designated as Final Plan.

BEING the same premises which Mark R. Smith and Doris A. Smith, husband and wife, by deed dated July 14, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 338, Page 1092, granted and conveyed unto Mark J. Wivell and S. Lynn Baker, now S. Lynn Wivell, the Grantors herein.

BEGINNING at a P.K. nail in the center line of Pennsylvania Route 134 leading from Gettysburg, Pennsylvania to Harney, Maryland at corner of Lot No. 1 on the hereinafter referred to draft of survey; thence along Lot No. 1, North 86 degrees 24 minutes 00 seconds East, 457.41 feet to a pipe at land now or formerly of J. D. Soliday; thence by same, South 24 degrees 17 minutes 00 seconds East,

111.00 feet to a pipe at corner of Lot No. 3 on the aforesaid draft of survey; thence along Lot No. 3 on the aforesaid draft of survey; thence along Lot No. 3 South 86 degrees 24 minutes 00 seconds West, 506.67 feet to a P.K. nail in the centerline of aforesaid state highway; thence in the center line of said highway by a curve to the right, having a radius of 1,432.69 feet, an arc distance of 86.39 feet and a long chord bearing of North 01 degree 30 minutes 20 seconds East, 86.38 feet to a P.K. nail; thence by the same North 01 degree 58 minutes 30 seconds West, 18.01 feet to a P.K. nail, (this final course was missed in the prior deed and has been added to reflect a scrivener's error) the place of BEGINNING.

The above description was taken from a draft of survey prepared by Adams County Surveyors, dated April 24, 1977, designating the above as Tract No. 2.

BEING the same premises which T. Albert Milburn and Kathy L. Milburn, husband and wife, by deed dated August 8, 1979, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 346, Page 1093, granted and conveyed unto Mark J. Wivell and S. Lynn Wivell, the Grantors herein.

Parcel Identification No: 09-F16-0072-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Harry E. Prince, Jr., married man, by Deed from Mark J. Wivell and S. Lynn Wivell, (formerly known as S. Lynn Baker), dated 06/28/2005, recorded 07/06/2005, in Deed Book 4030, page 194.

Premises being: 2050 Taneytown Road, Gettysburg, PA 17325

Tax Parcel No. 09-F16-0072-000

SEIZED and taken into execution as the property of **Harry E. Prince, Jr.** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF MARY B. EISENHART, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Antonette R. Walsh, 165 Oak Drive, Orrtanna, PA 17353; John Romano, 370 Pegram Street, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF HELEN E. HYMILLER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Joyce A. Dell, 353 Kirkhoff Road, Westminster, MD 21158

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

ESTATE OF ROY KUYKENDALL, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: T. Ann Barbour, 808 Carlisle Road, Biglerville, PA 17307

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

ESTATE OF FLORENCE R. LEHIGH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Daniel G. Lehigh, c/o 135 North George Street, York, PA 17401

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

ESTATE OF MIRIAM A. PFAFF, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Patricia A. Klunk, 20 Sandy Ct., Hanover, PA 17331

ESTATE OF DAVID E. SMITH, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Linda L. Miles a/k/a Linda L. Conrad, 15 Krug Avenue, Hanover, PA 17331

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

THIRD PUBLICATION

ESTATE OF MARGARET M. LEAVY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

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

Attorney: McQuaide Law Office, Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF GOLDIE E. WINTER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Victoria L. Alwine, 388 Two Taverns Road, Gettysburg, PA 17325; Gail D. McLucas, 5040 Rislyn Court, Spring Grove, PA 17362; Earl G. Winter, II, 4446 Fairview Road, Columbia, PA 17512

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-341 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land Situate on the Northerly right of way line of Abbots Drive in the Borough of Abbottstown, County of Adams and State of Pennsylvania known and numbered as Lot No. 38 on a plan of lots for Abbots Manor Phase II recorded in the Office of the Recorder of Deeds in and for Adams County, PA in subdivision Plot 73, page 43, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Abbots Drive at a corner of Lot No. 37 on a final plan of lots for Abbots Manor Phase I recorded in the aforesaid Recorder's Office in Plot Book 69, page 95; thence extending along the said Lot No. 37 North 30 degrees 02 minutes 10 seconds West 277.24 feet to a point; thence North 64 degrees 04 minutes 00 seconds East 62.30 feet to a point or a corner of Lot No. 39 on a plan of Lots for Abbots Manor Phase II recorded in the aforesaid Recorder of Deeds Office in Plot Book 73, page 43; thence extending along the said Lot No. 39 South 35 degrees 47 minutes 14 seconds East 202.48 feet to a point; thence extending along the said right of way of Abbots Drive on a line curving to the right having a radius of 170 feet, an arc distance of 86.06 feet with a chord bearing South 45 degrees 27 minutes 41 seconds West 85.14 feet to the point and place of BEGINNING. CONTAINING 15,888 Sq. Ft.

BEING THE SAME PREMISES WHICH First Horizon Home Loan Corporation by deed dated 4/4/01 and recorded 4/17/01 in the Office of the Recorder of Deeds of Adams County in Deed Book 2258, page 0056, granted and conveyed unto The Secretary of Housing and Urban Development.

BEING the same property acquired by the Grantor pursuant to the provisions of the National Housing Act, as amended (12 U.S.C. 1701 et seq.) And the Department of Housing and Urban Development Act (42 U.S.C. 3531).

TITLE TO SAID PREMISES IS VESTED IN David A. Lex and Angela M. Lex, by Deed from Mel Martinez, the Secretary of Housing & Urban Development, dated 7/24/01, recorded 8/7/01 in Book 2365, page 251.

TITLE TO SAID PREMISES IS VESTED IN Mel Martinez, the Secretary of

Housing & Urban Development, by Deed from First Horizon Home Loan Corporation, dated 4/4/01, recorded 4/17/01 in Book 2258, page 56.

Premises Being: 173 Abbots Drive, Abbottstown, PA 17301

Tax Parcel No. 01-005-0052-000

SEIZED and taken into execution as the property of **David A. Lex & Angela M. Lex a/k/a Angela M. Myers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-470 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground, with the improvements thereon erected, situate, lying and being in the Borough of Abbottstown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin for a corner on the South side of the Lincoln Highway; thence along said Lincoln Highway, North seventy (70) degrees East, sixty-six (66) feet to a public street; thence along said street, South twelve and one-half (12-1/2) degrees East, one hundred eighty-one (181) feet to an alley; thence along said alley; South seventy (70) degrees West, sixty-six (66) feet to an iron pin for a corner, thence along lands now or formerly of William P. Baker, North twelve and one-half (12-1/2) degrees West, one hundred eighty-one (181) feet to an iron pin, the place of BEGINNING.

IT BEING the same which Robin L. Rife-Francisco and Jose A. Francisco, her husband, by their deed dated May 14, 2004, and recorded May 18, 2004 in

the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 3572 at page 157, sold and conveyed unto Jason C. Alder and Jennifer A. Alder, husband and wife, as tenants of an estate by the entireties, grantors herein.

Parcel Identification No: 01-003-0059-000

Premises: 404 West King Street, Abbottstown, PA 17301, Abbottstown Borough, Adams County, Pennsylvania

TITLE TO SAID PREMISES IS VESTED IN Ronald D. Barnhart, single person, by Deed from Jason C. Alder and Jennifer A. Alder, husband and wife, dated 11/23/2005, recorded 12/01/2005, in Deed Book 4227, page 98.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about July 9, 2007, for the purpose of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Law of 1988, P.L. 1444, No. 177, as amended. The name of the corporation is EMBROIDERED EDGE, INC., with a registered office of the corporation being 118 Hoke Drive, Gettysburg, PA 17325.

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

8/10

Adams County Legal Journal

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August 17, 2007

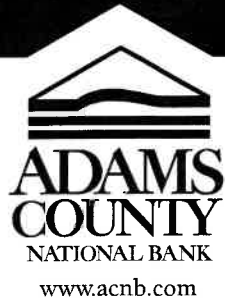
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IN THIS ISSUE

IN RE: GRABLE

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

Celebrating 150 years!
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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-476 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract together with the improvements thereon erected, situate lying and being in Conewago Township, Adams County, Pennsylvania, more particularly bounded limited and described as follows, to wit:

BEGINNING at a concrete monument on the East side of North Oxford Avenue at lands now or formerly of Fred E. Borwager and Joan L. Borwager; thence along the East side of North Oxford Avenue, North twenty-five (25) degrees forty-five (45) minutes West, forty-six and eight-tenths (46.8) feet to an iron pin on the East side of North Oxford Avenue at lands now or formerly of Rosie A. Garvick; thence by lands now or formerly of Rosie A. Garvick, North sixty-four (64) degrees fifteen (15) minutes East, one hundred fifty and six-tenths (150.6) feet to a point on the West side of a twenty (20) feet wide public alley; thence said twenty (20) feet wide, public alley South twenty-six (26) degrees twelve (12) minutes East, forty-seven and thirty-hundredths (47.30) feet to a concrete monument on the West side of said twenty (20) feet wide alley at lands now or formerly of Fred E. Borwager and Joan L. Borwager, aforesaid; thence by lands now or formerly of Fred E. Borwager and Joan L. Borwager South sixty-four (64) degrees twenty-two (22) minutes West, one hundred fifty-one and five hundredths (151.05) feet to a concrete monument on the East side of North Oxford Avenue the point and place of BEGINNING (Being known as Lot No. 1 a draft of survey prepared for Louis H. Smell by J.H. Rife, R.S., dated February 5, 1949.) (Being known and numbered as 114 North Oxford Avenue, McSherrystown, Pennsylvania.)

Tax Parcel No. 4-18

Property Address: 114 N. Oxford Avenue, McSherrystown, PA 17344

SEIZED and taken into execution as the property of **Donald T. Fringer** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 28, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/3, 10 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-470 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground, with the improvements thereon erected, situate, lying and being in the Borough of Abbotstown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin for a corner on the South side of the Lincoln Highway; thence along said Lincoln Highway, North seventy (70) degrees East, sixty-six (66) feet to a public street; thence along said street, South twelve and one-half (12-1/2) degrees East, one hundred eighty-one (181) feet to an alley; thence along said alley; South seventy (70) degrees West, sixty-six (66) feet to an iron pin for a corner, thence along lands now or formerly of William P. Baker, North twelve and one-half (12-1/2) degrees West, one hundred eighty-one (181) feet to an iron pin, the place of BEGINNING.

IT BEING the same which Robin L. Rife-Francisco and Jose A. Francisco, her husband, by their deed dated May 14, 2004, and recorded May 18, 2004 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 3572 at page 157, sold and conveyed unto Jason C. Alder and Jennifer A. Alder, husband and wife, as tenants of an estate by the entireties, grantors herein.

Parcel Identification No: 01-003-0059-000

Premises: 404 West King Street, Abbotstown, PA 17301, Abbotstown Borough, Adams County, Pennsylvania

TITLE TO SAID PREMISES IS VESTED IN Ronald D. Barnhart, single person, by Deed from Jason C. Alder and Jennifer A. Alder, husband and wife, dated 11/23/2005, recorded 12/01/2005, in Deed Book 4227, page 98.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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8/10, 17 & 24

IN RE: GRABLE

1. In determining whether a party has standing to challenge an official order or action, a court must look to the enabling legislation at issue, as well as, whether the party seeking standing is aggrieved by the action or order.

2. For a party to be aggrieved, it must have a substantial, direct, immediate, and not remote interest in the subject-matter of the litigation. In order to have a substantial interest in the subject-matter of the litigation, there must be a discernable adverse effect to some interest other than in the abstract.

3. In undertaking statutory construction, a trial court may not add language to a statute which has been intentionally omitted.

4. 18 Pa.C.S.A. § 6105.1 has the effect of removing standing from the Pennsylvania State Police concerning inquiry into the applicant's character, reputation, or whether the applicant would be likely to act in a manner dangerous to public safety.

5. Since the Pennsylvania State Police are denied standing under 18 Pa.C.S.A. § 6105.1 on an issue almost identical to the sole inquiry for the removal of a disability under 18 Pa.C.S.A. § 6105(f)(1), the intent of the legislature in not granting standing in proceedings concerning removal of disability under 6105(c)(4) (related to mental involuntary commitment) is self-apparent.

6. A Common Pleas Court cannot remove a federal firearms disability in proceedings filed pursuant to 18 Pa.C.S.A. § 6105.

7. *Pennsylvania State Police vs. Paulshock*, 836 A.2d 110 (Pa. 2003), is not a grant of automatic standing to the Pennsylvania State Police in all petitions before the Court of Common Pleas concerning the removal of a disability.

8. The Pennsylvania State Police do not possess standing in proceedings before the Court of Common Pleas resulting from petitions seeking to remove a disability filed pursuant to 18 Pa.C.S.A. § 6105(f)(1) (related to removal of disabilities resulting from mental commitments).

In the Court of Common Pleas of Adams County, Pennsylvania, Miscellaneous, No. CP-01-MD-346-2005, IN RE: STEPHEN A. GRABLE.

Thomas J. Rozman, Esq., for Pennsylvania State Police

Leo E. Gribbin, Esq., for Petitioner

George, J., August 22, 2006

OPINION

Stephen A. Grable ("Grable"), petitioned the Court under 18 Pa.C.S.A. § 6105(f)(1) to remove a disability precluding him from possessing firearms pursuant to 18 Pa.C.S.A. § 6105(c)(4) (prohibiting the possession of firearms by a person involuntarily committed to a mental institution). After hearing attended by the Commonwealth, through the Adams County District Attorney's Office, this Court found [that possession of firearm by the applicant would not present a risk to the applicant or any other person], and accordingly, entered

an Order dated February 14, 2006 removing the disability imposed under 18 Pa.C.S.A. § 6105(c)(4). The Order further directed the Adams County Sheriff's Department to return to the petitioner any firearms in possession of the Sheriff's Department provided that Grable suffered no other legal disability which prohibited him from possessing firearms. Upon receipt of the Order, the Pennsylvania State Police filed a Motion for Reconsideration asking this Court to vacate the February 14, 2006 Order.¹ Grable has objected to reconsideration, arguing that the Pennsylvania State Police lack standing in this matter.

In determining whether a party has standing to challenge an official order or action, a court must look to the enabling legislation at issue, as well as, whether the party seeking standing is aggrieved by the action or order. *Commonwealth v. J.H.*, 759 A.2d 1269, 1271 (Pa. 2000). For a party to be aggrieved, it must have a substantial, direct, immediate, and not remote interest in the subject-matter of the litigation. *Id.* In order to have a substantial interest in the subject-matter of the litigation, there must be a discernable adverse effect to some interest other than in the abstract. *Id.* After studying the enabling legislation at issue, as well as considering the interests of the State Police in this matter, I find that the Pennsylvania State Police lack standing to seek reconsideration.

18 Pa.C.S.A. § 6105 provides criminal sanctions against persons ineligible to possess or control a firearm pursuant to the provisions of that section. Among those ineligible for possession of a firearm are those who have been convicted of enumerated offenses set forth in the section; those who are a fugitive from justice; those who are illegally or unlawfully in the country; those who have been adjudicated incompetent or involuntarily committed to a mental institution; those who are the subject of an active protection from abuse order; and those adjudicated delinquent of certain enumerated criminal offenses. 18 Pa.C.S.A. § 6105(b) and (c).

Other provisions in the section provide a procedure by which the disabilities outlined above may be removed, thereby making a person

¹Despite direction by the Court that the February 14, 2006 Order be served on the Pennsylvania State Police, the Order was not promptly served on that agency by the Clerk of Courts. Accordingly, although thirty days had expired between the time of entry of the Order and the State Police's Motion for Reconsideration, this Court shall consider the same timely.

eligible to possess firearms. Notably, the procedures are distinct and set forth in separate paragraphs depending on the type of disability to be removed. For instance, the statutory language specifically provides that in proceedings considering the removal of disabilities related to Subsection (c)(6) (person subject to an active protection from abuse order) the petitioner in the protection from abuse matter shall be a party to the proceedings. Similarly, in proceedings concerning the removal of a disability related to previous criminal convictions, fugitives from justice, and prior adjudications of delinquency, the Commissioner of the Pennsylvania State Police and the District Attorney of the county where any application for removal of the disability is filed, as well as any victim of the criminal offense, are specifically listed as parties. In discussing proceedings related to the removal of disability under Subsection (c)(4) (related to mental health commitments) the legislature identified neither the Pennsylvania State Police, the District Attorney nor any other person as a party to the proceeding. This distinction in procedure has significance in light of the instruction from our Supreme Court that in undertaking statutory construction, a trial court may not add language to a statute which has been intentionally omitted. *Kusza v. Maximonis*, 70 A.2d 329, 331 (Pa. 1950).

Interestingly, the Pennsylvania legislature has enacted an additional provision relating to the restoration of firearm rights. See 18 Pa.C.S.A. § 6105.1. Once again, standing is specifically granted to the Pennsylvania State Police. However, this section limits that standing to determinations of whether a criminal offense meets the definition of a “disabling offense,” as well as, whether a conviction of a “disabling offense” exists. 18 Pa.C.S.A. § 6105.1(b). This limitation has the effect of removing standing from the Pennsylvania State Police concerning inquiry into the applicant’s character, reputation, or whether “the applicant would be likely to act in a manner dangerous to public safety.” 18 Pa.C.S.A. § 6105.1(a)(3). Since the Pennsylvania State Police are denied standing under 18 Pa.C.S.A. § 6105.1 on an issue almost identical to the sole inquiry for the removal of a disability under 18 Pa.C.S.A. § 6105(f)(1), the intent of the legislature in not granting standing in proceedings concerning removal of disability under 6105(c)(4) (related to mental involuntary commitment) is self-apparent.

As standing to contest the expungement Order is not imputed from the provisions of 18 Pa.C.S.A. § 6105, I must next determine whether the State Police are a party aggrieved by the action or order. In this regard, the Pennsylvania State Police argue that they are vested with significant responsibilities under the Uniform Firearms Act, 18 Pa.C.S.A. § 6102 et seq. and, therefore, have a substantial, direct and immediate interest in the litigation. Indeed, the Act places substantial responsibility on the Pennsylvania State Police in regard to establishing a firearms license validation system; conducting instantaneous record checks; and general administrative oversight over the provisions of the Act. The State Police cite *Pennsylvania State Police v. Paulshock*, 836 A.2d 110 (Pa. 2003) and *In Re T.J.*, 739 A.2d 478 (Pa.Cmwlt. 1999) in support of their argument.

In *Paulshock*, the Supreme Court considered the Commonwealth Court's affirmance of a decision by the Office of the Attorney General which previously found that the trial court's removal of a disability for purchasing, owning, or using firearms acted to also remove disabilities under federal law. The underlying disability removed by the Court of Common Pleas was a disability imposed under 18 Pa.C.S.A. § 6105(a)(1) (relating to persons convicted of enumerated criminal offenses). In reversing the Commonwealth Court, the Supreme Court found that a Common Pleas Court could not remove a federal firearms disability in proceedings filed pursuant to 18 Pa.C.S.A. § 6105. In doing so, the Supreme Court summarily disposed of a challenge to the State Police's standing in the matter. However, the Court noted that the litigation before the Office of the Attorney General named the Pennsylvania State Police as a respondent and was brought in a proceeding challenging the State Police's refusal to comply with the Common Pleas Court Order directing relief from a federal firearms disability. The Supreme Court relevantly noted that the State Police standing stems from the fact that the legislature statutorily invested them with certain functions, duties and responsibilities concerning administration of the Uniform Firearms Act. *Pennsylvania State Police v. Paulshock*, 836 A.2d at 113.

In Re T.J., concerned the issue of whether the Philadelphia County Office of Mental Health/Mental Retardation ("MH/MR") had standing to contest the mental health hearing officer's decision to discharge a mental patient from involuntary commitment. Finding

standing on the part of MH/MR, the Supreme Court reiterated the rule that when the legislature statutorily invests an agency with certain functions, duties or responsibilities, the agency has a legislatively conferred interest in such matters and thus has standing. *Id.* at 482. In reviewing the relevant legislative provisions, the Supreme Court determined that the legislature created MH/MR programs for the express purpose of diagnosing, treating, rehabilitating, and detaining a mentally disabled individual. Based upon this statutory authorization, the Court found a specific grant of standing to MH/MR programs by legislature. *Id.*

After a careful reading of both cases, I find them to be distinguishable and non-controlling. Unlike the matter currently before the Court, *Paulshock* arose in the context of the State Police refusal to administratively recognize an order of the Court of Common Pleas removing a disability. Significantly, the issue did not involve the merits of whether a disability should be removed but rather directly involved the State Police's administration of the instantaneous background check for firearms system. More specifically, *Paulshock* involved a challenge to the record keeping function of the Pennsylvania State Police under 18 Pa.C.S.A. § 6111.1 (permitting a person to appeal to the Office of the Attorney General any denial of the right to receive sale, transfer, possess, etc. a firearm as a result of an instantaneous record check under the Pennsylvania State Police system). Thus, *Paulshock* did not involve a challenge to the **merits** of a removal of a disability but rather the **effects** of a disability removal. Currently, the State Police seek to interject themselves into a proceeding addressing the **merits** of a removal of a disability.

Moreover, *Paulshock* involved a disability removal under the provisions prohibiting possession of a firearm by one convicted of an enumerated offense. As previously noted, the Uniform Firearms Act provides separate procedural steps for such a challenge. See 18 Pa.C.S.A. § 6105(e). Proceedings to remove a disability under that section specifically designate the Pennsylvania State Police as a party. On the other hand, Grable's Petition involves removal of a disability resulting from a mental health commitment which, significantly, statutorily sets forth the procedure which does not grant the State Police standing. Therefore, although the Pennsylvania State Police would properly have standing in a proceeding concerning the removal of a disability resulting from prior conviction, *Paulshock* is

not a grant of automatic standing to the Pennsylvania State Police in all petitions before the Court of Common Pleas concerning the removal of a disability.

Similarly, I find *In Re T.J.* distinguishable. Critically, the statutory authorization present *In Re T.J.*, is absent in the statutory provisions currently at issue. Instead, I find *Commonwealth v. J.H.*, 759 A.2d 1269 (Pa. 2000) to be more applicable. In *Commonwealth v. J.H.*, the Supreme Court determined that the State Police do not have standing in an expungement proceeding before the Court of Common Pleas. The Supreme Court found that although the State Police are statutorily authorized to administer the Criminal History Record Information Act, 18 Pa.C.S.A. § 9101, et seq., they did not acquire standing simply because of their statutory mandate to provide complete and accurate records. Moreover, the Court found that the State Police did not have a substantial, direct or immediate interest in the subject matter at litigation based solely upon the administrative function in the collection of data. *Id.* A.2d at 1270.²

In reviewing the grant of authority to the Pennsylvania State Police under the Uniform Firearms Act, I find the same to be tangential and similar to the administrative authority which they possess under the Criminal History Record Information Act. Accordingly, I find that the Pennsylvania State Police lack standing in the matter before the Court.

It is important to expressly define the parameters of this ruling. I determine only that the Pennsylvania State Police do not possess standing in proceedings before the Court of Common Pleas resulting from petitions seeking to remove a disability filed pursuant to 18 Pa.C.S.A. § 6105(f)(1) (related to removal of disabilities resulting from mental commitments). This ruling does not, in any way, limit the standing of the Pennsylvania State Police which may have been statutorily created in other proceedings concerning the removal of

²In a concurring opinion, former Justice, and now Chief Justice Cappy opined that an implicit finding that the legislature conferred standing on the Pennsylvania State Police to interject itself in a court action for expungement would be improper where a legislature explicitly conferred standing for purposes of expungement matters on specific parties. The reasoning of Chief Justice Cappy is particularly relevant in the current matter since the legislation at issue specifically confers standing on the State Police and other parties in certain proceedings concerning the removal of disability while opting not to grant standing in other proceedings.

disabilities nor in appeals from decisions of the Office of the Attorney General following denial of permission to possess a firearm. Importantly, the removal of the disability granted by this Court following hearing is limited solely to Garber's disability imposed under Pennsylvania law as a result of his mental health commitment. It does not affect other state disabilities which may apply nor does it remove any federal disabilities which may be applicable. Thus, the Order previously entered in this matter does not require the Pennsylvania State Police to permit Garber to possess firearms. This ruling directs only that the State Police may not prohibit Garber from possessing firearms under disability imposed under 18 Pa.C.S.A. § 6105(c)(4) (relating to involuntary commitment) as that disability has been removed.

For the foregoing reasons, the attached Order is entered.

ORDER

AND NOW, this 22nd day of August, 2006, the Petition of the Pennsylvania State Police to reconsider is denied as the Pennsylvania State Police lack standing in this matter.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-469 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two certain lots or pieces of ground situate in Cumberland Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a P.K. nail in the center line of PA Route #134 leading from Gettysburg, Pennsylvania to Harney, Maryland at corner of Lot No. 2; thence by Lot No. 2 North 86 degrees 24 minutes 17 seconds East, 506.67 feet to a pipe at land now or formerly of J. D. Soliday; thence by J. D. Soliday South 24 degrees 02 minutes 00 seconds East, 74.45 feet to a pipe at post at land now or formerly of Romaine Maring; thence by land of Romaine Maring South 52 degrees 02 minutes 00 seconds West, 62.62 feet to a pipe at corner of Lot No. 4; thence by Lot No. 4 South 86 degrees 24 minutes 00 seconds West, 483.67 feet to a P.K. Nail in the center line of PA Route #134; thence in the center line of PA Route #134 and a curve to the right having a long chord bearing of North 02 degrees 17 minutes 50 seconds West, 105.03 feet, an arc distance of 105.05 feet and a radius of 1432.69 feet to a point in the center line of PA Route #134 the place of BEGINNING.

SAID tract being referred to as Tract No. 3 on a draft of survey dated April 24, 1977 and prepared by Adams County Surveyors for Evelyn Brown, said survey being designated as Final Plan.

BEING the same premises which Mark R. Smith and Doris A. Smith, husband and wife, by deed dated July 14, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 338, Page 1092, granted and conveyed unto Mark J. Wivell and S. Lynn Baker, now S. Lynn Wivell, the Grantors herein.

BEGINNING at a P.K. nail in the center line of Pennsylvania Route 134 leading from Gettysburg, Pennsylvania to Harney, Maryland at corner of Lot No. 1 on the hereinafter referred to draft of survey; thence along Lot No. 1, North 86 degrees 24 minutes 00 seconds East, 457.41 feet to a pipe at land now or formerly of J. D. Soliday; thence by same, South 24 degrees 17 minutes 00 seconds East, 111.00 feet to a pipe at corner of Lot No. 3 on the aforesaid draft of survey; thence

along Lot No. 3 on the aforesaid draft of survey; thence along Lot No. 3 South 86 degrees 24 minutes 00 seconds West, 506.67 feet to a P.K. nail in the centerline of aforesaid state highway; thence in the center line of said highway by a curve to the right, having a radius of 1,432.69 feet, an arc distance of 86.39 feet and a long chord bearing of North 01 degree 30 minutes 20 seconds East, 86.38 feet to a P.K. nail; thence by the same North 01 degree 58 minutes 30 seconds West, 18.01 feet to a P.K. nail, (this final course was missed in the prior deed and has been added to reflect a scrivener's error) the place of BEGINNING.

The above description was taken from a draft of survey prepared by Adams County Surveyors, dated April 24, 1977, designating the above as Tract No. 2.

BEING the same premises which T. Albert Milburn and Kathy L. Milburn, husband and wife, by deed dated August 8, 1979, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 346, Page 1093, granted and conveyed unto Mark J. Wivell and S. Lynn Wivell, the Grantors herein.

Parcel Identification No: 09-F16-0072-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Harry E. Prince, Jr., married man, by Deed from Mark J. Wivell and S. Lynn Wivell, (formerly known as S. Lynn Baker), dated 06/28/2005, recorded 07/06/2005, in Deed Book 4030, page 194.

Premises being: 2050 Taneytown Road, Gettysburg, PA 17325

Tax Parcel No. 09-F16-0072-000

SEIZED and taken into execution as the property of **Harry E. Prince, Jr.** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-613 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain premises with the improvements thereon erected situate in Conewago Township, Adams County, Pennsylvania, known on the plat or general plan of a series of lots, streets, avenues and c. of lands of Hanover Improvement Company, as Lot No. 31, on the South side of Linden Avenue, in Block No. 1, adjoining Lot No. 32 on the West, a public alley on the South, Lot No. 30 on the East and Linden Avenue on the North.

BEING known as 722 Linden Avenue.

BEING THE SAME PREMISES which Randall D. Peterson and Donna E. Peterson, husband and wife, by Deed dated April 27, 1999 and recorded in the Recorder of Deeds of Adams County on May 11, 1999 in Deed Book Volume 1829, Page 15, granted and conveyed unto Brian K. Brown, a single male and Judy A. Reichart, a single female, as joint tenants.

Grenen & Birsic, P.C.

By:

Brian M. Kile, Esq.

Attorney for Plaintiff

One Gateway Center, Ninth Floor

Pittsburgh, PA 15222

(412) 281-7650

SEIZED and taken into execution as the property of **Brian K. Brown & Judy A. Reichart** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 28, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/3, 10 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-477 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN Lot or piece of ground Situate in Cumberland Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin at the intersection of the North Property line of the state highway between Gettysburg and Fairfield with the East property line of Park Avenue, which Avenue runs between said State Highway and the public road to Knoxlyn Mill, said iron pin being South 74 degrees 45 minutes West, 261.4 feet from an iron pin at the West side of Lot now or formerly of Fred W. Hankey; thence running along said Park Avenue, and through the original tract of John D. Teeter, North 3 degrees 30 minutes West, 234.3 feet to an iron pin; thence continuing through the original tract North 86 degrees 30 minutes East, 78 feet to an iron pin; thence through same South 8 degrees 48 minutes East, 215 feet to an iron pin on the North side of the aforesaid State highway; thence running along the North side of said State highway South 74 degrees 45 minutes West, 100 feet to the place of BEGINNING.

Being Known as 15 Park Avenue, Gettysburg, PA 17325.

TITLE TO SAID PREMISES IS VESTED IN Mary Anne I. Graham by deed from Quit Claim Deed from Timothy D. Graham and Mary Anne I. Graham, his wife, dated 5/25/2006 and recorded 6/9/2006 in Record Book 4447, Page 93.

Tax I.D. #9-F13-38

SEIZED and taken into execution as the property of **Mary Anne I. Graham** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

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

8/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-341 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land Situate on the Northerly right of way line of Abbots Drive in the Borough of Abbotsstown, County of Adams and State of Pennsylvania known and numbered as Lot No. 38 on a plan of lots for Abbots Manor Phase II recorded in the Office of the Recorder of Deeds in and for Adams County, PA in subdivision Plot 73, page 43, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Abbots Drive at a corner of Lot No. 37 on a final plan of lots for Abbots Manor Phase I recorded in the aforesaid Recorder's Office in Plot Book 69, page 95; thence extending along the said Lot No. 37 North 30 degrees 02 minutes 10 seconds West 277.24 feet to a point; thence North 64 degrees 04 minutes 00 seconds East 62.30 feet to a point or a corner of Lot No. 39 on a plan of Lots for Abbots Manor Phase II recorded in the aforesaid Recorder of Deeds Office in Plot Book 73, page 43; thence extending along the said Lot No. 39 South 35 degrees 47 minutes 14 seconds East 202.48 feet to a point; thence extending along the said right of way of Abbots Drive on a line curving to the right having a radius of 170 feet, an arc distance of 86.06 feet with a chord bearing South 45 degrees 27 minutes 41 seconds West 85.14 feet to the point and place of BEGINNING. CONTAINING 15,888 Sq. Ft.

BEING THE SAME PREMISES WHICH First Horizon Home Loan Corporation by deed dated 4/4/01 and recorded 4/17/01 in the Office of the Recorder of Deeds of Adams County in Deed Book 2258, page 0056, granted and conveyed unto The Secretary of Housing and Urban Development.

BEING the same property acquired by the Grantor pursuant to the provisions of the National Housing Act, as amended (12 U.S.C. 1701 et seq.) And the Department of Housing and Urban Development Act (42 U.S.C. 3531).

TITLE TO SAID PREMISES IS VESTED IN David A. Lex and Angela M. Lex,

by Deed from Mel Martinez, the Secretary of Housing & Urban Development, dated 7/24/01, recorded 8/7/01 in Book 2365, page 251.

TITLE TO SAID PREMISES IS VESTED IN Mel Martinez, the Secretary of Housing & Urban Development, by Deed from First Horizon Home Loan Corporation, dated 4/4/01, recorded 4/17/01 in Book 2258, page 56.

Premises Being: 173 Abbots Drive, Abbotsstown, PA 17301

Tax Parcel No. 01-005-0052-000

SEIZED and taken into execution as the property of **David A. Lex & Angela M. Lex a/k/a Angela M. Myers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

ESTATE NOTICES

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

FIRST PUBLICATION**ESTATE OF GEORGE L. BAKER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Susan C. Faretta, 1951 Frederick Pike, Littlestown, PA 17340

Attorney: Wendy Weikal-Beauchat, Esq., 63 West High St., Gettysburg, PA 17325

ESTATE OF ALICE RACHEL BOWLING a/k/a ALICE R. BOWLING, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Donald G. Bowling, 2641 York Road, Gettysburg, PA 17325; Marie G. Re a/k/a Marie B. Re, 165C Church Road, Orrtanna, PA 17353

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

ESTATE OF DOROTHY T. HERSHEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: H. Melinda Bomberger, 103 High St., Manchester, PA 17345

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

ESTATE OF RAY M. SHUPE, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executor: David K. Shupe, 772 Company Farm Road, Aspers, PA 17304

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

ESTATE OF VINCENT E. VOSSBEIN, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF VIVIAN J. WALTER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Michael D. Kane, 450 Rake Factory Road, Biglerville, PA 17307

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

SECOND PUBLICATION**ESTATE OF MARY B. EISENHART, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Antonette R. Walsh, 165 Oak Drive, Orrtanna, PA 17353; John Romano, 370 Pegrum Street, Gettysburg, PA 17325

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

THIRD PUBLICATION**ESTATE OF HELEN E. HYMILLER, DEC'D**

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Joyce A. Dell, 353 Kirkhoff Road, Westminster, MD 21158

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

ESTATE OF ROY KUYKENDALL, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: T. Ann Barbour, 808 Carlisle Road, Biglerville, PA 17307

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

ESTATE OF FLORENCE R. LEHIGH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Daniel G. Lehigh, c/o 135 North George Street, York, PA 17401

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

ESTATE OF MIRIAM A. PFAFF, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Patricia A. Klunk, 20 Sandy Ct., Hanover, PA 17331

ESTATE OF DAVID E. SMITH, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Linda L. Miles a/k/a Linda L. Conrad, 15 Krug Avenue, Hanover, PA 17331

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-565 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike set in the cartway of Latimore Creek Road (T-634) said pin marking the common point of adjoined of the within described tract, lands now or formerly of Marlin E. Prosser, and other lands now or formerly of Clarence L. Roe, Jr.; thence extending in and through the cartway of Latimore Creek Road, South four degrees forty-seven minutes five seconds (S 4 degrees 47' 5" E.) for a distance of two hundred twenty-six and thirteen one-hundredths feet (226.13) to a steel pin set in the center of the cartway of the Latimore Creek Road at Lot #18 on the hereinafter mentioned Plan of Subdivision; thence departing from the center of Latimore Creek Road, and extending along Lot #18, South eighty-four degrees sixteen minutes twenty seconds West (S 84 degrees 16' 20" W.) through a steel pin set on the Westernmost dedicated right-of-way line of Latimore Creek Road, a distance of twenty-five and no one-hundredths feet (25.00) from the origin of this call, for a total distance of two hundred eighty and eighty-nine one-hundredths feet (289.89) to a steel pin at lands now or formerly of Marlin E. Prosser; thence extending along lands now or formerly of Marlin E. Prosser the following two (2) courses and distances; North five degrees forty-three minutes forty seconds West (N. 5 degrees 43' 40" W.) for a distance of ninety-four and sixty-three one-hundredths feet (94.63) to a stone; thence continuing North fifty-nine degrees twenty-seven minutes fifty-five seconds East (N. 59 degrees 27' 55" E.) through a concrete monument set on the Westernmost right-of-way line of Latimore Creek Road, for a total distance of three hundred thirteen and fifty one-hundredths (313.50) to a railroad spike set in the cartway of the Latimore Creek Road, said spike marking the place of BEGINNING.

CONTAINING 1.038 acres, and being designated as Lot #19 on a final plan of major subdivision of Misty Meadows, Section Two, prepared for Harmon-Craves Company by Rodney Lee Decker

& Associates, dated July 13, 1974, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 40 at Page 77.

BEING the same premises which Marianne Sipe and Cynthia T. Reem, Co-Executrices of the Last Will and Testament of Arlene I. Reem, by Deed dated April 22, 2002 and recorded in the Adams County Recorder of Deeds Office on June 10, 2002 in Deed Book 2691, page 0199, granted and conveyed unto Alan Sweigart.

Premises being: 1140 Latimore Creek Road, York Springs, PA

SEIZED and taken into execution as the property of **Alan L. Sweigart a/k/a Alan Sweigart & Debra A. Sweigart** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/17, 24 & 31

INCORPORATION NOTICE

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

The name of the corporation is **ROGER'S FLOOR COVERING & CUSTOM CABINETS, INC.**

Ann Marie Rotz, Esq.
Beauchat & Beauchat, LLC
63 West High Street
Gettysburg, PA 17325

8/17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-331 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described lot of ground situate, lying and being in Conewago Township, Adams County, Pennsylvania, known on a plot or general plan of a series of lots, streets, avenues, etc., of lands now or formerly of the Hanover Improvement Company, as Lot No. 20, on the South side of Linden Avenue, in Block No. 15, adjoining Lot No. 19, on the West, a public alley on the North, Madison Street on the East, and Linden Avenue to the South.

BEING the same premises which Robert L. Frock and Lynn F. Frock, husband and wife, by Deed dated May 3, 2004 and recorded in the Adams County Recorder of Deeds Office on May 25, 2004 in Deed Book 3580, page 310, granted and conveyed unto Joseph T. Nelson, Sr.

Premises being: 301 Linden Ave., Hanover, PA 17331

SEIZED and taken into execution as the property of **Joseph T. Nelson, Sr.** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

Adams County Legal Journal

Vol. 49

August 24, 2007

No. 14, pp. 77-83

IN THIS ISSUE

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-477 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN Lot or piece of ground Situate in Cumberland Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin at the intersection of the North Property line of the state highway between Gettysburg and Fairfield with the East property line of Park Avenue, which Avenue runs between said State Highway and the public road to Knoxlyn Mill, said iron pin being South 74 degrees 45 minutes West, 261.4 feet from an iron pin at the West side of Lot now or formerly of Fred W. Hankey; thence running along said Park Avenue, and through the original tract of John D. Teeter, North 3 degrees 30 minutes West, 234.3 feet to an iron pin; thence continuing through the original tract North 86 degrees 30 minutes East, 78 feet to an iron pin; thence through same South 8 degrees 48 minutes East, 215 feet to an iron pin on the North side of the aforesaid State highway; thence running along the North side of said State highway South 74 degrees 45 minutes West, 100 feet to the place of BEGINNING.

Being Known as 15 Park Avenue, Gettysburg, PA 17325.

TITLE TO SAID PREMISES IS VESTED IN Mary Anne I. Graham by deed from Quit Claim Deed from Timothy D. Graham and Mary Anne I. Graham, his wife, dated 5/25/2006 and recorded 6/9/2006 in Record Book 4447, Page 93.

Tax I.D. #9-F13-38

SEIZED and taken into execution as the property of **Mary Anne I. Graham** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-470 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground, with the improvements thereon erected, situate, lying and being in the Borough of Abbottstown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin for a corner on the South side of the Lincoln Highway, thence along said Lincoln Highway, North seventy (70) degrees East, sixty-six (66) feet to a public street; thence along said street, South twelve and one-half (12-1/2) degrees East, one hundred eighty-one (181) feet to an alley; thence along said alley; South seventy (70) degrees West, sixty-six (66) feet to an iron pin for a corner, thence along lands now or formerly of William P. Baker, North twelve and one-half (12-1/2) degrees West, one hundred eighty-one (181) feet to an iron pin, the place of BEGINNING.

IT BEING the same which Robin L. Rife-Francisco and Jose A. Francisco, her husband, by their deed dated May 14, 2004, and recorded May 18, 2004 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 3572 at page 157, sold and conveyed unto Jason C. Alder and Jennifer

A. Alder, husband and wife, as tenants of an estate by the entireties, grantors herein.

Parcel Identification No: 01-003-0059-000

Premises: 404 West King Street, Abbottstown, PA 17301, Abbottstown Borough, Adams County, Pennsylvania

TITLE TO SAID PREMISES IS VESTED IN Ronald D. Barnhart, single person, by Deed from Jason C. Alder and Jennifer A. Alder, husband and wife, dated 11/23/2005, recorded 12/01/2005, in Deed Book 4227, page 98.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

COMMONWEALTH VS. BARBER

1. A search or seizure is not reasonable unless conducted pursuant to a valid search warrant upon a showing of probable cause or pursuant to an exception to the warrant requirement. Exceptions to the warrant requirement include actual consent, implied consent, search incident to a lawful arrest and exigent circumstances.

2. Consent to an otherwise illegal search involves a waiver of the right to be free from such searches. Because the Fourth Amendment warrant requirement involves a fundamental right, a waiver will not be found lightly.

3. An effective waiver must be voluntary, knowing, and intelligent with the total absence of any duress or coercion, express or implied. The burden of proving a valid waiver rests upon the state and must be proven by clear and convincing evidence.

4. To determine whether a private individual was acting as an instrument or agent of the state, an inquiry must be made of the purpose of the search, the party who initiated it, and whether the government acquiesced in or ratified it.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CR-99-2006, COMMONWEALTH VS. MARK SHANE BARBER.

Sarah M. Castillo, Esq., for Commonwealth

Patrick W. Quinn, Esq., for Defendant

Kuhn, P.J., August 24, 2006

ORDER

AND NOW, this 24th day of August, 2006, in consideration of Defendant's Motion to Suppress Evidence filed on April 10, 2006 as part of his Omnibus Pretrial Motion, the Court enters the following:

FINDINGS OF FACT

1. On May 11, 2005, Trooper Gregg Dietz of the Pennsylvania State Police was contacted by a Mr. Punchard, the pharmacist at Well-Span, regarding a prescription which had been issued to Defendant by the Adams Cumberland Medical Center (hereinafter "ACMC"). The pharmacist reported that Defendant presented the prescription for forty milligrams of medicine whereas contact with APMC revealed that the prescription was for ten milligrams.
2. Trooper Dietz proceeded to the APMC where he met with Wanda DeGroft, the office manager, and Christine Dupler. The officer was advised that Defendant had signed a Pain Management Agreement (hereinafter "PMA") with that office and was given a copy by Ms. DeGroft.

3. The PMA (Com. Exhibit 1) signed by Defendant¹ and dated June 14, 2004 provides in pertinent part,

I authorize the doctor and my pharmacy to cooperate fully with any city, state or federal law enforcement agency...in the investigation of any possible misuse, sale, or other diversion of pain medicine...I agree to waive any applicable privilege or right of privacy or confidentiality with respect to these authorizations.... I agree to follow these guidelines that have been fully explained to me. All of my questions and concerns regarding treatment have been adequately answered. A copy of this document has been given to me.

4. Ms. Dupler then advised the trooper that she had received a call from Defendant requesting another prescription for oxycontin which Dr. McBeth authorized for ten milligrams. She was subsequently notified that Defendant was at the pharmacy for his third refill. She further learned that Defendant obtained forty milligrams of oxycontin on the two earlier occasions when he had only been prescribed ten milligrams.
5. Trooper Dietz was then given a copy of Defendant's call-in note for the most recent prescription and the doctor's notes regarding the first two prescriptions. (Com. Exhibit 2).
6. The doctor's notes indicated that:
 - a. On April 11, 2005, Defendant was given a prescription for ten milligrams of oxycontin with no refills;
 - b. On April 25, 2005, Defendant was given a prescription for ten milligrams of oxycontin with no refills;
 - c. On May 2, 2005, Defendant was given 13 days worth of ten milligrams of oxycontin with no refills.
7. On May 25, 2005, Trooper Dietz received copies (Com. Exhibit 3) of prescriptions dated April 11, 2005 and April 25, 2005 which had been presented by Defendant to Well-Span pharmacy. Each prescription was for "forty" milligrams of oxycontin.

¹In addition to Defendant, the PMA was signed by a physician at APMC and witnessed by an employee at APMC.

8. Defendant has been charged with two counts each of Acquisition By Misrepresentation, 35 P.S. § 780-113 (a)(12), Forgery, 18 Pa. C.S.A. § 4101(a)(1) and Procure Drug For Self / Other By Forgery, § 390-8(13)(ii) of the Pharmacy Act of 1961.

ISSUES

1. Whether the evidence obtained by the police from Defendant's medical providers must be suppressed because of the failure to first secure a search warrant.
2. Whether the PMA constitutes a waiver of the requirement for police to first obtain a search warrant before seizing a defendant's medical records.

CONCLUSIONS OF LAW

1. This Court has jurisdiction.
2. The evidence obtained by the police from Defendant's medical providers is not suppressable because of the failure to first secure a search warrant.
3. The PMA constitutes a waiver of the requirement for police to first obtain a search warrant before seizing a defendant's medical records.
4. Defendant's motion will be dismissed.

DISCUSSION

Defendant contends that all evidence obtained by the police from his medical providers should be suppressed because the police failed to secure a search warrant prior to receiving any of his private and privileged information.² The Commonwealth counters that

²Specifically, Defendant argues that the PMA did not constitute an effective waiver of his United States and Pennsylvania constitutional rights to be protected from unreasonable searches and seizures by the government or government officials. Defendant also maintains that nothing has been established to show that he knowingly, intelligently, and voluntarily waived constitutional protections and his physician-patient privileges by signing the PMA. Furthermore, Defendant asserts that he was not made fully aware of the awesome implications of having signed the waiver and that his physicians would provide unfettered access to his private medical records at the request of any law enforcement agency.

Moreover, Defendant contends that APMC began acting as an instrument or agent of the state after the initial report of the alleged crime and when the police obtained his medical records. Defendant also argues that no common authority to consent to a search existed because there was no common access to the medical records which were on file at APMC.

Defendant's Motion to Suppress should be denied because (1) he breached the PMA; (2) Trooper Dietz had probable cause to search his medical records as they related to his investigation; and (3) the medical personnel at ACMC had a sufficient relationship to his medical records to consent to a search of his records.³

The Fourth Amendment of the United States Constitution provides that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause." *Commonwealth v. Riedel*, 651 A.2d 135, 138 (Pa. 1994).⁴ Although the language of the Fourth Amendment of the United States Constitution is nearly identical to Article 1, Section 8 of the Pennsylvania Constitution, Article 1, Section 8 creates an implicit right to privacy which extends to those areas where one has a reasonable expectation of privacy. *In the Interest of B.C.*, 683 A.2d 919, 926 (Pa. Super. 1996). The courts of this Commonwealth have continued to recognize that "[t]he right to privacy extends to medical records of patients." *Commonwealth v. Shaw*, 770 A.2d 295, 299 (Pa. 2001).

³More particularly, the Commonwealth contends that Trooper Dietz received specific information from ACMC that Defendant obtained more medication than prescribed to him on two occasions and that he signed a PMA that barred him from taking medicine at a greater rate than prescribed. Consequently, the Commonwealth maintains that a prudent person, given the facts from the trustworthy source of ACMC medical personnel, would have sufficient evidence that Defendant committed a crime.

Moreover, the Commonwealth asserts that Defendant could not reasonably expect his medical records to remain confidential because Officer Dietz had probable cause to believe that Defendant committed a crime as part of his "investigation of any probable misuse, sale, or other diversion" of his pain medicine. During his investigation, the Commonwealth argues that Trooper Dietz did not search Defendant's records beyond those necessary to conduct his investigation.

Next, the Commonwealth contends that Trooper Dietz should be entitled to Defendant's medical records because the government has a compelling interest to prevent individuals from abusing prescribed pain medicine.

Finally, the Commonwealth maintains that ACMC medical personnel (1) had a sufficient relationship to Defendant's medical records because they had joint control and/or access to them and (2) were not under any duress or coercion to consent to a search of Defendant's medical records.

⁴Likewise, Article 1, Section 8 of the Pennsylvania Constitution provides that "[t]he people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed by the affiant."

Under the Pennsylvania Supreme Court's interpretation of the Fourth Amendment, "a search or seizure is not reasonable unless conducted pursuant to a valid search warrant upon a showing of probable cause" or pursuant to an exception to the warrant requirement. *Riedel*, 651 A.2d at 139. Exceptions to the warrant requirement include actual consent, implied consent, search incident to a lawful arrest, and exigent circumstances.⁵ *Id.*

Consent to an otherwise illegal search involves a waiver⁶ of the right to be free from such searches. *Commonwealth v. Burgos*, 299 A.2d 34, 37 (Pa. Super. 1972). Because the Fourth Amendment warrant requirement involves a fundamental right, a waiver will not be found lightly. *Id.* The court must carefully examine the entire set of attendant circumstances surrounding the purported waiver. *Commonwealth v. Mamon*, 297 A.2d 471 (Pa. 1972). An effective waiver must be voluntary, knowing, and intelligent with the total absence of any duress or coercion, express or implied. *Burgos*, 299 A.2d at 37; *Commonwealth v. Pichel*, 323 A.2d 113, 114 (Pa. Super. 1974). The burden of proving a valid waiver rests upon the state and must be proven by clear and convincing evidence. *Burgos*, 299 A.2d at 37.

Fourth Amendment protections are implicated when the government or an instrument or agent of the state performs an unreasonable search and seizure. *Riedel*, 651 A.2d at 138. To determine whether a private individual was acting as an instrument or agent of the state, an inquiry must be made of the "purpose of the search, the party who initiated it, and whether the government acquiesced in it or ratified it." *Id.*

In this case, Defendant admits that the initial reporting of the alleged incidents was done with no prompting by the police. However, this Court finds that ACMC medical personnel began acting as an instrument or agent of the state when they gave Trooper Dietz copies of Defendant's medical records to investigate the alleged offenses. Generally speaking, Defendant had a reasonable expectation of privacy in his medical records held at ACMC. Consequently, Defendant had a right, pursuant to the Fourth Amendment and Article 1, Section 8 of the Pennsylvania Constitution, to be free from an

⁵Notwithstanding these exceptions, the search must still be based on probable cause that the accused violated the law.

⁶A waiver is an intentional relinquishment or abandonment of a privilege or known right. *Salvitti Appeal*, 357 A.2d 622, 626 (Pa. Super. 1976).

unreasonable search and seizure of his medical records absent a warrant or other stated exception thereto.⁷

Although no warrant was issued prior to Trooper Dietz receiving any of Defendant's medical records, Defendant did sign a PMA authorizing his doctor and pharmacy to cooperate fully with any city, state, or federal law enforcement agency in the investigation of any possible misuse, sale, or other diversion of his oxycontin prescription. The PMA states that Defendant waives any applicable privilege or right of privacy or confidentiality with regard to his authorizations. To determine whether the PMA constitutes a waiver, the entire set of attendant circumstances surrounding it must be carefully examined.

Defendant signed the PMA at ACMC in the presence of a physician at ACMC.⁸ Notably, no police were present at the time Defendant signed the PMA. Nothing in the record indicates that Defendant signed the PMA under any duress or coercion, express or implied. Furthermore, Defendant signed his name on the PMA below the provisions stating (1) that he was authorizing his doctor and pharmacy to cooperate fully with any state law enforcement agency in the investigation of any possible misuse, sale, or other diversion of his prescription; (2) that he agreed to waive any applicable privilege or right of privacy or confidentiality with regard to his authorizations; and (3) that the guidelines in the PMA had been fully explained to him and that all of his questions and concerns regarding

⁷The Commonwealth's contention that Trooper Dietz did not need a search warrant because he had probable cause to search Defendant's medical records as they related to his investigation is misplaced. The Commonwealth relies on *Commonwealth v. Barton*, 690 A.2d 293 (Pa. Super. 1997) and *Commonwealth v. Franz*, 634 A.2d 662 (Pa. Super. 1993) for the proposition that under the Pennsylvania implied consent provision of the Motor Vehicle Code, 75 Pa. C.S.A. § 1547(a), and its emergency room counterpart, 75 Pa. C.S.A. § 3755(a), "once an officer determines that there is probable cause to believe that a person operated a motor vehicle under the influence of alcohol and requests that hospital personnel withdraw blood, the officer is entitled to the release of the test results" without a warrant. *Barton*, 634 A.2d at 298. While the implied consent provision dispenses with the need to obtain a search warrant, this exception to the warrant requirement is limited in its application to cases falling under the statutory scheme set forth in the Motor Vehicle Code. Here, this case clearly does not fall subject to the provisions of the Motor Vehicle Code. Therefore, the Commonwealth's argument that Trooper Dietz did not need to secure a warrant because he had sufficient probable cause cannot stand.

⁸The PMA was also witnessed by an ACMC employee.

treatment had been adequately answered. Based on the attendant circumstances surrounding the PMA, it appears to be a voluntary, knowing, and intelligent waiver of Defendant's rights under the Fourth Amendment and Article 1, Section 8 of the Pennsylvania Constitution.⁹

Thus, because the PMA was a valid waiver and therefore an exception to the warrant requirement, Trooper Dietz did not have to first obtain a search warrant before seizing Defendant's medical records. Accordingly, the evidence obtained by Trooper Dietz from APMC will not be suppressed.

⁹ Although the PMA did not expressly cite Defendant's Fourth Amendment rights, such omission is of no importance in this case. The PMA is clear and unambiguous. In plain English, it warns the patient that the doctor will cooperate with law enforcement authorities investigating misuse of the pain medication. The document clearly expressed that Defendant could not rely upon the doctor's confidence or privilege concerning possible criminal actions. By executing that agreement, I conclude that Defendant clearly waived any right to argue otherwise. Furthermore, in analyzing the reasonableness of searches, courts must also determine the expectation of privacy at issue. It is hard to imagine that our society would recognize an expectation of privacy in medical records after a patient does "agree to waive...any right of privacy....with respect to these authorizations."

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-469 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two certain lots or pieces of ground situate in Cumberland Township, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a P.K. nail in the center line of PA Route #134 leading from Gettysburg, Pennsylvania to Hamey, Maryland at corner of Lot No. 2; thence by Lot No. 2 North 86 degrees 24 minutes 17 seconds East, 506.67 feet to a pipe at land now or formerly of J. D. Soliday; thence by J. D. Soliday South 24 degrees 02 minutes 00 seconds East, 74.45 feet to a pipe at post at land now or formerly of Romaine Maring; thence by land of Romaine Maring South 52 degrees 02 minutes 00 seconds West, 62.62 feet to a pipe at corner of Lot No. 4; thence by Lot No. 4 South 86 degrees 24 minutes 00 seconds West, 483.67 feet to a P.K. Nail in the center line of PA Route #134; thence in the center line of PA Route #134 and a curve to the right having a long chord bearing of North 02 degrees 17 minutes 50 seconds West, 105.03 feet, an arc distance of 105.05 feet and a radius of 1432.69 feet to a point in the center line of PA Route #134 the place of BEGINNING.

SAID tract being referred to as Tract No. 3 on a draft of survey dated April 24, 1977 and prepared by Adams County Surveyors for Evelyn Brown, said survey being designated as Final Plan.

BEING the same premises which Mark R. Smith and Doris A. Smith, husband and wife, by deed dated July 14, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 338, Page 1092, granted and conveyed unto Mark J. Wivell and S. Lynn Baker, now S. Lynn Wivell, the Grantors herein.

BEGINNING at a P.K. nail in the center line of Pennsylvania Route 134 leading from Gettysburg, Pennsylvania to Hamey, Maryland at corner of Lot No. 1 on the hereinafter referred to draft of survey; thence along Lot No. 1, North 86 degrees 24 minutes 00 seconds East, 457.41 feet to a pipe at land now or formerly of J. D. Soliday; thence by same, South 24 degrees 17 minutes 00 seconds East, 111.00 feet to a pipe at corner of Lot No. 3 on the aforesaid draft of survey; thence

along Lot No. 3 on the aforesaid draft of survey; thence along Lot No. 3 South 86 degrees 24 minutes 00 seconds West, 506.67 feet to a P.K. nail in the centerline of aforesaid state highway; thence in the center line of said highway by a curve to the right, having a radius of 1,432.69 feet, an arc distance of 86.39 feet and a long chord bearing of North 01 degree 30 minutes 20 seconds East, 86.38 feet to a P.K. nail; thence by the same North 01 degree 58 minutes 30 seconds West, 18.01 feet to a P.K. nail, (this final course was missed in the prior deed and has been added to reflect a scrivener's error) the place of BEGINNING.

The above description was taken from a draft of survey prepared by Adams County Surveyors, dated April 24, 1977, designating the above as Tract No. 2.

BEING the same premises which T. Albert Milburn and Kathy L. Milburn, husband and wife, by deed dated August 8, 1979, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 346, Page 1093, granted and conveyed unto Mark J. Wivell and S. Lynn Wivell, the Grantors herein.

Parcel Identification No: 09-F16-0072-000

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Harry E. Prince, Jr., married man, by Deed from Mark J. Wivell and S. Lynn Wivell, (formerly known as S. Lynn Baker), dated 06/28/2005, recorded 07/06/2005, in Deed Book 4030, page 194.

Premises being: 2050 Taneytown Road, Gettysburg, PA 17325

Tax Parcel No. 09-F16-0072-000

SEIZED and taken into execution as the property of **Harry E. Prince, Jr.** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-331 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described lot of ground situate, lying and being in Conewago Township, Adams County, Pennsylvania, known on a plot or general plan of a series of lots, streets, avenues, etc., of lands now or formerly of the Hanover Improvement Company, as Lot No. 20, on the South side of Linden Avenue, in Block No. 15, adjoining Lot No. 19, on the West, a public alley on the North, Madison Street on the East, and Linden Avenue to the South.

BEING the same premises which Robert L. Frock and Lynn F. Frock, husband and wife, by Deed dated May 3, 2004 and recorded in the Adams County Recorder of Deeds Office on May 25, 2004 in Deed Book 3580, page 310, granted and conveyed unto Joseph T. Nelson, Sr.

Premises being: 301 Linden Ave., Hanover, PA 17331

SEIZED and taken into execution as the property of **Joseph T. Nelson, Sr.** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-370 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of ground situate in Carroll Valley Borough, County of Adams, Commonwealth of Pennsylvania, being known as J-179, bounded and described as follows:

LOT NO. 179-SECTION J:

BEGINNING at a point in the center of Crossland Trail at Lot No. 178; thence by said lot North 3 degrees 11 minutes 40 seconds West, 200 feet to Lot No. 172; thence by said lot South 87 degrees 23 minutes 40 seconds East, 100 feet to Lot No. 180; thence by said lot South 3 degrees 11 minutes 40 seconds East, 200 feet to a point in the center of said Crossland Trail; thence in said Crossland Trail North 87 degrees 23 minutes 40 seconds West, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled 'Section J, Charnita Ski Area, Inc.', dated March 20, 1968, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book No. 1 at page 24.

BEING the same tract of land which by deed Sonali H. Shah and Neelima H. Shah, by deed dated January 13, 2003, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 2954 at page 107, sold and conveyed unto David C. Stepnick and Susan E. Stepnick, husband and wife, the Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Michael B. Wurdeman and Sandra M. Wurdeman, husband and wife, as tenants of an estate by the entireties, by Deed from David C. Stepnick and Susan E. Stepnick, husband and wife, dated 8-31-05, recorded 9-6-05, in Deed Book 4114, page 266.

Premises being: 14 Crossland Trail, Fairfield, PA 17320

Tax Parcel No. 43-002-0088-000

SEIZED and taken into execution as the property of **Sandra M. Wurdeman a/k/a Sandra Byrd Wurdeman a/k/a Sandra Marie Wurdeman & Michael B. Wurdeman** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/24, 31 & 9/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-341 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of September, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land Situate on the Northerly right of way line of Abbots Drive in the Borough of Abbottstown, County of Adams and State of Pennsylvania known and numbered as Lot No. 38 on a plan of lots for Abbots Manor Phase II recorded in the Office of the Recorder of Deeds in and for Adams County, PA in subdivision Plot 73, page 43, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Abbots Drive at a corner of Lot No. 37 on a final plan of lots for Abbots Manor Phase I recorded in the aforesaid Recorder's Office in Plot Book 69, page 95; thence extending along the said Lot No. 37 North 30 degrees 02 minutes 10 seconds West 277.24 feet to a point; thence North 64 degrees 04 minutes 00 seconds East 62.30 feet to a point or a corner of Lot No. 39 on a plan of Lots for Abbots Manor Phase II recorded in the aforesaid Recorder of Deeds Office in Plot Book 73, page 43; thence extending along the said Lot No. 39 South 35 degrees 47 minutes 14 seconds East 202.48 feet to a point; thence extending along the said right of way of Abbots Drive on a line curving to the right having a radius of 170 feet, an arc distance of 86.06 feet with a chord bearing South 45 degrees 27 minutes 41 seconds West 85.14 feet to the point and place of BEGINNING. CONTAINING 15,888 Sq. Ft.

BEING THE SAME PREMISES WHICH First Horizon Home Loan Corporation by deed dated 4/4/01 and recorded 4/17/01 in the Office of the

Recorder of Deeds of Adams County in Deed Book 2258, page 0056, granted and conveyed unto The Secretary of Housing and Urban Development.

BEING the same property acquired by the Grantor pursuant to the provisions of the National Housing Act, as amended (12 U.S.C. 1701 et seq.) And the Department of Housing and Urban Development Act (42 U.S.C. 3531).

TITLE TO SAID PREMISES IS VESTED IN David A. Lex and Angela M. Lex, by Deed from Mel Martinez, the Secretary of Housing & Urban Development, dated 7/24/01, recorded 8/7/01 in Book 2365, page 251.

TITLE TO SAID PREMISES IS VESTED IN Mel Martinez, the Secretary of Housing & Urban Development, by Deed from First Horizon Home Loan Corporation, dated 4/4/01, recorded 4/17/01 in Book 2258, page 56.

Premises Being: 173 Abbots Drive, Abbottstown, PA 17301

Tax Parcel No. 01-005-0052-000

SEIZED and taken into execution as the property of **David A. Lex & Angela M. Lex a/k/a Angela M. Myers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 19, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/10, 17 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-243 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground, with the improvement thereon, situate, lying and being in Highland Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point in State Highway Route No. 116 leading from Fairfield to Gettysburg; thence running in said highway North 73-1/4 degrees East, 90 feet to another point in said highway; thence running by land now or formerly of J. Hayes Beard South 24 degrees East, 200 feet to an iron pin; thence running by land of same South 24 degrees West, 80 feet to a point in a road; thence running in said road along land now or formerly of J. Hayes Beard North 26 degrees West, 203 feet to a point in the aforesaid State Highway, the place of BEGINNING. CONTAINING 62 perches and 122 square feet.

TITLE TO SAID PREMISES IS VESTED IN William C. Becker, Jr. and Lavina V. Becker, a/k/a Vonnie Becker, husband and wife, by Deed from Annetta I. Cluck, widow, dated 09/28/1994, recorded 09/30/1994, in Deed Book 945, page 123.

Premises being: 3590 Fairfield Road, Gettysburg, PA 17325

Tax Parcel No. 20-D14-0069

SEIZED and taken into execution as the property of **William C. Becker, Jr. & Lavine V. Becker a/k/a Vonnie V. Becker a/k/a Vonnie Becker** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/24, 31 & 9/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1305 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the right-of-way line of Ash Drive, a fifty (50) feet wide right-of-way, at corner of Lot No. 43 on the subdivision plan hereinafter referred to; thence along the right-of-way line of Ash Drive, the following two (2) courses and distances: [1] North fifty-one (51) degrees thirty-eight (38) minutes thirty-seven (37) seconds East, twenty-two and ninety-two hundredths (22.92) feet to a point; and [2] by a curve to the left having a radius of two hundred twenty-five and zero hundredths (225.00) feet, an arc distance of forty-eight and eighty-five hundredths (48.85) feet, and a long chord bearing and distance of North forty-five (45) degrees twenty-five (25) minutes twenty-five (25) seconds East, forty-eight and seventy-five hundredths (48.75) feet to a point at Lot No. 41 of Previously Approved Hickory Ridge Subdivision, Section 2; thence along Lot No. 41 and along Lot No. 77 on the subdivision plan hereinafter referred to, South fifty (50) degrees forty-seven (47) minutes thirty-one (31) seconds East, one hundred seven and eighty-one hundredths (107.81) feet to a point at Lot No. 47 on the subdivision plan hereinafter referred to; thence along Lot No. 47 and along Lot No. 46, South fifty-one (51) degrees thirty-eight (38) minutes thirty-seven (37) seconds West, ninety-four and sixty hundredths (94.60) feet to a point at corner of Lot No. 43, aforesaid; thence along Lot No. 43, North thirty-eight (38) degrees twenty-one (21) minutes twenty-three (23) seconds West, one hundred and zero hundredths (100.00) feet to a point on the right-of-way line of Ash Drive, the point and place of BEGINNING. CONTAINING 8,446 square feet, .1939 acres, and designated as Lot No. 42 on Final Subdivision Plan for Section Three of Hickory Ridge Development, prepared by Eric L. Diffenbaugh, P.L.S., dated August 26, 2004, last revised March 10, 2005, File No. 02038, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 4021, page 178 (Plat Book 88, page 79).

IT BEING part of the premises which James A. Orndorff and Brenda G. Orndorff, his wife, by their deed dated July 15, 2005, and recorded July 19, 2005, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 4047, page 302, granted and conveyed to H Ridge, L.P., Grantor herein. J.A. Myers Homes, LLC, joins in this deed to convey its interest in and to the improvements erected on the hereinabove described tract of land.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Louis E. Bremer and Melissa A. Bremer, husband and wife, by Deed from H. Ridge, L.P. and J.A. Myers Homes, LLC, dated 03/10/2006, recorded 03/14/2006, in Deed Book 4343, page 74.

Premises being: 18 Ash Drive, Littlestown, PA 17340-0000

Tax Parcel No. 06-010-0037-000

SEIZED and taken into execution as the property of **Louis E. Bremer, Jr. & Melissa A. Bremer a/k/a Melissa A. Moser** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/24, 31 & 9/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-565 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike set in the cartway of Latimore Creek Road (T-634) said pin marking the common point of adjoined of the within described tract, lands now or formerly of Marlin E. Prosser, and other lands now or formerly of Clarence L. Roe, Jr.; thence extending in and through the cartway of Latimore Creek Road, South four degrees forty-seven minutes five seconds (S 4 degrees 47' 5" E.) for a distance of two hundred twenty-six and thirteen one-hundredths feet (226.13) to a steel pin set in the center of the cartway of the Latimore Creek Road at Lot #18 on the hereinafter mentioned Plan of Subdivision; thence departing from the center of Latimore Creek Road, and extending along Lot #18, South eighty-four degrees sixteen minutes twenty seconds West (S 84 degrees 16' 20" W.) through a steel pin set on the Westernmost dedicated right-of-way line of Latimore Creek Road, a distance of twenty-five and no one-hundredths feet (25.00) from the origin of this call, for a total distance of two hundred eighty-nine and eighty-nine one-hundredths feet (289.89) to a steel pin at lands now or formerly of Marlin E. Prosser; thence extending along lands now or formerly of Marlin E. Prosser the following two (2) courses and distances; North five degrees forty-three minutes forty seconds West (N. 5 degrees 43' 40" W.) for a distance of ninety-four and sixty-three one-hundredths feet (94.63) to a stone; thence continuing North fifty-nine degrees twenty-seven minutes fifty-five seconds East (N. 59 degrees 27' 55" E.) through a concrete monument set on the Westernmost right-of-way line of Latimore Creek Road, for a total distance of three hundred thirteen and fifty one-hundredths (313.50) to a railroad spike set in the cartway of the Latimore Creek Road, said spike marking the place of BEGINNING.

CONTAINING 1.038 acres, and being designated as Lot #19 on a final plan of major subdivision of Misty Meadows, Section Two, prepared for Harmon-Craves Company by Rodney Lee Decker

& Associates, dated July 13, 1974, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 40 at Page 77.

BEING the same premises which Marianne Sipe and Cynthia T. Reem, Co-Executrices of the Last Will and Testament of Arlene I. Reem, by Deed dated April 22, 2002 and recorded in the Adams County Recorder of Deeds Office on June 10, 2002 in Deed Book 2691, page 0199, granted and conveyed unto Alan Sweigart.

Premises being: 1140 Latimore Creek Road, York Springs, PA

SEIZED and taken into execution as the property of **Alan L. Sweigart a/k/a Alan Sweigart & Debra A. Sweigart** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/17, 24 & 31

INCORPORATION NOTICE
CORRECTION

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

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

Notice was previously given in error that the above named entity is a non-profit corporation.

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

8/24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-659 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain property situated in the Township of Mt. Pleasant, in the County of Adams, Commonwealth of Pennsylvania, and being described as follows: 4-28. Being more fully described in a deed dated 11/02/98 and recorded 11/02/98, among the land records of the County and State set forth above, in Deed Volume 1693 and Page 205.

Jeffrey B. Chipley and Dawn L. Chipley, husband and wife.

Parcel Identification No: 32-004-0028-000

Premises: 19 Wheatland Drive, Gettysburg, PA 17325-0000, Mt. Pleasant, Adams County, Pennsylvania

TITLE TO SAID PREMISES IS VESTED IN Jeffrey B. Chipley, by Deed from Jeffrey B. Chipley and Dawn L. Chipley, husband and wife, dated 11/14/2005, recorded 11/22/2005, in Deed Book 4217, page 262.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/24, 31 & 9/7

ESTATE NOTICES

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

FIRST PUBLICATION**ESTATE OF HAZEL MAY HARTMAN, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executor: Adams County National Bank, Attn: Karen B. Arthur, Asst. Vice President & Trust Officer, Lincoln Square Office, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF JARED S. LUCABAUGH, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Administratrix: Ruth Elaine Keeney, c/o Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

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

ESTATE OF WILTON R. MILLER, DEC'D

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

Administrator: Stephen J. Miller, 40 Highland Avenue, Abbottstown, PA 17301

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

ESTATE OF HAZEL M. MYERS, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Personal Representative: Michelle A. Leppo, 1030 Linden Avenue, McSherrystown, PA 17344

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

ESTATE OF JULIA B. MYERS, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Adams County National Bank, Attn: Christine R. Settle, Asst. Vice President & Trust Officer, Lincoln Square Office, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF JOANNE M. POIST, DEC'D

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

Executor: Michael G. Lookenbill, 341 Lincolnway West, New Oxford, PA 17350

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

SECOND PUBLICATION**ESTATE OF GEORGE L. BAKER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Susan C. Faretta, 1951 Frederick Pike, Littlestown, PA 17340

Attorney: Wendy Weikal-Beauchat, Esq., 63 West High St., Gettysburg, PA 17325

ESTATE OF ALICE RACHEL BOWLING a/k/a ALICE R. BOWLING, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Donald G. Bowling, 2641 York Road, Gettysburg, PA 17325; Marie G. Re a/k/a Marie B. Re, 165C Church Road, Orrtanna, PA 17353

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

ESTATE OF DOROTHY T. HERSHEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: H. Melinda Bomberger, 103 High St., Manchester, PA 17345

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

ESTATE OF RAY M. SHUPE, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executor: David K. Shupe, 772 Company Farm Road, Aspers, PA 17304

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

ESTATE OF VINCENT E. VOSSBEIN, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF VIVIAN J. WALTER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Michael D. Kane, 450 Rake Factory Road, Biglerville, PA 17307

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

THIRD PUBLICATION**ESTATE OF MARY B. EISENHART, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Antonette R. Walsh, 165 Oak Drive, Orrtanna, PA 17353; John Romano, 370 Pegram Street, Gettysburg, PA 17325

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

INCORPORATION NOTICE

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

The name of the corporation is: CHAHAL INC.

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

Jeffrey A. Emico
Mette, Evans & Woodside
3401 North Front Street
P.O. Box 5950
Harrisburg, PA 17110-0950

8/24

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about August 3, 2007 for the incorporation of MILHIMES AUTOMOTIVE, INC. under the Pennsylvania Corporation Law of 1988. The initial registered office of the corporation is 1155 Chambersburg Road, Gettysburg, Pennsylvania 17325.

Bernard A. Yannetti, Jr., Esq.
Hartman & Yannetti
Solicitors

8/24

INCORPORATION NOTICE
NONPROFIT CORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on the 10th day of July, 2007 with respect to a proposed nonprofit corporation, THE PENNSYLVANIA WOUNDED WARRIORS, INC., which has been incorporated under the Nonprofit Corporation Law of 1988. A brief summary of the purpose or purposes for which said corporation is organized is: to provide services to injured or disabled armed forces veterans.

Robert A. Lawton, Esq.
Kirkpatrick & Lockhart Preston
Gates Ellis LLP
17 N. 2nd Street
18th Floor
Harrisburg, PA 17101

8/24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-667 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate in the Township of Straban, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a stone for a corner in a line of property formerly of George Cashman; thence by the same, North 21 degrees West (appears as North 22 degrees West on some other deeds), 27.6 perches to a stone; thence by land formerly of John Goulden and John Yeagy, North 62-1/4 degrees East 60.9 perches to a stone; 32.8 perches to a stone; thence by same South 67-1/4 degrees West 62.6 perches to the place of BEGINNING. CONTAINING 11 acres, 2 rods and 20 perches.

Premises being: 130 Cashman Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **John J. Calloway, Mary Francis Calloway & Bonnie Michele Still-Hammond** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/24, 31 & 9/7

INCORPORATION NOTICE

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

The name of the corporation is NEW WAVE LICENSING SERVICES, INC.

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

8/24

INCORPORATION NOTICE

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

The name of the corporation is V.K.P. CORP.

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

8/24

Adams County Legal Journal

Vol. 49

August 31, 2007

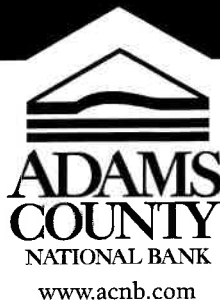
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Serving individuals, businesses and organizations in our shared communities for 150 years is definitely something to celebrate.

Celebrating 150 years!
1857-2007



 Equal Housing Lender. Equal Opportunity Lender. Member FDIC.

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-667 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate in the Township of Straban, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a stone for a corner in a line of property formerly of George Cashman; thence by the same, North 21 degrees West (appears as North 22 degrees West on some other deeds), 27.6 perches to a stone; thence by land formerly of John Goulden and John Yeagy, North 62-1/4 degrees East 60.9 perches to a stone; 32.8 perches to a stone; thence by same South 67-1/4 degrees West 62.6 perches to the place of BEGINNING. CONTAINING 11 acres, 2 rods and 20 perches.

Premises being: 130 Cashman Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **John J. Calloway, Mary Francis Calloway & Bonnie Michele Still-Hammond** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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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.

8/24, 31 & 9/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-370 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of ground situate in Carroll Valley Borough, County of Adams, Commonwealth of Pennsylvania, being known as J-179, bounded and described as follows:

LOT NO. 179-SECTION J:

BEGINNING at a point in the center of Crossland Trail at Lot No. 178; thence by said lot North 3 degrees 11 minutes 40 seconds West, 200 feet to Lot No. 172; thence by said lot South 87 degrees 23 minutes 40 seconds East, 100 feet to Lot No. 180; thence by said lot South 3 degrees 11 minutes 40 seconds East, 200 feet to a point in the center of said Crossland Trail; thence in said Crossland Trail North 87 degrees 23 minutes 40 seconds West, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled 'Section J, Chamita Ski Area, Inc., dated March 20, 1968, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book No. 1 at page 24.

BEING the same tract of land which by deed Sonali H. Shah and Neelima H. Shah, by deed dated January 13, 2003, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 2954 at page 107, sold and conveyed unto David C. Stepnick and Susan E. Stepnick, husband and wife, the Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Michael B. Wurdeman and Sandra M. Wurdeman, husband and wife, as tenants of an estate by the entireties, by Deed from David C. Stepnick and Susan E. Stepnick, husband and wife, dated 8-31-05, recorded 9-6-05, in Deed Book 4114, page 266.

Premises being: 14 Crossland Trail, Fairfield, PA 17320

Tax Parcel No. 43-002-0088-000

SEIZED and taken into execution as the property of **Sandra M. Wurdeman a/k/a Sandra Byrd Wurdeman a/k/a Sandra Marie Wurdeman & Michael B. Wurdeman** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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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.

8/24, 31 & 9/7

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation-Nonprofit were filed on April 19, 2007, with the Department of State of the Commonwealth of Pennsylvania, for the incorporation of THE 1400 PROLINE PLACE CONDOMINIUM ASSOCIATION, under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, L.P. 1444, No. 177, as amended.

The corporation shall engage in the business of all activities related to managing a condominium association, together with any legal function of a corporation under PA law. The registered office of the corporation is 275 Montclair Road, Gettysburg, PA 17325. The names and addresses of all persons owning or interested in said business are: J. Mark Cropp and William F. Arentz, Jr., 275 Montclair Road, Gettysburg, PA 17325.

Jonathan Patrono, Esq.
Patrono & Associates, LLC

8/31

MOLLOY ET AL VS. MARTIN ET AL VS. BROWN ET AL

1. Where the parties to an agreement adopt a writing as a final and complete expression of their agreement, prior oral representations concerning subjects specifically covered by the written contract are merged in or superseded by that contract.

2. This general rule is applicable and will not preclude evidence of additional representations where the parties agree that the representations should have been added to the written agreement but were omitted because of fraud, accident, or mistake.

3. Fraud in the execution occurs where the agreement was executed as a result of intentional misinformation concerning the contents of the agreement.

4. Fraud in the inducement occurs where prior representations were fraudulently made, and, but for them, the agreement would have never been entered. Fraud in the inducement claims are commonly barred if the contract at issue is fully integrated.

5. An exception to this general rule has been created for real estate inspection cases which involve written agreements for the sale of real estate, despite integration clauses in the contract, in circumstances where a purchaser cannot ascertain the falsity of a representation through reasonable inspection. In such cases, Pennsylvania Courts have sometimes permitted evidence of the oral representations to be admitted.

6. The test for this exception to the rule requires:

A balancing of the extent of the parties' knowledge of objectionable conditions derived from a reasonable inspection against the extent of the coverage of the contract's integration clause in order to determine whether the party could justifiably rely upon oral representations without insisting upon further contractual protection or the deletion of an overly broad integration clause.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 04-S-346, JOHN J. MOLLOY AND BARBARA LEE ROWE, PLAINTIFFS, VS. JAMES E. MARTIN, C.M. NEAL OUSSOREN, JACK GAUGHEN REALTOR, ERA, MALINA S. RAY, SECURED LAND TRANSFERS, INC. AND FIRST AMERICAN TITLE INSURANCE COMPANY, DEFENDANTS, VS. WALTER C. BROWN, INDIVIDUALLY AND IN HIS CAPACITY AS HEIR, ADMINISTRATOR AND/OR EXECUTOR OF THE ESTATE OF DOLORES J. BROWN, THIRD PARTY DEFENDANT.

Henry O. Heiser III, Esq., for Plaintiffs

Matthew M. Haar, Esq., for Defendants Martin, Oussoren and Gaughen

Lauren P. McKenna, Esq., for Defendants Ray, Secured Land Transfers and First American Title Insurance Company

Defendant Walter C. Brown, *Pro Se*

George, J., September 7, 2006

OPINION

In early 2002, Walter C. Brown and his wife, Dolores J. Brown (“Sellers”)¹ listed for sale a 24-acre tract of land improved with a residential dwelling located at 899A Railroad Lane, Orrtanna, Pennsylvania. The listing agent for the sale of the property was C.M. Neal Oussoren (“Oussoren”) of Jack Gaughen Realtor, ERA (“Gaughen”). On or about April 12, 2002, the Plaintiffs, John Molloy and Barbara Rowe (“Purchasers”) were shown the property by another Gaughen Agent, James E. Martin (“Martin”). On April 21, 2002, the Purchasers made a written offer to purchase the property for \$170,000. This offer, however, was not accepted by the Sellers. Rather, on April 24, 2002, the Sellers tendered a counteroffer by offering to sell the 24-acre tract and an additional neighboring lot consisting of 4.5 acres to the Purchasers for \$210,000. The Purchasers responded with their own counteroffer to purchase both tracts of land for the total sum of \$208,000. The final counteroffer was accepted by the Sellers and memorialized by a written agreement. The written agreement includes an integration clause.²

Settlement on the sale of the property occurred on June 5, 2002. The Purchasers allege that approximately two weeks after settlement, they received correspondence from the solicitor of the municipality where the property was located indicating that the 4.5-acre tract of land could not be improved with a residential dwelling by virtue of a deed restriction imposed by a previous owner of the property. This

¹Dolores Brown died on March 6, 2004 leaving Walter Brown as the sole heir to her estate.

²The integration clause reads as follows:

The seller represents that seller has informed buyer of any hidden or latent defects of which the seller has knowledge. It is understood that the buyer has inspected the property, or hereby waives the right to do so, and has agreed to purchase it as a result of such inspection and not because of or in reliance upon any representations which are not included herein, whether made by any broker, transaction licensee, or any of their respective sales people, employees’ offices and/or partners.

The buyer has agreed to purchase the property in its present condition unless otherwise specified herein. It is further understood that this Agreement contains the whole Agreement between the Seller and the Buyer and there are no other terms, obligations, covenants, representations, statements or conditions, oral or otherwise, of any kind whatsoever concerning this sale. Furthermore, this Agreement shall not be altered, amended, changed or modified except in writing executed by the parties.

deed restriction is noted on a deed in the property's chain of title filed with the Adams County Recorder of Deeds Office.³ The Purchasers claim that they were unaware of any such deed restriction and, in fact, were specifically advised to the contrary by Martin and Oussoren. The Purchasers claim that at all times prior to their receipt of the letter from the solicitor, the real estate agents consistently made representations, upon which they relied, that the 4.5-acre lot was suitable for building.

The Purchasers currently filed suit against Martin, Oussoren, Gaughen, Malina S. Ray, Secured Land Transfers, Inc., and First American Title Insurance Company⁴ alleging tortious causes of action for negligent and intentional misrepresentation. The Purchasers, in their suit, seek reimbursement for the difference between the value of the 4.5-acre tract as farmland compared to its value as a building lot.

Defendants, First American Title Insurance Company, Secured Land Transfers, Inc., and Malina S. Ray, have filed an Answer with New Matter to the Purchasers' Complaint.⁵ The Defendants, Martin, Oussoren, and Gaughen have filed Preliminary Objections. Among the Preliminary Objections was a request for dismissal of the Complaint based upon Purchasers' failure to comply with the mediation requirements of the real estate contract. By Order entered February 23, 2005, the Preliminary Objection seeking dismissal of the Complaint on this basis was dismissed. However, all proceedings were stayed to permit the parties to attempt to resolve this matter through mediation. This Court has subsequently been advised that mediation efforts have been unsuccessful. Accordingly, the remaining Preliminary Objections of Martin, Oussoren, and Gaughen are before the Court for resolution.

³ The deed at issue is recorded in the Office of Recorder of Deeds of Adams County in Deed Book 421 at Page 538.

⁴ Secured Land Transfers, Inc., is joined as settlement agent for the Purchasers. Malina Ray is joined as the actual agent and employee of Secured Land who represented the Purchasers at closing. She is joined on a theory that she breached her duties by failing to reveal or mention to the Purchasers the deed restriction in question. First American Title Insurance Company is the title insurance company which insured the property. They are joined on a negligence theory alleging that their reference in the title policy to the restriction by record book and page number was insufficient and should have been more thoroughly explained in the policy.

⁵ These parties have also filed a joinder complaint against the Sellers of the property, Walter C. Brown, individually and in his capacity as heir, administrator, and/or executor of the Estate of Dolores J. Brown.

The preliminary objection to the Complaint is a demurrer claiming that the Purchasers cannot establish a cause of action for negligent or intentional misrepresentation, as a matter of law, in light of the integration clause in the Real Estate Agreement. The objectors rely on well-established law that where the parties to an agreement adopt a writing as a final and complete expression of their agreement, prior oral representations concerning subjects specifically covered by the written contract are merged in or superseded by that contract. *Blumenstock v. Gibson*, 811 A.2d 1029, 1035 (Pa.Super. 2002). Sellers therefore aver that representations not included in the sales agreement are barred as parol evidence. Although this rule is correctly cited, exceptions to the rule have been carved out by our appellate courts. For instance, this general rule is inapplicable and will not preclude evidence of additional representations where the parties agree that the representations should have been added to the written agreement but were omitted because of fraud, accident, or mistake. *1726 Cherry Street Partnership v. Bell Atlantic Properties, Inc.*, 653 A.2d 663, 666 (Pa.Super. 1995). These situations are commonly referred to as “fraud in the execution” since the party proffering the evidence contends that the agreement was executed as a result of intentional misinformation concerning the contents of the agreement. *Blumenstock*, 811 A.2d at 1036.

Nevertheless, Pennsylvania Courts have distinguished between the circumstances involving fraud in the execution of an agreement and those cases involving fraud in the inducement leading to execution of the agreement. In the latter, the party proffering the evidence of additional prior representations is not claiming omission of those terms from the written agreement, but rather, alleges that the representations were fraudulently made, and, “but for them,” the agreement would have never been entered. *1726 Cherry Street Partnership*, 653 A.2d at 666. Critically, fraud in the inducement claims are commonly barred if the contract at issue is fully integrated. *Hart v. Arnold*, 884 A.2d 316 (Pa.Super. 2005). As indicated by the *Hart* Court:

The rationale for this rule of law is “that a party cannot justifiably rely upon prior oral representations” and then sign a contract containing terms that refute the alleged prior oral representations. Thus, when “prior fraudulent oral misrepresentations are alleged regarding a subject

that was specifically dealt with in a written contract, the party alleging such representations must, under the parol evidence rule, also aver that the representations were fraudulently or by accident or mistake omitted from the integrated written contract... To require less would make a mockery of the parol evidence rule because all a party would have to do to avoid, modify or nullify [a contract] would be to aver that false representations were 'fraudulently' made."

Hart, A.2d at 340 (citations omitted).

Once again, an exception to this general rule has been created for "real estate inspection cases," which involve written agreements for the sale of real estate, almost always residential, despite integration clauses in the contract. *Blumenstock*, 811 A.2d at 1036. This line of cases recognizes the rule is unduly harsh in circumstances where a purchaser cannot ascertain the falsity of a representation through reasonable inspection. In such cases, Pennsylvania Courts have sometimes permitted evidence of the oral representations to be admitted.

Id. The test in these limited circumstances requires:

a balancing of "the extent of the parties' knowledge of objectionable conditions derived from a reasonable inspection against the extent of the coverage of the contract's integration clause in order to determine whether the party could justifiably rely upon oral representations without insisting upon further contractual protection or the deletion of an overly broad integration clause."

LeDonne v. Kessler, 389 A.2d 1123, 1130 (Pa.Super. 1978). This test was created because Pennsylvania Courts have refused to strictly enforce the parol evidence rule against a party unable to protect themselves from the harm eventually suffered. *Blumenstock*, 811 A.2d at 1037. The test is essentially structured to protect those who are unable, through reasonable inspection, to obtain accurate information concerning a particular subject matter which is material to the agreement.

In their Complaint, Purchasers make a fraud in the inducement claim alleging they would not have entered into the contract except for misrepresentations concerning the use of the 4.5-acre lot as a building lot. They further suggest that the factual pattern in this case

falls within that line of cases which permit evidence of oral representations to be admitted based about the inability to otherwise obtain accurate information concerning the subject matter. In reply, Oussoren, Martin, and Gaughen argue that the alleged misrepresentations are inadmissible due to the integration clause, and moreover, are insufficient to establish the elements of either intentional or negligent misrepresentation since reliance on the alleged representations is not justified.⁶

Although the objector's arguments are distinct in that one applies to the admissibility of evidence while the other applies to the elements of the cause of action, both arguments focus on the extent of Purchasers' knowledge. If the Purchasers can reasonably be expected to have knowledge concerning the objectionable representations, those representations would be inadmissible at trial under the parol evidence rule. Thus, Purchasers would be unable to establish an essential element of the causes of action, i.e. a misrepresentation. Similarly, if the Purchasers are deemed to have reasonable notice contrary to the objectionable representations, then the Purchasers' causes of action must fail as they are unable to establish justifiable reliance upon the representations. Therefore, resolution of this

⁶The elements of intentional misrepresentation, commonly referred to as fraud, are as follows:

- (1) a representation;
- (2) which is material to the transaction at hand;
- (3) made falsely, with knowledge of its falsity or recklessness as to whether it is true or false;
- (4) with the intent of misleading another into relying on it;
- (5) justifiable reliance on the misrepresentation; and
- (6) the resulting injury was proximately caused by the reliance.

Gibbs v. Ernst, 647 A.2d 882, 889 (1994), citing Restatement (Second) of Torts § 525. The elements of negligent misrepresentation require proof of:

- (1) a misrepresentation of a material fact;
- (2) made under circumstances in which the misrepresenter ought to have known its falsity;
- (3) with an intent to induce another to act on it; and
- (4) which results in injury to a party acting in justifiable reliance on the misrepresentation.

Id. A.2d at 890.

The elements of negligent misrepresentation differ from intentional misrepresentation in that the misrepresentation must concern a material fact and the speaker need not know his or her words are untrue, but must have failed to make a reasonable investigation of the truth of these words. However, both causes of action require the element of justifiable reliance on the misrepresentation. *Id.*

pivotal issue is determinative of all causes of action against Martin, Oussoren, or Gaughen.

In balancing the applicable factors enunciated by *LeDonne*, I find that the Purchasers should reasonably have had knowledge of the objectionable condition prior to completion of the purchase of the realty. There is no dispute that a title search for the 4.5-acre lot would have clearly revealed the deed restriction which prohibits the use of the 4.5 acres as a building lot.⁷ Thus, this information was readily ascertainable before the purchase was completed. Interestingly, Purchasers acknowledge as much in their pleading.⁸ Although the party representing the Purchasers' interest at the time of settlement may have failed to advise, or properly explain, the importance of this restriction to its Purchasers, knowledge of the same is nevertheless imputed. *National Bank of Bedford v. Stever*, 32 Atl. 603 (Pa. 1895)(holding that, as a general principle of law, notice to an agent is notice to the principal).⁹ Accordingly, I find that the Purchasers had sufficient opportunity to obtain knowledge of the falsity of the objectionable representations.

In light of this finding, the Preliminary Objections are meritorious in regard to Oussoren. Since a reasonable inspection of the chain of title could have revealed the alleged misrepresentations, Purchasers could have insisted on further contractual protection or a limit to the terms of integration clause. They did neither however. Thus, the

⁷ Purchasers' Complaint references the deed from Stanley R. Wolf and E. LaVaughne Wolf to the sellers as recorded in the Office of Recorder of Deeds in Deed Book 421 at Page 538 as reciting the following pertinent language:

SUBJECT NEVERTHELESS to the following covenant and restriction, which shall run with the land, and bind grantees and their heirs, personal representatives, successors and assigns: The above described 30.039 acres tract of land shall have constructed upon it no more than one (1) dwelling house, for single family residential purposes, and one (1) such dwelling house only, together with any desired, additional accessory buildings, such as, but not limited to, a barn, garage, workshop, or the like, the remainder of the subject tract of land to be used for agricultural pursuits or private recreational purposes, more specifically the Clean and Green program.

Plaintiff's Complaint, Paragraph 20.

⁸ The Complaint recognizes that a title search of the property was conducted and that the search revealed the existence of the restriction in the chain of title.

⁹ As previously noted, the current litigation includes claims against the Purchasers' settlement agent due to settlement agent's alleged failure to discover and/or adequately explain the meaning of the restrictions to Purchasers. This cause of action remains available as a remedy to Purchasers.

LeDonne balancing test tips in favor of Oussoren thereby resulting in preclusion of the statements pursuant to the parol evidence rule. Similarly, Purchasers are not justified in their reliance on the statements made by Oussoren.

I do not reach the same conclusion in regard to Martin. Unlike Oussoren, the Complaint alleges that Martin acted as Purchasers' agent through the negotiation and consummation of the real estate contract. Since at this stage of the litigation I must presume these allegations are factually correct, Martin is subject to a duty to use reasonable effort to give the Purchasers information which is relevant to the affairs entrusted to him and which the Purchaser would desire to have. *Merrill Lynch, Pierce, Fenner & Smith v. Perelle*, 514 A.2d 552, 561 (Pa.Super. 1986).

In applying the *LeDonne* balancing test as it relates to the cause of action against Martin, I find that the scales tip in favor of the Purchasers. Initially, I note that the knowledge of the deed restriction affecting title to the property is knowledge not generally known to lay persons but rather is obtained through reliance upon the expertise of their agents. This desire to obtain knowledge is the primary purpose behind a purchaser retaining realtors, attorneys, and/or settlement agents to assist with the purchase of realty. Thus, Purchasers' knowledge of the objectionable conditions at issue is directly related to Martin's performance as their agent. Martin's argument that Purchasers should have had knowledge of the objectionable condition ignores the fact that it was Martin upon whom Purchasers relied to provide that information. Thus, similar to the interests sought to be protected by the *LeDonne* line of cases, a jury may find that the instant Purchasers were unable to protect themselves from misrepresentations allegedly made by Martin.

Moreover, the contract upon which Martin seeks to invoke the parol evidence rule is a contract entered between Purchaser and Seller. Although that contract may properly affect the rights between purchaser and seller, and perhaps seller's agents, see *Bowman v. Meadow Ridge, Inc.*, 615 A.2d 755, 758 (Pa. Super. 1992)(action against the seller's real estate broker barred by integration clause), I cannot conclude that the present Purchasers contemplated releasing their own agent from representations made in the course of his employment with them. Thus, I find the language in the integration

clause at issue to be overly broad.¹⁰ Consequently, the parol evidence rule does not preclude evidence of alleged misrepresentations made by Martin to the Purchasers.

For the same reasons, I find that the issue of whether Purchasers were justified in relying upon the alleged misinformation provided by Martin is appropriately resolved by a fact finder. As indicated, the Complaint alleges that Martin was retained to represent Purchasers' interest in the real estate transaction. During the course of that representation, Martin is alleged to have made representations which he was aware were false or, at minimum, acted recklessly in regard to his knowledge of the falsity of those representations. Whether the Purchasers were justified in relying upon the misrepresentations in light of a title search prepared by another agent is a question of fact precluding dismissal of the cause of action on a demurrer.

The Preliminary Objections also challenge the cause of action for intentional misrepresentation on the basis that Plaintiff's Complaint is insufficient to establish "fraud." My reading of the Complaint, however, reveals allegations sufficient to establish that Martin made an allegation material to the transaction which was made with knowledge of its falsity or with recklessness as to whether or not the statement was true or false. Additionally, the Complaint alleges justifiable reliance on the misrepresentation which has resulted in injury to the Purchasers. These elements are sufficient to establish a cause of action for intentional misrepresentation, *Gibbs v. Ernst*, 647 A.2d at 889, and therefore the demurrer on this basis will be denied.

The final Preliminary Objection seeks to strike the Complaint for failure to comply with Pennsylvania Rule of Civil Procedure 1019(i) which requires the complaint to attach the writing upon which a claim is based. I find this Preliminary Objection lacks merit in that the Rules of Civil Procedure require attachment of only those portions of a document which are material to resolution of the issues involved in the litigation. See Pennsylvania Rule of Civil Procedure 1019(i). I find the Complaint sufficient in this regard as the

¹⁰ Although the clause provides that the Purchasers have not relied "upon any representations..., whether made by any broker, transaction licensee, or any of their respective salespeople, employees, offices, and/or partners", immediately prior to this sentence the integration clause references representations by the "seller". Accordingly, a casual reading of the paragraph in its entirety could lead one to conclude that it is limited to representations made by the sellers or seller's agent.

Complaint includes not only the real estate sales agreement at issue but also the listing concerning the property at issue. Moreover, the applicability of this rule to complaints alleging non-contractual causes of action is questionable. See *First National Bank of Mocanaqua v. Halliday*, 17 Pa. D & C 3d 446 (1980). See also Standard of Pennsylvania Practice 2d § 16:40.

For the foregoing reasons, the attached Order is entered.¹¹

ORDER

AND NOW, this 7th day of September, 2006, the demurrer of Defendant, C.M. Neal Oussoren, to Count II of the Complaint is granted. Count II is dismissed with prejudice. Additionally, the demurrer of Defendant, Jack Gaughen Realtor, ERA, to Count III is granted in part and denied in part. It is granted in regard to that portion of Count III which relates to the acts and/or omissions of C.M. Neal Oussoren. It is denied, however, as it relates to the actions of James E. Martin. Accordingly, Count III of the Complaint shall be limited to the intentional and/or negligent actions or omissions of James E. Martin as employee, agent, and/or servant for Defendant, Jack Gaughen Realtor, ERA. All remaining Preliminary Objections of the Defendants, James E. Martin, C.M. Neal Oussoren, and Jack Gaughen Realtor, ERA are denied.

¹¹The Complaint joins Gaughen in its capacity as employer of Martin. Since an employer is responsible for the acts and admissions of an employee, (*Costa v. Roxborough Memorial Hospital*, 708 A.2d 490, 493 (Pa. Super. 1998)) the demurrer by Gaughen will be denied as it relates to the actions of Martin.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-243 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground, with the improvement thereon, situate, lying and being in Highland Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point in State Highway Route No. 116 leading from Fairfield to Gettysburg; thence running in said highway North 73-1/4 degrees East, 90 feet to another point in said highway; thence running by land now or formerly of J. Hayes Beard South 24 degrees East, 200 feet to an iron pin; thence running by land of same South 24 degrees West, 80 feet to a point in a road; thence running in said road along land now or formerly of J. Hayes Beard North 26 degrees West, 203 feet to a point in the aforesaid State Highway, the place of BEGINNING. CONTAINING 62 perches and 122 square feet.

TITLE TO SAID PREMISES IS VESTED IN William C. Becker, Jr. and Lavina V. Becker, a/k/a Vonnie Becker, husband and wife, by Deed from Annetta I. Cluck, widow, dated 09/28/1994, recorded 09/30/1994, in Deed Book 945, page 123.

Premises being: 3590 Fairfield Road, Gettysburg, PA 17325

Tax Parcel No. 20-D14-0069

SEIZED and taken into execution as the property of **William C. Becker, Jr. & Lavine V. Becker a/k/a Vonnie V. Becker a/k/a Vonnie Becker** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/24, 31 & 9/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1305 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the right-of-way line of Ash Drive, a fifty (50) feet wide right-of-way, at corner of Lot No. 43 on the subdivision plan hereinafter referred to; thence along the right-of-way line of Ash Drive, the following two (2) courses and distances: [1] North fifty-one (51) degrees thirty-eight (38) minutes thirty-seven (37) seconds East, twenty-two and ninety-two hundredths (22.92) feet to a point; and [2] by a curve to the left having a radius of two hundred twenty-five and zero hundredths (225.00) feet, an arc distance of forty-eight and eighty-five hundredths (48.85) feet, and a long chord bearing and distance of North forty-five (45) degrees twenty-five (25) minutes twenty-five (25) seconds East, forty-eight and seventy-five hundredths (48.75) feet to a point at Lot No. 41 of Previously Approved Hickory Ridge Subdivision, Section 2; thence along Lot No. 41 and along Lot No. 77 on the subdivision plan hereinafter referred to, South fifty (50) degrees forty-seven (47) minutes thirty-one (31) seconds East, one hundred seven and eighty-one hundredths (107.81) feet to a point at Lot No. 47 on the subdivision plan hereinafter referred to; thence along Lot No. 47 and along Lot No. 46, South fifty-one (51) degrees thirty-eight (38) minutes thirty-seven (37) seconds West, ninety-four and sixty hundredths (94.60) feet to a point at corner of Lot No. 43, aforesaid; thence along Lot No. 43, North thirty-eight (38) degrees twenty-one (21) minutes twenty-three (23) seconds West, one hundred and zero hundredths (100.00) feet to a point on the right-of-way line of Ash Drive, the point and place of BEGINNING. CONTAINING 8,446 square feet, .1939 acres, and designated as Lot No. 42 on Final Subdivision Plan for Section Three of Hickory Ridge Development, prepared by Eric L. Diffenbaugh, P.L.S., dated August 26, 2004, last revised March 10, 2005, File No. 02038, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 4021, page 178 (Plat Book 88, page 79).

IT BEING part of the premises which James A. Orndorff and Brenda G. Orndorff, his wife, by their deed dated July 15, 2005, and recorded July 19, 2005, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 4047, page 302, granted and conveyed to H Ridge, L.P., Grantor herein. J.A. Myers Homes, LLC, joins in this deed to convey its interest in and to the improvements erected on the hereinabove described tract of land.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Louis E. Bremer and Melissa A. Bremer, husband and wife, by Deed from H. Ridge, L.P. and J.A. Myers Homes, LLC, dated 03/10/2006, recorded 03/14/2006, in Deed Book 4343, page 74.

Premises being: 18 Ash Drive, Littlestown, PA 17340-0000

Tax Parcel No. 06-010-0037-000

SEIZED and taken into execution as the property of **Louis E. Bremer, Jr. & Melissa A. Bremer a/k/a Melissa A. Moser** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/24, 31 & 9/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-565 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike set in the cartway of Latimore Creek Road (T-634) said pin marking the common point of adjoined of the within described tract, lands now or formerly of Marlin E. Prosser, and other lands now or formerly of Clarence L. Roe, Jr.; thence extending in and through the cartway of Latimore Creek Road, South four degrees forty-seven minutes five seconds (S 4 degrees 47' 5" E.) for a distance of two hundred twenty-six and thirteen one-hundredths feet (226.13) to a steel pin set in the center of the cartway of the Latimore Creek Road at Lot #18 on the hereinafter mentioned Plan of Subdivision; thence departing from the center of Latimore Creek Road, and extending along Lot #18, South eighty-four degrees sixteen minutes twenty seconds West (S 84 degrees 16' 20" W.) through a steel pin set on the Westernmost dedicated right-of-way line of Latimore Creek Road, a distance of twenty-five and no one-hundredths feet (25.00) from the origin of this call, for a total distance of two hundred eighty-nine and eighty-nine one-hundredths feet (289.89) to a steel pin at lands now or formerly of Marlin E. Prosser; thence extending along lands now or formerly of Marlin E. Prosser the following two (2) courses and distances; North five degrees forty-three minutes forty seconds West (N. 5 degrees 43' 40" W.) for a distance of ninety-four and sixty-three one-hundredths feet (94.63) to a stone; thence continuing North fifty-nine degrees twenty-seven minutes fifty-five seconds East (N. 59 degrees 27' 55" E.) through a concrete monument set on the Westernmost right-of-way line of Latimore Creek Road, for a total distance of three hundred thirteen and fifty one-hundredths (313.50) to a railroad spike set in the cartway of the Latimore Creek Road, said spike marking the place of BEGINNING.

CONTAINING 1.038 acres, and being designated as Lot #19 on a final plan of major subdivision of Misty Meadows, Section Two, prepared for Harmon-Craves Company by Rodney Lee Decker & Associates, dated July 13, 1974, and

recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 40 at Page 77.

BEING the same premises which Marianne Sipe and Cynthia T. Reem, Co-Executrices of the Last Will and Testament of Arlene I. Reem, by Deed dated April 22, 2002 and recorded in the Adams County Recorder of Deeds Office on June 10, 2002 in Deed Book 2691, page 0199, granted and conveyed unto Alan Sweigart.

Premises being: 1140 Latimore Creek Road, York Springs, PA

SEIZED and taken into execution as the property of **Alan L. Sweigart a/k/a Alan Sweigart & Debra A. Sweigart** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/17, 24 & 31

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation-Nonprofit were filed on April 19, 2007, with the Department of State of the Commonwealth of Pennsylvania, for the incorporation of HUNDREDFOLD FARM COMMUNITY OWNERS ASSOCIATION, under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, L.P. 1444, No. 177, as amended.

The corporation shall engage in the business of all activities related to managing a community owners association, together with any legal function of a corporation under PA law. The registered office of the corporation is 1400 Evergreen Way, Orrtanna, PA 17353. The names and addresses of all persons owning or interested in said business are: Mark Knight, 1400 Evergreen Way, Orrtanna, PA 17353.

Jonathan Patrono, Esq.
Patrono & Associates, LLC

8/31

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-659 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of October, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain property situated in the Township of Mt. Pleasant, in the County of Adams, Commonwealth of Pennsylvania, and being described as follows: 4-28. Being more fully described in a deed dated 11/02/98 and recorded 11/02/98, among the land records of the County and State set forth above, in Deed Volume 1693 and Page 205.

Jeffrey B. Chipley and Dawn L. Chipley, husband and wife.

Parcel Identification No: 32-004-0028-000

Premises: 19 Wheatland Drive, Gettysburg, PA 17325-0000, Mt. Pleasant, Adams County, Pennsylvania

TITLE TO SAID PREMISES IS VESTED IN Jeffrey B. Chipley, by Deed from Jeffrey B. Chipley and Dawn L. Chipley, husband and wife, dated 11/14/2005, recorded 11/22/2005, in Deed Book 4217, page 262.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 2, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/24, 31 & 9/7

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF CLAIR A. BEAMER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Joann M. Ricciuto, 3322 Cross Country Dr., Wilmington, DE 19810

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

ESTATE OF MICHAEL ANTHONY JOSEPH KUHN, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Dale Thomas, 1460 Sell Station Road, Littlestown, PA 17340

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

ESTATE OF DEBRA LEFLER a/k/a DEBRA L. LEFLER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Brenda Kram, 56 Riverview Drive, Lottsburg, VA 22511

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

ESTATE OF GLADYS MARIE MECKLEY, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Darlene M. Long, 2 Linden Avenue, Hanover, PA 17331; Jeffrey L. Meckley, 112 Friendly Drive, Hanover, PA 17331

Attorney: Kathleen M. Kotula, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF ETHEL MARGARET STULTZ, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executors: Cecil Stultz, 17643 Tract Rd., Emmitsburg, MD 21727; Charles Stultz, 284 Stultz Rd., Fairfield, PA 17320; Doris Mallette, 96 Belmont Rd., Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF HAZEL MAY HARTMAN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Adams County National Bank, Attn: Karen B. Arthur, Asst. Vice President & Trust Officer, Lincoln Square Office, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF JARED S. LUCABAUGH, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Administratrix: Ruth Elaine Keeney, c/o Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

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

ESTATE OF WILTON R. MILLER, DEC'D

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

Administrator: Stephen J. Miller, 40 Highland Avenue, Abbottstown, PA 17301

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

ESTATE OF HAZEL M. MYERS, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Personal Representative: Michelle A. Leppo, 1030 Linden Avenue, McSherrystown, PA 17344

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

ESTATE OF JULIA B. MYERS, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Adams County National Bank, Attn: Christine R. Settle, Asst. Vice President & Trust Officer, Lincoln Square Office, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF JOANNE M. POIST, DEC'D

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

Executor: Michael G. Lookenbill, 341 Lincolnway West, New Oxford, PA 17350

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

THIRD PUBLICATION

ESTATE OF GEORGE L. BAKER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Susan C. Faretta, 1951 Frederick Pike, Littlestown, PA 17340

Attorney: Wendy Weikal-Beauchat, Esq., 63 West High St., Gettysburg, PA 17325

ESTATE OF ALICE RACHEL BOWLING a/k/a ALICE R. BOWLING, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Donald G. Bowling, 2641 York Road, Gettysburg, PA 17325; Marie G. Re a/k/a Marie B. Re, 165C Church Road, Orrtanna, PA 17353

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

ESTATE OF DOROTHY T. HERSHEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: H. Melinda Bomberger, 103 High St., Manchester, PA 17345

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

ESTATE OF RAY M. SHUPE, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executor: David K. Shupe, 772 Company Farm Road, Aspers, PA 17304

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

ESTATE OF VINCENT E. VOSSBEIN, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF VIVIAN J. WALTER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Michael D. Kane, 450 Rake Factory Road, Biglerville, PA 17307

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

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, September 11, 2007, at 9:00 a.m.

HENRICHS—Orphans' Court Action Number OC-81-07. The First and Final Account of Donald W. Hinrichs, Executor of the Estate of William J. Hinrichs, deceased, late of Straban Township, Adams County, Pennsylvania.

SMITH—Orphans' Court Action Number OC-86-07. The First and Final Account of Jack Owens a/k/a John R. Owens, Jr., Executor of the Estate of Beulah M. Smith, deceased, late of Straban Township, Adams County, Pennsylvania.

MUDD—Orphans' Court Action Number OC-92-07. The First and Final Account of Molly Mudd Freedenberg, Executor of the Estate of Margaret A. Mudd, deceased, late of the Borough of Gettysburg, Adams County, Pennsylvania.

HOBBS—Orphans' Court Action Number OC-128-05. The First and Final Account of Karl Hobbs, Lillian Harner, Rose Zita Herring (now Rose Z. Bream) and Linda Steinle, Executors of the Estate of Zita S. Hobbs, deceased, late of Liberty Township, Adams County, Pennsylvania.

HELDIBRIDE—Orphans' Court Action Number OC-87-07. The First and Final Account of Donna J. Winters and Tammie S. Stern, Co-Executors of the Estate of Leatrice Mae Heldibridge, deceased, late of Oxford Township, Adams County, Pennsylvania.

Kelly A. Lawver
Clerk of Courts

8/31 & 9/7