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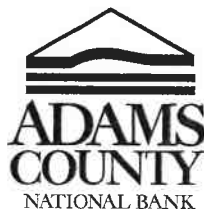
No. 50, pp. 327-335

IN THIS ISSUE

SHIELDS VS. STODART

This opinion continued from last issue (4/29/2005)

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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. 05-S-126 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground situate in Liberty Township, County of Adams, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike set in McGlaughlin Road T-318 at Lot No. 1 on the hereinafter recited draft; thence by said lot and through an iron pipe set back 25 feet on the line South 24 degrees 53 minutes 25 seconds East 485.50 feet to an iron pipe set; thence continuing by Lot No. 1 and through an iron pipe set back 25 feet from the end of this course South 64 degrees 28 minutes 25 seconds West 230 feet to an existing p.k. nail in the centerline of Bullfrog Road T-321; thence in said Bullfrog Road by a curve to the left the radius of which is 1054.81 feet for an arc distance of 366.38 feet and having a chord bearing a distance of North 36 degrees 43 minutes 23 seconds West 365.54 feet to an existing p.k. nail in the centerline of said Bullfrog Road; thence continuing in said Bullfrog Road North 45 degrees 18 minutes 10 seconds West 128.79 feet to an existing railroad spike in or near the Northern edge of said McGlaughlin Road; thence in said McGlaughlin Road North 65 degrees 20 minutes 10 seconds East 113.24 feet to a point; thence continuing in said McGlaughlin Road North 61 degrees 20 minutes 20 seconds East 153.98 feet to a point; thence continuing in said McGlaughlin Road North 64 degrees 29 minutes 55 seconds East 82.78 feet to the place of BEGINNING.

THE above description is being Lot No. 4 on a draft of survey prepared by Boyer Surveys, dated May 6, 1991 and recorded in Adams County Plat Book 58 at Page 82.

TITLE TO SAID PREMISES IS VESTED IN Michael W. Weatherly by Deed from Tommy C. Duty and Patricia Lee Duty, his wife, dated 1/15/2003 and

recorded 8/20/2003 in Record Book 3256 Page 115.

Premises being: 2785 Bull Frog Road, Fairfield, PA 17320

Tax Parcel No. 25-D15-35

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 1, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/22, 29 & 5/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-131 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provision of the Pennsylvania Uniform Condominium Act, 68 P.S.A., Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, of a land development plan dated October 6, 1995, last revised December 14, 1995, and recorded in Book 69, page 23 (together with all the amendments and supplements thereto recorded on or before the date hereof) being all

designated in such plan as Unit No. 4, as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania in Record Book 1271, page 34.

IT BEING the same tract of land which Xue-Tao Chen and Mung Yee Law, wife and husband, by deed bearing even date herewith and about to be recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, granted and conveyed unto William G. Schaeffer, MORTGAGOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN William G. Schaeffer by Deed from Xue-Tao Chen and Mung Yee Law, wife and husband, dated 4/30/2004 and recorded 5/3/2004 in Record Book 3550, Page 265.

Premises being: 8 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. 35-1-52 (Unit 4)

SEIZED and taken into execution as the property of **William G. Schaeffer** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/29, 5/6 & 13

SHIELDS VS. STODART

Continued from last issue (4/29/2005)

A. Fraudulent Misrepresentation

In real estate transactions, fraud arises when a seller knowingly makes a misrepresentation, undertakes a concealment calculated to deceive, or commits non-privileged failure to disclose. *Blumenstock*, 811 A.2d at 1034 (citation omitted). In order to prove fraudulent misrepresentation, a plaintiff must demonstrate by clear and convincing evidence:

- (1) a representation;
- (2) which was 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 upon it;
- (5) justifiable reliance on the misrepresentation; and
- (6) the resulting injury must be proximately caused by the reliance.

Skurnowicz v. Lucci, 798 A.2d 788, 793 (Pa.Super. 2002), quoting *Bortz v. Noon*, 729 A.2d 555, 560 (Pa. 1999). Unsupported assertions and conclusory accusations cannot create genuine issues of material fact as to the existence of fraud. *Blumenstock*, 811 A.2d at 1034, citing *Gruenwald v. Advanced Computer Applications, Inc.*, 730 A.2d 1004, 1014 (Pa.Super. 1999).

Sub judice, Defendant argues that Plaintiff has failed to adduce sufficient facts to make out her *prima facie* case of fraudulent misrepresentation and there exists no genuine issue of material fact. To the extent that Defendant argues that no genuine issue of material fact exists, I disagree. However, with respect to Defendant's argument that Plaintiff has failed to make a *prima facie* case for fraudulent misrepresentation, I agree.

Initially, I find that Plaintiff has established the first element of fraudulent misrepresentation, as all of Defendant's disclosures on the Seller's Disclosure Statement are clearly affirmative representations of past and/or present conditions of the property in question. See generally *Skurnowicz*, 798 A.2d at 793.

Next, with respect to the falsity of Defendant's disclosures about leaks with the roof, washer drain, and behind the brick facing in the front of the house as well as the subsequent repairs to the bathroom, I find that Plaintiff has adduced sufficient evidence demonstrating that Defendant knew about these leaks and repairs. Although Defendant testified at his deposition that the roof never leaked during

his ownership (Dep. Tran. Defendant p. 10), he avers in his Answer that “[h]e had removed and replaced all the shingles on the roof in 1998 and that he used silicone to seal around the pipes. Shortly after the roof replacement, a dark water spot appeared on the master bathroom ceiling. He then re-sealed the pipe with roof sealer.” Also, in his brief in support of the present motion, he avers as a fact, “During the home inspection [he] disclosed (a) the existence of a roof leak after the roof replacement in 1998 which he corrected by resealing a pipe with roof sealer...” (Def. Brief Paragraph 10). Defendant’s Answer and brief evidence that he was undoubtedly aware that the roof leaked after he replaced the shingles because a water spot appeared on the bathroom ceiling, prompting him to re-seal the pipe protruding from the roof above the bathroom. Therefore, Plaintiff has clearly presented sufficient facts to show that Defendant made a knowingly or recklessly false disclosure with respect to the roof.

Defendant claims that he is not liable for any error concerning this disclosure because, pursuant to 68 Pa.C.S. §7309, he had a reasonable belief that the defect (i.e. the leaky roof) had been repaired. Although he maintains that he never had a problem after repairing the roof, the above-referenced statute does not apply to this disclosure. The disclosure statement asks, “Has the roof ever leaked during your ownership?” (emphasis added). The question is not one of whether Defendant is aware of any current problems with the roof but one inquiring about any past or present roof leakage. I note that even if the statute applied to this disclosure, a question of fact remains as to whether Defendant had a “reasonable belief” that the roof leakage had been corrected.

Similarly, Defendant testified that he knew of the washer drain leakage, which caused damage to the bathroom, resulting in his repair of the leak and the remodeling of the bathroom. (Dep. Tran. Defendant pp. 6, 14-15). Moreover, Defendant testified that he returned to the property after settlement to finish caulking the brick facing in the front of the house. (Dep. Tran. Defendant p. 17). I find that this is sufficient evidence to show that he was aware that water had leaked, and/or was currently leaking, behind the brick facing into the front of the house but failed to indicate such on the disclosure statement. Again, 68 Pa.C.S. §7309 does not apply to these disclosures because the question inquires about past or present water leakage.

Regarding the element of materiality, a representation will be deemed material when it is of such character that had it not been made, the transaction would not have been consummated. *Skurnowicz*, 798 A.2d at 793. At Plaintiff's deposition, she testified that had she known that the roof had leaked in the past, she would "probably not" have purchased the property. (Dep. Tran. Plaintiff p. 87). I do not find that this testimony alone is sufficient to show by clear and convincing evidence that had the misrepresentation not been made, Plaintiff would not have consummated the underlying transaction. Likewise, Plaintiff has not produced any evidence that had Defendant told her about the alleged water intrusion in the front of the house, the real estate transaction would not have been made.

Also, with respect to the washer leak and repairs, Plaintiff testified that prior to settlement, she was aware of the leak and the subsequent repairs to fix the damage. (Dep. Tran. Plaintiff pp. 76, 89). Hartley also testified that when Plaintiff showed him the mold in the laundry area during his inspection, Plaintiff explained to him that there had been a leak inside the wall between the laundry area and bathroom, which Defendant had repaired. (Dep. Tran. Hartley p. 11). Furthermore, the whole house inspection report, completed by Gorman and reviewed by Plaintiff prior to settlement, indicates that "Laundry has prior history of leak in wall (re. seller)." (Dep. Tran. Plaintiff pp. 89-90; Def. Brief, Exhibit C, p. 6). With knowledge of the leak and subsequent repairs, she chose to complete the purchase of the property. It is evident that even if Defendant answered affirmatively to these questions on the disclosure statement, Plaintiff would have followed through with settlement on the property.

Concerning Defendant's disclosures that he is unaware of any problems with the plumbing fixtures, I find that there is insufficient evidence to show that Defendant made this representation knowing that it was false (or in reckless disregard for its truth) and that it was material to Plaintiff's decision to purchase the property. Plaintiff alleges in her First Amended Complaint that problems indeed existed with the washer machine and water conditioner. However, not only has she simply failed to show what current problems exist with these fixtures, but she has also failed to produce any evidence whatsoever that Defendant had knowledge of these problems at the time he completed the disclosure form and how this disclosure was

material to the underlying transaction.² Therefore, no material misrepresentation was made about the plumbing fixtures.

However, Plaintiff has adduced sufficient facts to show that Defendant was aware that a problem existed with the heating system, although he indicated otherwise on the disclosure statement. Defendant testified that on the day of settlement, he informed Plaintiff that a roll out switch in the gas furnace was broken and needed to be replaced. (Dep. Tran. Defendant pp. 13, 17). Plaintiff alleges that she subsequently learned that the entire heating unit needed to be replaced. (Exhibit E, Plaintiff First Amended Complaint). Nevertheless, Plaintiff has not presented any evidence showing that this misrepresentation was material to the real estate transaction. I note that she was aware that the heating system needed to be serviced because it was indicated as such in the report and she listed it on the correction proposal form for Defendant. Plaintiff also testified that all items listed on the proposal were corrected by Defendant. (Dep. Tran. Plaintiff p. 29). Therefore, Plaintiff has failed to show how any conceivable misrepresentations made by Defendant about the heating system were material to the transaction at hand.

As for Defendant's representation that he was unaware of any other material defects to the property not already indicated on the Seller's Disclosure Statement, I find that the mold initially detected by Plaintiff prior to settlement does not qualify as a material defect. Section 7102 (Definitions) of the Residential Real Estate Transfers Law defines "material defect" as, "A problem with a residential real property or any portion of it that would have a significant adverse impact on the value of the property or that involves an unreasonable risk to people on the property..." 68 Pa.C.S. §7102. When Hartley conducted a visual mold inspection of the entire property, he confirmed the presence of mold by the washer and water heater, which was previously detected by Plaintiff. (Dep. Tran. Plaintiff pp. 16, 18, 76). Hartley evidently did not consider the presence of mold to be a material defect because he found that it was concentrated in only two areas; he did not find it to be pervasive; it did not lead him to believe that there was more mold behind what he could already see; he did not indicate that further testing was needed; and, he recommended

²Plaintiff seems to relate the alleged problem with the washer machine to the presence of mold, which is discussed below.

that Plaintiff clean the affected areas with a solution of bleach and water and/or cut out and replace the drywall. (Dep. Tran. Hartley pp. 13-16, 20; Dep. Tran. Plaintiff p. 19). Therefore, the mold detected by Plaintiff, and confirmed by Hartley, clearly does not qualify as a "material defect."

Regarding the alleged extensive mold found by Plaintiff when she later removed carpeting and the washer and dryer, I find that Defendant was under no duty to investigate the floor under the carpets or washer/dryer in order to complete the disclosure statement. Pursuant to 68 Pa.C.S. §7308, Defendant is under no duty to make any specific investigation or inquiry in an effort to complete the disclosure statement. He was therefore not obligated to remove carpeting or major appliances to see if mold existed on the floor below. To require a seller to conduct such an investigation would be contrary to the language of the statute.

Likewise, Plaintiff has failed to demonstrate that this disclosure was material to the underlying transaction. Prior to settlement, Plaintiff was aware of the existence of mold by the washer and water heater and was told by Gorman and Hartley that a solution of bleach and water should remove the mold. Although Plaintiff testified that she became concerned about mold after July 10, 2002 and expressed her concern to Sanders that there may be more mold present than what she could already detect (Dep. Tran. Plaintiff p. 97), she did not request further testing or conduct a more extensive investigation of the property. She also did not include in the corrective proposal that Defendant address the issue of mold and, in fact, did not raise the issue of mold to Defendant at any time prior to settlement because she relied on Hartley's advice concerning its removal. (Dep. Tran. Plaintiff pp. 76, 24). Despite knowledge of the presence of mold, Plaintiff proceeded to settle on the property, thereby evidencing that even if Defendant disclosed the presence of mold near the washer and water heater as a "material defect," the transaction would have, nonetheless, taken place. Thus, Plaintiff has failed to provide sufficient facts indicating that Defendant either knowingly or recklessly made a false representation that he was unaware of any other material defect not already indicated on the disclosure statement (specifically mold) and that such representation was material to the transaction at hand.

With respect to the element of intent on misleading another into relying upon the misrepresentations, I find that Plaintiff has not

adduced sufficient facts to show that Defendant in any way intended to mislead her into relying upon any of the alleged false disclosures. Plaintiff avers in her First Amended Complaint that Defendant was aware of the water-damaged conditions and attempted to conceal these areas with new construction, thereby making it impossible for a subsequent purchaser to detect the damage. She maintains that by Defendant failing to disclose the conditions on the disclosure statement, he expected Plaintiff to reasonably rely on the statements in deciding whether to complete the purchase of the property. However, as previously stated, unsupported assertions and conclusory accusations cannot create genuine issues of material fact as to the existence of fraud. See *Blumenstock*, 811 A.2d at 1034. There is simply no evidence demonstrating Defendant's deceptive intentions behind making the representations on the disclosure statement. Thus, Plaintiff's assumption that Defendant's disclosures were deceptive and intended to lead her to rely upon them is unsupported by the facts.

As for whether Plaintiff asserted sufficient facts to show that she justifiably relied upon Defendant's disclosure regarding the roof, I find that she has shown such reliance. Plaintiff testified that she relied upon Defendant's disclosure about the condition of the roof when she decided to follow through with the purchase of the property. (Dep. Tran. Plaintiff p. 87). There is no evidence on the record that Plaintiff was informed that a problem existed with the roof.

However, Plaintiff failed to adduce sufficient evidence that she justifiably relied upon Defendant's alleged misrepresentations concerning the bathroom leak and repairs, plumbing and heating systems, and mold. Despite Defendant's misrepresentation about the washer leak and repairs, Plaintiff was made aware of the leak by Gorman during the whole house inspection and via his inspection report, and was told by Sanders that Defendant made subsequent repairs to the bathroom. Also, as previously discussed, Defendant made no material misrepresentations, regarding the plumbing and/or heating systems or mold. Accordingly, Plaintiff has failed to show how her reliance upon Defendant's disclosures pertaining to these conditions was justified.

Furthermore, with respect to the issue of mold, Plaintiff testified that due to a prior real estate transaction, where she did not follow through with settlement because of her concern with gas, she did not trust or rely upon Defendant's disclosure. (Dep. Tran. Plaintiff p. 66).

Moreover, Plaintiff took advantage of the opportunity to have Hartley perform an independent mold inspection of the property. Because she relied upon Hartley's determinations when deciding whether to purchase the property (Dep. Tran. Plaintiff p. 96), Plaintiff's reliance on Defendant's disclosure is not justified. See *Potter v. Herman*, 762 A.2d 1116 (Pa.Super. 2000) (summary judgment in favor of the defendants (sellers) where there was no evidence that the defendants made any misrepresentation regarding the functioning of a septic system, and the plaintiffs availed themselves of the opportunity to have their own expert inspect the system and they admitted reliance upon the expert's representations when deciding to purchase the property).

Finally, concerning the last element of fraudulent misrepresentation, that is the resulting injury must be proximately caused by Plaintiff's reliance, I find that Plaintiff has not presented facts sufficient to establish such damages. Although she alleges that the cost to repair the roof was \$310.00, she has failed to attach the proper documentation to her First Amended Complaint (or her Motion In Contra to Defendant's Motion for Summary Judgment) evidencing this injury. Also, since the Court has previously found that Defendant has not made any material misrepresentations regarding the remaining conditions and, even if so, Plaintiff has not adduced facts demonstrating her justifiable reliance upon the alleged misrepresentations, Plaintiff has necessarily failed to demonstrate how her injuries were proximately caused from such reliance.³

B. Breach of Contract

Defendant further claims that Plaintiff failed to adduce sufficient evidence to establish a *prima facie* case for breach of contract. I agree.

³ I must note that had Plaintiff established a *prima facie* case of fraudulent misrepresentation, she would be unable to recover the estimated costs (\$39,912.32) for removal of the mold. On July 15, 2003, Plaintiff deeded the property back to Irwin Mortgage Corporation in lieu of foreclosure. (Exhibit I to Def. Brief). Prior to this time, she had not paid to have the mold removed. Because Plaintiff did not expend the cost of remediation (and currently has no legal interest in the property), this cost is not an actionable claim for damages.

Also, though Plaintiff included a copy of a proposal for the estimated cost (\$2,895.00) of replacing the heating unit as Exhibit E to her First Amended Complaint, she neglected to include this cost/injury in her request for judgment. Even if she had done so, this estimated cost is, likewise, not an actionable claim for damages because she did not expend the cost of replacing the heating unit during her ownership of the property.

In order to recover for breach of contract, Plaintiff must prove by a preponderance of the evidence (1) the existence of a contract; (2) a breach of the terms of the contract by Defendant; and, (3) injury resulting from that breach. See *The Reformed Church of the Ascension, et al. v. Theodore Hoover & Sons, Inc., et al.*, 764 A.2d 1106, 1109 (Pa.Super. 2000). It is undisputed that a real estate contract exists, which incorporates the Seller's Disclosure Statement, pursuant to Paragraph 9 of the Agreement of Sale. Also, Defendant concedes that the Real Estate Seller Disclosure Law is an integral part of the contract. Section 7308 (Affirmative duty of seller) provides, in pertinent part, "In completing the property disclosure form, the seller shall not make any representations that the seller...knows or has reason to know are false, deceptive or misleading and shall not fail to disclose a known material defect." (emphasis added). Therefore, the issue is whether Defendant breached the term of the Agreement of Sale by making a known false, deceptive or misleading disclosure or failed to disclose a known material defect, which resulted in injury to Plaintiff.

As previously discussed, Defendant was aware that the roof had leaked during his ownership and failed to disclose it on the disclosure statement. He, therefore, made a false disclosure when he indicated otherwise, thereby breaching his duty to Plaintiff pursuant to Section 7308. Again, although Plaintiff alleges that she was injured by this false disclosure, which resulted in an expenditure of \$310.00 to repair the leaking roof, she has failed to produce the proper documentation evidencing her injury.

Also, Plaintiff has failed to adduce facts establishing that the alleged faulty roof is a material defect, as defined by the statute. Though a leaking roof may indeed be a material defect, this is simply not the case here. Plaintiff testified that the expenditure of \$310.00 was for repairs due to a lack of flashing around the pipes protruding from the roof. (Dep. Tran. Plaintiff p. 34). This minimal cost indicates that the alleged faulty roof and necessary repairs did not have a significant adverse impact on the value of the property. There is also no evidence that it posed an unreasonable risk to people on the property.

There is sufficient evidence that Defendant also knew of the water intrusion behind the brick facing in the front of the house as well as

the washer leak and related repairs, but did not disclose these conditions. Plaintiff alleges that she expended \$150.00 to remove and replace the damaged and moldy flooring under the washer and dryer caused by the leak. (Exhibit E of Plaintiff's First Amended Complaint; Dep. Tran. Plaintiff p. 33). Nevertheless, as stated above, Defendant was under no duty to remove the carpets or washer/dryer to conduct a specific investigation when completing the disclosure statement. See 68 Pa.C.S. §7308. Therefore, he did not breach a duty to Plaintiff regarding these disclosures.

As for Defendant's disclosure pertaining to the plumbing fixtures, I find that Defendant did not breach any duty to Plaintiff when making this disclosure. As stated above, there is no evidence that Defendant was aware of any current problems with these fixtures at the time he completed the disclosure statement. Thus, there exists no breach of contract.

As for the disclosure about the heating system, Defendant breached his duty to Plaintiff by indicating that no problems existed with this system when he knew that the roll out switch needed to be replaced. However, Plaintiff does not seek the recovery of any injury related to the heating system in her request for judgment.

With respect to the existence of mold, Defendant did not breach any duty to Plaintiff by not disclosing the presence of mold on the property as a "material defect." As previously discussed, the initial mold found on the property does not qualify as a "material defect," as defined by 68 Pa.C.S. §7102. Also, Defendant was not required to conduct a specific investigation of the property by removing carpeting or major appliances when completing the disclosure statement, and there is no evidence indicating that he was aware of the extensive mold subsequently found under the carpets or the washer machine. Furthermore, Plaintiff availed herself of the opportunity to have an expert conduct a mold inspection and relied upon that expert's determination. See *Potter*, 762 A.2d at 1118. Therefore, no claim for breach of contract exists.

Accordingly, the attached Order is entered.

ORDER

AND NOW, this 2nd day of July, 2004, Defendant's Motion For Summary Judgment is granted. Plaintiff's Motion In Contra To Defendant's Motion For Summary Judgment is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-101 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE three (3) contiguous tracts of land situate in Freedom Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1: BEGINNING at an iron pin at corner of lands now or formerly of Joseph E. Codori; thence by lands now or formerly of R. C. Witherow, North 2-1/2 degrees East, 48 feet to an iron pin; thence North 62 degrees East, 179 feet to an iron pin; thence South 28 degrees East, 86 feet to a point in Marsh Creek; thence by other land now or formerly of Joseph E. Codori South 62 degrees West, 52 feet to an iron pin; thence by same South 78-1/2 degrees West 157.2 feet to an iron pin, the place of BEGINNING.

CONTAINING 50 perches.

TRACT NO. 2: BEGINNING at a corner of Marsh Creek Heights Road and other land now or formerly of George A. Miller and Blanche M. Miller; thence along land now or formerly of George A. and Blanche M. Miller in a Southerly direction, 50 feet to other land now or formerly of Robert C. Witherow; thence along other land now or formerly of said Robert C. Witherow in an Easterly direction 64 feet to a stake at other land of Robert C. Witherow; thence continuing along other land now or formerly of Robert C. Witherow in a Northerly direction, 50 feet to the Marsh Creek Heights Road; thence along the said Marsh Creek Heights Road in a Westerly direction 64 feet to the land now or formerly of George A. Miller and Blanche M. Miller, the place of BEGINNING.

TRACT NO. 3: BEGINNING at an iron pin at corner of lands now or formerly of George A. Miller and Blanche M. Miller; thence along other land now or formerly of said George A. Miller and Blanche M. Miller in a Southerly direction 50 feet to a stake at land of Robert C. Witherow; thence along land now or formerly of Robert C. Witherow in an Easterly direction 50 feet to a stake; thence continuing along lands now or formerly of Robert C. Witherow, in a Northerly direction 50 feet to Marsh Creek Heights Road; thence along said road in a Westerly direction 50 feet to other lands now or formerly of George A. Miller and Blanche M. Miller, the place of BEGINNING.

CONTAINING 50 perches.

Map #13-E17-36

TITLE TO SAID PREMISES IS VESTED IN Daniel J. Boone, Unmarried by Deed from Celia Dunayer, unmarried dated 3/26/1998 and recorded 3/27/1998 in Record Book 1547, Page 42.

Premises being: 196 Marsh Creek Heights Road, Gettysburg, PA 17325

Tax Parcel No. 13-E17-36

SEIZED and taken into execution as the property of Daniel J. Boone and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1196 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate in the Borough of Fairfield, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a lietz spike in the centerline of Legislative Route No. 01015 at the corner of Lot No. 3 and at the corner of lands now or formerly of James M. Landis; thence by Lot No. 3, South 25 degrees 02 minutes 35 seconds West, 160 feet, passing through a reference pipe set back 25 feet from the beginning of this course, to a steel rod at the corner of Lot No.3 and the corner of other lands now or formerly of James M. Landis; thence by said other lands of James M. Landis, North 64 degrees 57 minutes 25 seconds West, 105 feet to a steel rod at the corner of said other lands of James M. Landis and the corner of Lot No. 5; thence by said Lot No. 5, North 25

degrees 02 minutes 35 seconds East, 160 feet, passing through a reference pipe set back 25 feet from the end of this course, to a lietz spike set in the centerline of Legislative Route No. 01015 at the corner of Lot No. 5 and the corner of lands now or formerly of James M. Landis; thence by said lands of James M. Landis and running in the centerline of Legislative Route No. 01015, South 64 degrees 57 minutes 25 seconds East, 105 feet to a lietz spike set in the centerline of said Legislative Route No. 01015 at the corner of Lot No. 3 and the corner of said lands now or formerly of James M. Landis, the place of BEGINNING.

The above description was taken from a subdivision plan dated May 16, 1983 prepared by Adams County Surveys, which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 38 at Page 55, being Lot No. 4 thereon.

BEING THE SAME PREMISES which Jason Lawrence Vinson and Charlotte Ann Vinson, husband and wife, by Deed dated June 24, 1999 and recorded in the Office of the Recorder of Deeds of Adams County on August 17, 1999 in Deed Book Volume 1896, Page 327, granted and conveyed unto Jason Lawrence Vinson.

Grenen & Birsic, P.C.
Kristine M. Anthon, Esq.
Attorney for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

DBV 1896

Page 327

Parcel (11)-5-62

SEIZED and taken into execution as the property of Jason Lawrence Vinson & Charlotte Ann Vinson and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/22, 29 & 5/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-119 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground situate in Germany Township, County of Adams, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike set in Township Road T-442, known as Feesser Road, at corner of land of Muller Construction Company, Inc., designated as Lot No. 3 on the Final Plan referred to below; by said Lot No. 3, and running through an iron pin set back 23.10 feet from the place of beginning, North 71 degrees 30 minutes West 440.07 feet to an iron pin set; thence continuing by said Lot No. 3, North 18 degrees 30 minutes East 108.59 feet to an iron pin set; thence by land designated as Lot No. 4 on the Final Plan referred to below, South 77 degrees 27 minutes 31 seconds East 398.23 feet to an iron pin set; thence by the same, South 71 degrees 30 minutes East 49.26 feet to a railroad spike set in Feesser Road; thence in Feesser Road, South 20 degrees 30 minutes 32 seconds West, 150.03 feet to a railroad spike set at corner of lot designated as Lot No. 3 on the Final Plan referred to below, the place of BEGINNING.

SEIZED and taken into execution as the property of **Todd H. Hess & Charlotte M. Hess a/k/a Charlotte M. Reisinger** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/22, 29 & 5/6

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, May 9, 2005, at 9:00 a.m.

BANKERT—Orphans' Court Action Number OC-15-05. The First and Final Account of Anthony Glab and Cheryl L. Glab, Co-Executors of the Last Will and Testament of Esther E. Bankert, deceased, late of Hamilton Township, Adams County, Pennsylvania.

HOFF—Orphans' Court Action Number OC-71-04. The First and Final Account of Roger T. Hoff, Executor of the Estate of Harry T. Hoff, Jr. a/k/a Harry Thomas Hoff, Jr., late of Reading Township, Adams County, Pennsylvania.

LUQUETTE—Orphans' Court Action Number OC-34-05. The First and Final Account of Mary J. Kime and Kenneth G. Luquette, Co-Executors of the Estate of Helen J. Luquette, deceased, late of Cumberland Township, Adams County, Pennsylvania.

PALMER—Orphans' Court Action Number OC-35-05. The First and Final Account of Sterling Financial Trust Company, Executor of the Last Will and Testament of Henrietta A. Palmer, deceased, late of Germany Township, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

4/29 & 5/6

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN, in compliance with the requirements of 15 Pa. C.S. 4124, that application for Certificate for Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, by Michael Conklin DBA IRONSTONE REPRODUCTIONS, a Pennsylvania Sole Proprietorship, for the purpose of furniture making at 61 Flat Bush Road, Littlestown, PA 17340.

5/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-499 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of May, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Straban Township, Adams County, Pennsylvania, being more particularly described as (Lot No. 416) on a plan of lots of Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Miscellaneous Volume 4 at page 427, and subject to all legal highways, easements, rights of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN George H. Simeone and Jodi F. Simeone, husband and wife by Deed from Fred M. Fowler and Carolyn N. Fowler, husband and wife dated 9/30/98 and recorded 10/8/98 in Record Book 1677, Page 231.

Tax Parcel # 4-26

Premises Being: 416 Heritage Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **George H. Simeone & Jodi F. Simeone** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 20, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/22, 29 & 5/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-434 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike found 3 feet North of the centerline of Hilltown Road (T-355) at corner of Lot No. 6B on the hereinafter described subdivision plan; thence North 67 degrees 00 minutes 10 seconds West 35.00 feet to a railroad spike set 3 feet North of the centerline of Hilltown Road (T-355) at corner of Lot No. 6A; thence by said lot and passing through a 5/8" rebar set 25.00 feet from the beginning of this course, North 22 degrees 59 minutes 50 seconds East, 372.83 feet to a 5/8" rebar set; thence by said lot North 67 degrees 00 minutes 10 seconds West 115.00 feet to a 5/8" rebar set on line of lands now or formerly of SPECO; thence by lands now or formerly of SPECO, North 22 degrees 59 minutes 50 seconds East, 77.17 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 67 degrees 00 minutes 10 seconds West 115.00 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 22 degrees 59 minutes 50 seconds East, 230.00 feet to a 5/8" rebar found; thence by same, South 67 degrees 00 minutes 10 seconds East, 380.00 feet to a 5/8" rebar found; thence by same, South 22 degrees 59 minutes 50 seconds West, 307.17 feet to a 5/8" rebar set at corner of Lot No. 6B; thence by same, North 67 degrees 00 minutes 10 seconds West, 115.00 feet to a 5/8" rebar set at corner of Lot No. 6B; thence by same and passing through a 5/8" rebar set 25.00 feet from the end of this course, South 22 degrees 59 minutes 50 seconds West, 372.83 feet to a railroad spike set 3 feet North of the centerline of Hilltown Road (T-355), the point and place of BEGINNING.

BEING KNOWN AS 1355 Hilltown Road, Biglerville (Franklin Twp.), PA 17307

PROPERTY ID NO.: D-10-2

TITLE TO SAID PREMISES IS VESTED IN Pamela J. Howery by deed from Richard A. Hutchinson dated 03/15/96, recorded 03/15/96, in Deed Book 1159, Page 207.

SEIZED and taken into execution as the property of **Pamela J. Howery** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1270 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an existing railroad spike 2 feet North of the centerline of Cranberry Road (erroneously referred to in previous deeds as Cranberry Valley Road); thence leaving said road, and extending along land now or formerly of John H. Baugher, and passing through an existing pipe set back 25 feet from the beginning of said course, North 08 degrees 14 minutes 10 seconds West, 340.00 feet to an existing pipe; thence North 82 degrees 45 minutes 50 seconds East, 160.00 feet to an existing pipe at a corner of other lands now or formerly of Steven G. Heller; thence extending along land of same, and passing through an existing pipe set back 33.5 feet from the end of said course, and also passing in and through said Cranberry Road (erroneously referred to in previous deeds as Cranberry Valley Road), South 08 degrees 14 minutes 10 seconds East, 340.00 feet to an existing pipe located 10 feet South of the center line of Cranberry Road (erroneously referred to in previous deeds as Cranberry Valley Road); thence extending from said pipe, in and through said

road, South 82 degrees 45 minutes 50 seconds West, 160.00 feet to a railroad spike, the first mentioned spike and the place of BEGINNING, CONTAINING 1.249 Acres, more or less.

The above description was taken from a plan of survey of Boyer Surveys, dated November 3, 1994, attached hereto as Exhibit A.

TITLE TO SAID PREMISES IS VESTED IN Jose H. Barranco and Maria F. Romero, as joint tenants with right of survivorship by Deed from William D. Bowser, joined by his wife Tillie N. Bowser and Cynthia G. Bell, single, dated 6/28/1999 and recorded 6/30/1999, in Record Book 1864, Page 320.

Premises Being: 616 Cranberry Road, Aspers, PA 17304

Tax Parcel No. 40-G5-35A

SEIZED and taken into execution as the property of **Jose Barranco & Maria Romero** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/29, 5/6 & 13

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on February 5, 2005, a certificate was filed under the Fictitious Names Act in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Clifford A. Weaver, 711 Irishtown Road, New Oxford, PA 17350 and Arthur M. Eckert, III, 303 Lincolnway East, New Oxford, PA 17350, are the only persons owning a business, which will be conducted under the name CUSTOM PAINTING BY CLIFF & SKIP and the location where said business is and will be located is 711 Irishtown Road, New Oxford, PA 17350.

Donald W. Dorr
Buchen, Wise & Dorr
Solicitor

5/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-472 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 June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in or near the centerline of U.S. Route 15, thence leaving said centerline and extending along a right-of-way the following courses and distances: North thirty-four (34°) degrees thirty (30') minutes (30") seconds East four hundred four and seven hundredths (404.07) feet to an iron pipe; thence North thirty-four (34°) degrees thirty (30') minutes (30") seconds East one hundred seventy-four and twenty-six hundredths (174.26) feet to an iron pipe at stones at lands now or formerly of George R. Barrick; thence continuing along the last mentioned lands South fifty-five (55°) degrees twenty-three (23') minutes five (05") seconds East eight hundred eighty-five and twenty-one hundredths (885.21) feet to a concrete monument in or near the centerline of White Church Road, also known as T-568; thence extending in and along said centerline South forty-three (43°) degrees twelve (12') minutes seventeen (17") seconds West five hundred thirty-eight and sixty-two hundredths (538.62) feet to an iron pipe in the center of said last mentioned roadway; thence leaving said roadway and extending along lands now or formerly of the Episcopal Church and E.D.L.U. corporation North fifty-eight (58°) degrees thirty-eight (38') minutes thirty-five (35") seconds West a distance of eight hundred four and ninety-eight hundredths (804.98) feet to a point in or near the centerline of U.S. Route 15 being the point and place of BEGINNING.

CONTAINING 10.747 acres total and 9.812 acres net and being designated as Lot No. 2 on a final subdivision plan for John W. and Doris M. Breighner dated August 14, 1987, as prepared by John R. Williams, P.L.S. Said Plan is recorded in the Adams County Recorder's Office in Plan Book 47, Page 100.

HAVING THEREON erected a dwelling house known as: 460 White Church Road, York Springs, PA 17372.

BEING THE SAME PREMISES WHICH Verne W. Nestler, Jr. and Amelia T. Nestler, by Deed dated 4/30/02 and

recorded 5/7/02 in Adams County Deed Book 2651, Page 285, granted and conveyed unto Franklin D. Buckley, Jr.

SEIZED IN EXECUTION AS THE PROPERTY OF FRANKLIN D. BUCKLEY, JR. UNDER ADAMS COUNTY JUDGMENT NO. 03-S-472

Map & Parcel 22-16-12

SEIZED and taken into execution as the property of **Franklin D. Buckley, Jr.** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 18, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-23 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Southerly 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. 25 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 Plat 73, Page 43, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Southerly right of way line of Abbots Drive, at a corner of Lot No. 26 of a final plan of lots for Abbots Manor, Phase I, recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plat Book 69, Page 95; thence extending along the said right of way line of Abbots Drive on a line curving to the left having a radius of 220 feet, an arc distance of 86.42 feet with a chord bearing North 64 degrees 43 minutes 09 seconds East

85.87 feet to a point, at a corner of Lot No. 24 on plan of lots for Abbots Manor Phase II recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Record Book 73, Page 43; thence extending along the said Lot No. 24 South 36 degrees 32 minutes 03 seconds East 145.44 feet in a point; thence South 62 degrees 30 minutes 00 seconds West 135.80 feet to a point; thence extending along the aforementioned Lot No. 26, North 17 degrees 01 minutes 50 seconds West 149.45 feet to the point and place of BEGINNING.

BEING Parcel No (01)005-0053

SUBJECT TO all covenants, restrictions, reservations, easements, conditions and rights appearing of record; and subject to any state of facts an accurate survey would show.

Being Known As: 180 Abbottstown Drive, Abbottstown, PA 17301

Property ID No.: 1-5-53

TITLE TO SAID PREMISES IS VESTED IN Robert J. Muller and Roxanne L. Muller by Deed from Mel Martinez, the Secretary of Housing and Urban Development, of Washington, D.C., by their attorney in fact Lew Carlson dated 08/28/02 recorded 09/26/02 in Deed Book 2814 Page 305.

SEIZED and taken into execution as the property of **Robert J. Muller & Roxanne L. Muller** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

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 RUTH A. BISH a/k/a RUTH ANN BISH, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Randal L. Bish, 412 Stone Bridge Road, Gettysburg, PA 17325

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

ESTATE OF CHARLES W. CHANTE-LAU, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

William J. Chantelau, 765 Barlow Drive, Gettysburg, PA 17325

ESTATE OF RICHARD S. MILLER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Mark D. Miller, 201 Poplar Hill Road, Gardners, PA 17324

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

ESTATE OF MARY C. MYERS, DEC'D

Late of Union Township, Adams County, Pennsylvania

Co-Executors: Jane E. Lowe, 475 Mehring Rd., Littlestown, PA 17340; Harlan R. Myers, 625 Littlestown Rd., Littlestown, PA 17340

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

ESTATE OF SHERMAN H. ROE, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: Penelope Frock, 1160 Belmont Rd., Gettysburg, PA 17325

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

ESTATE OF WESLEY A. ROSS a/k/a WESLEY S. ROSS, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Melissa A. Jones, 145 Barlow Two-Taverns Rd., Gettysburg, PA 17325

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

ESTATE OF FRANCES E. SHAFFER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Paul E. Schildt and Barbara J. Schildt, c/o Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 N. George St., York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 N. George St., York, PA 17401

ESTATE OF ESTELLE A. SIPLING a/k/a ESTELLE AGNES SIPLING, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Ronald G. Sipling, 32 Stoney Robbey Rd., Fulton, NY 13069; Judith A. Bollinger, 679 Mehring Rd., Littlestown, PA 17340

Attorney: David C. Smith, Esq., 754 Edgegrove Rd., Hanover, PA 17331

ESTATE OF SALLY S. SOSNA a/k/a SALLY SOSNA, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Robert J. Sosna, c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF ESTIE ANN STERNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Doris Buckley, 3321 Meadowview Drive, Manchester, MD 21102; Richard S. Sterner, 4235 Schalk Rd., No. 1, Millers, MD 21102

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

ESTATE OF DOROTHY MAE STEVENS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Robert Henry Elmiger, 6211 Blue Hill Rd., Glenville, PA 17329

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

SECOND PUBLICATION

ESTATE OF DEAN L. CAREY a/k/a DEAN LAVERE CAREY, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Juanita Guise and Philip D. Carey, c/o Richard W. Stevenson, Esq., McNees Wallace & Nurick, LLC, 100 Pine St., P.O. Box 1166, Harrisburg, PA 17108

Attorney: Richard W. Stevenson, Esq., McNees Wallace & Nurick, LLC, 100 Pine St., P.O. Box 1166, Harrisburg, PA 17108

ESTATE OF DORIS M. CAREY a/k/a DORIS MARIE CAREY, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Juanita Guise and Philip D. Carey, c/o Richard W. Stevenson, Esq., McNees Wallace & Nurick, LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108

Attorney: Richard W. Stevenson, Esq., McNees Wallace & Nurick, LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108

ESTATE OF NINA RUTH FISCEL, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Nancy Louise Ammons, 1004 Cherrystone Rd., Westminster, MD 21158

ESTATE OF STEWART J. MAHONE, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executor: John B. Billman, c/o Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331

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

ESTATE OF LUTHER W. RITTER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: Robert L. Ritter, 75 Locust Drive, Littlestown, PA 17340

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

ESTATE OF RALPH R. SNYDER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Lori A. Laughman, 433 Carlisle Street, Hanover, PA 17331; Francis L. Matthews, 1361 Brad Drive, Hanover, PA 17331

Attorney: Judith Koper Morris, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF MARY L. GROH a/k/a MARY LOUISE GROH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administratrix: Kathleen Ballering, N. 71 W. 23549 Homestead Road, Sussex, WI 53089

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

(continued on page 8)

THIRD PUBLICATION (continued)

ESTATE OF CHARLES J. HINKEL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Administrator CTA: Scott L. Kelley, Esq., 209 Broadway, Hanover, PA 17331
 Attorney: Scott L. Kelley, Esq., Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF CHARLES J. McMASTER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Executrix: Nancy J. McMaster, 310 N. Third St., McSherrystown, PA 17344
 Attorney: Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

ESTATE OF EARL H. MITCHELL, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania
 Executrix: Barbara Jo Entwistle, Esq., 25 S. Washington St., Gettysburg, PA 17325
 Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 25 S. Washington St., Gettysburg, PA 17325

ESTATE OF ALEXANDER E. SCHAUFELÉ, SR., DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania
 Executrix: Karen Marie Bennett, 1939 Blair Court, Bel Air, MD 21015
 Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF RALPH SLOAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania
 Executor: Thomas A. Buck, 320 Woods Road, Glenside, PA 19038
 Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF JOAN K. SPENCER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
 Executor: Howard L. Spencer, 1020 Old Manchester Road, Westminster, MD 21157
 Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 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 June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

BEGINNING at a point where Leg. Route No. 01012 intersects with the Still House Road; thence in the center of the Still House Road South 38 degrees 25 minutes 40 seconds West, 244.0 feet to a point in the center line of such road at other land now or formerly of Frank Hamilton; thence along other land now or formerly of Frank Hamilton North 61 degrees 33 minutes 30 seconds West, 180.18 feet to a point; thence along land of same North 21 degrees 36 minutes 40 seconds East 200.00 feet to a point in the center of Leg. Route No. 01012 aforesaid; thence in said road South 68 degrees 23 minutes 20 seconds East, 105.46 feet to a spike in said road; thence in such road South 73 degrees 12 minutes 20 seconds East 144.54 feet to a point at the intersection of the aforesaid roads, the place of BEGINNING.

The above description was taken from draft of survey prepared by Gettysburg Engineering Co., Inc., dated September 3, 4, 1969.

TITLE TO SAID PREMISES IS VESTED IN Fred J. Rogers and Melissa A. Rogers, his wife, by Deed from Vicki L. Ardnt, single woman, dated 5/29/1998, recorded 6/8/1998 in Record Book 1596 page 132.

Tax Parcel: H2-27A
 Premises Being: 210 Goodyear Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Fred J. Rogers & Melissa A. Rogers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 18, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

IN THE COURT OF
 COMMON PLEAS OF
 ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
 NO. 05-S-304

RICHARD D. HORIGAN, JR., Plaintiff
 vs.
 ROBERT G. STORCK and ROBERT C. ABBOTT, Defendants
 TO: Robert G. Storck and Robert C. Abbott
 Date of Notice: April 14, 2005

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Court Administrator
 Adams County Courthouse
 Gettysburg, PA 17325
 Phone 1-800-337-9846 OR
 (717) 337-9846
 /s/John A. Wolfe, Esq.
 Attorneys for Richard D. Horigan
 47 West High Street
 Gettysburg, PA 17325
 (717) 337-3754

5/6

Adams County Legal Journal

Vol. 46

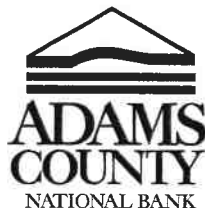
May 13, 2005

No. 51, pp. 336-340

IN THIS ISSUE

OARE ESTATE VS. SWOPE ET AL

Strong.
Rooted Upon Traditional Values.
Dedicated to Quality.
Customer Service.
Dependable.
Branching Into The Future.
Our Commitment Is You.



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. 00-S-897 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 June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

BEGINNING at a point where Leg. Route No. 01012 intersects with the Still House Road; thence in the center of the Still House Road South 38 degrees 25 minutes 40 seconds West, 244.0 feet to a point in the center line of such road at other land now or formerly of Frank Hamilton; thence along other land now or formerly of Frank Hamilton North 61 degrees 33 minutes 30 seconds West, 180.18 feet to a point; thence along land of same North 21 degrees 36 minutes 40 seconds East 200.00 feet to a point in the center of Leg. Route No. 01012 aforesaid; thence in said road South 68 degrees 23 minutes 20 seconds East, 105.46 feet to a spike in said road; thence in such road South 73 degrees 12 minutes 20 seconds East 144.54 feet to a point at the intersection of the aforesaid roads, the place of BEGINNING.

THE above description was taken from draft of survey prepared by Gettysburg Engineering Co., Inc., dated September 3, 4, 1969.

TITLE TO SAID PREMISES IS VESTED IN Fred J. Rogers and Melissa A. Rogers, his wife, by Deed from Vicki L. Ardt, single woman, dated 5/29/1998, recorded 6/8/1998 in Record Book 1596 page 132.

Tax Parcel: H2-27A

Premises Being: 210 Goodyear Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Fred J. Rogers & Melissa A. Rogers** and to be sold by me.

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

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

schedule of distribution will be filed by the Sheriff in his office on July 18, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-131 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provision of the Pennsylvania Uniform Condominium Act, 68 P.S.A., Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, of a land development plan dated October 6, 1995, last revised December 14, 1995, and recorded in Book 69, page 23 (together with all the amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 4, as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania in Record Book 1271, page 34.

IT BEING the same tract of land which Xue-Tao Chen and Mung Yee Law, wife and husband, by deed bearing even date herewith and about to be recorded in the

Office of the Recorder of Deeds for Adams County, Pennsylvania, granted and conveyed unto William G. Schaeffer, MORTGAGOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN William G. Schaeffer by Deed from Xue-Tao Chen and Mung Yee Law, wife and husband, dated 4/30/2004 and recorded 5/3/2004 in Record Book 3550, Page 265.

Premises being: 8 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. 35-1-52 (Unit 4)

SEIZED and taken into execution as the property of **William G. Schaeffer** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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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.

4/29, 5/6 & 13

OARE ESTATE VS. SWOPE ET AL

1. The purpose of Pennsylvania's Wrongful Death statute is to compensate the decedent's survivors for the pecuniary losses they have sustained as a result of the decedent's death.

2. It is well-settled law that an emancipated adult child as well as a minor may recover damages in a wrongful death action for the death of a parent if he/she can show a reasonable expectation of pecuniary advantage from the continuance of the family relation. The law creates a rebuttable presumption that minor children suffer a pecuniary loss when a parent dies; however, emancipated children must affirmatively show direct pecuniary loss.

3. Services, gifts, education, training and advice can all be elements of an individual's pecuniary loss.

4. A child can recover in a wrongful death action for the loss of companionship, comfort, society, and guidance of a parent, which has also been described as the loss of guidance, tutelage and moral upbringing.

5. The husband and children of the decedent wife/mother can recover for the loss of her companionship, comfort, society, guidance, solace, and protection in the action for Wrongful Death before the court.

6. General damages can be pleaded generally. The loss of services, society, comfort, companionship, guidance, solace, and protection are general damages.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 04-S-130, ESTATE OF ANNE E. OARE, BY ROBERT D. OARE, PERSONAL REPRESENTATIVE, VS. IRENE SWOPE, RICHARD N. MAINS, AND HYDROPRESS ENVIRONMENTAL SERVICES, INC.

J. Richard Oare, Esq., for Plaintiffs

John F. Kennedy, Esq., for Defendants

Kuhn, P.J., July 6, 2004

OPINION PURSUANT TO DEFENDANTS MAINS' AND HYDROPRESS ENVIRONMENTAL SERVICES, INC.'S PRELIMINARY OBJECTIONS

Before this Court are the Preliminary Objections to Plaintiff's Complaint of Defendants Mains and Hydropress Environmental Services, Inc. ("Hydropress"). For the reasons set forth herein, said objections are sustained, in part, and denied, in part.

On February 9, 2004, the Estate of Anne E. Oare by Robert D. Oare, who was appointed the Personal Representative of Anne E. Oare on July 18, 2003, filed a Complaint against the above-captioned Defendants asserting a Wrongful Death claim and Survival Action on behalf of the children of Anne E. Oare ("Decedent").

The following facts are alleged in the Complaint: Decedent was a rear seat passenger in a car operated by Defendant Irene Swope. Swope was traveling north on Route 15 in the left lane of a two-lane highway in Mt. Joy Township, Adams County, Pennsylvania. Swope had her left turn signal on and attempted to turn southbound onto Route 15, by slowly turning her vehicle into an emergency exit to her left. Defendant Richard N. Mains, in the capacity as the agent, servant and employee of Defendant Hydropress, was operating a 2000 Freightliner trailer traveling northbound on Route 15 in the right-hand lane. As he was moving to the left lane to pass some slow moving traffic, he struck Swope's vehicle and as a result caused injury resulting in the death of Decedent.

In the actions for Wrongful Death against each Defendant, the Complaint includes the following individuals entitled to recover damages due to the death of Decedent: John Richard Oare, Jr., son; Robert D. Oare, son; and, Carol Ann Pauken, daughter. In Paragraphs 21, 31, and 41 of the Complaint, these individuals claim the following damages:

- a. Loss of services;
- b. Loss of society;
- c. Loss of comfort;
- d. Loss of companionship;
- e. Loss of guidance;
- f. Loss of solace;
- g. Loss of protection.

On March 19, 2004, Defendants Mains and Hydropress filed their Preliminary Objections to Plaintiff's Complaint. Defendants move to strike Paragraphs 21, 31, and 41 of the Complaint, pursuant to Pa.R.C.P. 1028(a)(4), arguing that the paragraphs are legally insufficient because Plaintiff has failed to indicate that Decedent's adult emancipated children suffered pecuniary loss as a result of Decedent's death. Defendants also contend that these claims for damages are not sufficiently specific in a fact-pleading jurisdiction such as Pennsylvania.

Defendants also move to strike the terms "reckless" and "recklessness" from the Complaint, in accordance with Pa.R.C.P. 1028(a)(2). In Plaintiff's response to the Preliminary Objections, filed on May 19, 2004, Plaintiff agrees that the facts do not support a claim of recklessness and that the term "reckless" may be stricken from the

Complaint. Therefore, the issue before this Court is whether Plaintiff's claims for damages in the actions for Wrongful Death are legally sufficient and/or are pleaded with sufficient specificity.

When considering preliminary objections, all material facts set forth in the challenged pleadings are admitted as true, as well as all inferences reasonably deducible therefrom. Preliminary objections should be sustained only in cases in which it is clear and free from doubt that the pleader will be unable to prove facts legally sufficient to establish the right to relief. *Hykes v. Hughes*, 835 A.2d 382, 383 (Pa.Super. 2003) (citations omitted).

Pennsylvania's Wrongful Death statute provides, in pertinent part:

- (a) GENERAL RULE.-- An action may be brought, under procedures prescribed by general rules, to recover damages for the death of an individual caused by the wrongful act or neglect or unlawful violence or negligence of another if no recovery for the same damages claimed in the wrongful death action was obtained by the injured individual during his lifetime and any prior actions for the same injuries are consolidated with the wrongful death claim so as to avoid a duplicate recovery.

* * * * *

- (c) SPECIAL DAMAGES. --In an action brought under subsection (a), the plaintiff shall be entitled to recover, in addition to other damages, damages for reasonable hospital, nursing, medical, funeral expenses and expenses of administration necessitated by reason of injuries causing death.

* * * * *

42 Pa.C.S. §8301 (Death action).

The purpose of this statute is "to compensate 'the decedent's survivors for the pecuniary losses they have sustained as a result of the decedent's death...'" *Machado v. Gawlas, et al.*, 804 A.2d 1238, 1245-46 (Pa.Super. 2002), quoting *Slaseman v. Myers*, 455 A.2d 1213, 1218 (Pa.Super. 1983). It is well-settled law that an emancipated adult child as well as a minor may recover damages in a wrongful death action for the death of a parent if he/she can show a reasonable expectation of

pecuniary advantage from the continuance of the family relation. See *Gaydos et al. v. Domabyl*, 152 A. 549, 552-553 (Pa. 1930); *Stahler v. Philadelphia & Reading Ry. Co.*, 49 A. 273 (Pa. 1901); see also *Saunders v. Consolidated Rail Corp.*, 632 F. Supp. 551, 553 (E.D. Pa. 1986). The law creates a rebuttable presumption that minor children suffer a pecuniary loss when a parent dies; however, emancipated children must affirmatively show direct pecuniary loss. *Saunders*, 632 F. Supp. at 553, citing *Gaydos*, 152 A. at 553.

Sub judice, Defendants argue the damages claimed on behalf of Decedent's three adult children in Paragraphs 21, 31, and 41 of Plaintiff's Complaint are legally insufficient because the Complaint fails to identify any pecuniary losses suffered by the children. I disagree.

"Services, gifts, education, training and advice can all be elements of an individual's pecuniary loss." *Id.* Also, a child can recover in a wrongful death action for the loss of companionship, comfort, society, and guidance of a parent, which has also been described as the loss of "guidance, tutelage, and moral upbringing." *Machado*, 804 A.2d at 1245, citing *Steiner by Steiner v. Bell Telephone Co.*, 517 A.2d 1348, 1356 (Pa.Super. 1986), *aff'd* 540 A.2d 266 (Pa. 1988) and quoting *Buchecker v. Reading Co.*, 412 A.2d 147, 158 (Pa.Super. 1979). Moreover, in *Spangler v. Helm's New York-Pittsburgh Motor Express*, 153 A.2d 490, 492 (Pa. 1959), the Pennsylvania Supreme Court stated that the husband and children of the decedent wife/mother can recover for the loss of her "companionship, comfort, society, guidance, solace, and protection" in the action for Wrongful Death before the court. Accordingly, Plaintiff's Complaint is legally sufficient because the losses set forth in Paragraphs 21, 31, and 41 are considered recoverable damages in actions for Wrongful Death. Whether Decedent's adult children will be successful in demonstrating that they have indeed suffered such losses is a matter of fact and is not for the Court's disposition at this preliminary stage of the legal proceedings.

Next, I must determine whether the claims for damages set forth in Plaintiff's actions for Wrongful Death are pled with sufficient specificity. Defendants argue that because Decedent's children are emancipated adults, Plaintiff is mandated to specifically identify those alleged losses set forth in Paragraphs 21, 31, and 41. Although Defendants lay out this argument in the form of a motion to strike, it

appears that they are actually motioning for a more specific pleading. They argue that Plaintiff's speculative claims of damages are not sufficiently specific to allow them to formulate a response to these damages. They also cite to case law regarding challenges to the sufficiency of a pleading through preliminary objections in the nature of a motion for a more specific pleading.

Though Defendants failed to properly set forth this argument as a motion for a more specific pleading, I nonetheless find that the statements of damages provided in Paragraphs 21, 31, and 41 properly conform to the rules of court. Pennsylvania Rule of Civil Procedure 1019(f) provides that specific damages must be specifically stated. Pa.R.C.P. 1019(f). However, general damages can be pleaded generally. See *Foster v. Health Market, Inc.*, 604 A.2d 1198, 1201 (Pa.Comm.w. 1992). The loss of services, society, comfort, companionship, guidance, solace, and protection are general damages, as compared to those enumerated in the statute as "Special damages" (i.e. "damages for reasonable hospital, nursing, medical, funeral expenses and expenses of administration necessitated by reason of injuries causing death"). See 42 Pa.C.S. §8301. Plaintiff is, therefore, not required to plead these damages with specificity. I also note that through various methods of discovery, Defendants can acquire the evidence necessary to support their position that Decedent's adult children have not suffered the alleged losses. See *Foster*, 604 A.2d at 1201; *Becchetti v. PennDOT*, 51 Pa. D. & C.4th 300, 311 (Lackawanna 2001), citing to *Local No. 163, International Union, U.B.F.C.S.D. & D.W. v. Watkins*, 207 A.2d 776 (Pa. 1965). Thus, Defendants request to strike Paragraphs 21, 31, and 41 of Plaintiff's Complaint is overruled and dismissed.

Accordingly, the attached Order is entered.

ORDER

AND NOW, this 6th day of July, 2004, upon consideration of Defendants Mains' and Hydropress Environmental Services, Inc.'s Preliminary Objections to Plaintiff's Complaint, said objections are sustained, in part, and denied, in part. The terms "reckless" and "recklessness" will be stricken from the Complaint. To the extent that the objections request to strike Paragraphs 21, 31, and 41 of the Complaint, the objections are overruled.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-434 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike found 3 feet North of the centerline of Hilltown Road (T-355) at corner of Lot No. 6B on the hereinafter described subdivision plan; thence North 67 degrees 00 minutes 10 seconds West 35.00 feet to a railroad spike set 3 feet North of the centerline of Hilltown Road (T-355) at corner of Lot No. 6A; thence by said lot and passing through a 5/8" rebar set 25.00 feet from the beginning of this course, North 22 degrees 59 minutes 50 seconds East, 372.83 feet to a 5/8" rebar set; thence by said lot North 67 degrees 00 minutes 10 seconds West 115.00 feet to a 5/8" rebar set on line of lands now or formerly of SPECO; thence by lands now or formerly of SPECO, North 22 degrees 59 minutes 50 seconds East, 77.17 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 67 degrees 00 minutes 10 seconds West 115.00 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 22 degrees 59 minutes 50 seconds East, 230.00 feet to a 5/8" rebar found; thence by same, South 67 degrees 00 minutes 10 seconds East, 380.00 feet to a 5/8" rebar found; thence by same, South 22 degrees 59 minutes 50 seconds West, 307.17 feet to a 5/8" rebar set at corner of Lot No. 6B; thence by same, North 67 degrees 00 minutes 10 seconds West, 115.00 feet to a 5/8" rebar set at corner of Lot No. 6B; thence by same and passing through a 5/8" rebar set 25.00 feet from the end of this course, South 22 degrees 59 minutes 50 seconds West, 372.83 feet to a railroad spike set 3 feet North of the centerline of Hilltown Road (T-355), the point and place of BEGINNING.

BEING KNOWN AS 1355 Hilltown Road, Biglerville (Franklin Twp.), PA 17307

PROPERTY ID NO.: D-10-2

TITLE TO SAID PREMISES IS VESTED IN Pamela J. Howery by deed from Richard A. Hutchinson dated 03/15/96, recorded 03/15/96, in Deed Book 1159, Page 207.

SEIZED and taken into execution as the property of **Pamela J. Howery** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1270 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an existing railroad spike 2 feet North of the centerline of Cranberry Road (erroneously referred to in previous deeds as Cranberry Valley Road); thence leaving said road, and extending along land now or formerly of John H. Baugher, and passing through an existing pipe set back 25 feet from the beginning of said course, North 08 degrees 14 minutes 10 seconds West, 340.00 feet to an existing pipe; thence North 82 degrees 45 minutes 50 seconds East, 160.00 feet to an existing pipe at a corner of other lands now or formerly of Steven G. Heller; thence extending along land of same, and passing through an existing pipe set back 33.5 feet from the end of said course, and also passing in and through said Cranberry Road (erroneously referred to in previous deeds as Cranberry Valley Road), South 08 degrees 14 minutes 10 seconds East, 340.00 feet to an existing pipe located 10 feet South of the center line of Cranberry Road (erroneously referred to in previous deeds as Cranberry Valley Road); thence extending from said pipe, in and through said

road, South 82 degrees 45 minutes 50 seconds West, 160.00 feet to a railroad spike, the first mentioned spike and the place of BEGINNING. CONTAINING 1.249 Acres, more or less.

The above description was taken from a plan of survey of Boyer Surveys, dated November 3, 1994, attached hereto as Exhibit A.

TITLE TO SAID PREMISES IS VESTED IN Jose H. Barranco and Maria F. Romero, as joint tenants with right of survivorship by Deed from William D. Bowser, joined by his wife Tillie N. Bowser and Cynthia G. Bell, single, dated 6/28/1999 and recorded 6/30/1999, in Record Book 1864, Page 320.

Premises Being: 616 Cranberry Road, Aspers, PA 17304

Tax Parcel No. 40-G5-35A

SEIZED and taken into execution as the property of **Jose Barranco & Maria Romero** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/29, 5/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-472 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 June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in or near the centerline of U.S. Route 15; thence leaving said centerline and extending along a right-of-way the following courses and distances: North thirty-four (34°) degrees thirty (30') minutes (30") seconds East four hundred four and seven hundredths (404.07) feet to an iron pipe; thence North thirty-four (34°) degrees thirty (30') minutes (30") seconds East one hundred seventy-four and twenty-six hundredths (174.26) feet to an iron pipe at stones at lands now or formerly of George R. Barrick; thence continuing along the last mentioned lands South fifty-five (55°) degrees twenty-three (23') minutes five (05") seconds East eight hundred eighty-five and twenty-one hundredths (885.21) feet to a concrete monument in or near the centerline of White Church Road, also known as T-568; thence extending in and along said centerline South forty-three (43°) degrees twelve (12') minutes seventeen (17") seconds West five hundred thirty-eight and sixty-two hundredths (538.62) feet to an iron pipe in the center of said last mentioned roadway; thence leaving said roadway and extending along lands now or formerly of the Episcopal Church and E.D.L.U. corporation North fifty-eight (58°) degrees thirty-eight (38') minutes thirty-five (35") seconds West a distance of eight hundred four and ninety-eight hundredths (804.98) feet to a point in or near the centerline of U.S. Route 15 being the point and place of BEGINNING.

CONTAINING 10.747 acres total and 9.812 acres net and being designated as Lot No. 2 on a final subdivision plan for John W. and Doris M. Breighner dated August 14, 1987, as prepared by John F. Williams, P.L.S. Said Plan is recorded in the Adams County Recorder's Office in Plan Book 47, Page 100.

HAVING THEREON erected a dwelling house known as: 460 White Church Road, York Springs, PA 17372.

BEING THE SAME PREMISES WHICH Verne W. Nestler, Jr. and Amelia T. Nestler, by Deed dated 4/30/02 and

recorded 5/7/02 in Adams County Deed Book 2651, Page 285, granted and conveyed unto Franklin D. Buckley, Jr.

SEIZED IN EXECUTION AS THE PROPERTY OF FRANKLIN D. BUCKLEY, JR. UNDER ADAMS COUNTY JUDGMENT NO. 03-S-472

Map & Parcel 22-16-12

SEIZED and taken into execution as the property of **Franklin D. Buckley, Jr.** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 18, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-23 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Southerly right of way line of Abbots Drive in the Borough of Abbots town, County of Adams and State of Pennsylvania known and numbered as Lot No. 25 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 Plat 73, Page 43, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Southerly right of way line of Abbots Drive, at a corner of Lot No. 26 of a final plan of lots for Abbots Manor, Phase I, recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plat Book 69, Page 95; thence extending along the said right of way line of Abbots Drive on a line curving to the left having a radius of 220 feet, an arc distance of 86.42 feet with a chord bearing North 64 degrees 43 minutes 09 seconds East

85.87 feet to a point, at a corner of Lot No. 24 on plan of lots for Abbots Manor Phase II recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Record Book 73, Page 43; thence extending along the said Lot No. 24 South 36 degrees 32 minutes 03 seconds East 145.44 feet in a point; thence South 62 degrees 30 minutes 00 seconds West 135.80 feet to a point; thence extending along the aforementioned Lot No. 26, North 17 degrees 01 minutes 50 seconds West 149.45 feet to the point and place of BEGINNING.

BEING Parcel No (01)005-0053

SUBJECT TO all covenants, restrictions, reservations, easements, conditions and rights appearing of record; and subject to any state of facts an accurate survey would show.

Being Known As: 180 Abbottstown Drive, Abbots town, PA 17301

Property ID No.: 1-5-53

TITLE TO SAID PREMISES IS VESTED IN Robert J. Muller and Roxanne L. Muller by Deed from Mel Martinez, the Secretary of Housing and Urban Development, of Washington, D.C., by their attorney in fact Lew Carlson dated 08/28/02 recorded 09/26/02 in Deed Book 2814 Page 305.

SEIZED and taken into execution as the property of **Robert J. Muller & Roxanne L. Muller** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-101 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE three (3) contiguous tracts of land situate in Freedom Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1: BEGINNING at an iron pin at corner of lands now or formerly of Joseph E. Codori; thence by lands now or formerly of R. C. Witherow, North 2-1/2 degrees East, 48 feet to an iron pin; thence North 62 degrees East, 179 feet to an iron pin; thence South 28 degrees East, 86 feet to a point in Marsh Creek; thence by other land now or formerly of Joseph E. Codori South 62 degrees West, 52 feet to an iron pin; thence by same South 78-1/2 degrees West 157.2 feet to an iron pin, the place of BEGINNING.

CONTAINING 50 perches.

TRACT NO. 2: BEGINNING at a corner of Marsh Creek Heights Road and other land now or formerly of George A. Miller and Blanche M. Miller; thence along land now or formerly of George A. and Blanche M. Miller in a Southerly direction, 50 feet to other land now or formerly of Robert C. Witherow; thence along other land now or formerly of said Robert C. Witherow in an Easterly direction 64 feet to a stake at other land of Robert C. Witherow; thence continuing along other land now or formerly of Robert C. Witherow in a Northerly direction, 50 feet to the Marsh Creek Heights Road; thence along the said Marsh Creek Heights Road in a Westerly direction 64 feet to the land now or formerly of George A. Miller and Blanche M. Miller, the place of BEGINNING.

TRACT NO. 3: BEGINNING at an iron pin at corner of lands now or formerly of George A. Miller and Blanche M. Miller; thence along other land now or formerly of said George A. Miller and Blanche M. Miller in a Southerly direction 50 feet to a stake at land of Robert C. Witherow; thence along land now or formerly of Robert C. Witherow in an Easterly direction 50 feet to a stake; thence continuing along lands now or formerly of Robert C. Witherow, in a Northerly direction 50 feet to Marsh Creek Heights Road, thence along said road in a Westerly direction 50 feet to other lands now or formerly of George A. Miller and Blanche M. Miller; the place of BEGINNING.

CONTAINING 50 perches.

Map #13-E17-36

TITLE TO SAID PREMISES IS VESTED IN Daniel J. Boone, Unmarried by Deed from Celia Dunayer, unmarried dated 3/26/1998 and recorded 3/27/1998 in Record Book 1547, Page 42.

Premises being: 196 Marsh Creek Heights Road, Gettysburg, PA 17325

Tax Parcel No. 13-E17-36

SEIZED and taken into execution as the property of **Daniel J. Boone** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1308 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 June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Union Township and partly in the Borough of Littlestown, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point along the Southwesterly right-of-way line of Wheaton Drive and Lot No. 110 of the hereinafter referred to subdivision plan; thence along said Lot 110, South forty-five (45) degrees two (02) minutes thirty-six (36) seconds West, one hundred thirty-nine and ninety-six hundredths (139.96) feet to a point at lands now or formerly of Donald Smith; thence along said lands now or formerly of Donald Smith, North forty-five (45) degrees seventeen (17) minutes forty-one seconds East, one hundred and zero hundred (100.00) feet to a point at Lot No. 112; thence along said Lot No. 112, North

forty-four (44) degrees forty-two (42) minutes nineteen (19) seconds East, one hundred forty and zero hundred (140.00) feet to a point along the Southwesterly right-of-way line Wheaton Drive, South forty-five (45) degrees seventeen (17) minutes forty-one (41) seconds East, eighty-six and thirty-three hundredths (86.33) feet to a point; thence continuing along same by a curve to the right which has a radius of two thousand four hundred fifty-six and sixty-one hundredth (2456.61) feet, an arc distance of fourteen and forty-nine hundredths (14.49) feet, the long chord of which is South forty-five (45) degrees seven (07) minutes thirty-two (32) seconds East, fourteen and forty-nine hundredths (14.49) feet to a point, the place of BEGINNING.

BEING THE SAME premises which Lynn Lee Construction, Inc., by deed dated 8/31/95 and recorded 9/5/95 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 1077 at Page 242, granted and conveyed unto Michelle C. Valentine and Timothy J. Valentine.

Tax Parcel #: (41) 3-56 (Assessed in Union Township)

SEIZED and taken into execution as the property of **Michelle C. Valentine & Timothy J. Valentine** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 18, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-262 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bound and described as follows:

BEGINNING at a point on the South property line of Park Street where the same is interested by the West property line of Sunset Avenue; thence running along said property line of Sunset Avenue, South 34 degrees 15 minutes West, 101.6 feet to an iron pin at the corner of lot now or formerly of Fred J. Kane; thence along same, North 55 degrees 45 minutes West, 138 feet to an iron pin; thence North 34 degrees 15 minutes East, 101.6 feet to an iron pin on the South property line of Park Street; thence running along the property line of said Park Street, South 55 degrees 45 minutes East, 138 feet to a point at the intersection of Park Street and Sunset Avenue, at the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Michael H. Flowers and Susan A. Flowers by Deed from Dale E. Deardorff and William K. Grove, executors of the will of Mildred D. Shower, dated 12/28/1996 and recorded 1/3/1997 in Deed Book 1312, Page 313.

Premises being: 358 Park Street, Gettysburg, PA 17325

Tax Parcel No. 16-012-0012

SEIZED and taken into execution as the property of Michael H. Flowers & Susan A. Flowers and to be sold by me,

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-258 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike located two (2) feet North of the center line of Mt. Hope Road, Legislative Route 01016, and approximately forty-seven and sixty-nine hundredths (47.69) feet East of the corner of lands of Clifton Henry; thence by other lands now, or formerly, of Harold B. Carbaugh and Mary S. Carbaugh and through a reference iron pin set back fourteen and nine-tenths (14.9) feet from the beginning of this course, North zero (00) degrees thirty-six (36) minutes thirty (30) seconds East, two hundred twenty-one and fifty-eight hundredths (221.58) feet to an iron pin set along the North edge of a certain twenty (20) foot wide Adams Electric right of way; thence by lands of same, North eighty-eight (88) degrees forty-six (46) minutes thirty (30) seconds East, two hundred nine and ninety-two hundredths (209.92) feet to a steel rod set at the North edge of said right of way; thence by lands of same, South twenty (20) degrees three (03) minutes twenty (20) seconds East one hundred seventy and sixty-four hundredths (170.64) feet running through a reference aluminum rod set back twenty-one and forty-six hundredths (21.46) feet from the end of this course to a railroad spike three (3) feet North of the center line of said Mt. Hope Road; thence along said Mt. Hope Road and by lands of Richard Flowers and Luther Lightner, South seventy-one (71) degrees one (01) minute ten (10) seconds West, two hundred nineteen and eighty-eight hundredths (219.88) feet to a railroad spike seven (7) feet South of the center line of said Mt. Hope Road; thence along said Mt. Hope Road and by lands of Luther Lightner, North eighty-four (84) degrees forty-six (46) minutes ten (10) seconds West, sixty-three and eight hundredths (63.08) feet to the railroad spike two (2) feet North of the center line of said Mt. Hope Road, L.R. 01016, the place of BEGINNING, CONTAINING 1.141 Acre.

The above description is taken from a draft of survey made June 16, 1981, by Adams County Surveyors, J. Riley

Redding, R.S., and duly approved by the Hamiltonban Township Supervisors as a subdivision of Hamiltonban Township, Adams County, Pennsylvania, on July 6, 1981, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 35 at Page 124, on which said tract is designated as 1.

BEING THE SAME PREMISES which Edith C. Lindsell, being same person as Edith C. Cressleer and Leonard W. Lindsell, husband and wife, by deed dated 12/23/92 and recorded 12/23/92 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 673 at Page 46, granted and conveyed unto Richard K. Smith and Dolores Smith, husband and wife, as tenants of an estate by the entireties.

Tax Parcel #: 18-B-14-54

SUBJECT TO MORTGAGE

SEIZED and taken into execution as the property of Dolores Smith & Richard K. Smith and to be sold by me,

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/13, 20 & 27

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 RICHARD K. BISH, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: LeRoy W. Bish, Jr., 10101 Canopy Tree Ct., Orlando, FL 32836

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

ESTATE OF OLGA M. BRIDY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administratrix, c.t.a.: Virginia M. Bittle, 35 Thomas Circle, Arendtsville, PA 17303

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

ESTATE OF MARY A. BROWN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Patricia A. Gibbons, 20 Fox Run Road, Abbottstown, PA 17301

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

ESTATE OF RONALD L. RIGGEEAL, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Ruthie P. Riggieal, 309 E. Main Street, Emmitsburg, MD 21727

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

ESTATE OF JOANN WEAVER a/k/a JOANN URSULA WEAVER, DEC'D

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

Administrator: Doris J. McGuire, c/o Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

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

ESTATE OF OSIE L. WHITE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Catherine V. Miller, c/o Miller & Associates, 2963 D Manchester Road, Manchester, MD 21102

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

SECOND PUBLICATION

ESTATE OF RUTH A. BISH a/k/a RUTH ANN BISH, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Randal L. Bish, 412 Stone Bridge Road, Gettysburg, PA 17325

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

ESTATE OF CHARLES W. CHANTELAU, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

William J. Chantelau, 765 Barlow Drive, Gettysburg, PA 17325

ESTATE OF RICHARD S. MILLER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Mark D. Miller, 201 Poplar Hill Road, Gardners, PA 17324

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

ESTATE OF MARY C. MYERS, DEC'D

Late of Union Township, Adams County, Pennsylvania

Co-Executors: Jane E. Lowe, 475 Mehning Rd., Littlestown, PA 17340; Harlan R. Myers, 625 Littlestown Rd., Littlestown, PA 17340

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

ESTATE OF SHERMAN H. ROE, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: Penelope Frock, 1160 Belmont Rd., Gettysburg, PA 17325

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

ESTATE OF WESLEY A. ROSS a/k/a WESLEY S. ROSS, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Melissa A. Jones, 145 Barlow Two-Taverns Rd., Gettysburg, PA 17325

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

ESTATE OF FRANCES E. SHAFFER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Paul E. Schildt and Barbara J. Schildt, c/o Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 N. George St., York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 N. George St., York, PA 17401

ESTATE OF ESTELLE A. SIPLING a/k/a ESTELLE AGNES SIPLING, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Ronald G. Sipling, 32 Stoney Robbey Rd., Fulton, NY 13069; Judith A. Bollinger, 679 Mehning Rd., Littlestown, PA 17340

Attorney: David C. Smith, Esq., 754 Edgegrove Rd., Hanover, PA 17331

ESTATE OF SALLY S. SOSNA a/k/a SALLY SOSNA, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Robert J. Sosna, c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF ESTIE ANN STERNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Doris Buckley, 3321 Meadowview Drive, Manchester, MD 21102; Richard S. Sterner, 4235 Schalk Rd., No. 1, Millers, MD 21102

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

ESTATE OF DOROTHY MAE STEVENS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Robert Henry Elmiger, 6211 Blue Hill Rd., Glensville, PA 17329

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

(continued on page 8)

THIRD PUBLICATION

ESTATE OF DEAN L. CAREY a/k/a DEAN LAVERE CAREY, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Juanita Guise and Philip D. Carey, c/o Richard W. Stevenson, Esq., McNees Wallace & Nurick, LLC, 100 Pine St., P.O. Box 1166, Harrisburg, PA 17108

Attorney: Richard W. Stevenson, Esq., McNees Wallace & Nurick, LLC, 100 Pine St., P.O. Box 1166, Harrisburg, PA 17108

ESTATE OF DORIS M. CAREY a/k/a DORIS MARIE CAREY, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Juanita Guise and Philip D. Carey, c/o Richard W. Stevenson, Esq., McNees Wallace & Nurick, LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108

Attorney: Richard W. Stevenson, Esq., McNees Wallace & Nurick, LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108

ESTATE OF NINA RUTH FISCEL, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Nancy Louise Ammons, 1004 Cherrytown Rd., Westminster, MD 21158

ESTATE OF STEWART J. MAHONE, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executor: John B. Billman, c/o Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331

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

ESTATE OF LUTHER W. RITTER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: Robert L. Ritter, 75 Locust Drive, Littlestown, PA 17340

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

ESTATE OF RALPH R. SNYDER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Lori A. Laughman, 433 Carlisle Street, Hanover, PA 17331; Francis L. Matthews, 1361 Brad Drive, Hanover, PA 17331

Attorney: Judith Koper Morris, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW NO. 05-S-104

Action in Mortgage Foreclosure

BANK OF HANOVER & TRUST COMPANY, Plaintiff

vs.

J. EDUARDO SANCHEZ-CORTEZ and GUADALUPE SANCHEZ, Defendants

COMPLAINT

1. Plaintiff, Bank of Hanover & Trust Company, is a State Bank organized and existing under the laws of the Commonwealth of Pennsylvania, having its principal office located at 25 Carlisle Street, Hanover, Pennsylvania 17331.

2. Defendants, J. Eduardo Sanchez-Cortez and Guadalupe Sanchez, are adult individuals whose last known address was 49 Bugler Drive, New Oxford, Pennsylvania 17350.

3. This action is based upon certain mortgage dated September 13, 1996, which mortgage was executed by the Defendants in favor of the Bank of Hanover & Trust Company, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Mortgage Book 1262, Page 0086. Attached Exhibit "A" incorporated and by reference is copy of said Mortgage and Note.

4. The Defendants are not in the military service of the United States of America or any of its allies.

5. The premises subject to said mortgage is located at 49 Bugler Drive, New Oxford, Pennsylvania 17350. The premises is more fully described as follows: Attached Exhibit "B" incorporated and herein by reference.

6. The said mortgage is in default and subject to foreclosure because the Defendants have failed to pay when due, since October 1, 2004.

7. In accordance with the terms and conditions of the Note and Mortgage the whole principal debt secured thereby has become due and payable and recoverable immediately together with all interest due thereon with reasonable attorney fees and costs of suit.

8. The amount due on said mortgage as of January 3, 2005, is computed as follows:

A. Principal Balance -	\$ 72,459.05
B. Delinquent Interest -	1,158.41
C. Delinquent Escrow -	802.90
D. Late Charges -	108.50
E. 5% Attorney Fees -	<u>3,726.44</u>
Total Costs Due -	\$ 78,255.30

9. The requirements of Act 6 of 1974 are not applicable and the requirements of Act 91 of 1983 and Act 161 have been fulfilled. Attached Exhibit "C" incorporated herein by reference is a copy.

WHEREFORE, the Plaintiff demands judgment in rem against the Defendants in the sum of \$78,255.30, together with all costs, interests, escrows, late charges and reasonable attorney fees, and for the foreclosure and sale of this premises.

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other or property or other rights important to you.

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

Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
Telephone No. (717) 337-9846
Gingrich, Smith, Klingensmith & Dolan
By: /s/Thomas G. Klingensmith, Esq.
Attorney for Plaintiff
45 East Orange Street
Lancaster, PA 17602
(717) 393-3684
I.D. #23239

5/13

Adams County Legal Journal

Vol. 46

May 20, 2005

No. 52, pp. 341-345

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-863 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center line of Legislative Route 01077 at corner of other lands now or formerly of John Whitney; thence in said center line of Legislative Route 01077 South 58 degrees 40 minutes East, 89.77 feet to a point in the center line of said Legislative Route 01077 at land now or formerly of James Sharrah; thence through an iron pin set back along the line by other land now or formerly of James Sharrah South 34 degrees 36 minutes West, 182.41 feet to an iron pipe; thence by land of James Sharrah and Mrs. Lottie Topper South 57 degrees 33 minutes East, 117.93 feet to an iron pipe; thence by other land formerly of Calvin Cluck and wife South 30 degrees 12 minutes West, 268.11 feet to an iron pin; thence by same South 25 degrees 38 minutes West, 808.79 feet to an iron pipe; thence by land now or formerly of Mark Bucher, North 55 degrees 9 minutes West, 386.35 feet to an iron pipe; thence by other land formerly of Cluck North 37 degrees 25 minutes East, formerly of John Whitney and through an iron pin set back along the line 29.90 feet North 34 degrees 37 minutes East, 322.80 feet to a point in the center of Legislative Route 01077 to the point and place of BEGINNING.

CONTAINING 6.7478 acres.

BEING known as: 126 Olde Rte. 30, McKnightstown, PA 17343

Property ID No.: D-11-95A

TITLE TO SAID PREMISES IS VESTED IN Stephan H. Reaver and Cindy L. Reaver, husband and wife, as tenants of an estate by the entireties by deed from Calvin A. Slegal a/k/a Calvin Andrew Slegal and Mary Jane Slegal, husband

and wife dated 01/02/97 recorded 01/03/97 in Deed Book 1312 Page 345.

SEIZED and taken into execution as the property of **Stephan H. Reaver & Cindy L. Reaver** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/20, 27 & 6/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-67 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin driven at the point of intersection of the center line of Legislative Route 01016, running between Mt. Hope through Virginia Mills and to the Fairfield-Orrtanna State Highway, and the center line of the Western Maryland Railroad right of way near Virginia Mills; thence running in the center of said Legislative Route 01016, North 70-3/4 degrees West 574 feet to an iron pin in the center of said State Highway; thence by land now or formerly of Mike McLaughlin, land now or formerly of Lloyd Benner and land now or formerly of Ronald Kump, North 52 degrees East 980 feet, running through

an elm tree 44 feet from the end of this course, to a point in the center of said Railroad right of way; thence running in the center of said Railroad right of way, South 12-1/4 degrees West 412.5 feet to a point in the center of said Railroad right of way, in a curve thereof; thence continuing in the center of said Railroad right of way, South 19-1/2 degrees West 415.8 feet to the above described place of BEGINNING. CONTAINING 5 acres and 122.04 square perches.

BEING KNOWN AS: 401 Mount Hope Road, Fairfield, (Hamiltonban Township), PA 17320

PROPERTY ID NO. C14-22

TITLE TO SAID PREMISES IS VESTED IN Randy A. Rippeon and Tracie L. Rippeon, husband and wife as tenants of an estate by the entireties by deed from Robert G. Coy and Janet M. Coy, husband and wife dated 06/30/99 recorded 07/08/99 in Deed Book 1869, Page 329.

SEIZED and taken into execution as the property of **Randy A. Rippeon & Tracie L. Rippeon** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/20, 27 & 6/3

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 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 June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

BEGINNING at a point where Leg. Route No. 01012 intersects with the Still House Road; thence in the center of the Still House Road South 38 degrees 25 minutes 40 seconds West, 244.0 feet to a point in the center line of such road at other land now or formerly of Frank Hamilton; thence along other land now or formerly of Frank Hamilton North 61 degrees 33 minutes 30 seconds West, 180.18 feet to a point; thence along land of same North 21 degrees 36 minutes 40 seconds East 200.00 feet to a point in the center of Leg. Route No. 01012 aforesaid; thence in said road South 68 degrees 23 minutes 20 seconds East, 105.46 feet to a spike in said road; thence in such road South 73 degrees 12 minutes 20 seconds East 144.54 feet to a point at the intersection of the aforesaid roads, the place of BEGINNING.

THE above description was taken from draft of survey prepared by Gettysburg Engineering Co., Inc., dated September 3, 4, 1969.

TITLE TO SAID PREMISES IS VESTED IN Fred J. Rogers and Melissa A. Rogers, his wife, by Deed from Vicki L. Arndt, single woman, dated 5/29/1998, recorded 6/8/1998 in Record Book 1596 page 132.

Tax Parcel: H2-27A

Premises Being: 210 Goodyear Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Fred J. Rogers & Melissa A. Rogers** and to be sold by me,

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

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

schedule of distribution will be filed by the Sheriff in his office on July 18, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-434 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike found 3 feet North of the centerline of Hilltown Road (T-355) at corner of Lot No. 6B on the hereinafter described subdivision plan; thence North 67 degrees 00 minutes 10 seconds West 35.00 feet to a railroad spike set 3 feet North of the centerline of Hilltown Road (T-355) at corner of Lot No. 6A; thence by said lot and passing through a 5/8" rebar set 25.00 feet from the beginning of this course, North 22 degrees 59 minutes 50 seconds East, 372.83 feet to a 5/8" rebar set; thence by said lot North 67 degrees 00 minutes 10 seconds West 115.00 feet to a 5/8" rebar set on line of lands now or formerly of SPECO; thence by lands now or formerly of SPECO, North 22 degrees 59 minutes 50 seconds East, 77.17 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 67 degrees 00 minutes 10 seconds West 115.00 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 22 degrees 59 minutes 50 seconds East,

230.00 feet to a 5/8" rebar found; thence by same, South 67 degrees 00 minutes 10 seconds East, 380.00 feet to a 5/8" rebar found; thence by same, South 22 degrees 59 minutes 50 seconds West, 307.17 feet to a 5/8" rebar set at corner of Lot No. 6B; thence by same, North 67 degrees 00 minutes 10 seconds West, 115.00 feet to a 5/8" rebar set at corner of Lot No. 6B; thence by same and passing through a 5/8" rebar set 25.00 feet from the end of this course, South 22 degrees 59 minutes 50 seconds West, 372.83 feet to a railroad spike set 3 feet North of the centerline of Hilltown Road (T-355), the point and place of BEGINNING.

BEING KNOWN AS 1355 Hilltown Road, Biglerville (Franklin Twp.), PA 17307

PROPERTY ID NO.: D-10-2

TITLE TO SAID PREMISES IS VESTED IN Pamela J. Howery by deed from Richard A. Hutchinson dated 03/15/96, recorded 03/15/96, in Deed Book 1159, Page 207.

SEIZED and taken into execution as the property of **Pamela J. Howery** and to be sold by me,

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

COMMONWEALTH VS. HARRIS

1. The trial court, not the jury, is to determine whether the underlying arrest in a resisting arrest charge was lawful.

2. Probation and parole officers are statutorily authorized to arrest, without warrant or Court Order, any person on probation who is in violation of that probation. This statutory authority vests probation officers with the power of arrest regardless of whether the violation is a technical probation violation or due to a new criminal violation.

3. Although the statutory authority does not expressly provide the standard of proof necessary prior to effectuating an arrest for a probation violation, courts have generally applied a showing of probable cause.

4. In exercising their authority to arrest a probation violator, a probation officer may request the assistance of law enforcement officers even though the probation officer may not physically be present.

5. To allow the scene of an arrest to be converted into a forum for challenging the validity of criminal statutes by resistance to an arrest thereunder would only serve to promote violent street confrontations.

6. Inquiry into the probable cause preceding the filing of criminal charges is irrelevant. The filing of criminal charges against a probationer alone constitutes a sufficient basis for the probation officer to detain the probationer.

7. To withstand a conviction for resisting arrest, the Commonwealth must prove that the defendant intended to prevent a public servant from effectuating a lawful arrest and created substantial risk of bodily injury to the public servant or employed a means of resistance which justified or required substantial force to overcome the resistance.

In the Court of Common Pleas of Adams County, Pennsylvania, No. CC-824-03, COMMONWEALTH OF PENNSYLVANIA VS. TERRY HARRIS.

Brian R. Sinnett, Esq., Assistant District Attorney, for Commonwealth
Anthony E. Miley, Esq., Assistant Public Defender, for Defendant
George, J., Opinion filed August 5, 2004

OPINION PURSUANT TO P.A.R.A.P. 1925

The Appellant, Terry Harris (hereinafter referred to as “Harris”) appealed to the Superior Court after a jury found him guilty of resisting arrest on March 31, 2004.¹ This Court sentenced Harris on May 20, 2004 and Harris filed his Notice of Appeal on June 10, 2004. In his Concise Statement of Matters Complained of on Appeal, Harris raised three issues on appeal:

- (1) The Court improperly permitted the case to go to a jury in that there was insufficient evidence from the Commonwealth to

¹Harris was originally tried on January 29, 2004. That trial, however, resulted in a mistrial.

sufficiently establish all the elements for the crime of resisting arrest.

- (2) The Court denied Harris a meaningful opportunity to challenge the lawfulness of his arrest in pretrial hearings, to a degree which deprived Harris of due process and meaningful right to effective assistance of counsel.
- (3) The Court improperly decided that arrest was “lawful” as that term is used in 18 Pa.C.S.A. § 5104.

Since the crux of Harris’s arguments attack the “lawfulness” of his arrest, I will address that issue first.

On February 9, 2004 this Court conducted a pre-trial hearing limited solely to a determination of the lawfulness of Harris’s arrest. See *Commonwealth v. Franklin*, 374 A.2d 1360 (Pa.Super. 1977) (determining that the trial court, not the jury, is to determine whether the underlying arrest in a resisting arrest charge was lawful). At the hearing, the Commonwealth and Harris stipulated that on July 25, 2003 Gettysburg Borough Police Officer Keith Stambaugh cited Harris for a summary violation of the Gettysburg Borough Loitering Ordinance.³ See Tr. at 7-8. The stipulation further included that on July 25, 2003 Harris was on probation supervision with the Adams County Adult Probation and Parole Department. The final term of the stipulation was that upon being informed of the issuance of a summary citation to Harris, the Adams County Adult Probation and Parole Department requested the Gettysburg Borough Police to detain Harris. Based upon these stipulations, the Court found the arrest to be lawful.

Probation and parole officers are statutorily authorized to arrest, without warrant or Court Order, any person on probation who is in violation of that probation. See 61 Pa.C.S.A. § 309.1. This statutory authority vests probation officers with the power of arrest regardless of whether the violation is a technical probation violation or due to a new criminal violation. *Commonwealth v. Lyons*, 555 A.2d 920 (Pa.Super. 1989). Although the statutory authority does not expressly provide the

³Harris also challenged the constitutionality of the Gettysburg Borough Loitering Ordinance. This Court entered an Order on June 25, 2004 finding Gettysburg Ordinance No. 1101-90, Chapter 6, Section 903 unconstitutional and dismissed Count Two against Harris for violating the loitering ordinance. The constitutionality of the ordinance is not a subject of Harris's appeal nor was it a subject of the February 9, 2004 hearing.

standard of proof necessary prior to effectuating an arrest for a probation violation, courts have generally applied a showing of probable cause. *Presley v. Morrison*, 950 F.Supp. 1298, 1302 (E.D. Pa. 1996). Finally, in exercising their authority to arrest a probation violator, a probation officer may request the assistance of law enforcement officers even though the probation officer may not physically be present. *Lyons*, 555 A.2d at 923-24.

Instantly, Gettysburg Borough Police cited Harris with the summary offense of loitering. The issuing police officer informed Harris's probation officer of the issuance of the citation and since Harris was on probation and in violation of the conditions of his probation³, the probation officer properly requested assistance in effectuating his arrest. As such, Officer Stambaugh's arrest of Harris on the probation violation was a lawful arrest.

At the hearing this Court conducted on February 9, 2004, Harris attempted to inquire into the circumstances surrounding Officer Stambaugh's issuance of the citation which formed the basis for the probation violation. In essence, defense counsel attempted inquiry concerning the probable cause for Officer Stambaugh's issuance of the loitering citation to Harris. See Tr. at 13. The Court held that this inquiry was irrelevant.

In *Commonwealth v. Beam*, 324 A.2d 549 (Pa.Super. 1974), the Pennsylvania Superior Court considered whether a trial court erred when it prohibited inquiry into the constitutionality of a local ordinance when considering the lawfulness of an arrest in a prosecution for resisting arrest. The defendant in *Beam* argued that his arrest was unlawful because the arrest which he allegedly resisted was based on a violation of an unconstitutional ordinance. Consequently, he argued that his arrest was unlawful and could not form the basis for a conviction based upon a charge of resisting arrest. In holding that the trial court properly refused inquiry into the constitutionality of the ordinance, the Superior Court opined: "[t]o allow the scene of an arrest to be converted into a forum for challenging the validity of criminal statutes by resistance to an arrest thereunder would only serve to promote violent street confrontations". *Id.* at 551 (citing

³Harris does not challenge that the commission of criminal activity while on probation is a violation of that probation. Regardless, the standard conditions of Adams County probation require a person on probation to refrain from criminal activity.

United States v. Martinez, 465 F.2d 79 (2d Cir. 1972); *United States v. Ferone*, 438 F.2d 381 (3d Cir. 1971); *United States v. Beyer*, 426 F.2d 773 (2d Cir. 1970)). Although the issue currently before this Court is slightly different than that faced by the *Beam* Court, the reasoning is equally applicable.

As mentioned, Harris attempted to inquire into the circumstances underlying the issuance of the citation. Those circumstances, however, did not constitute the basis for the Probation Office's request for assistance in arresting Harris. Rather, the basis for arrest was Harris being charged by criminal process with committing a criminal offense. Clearly, the filing of new criminal charges against a probationer is a sufficient basis to detain the probationer. Yet, Harris asks this Court to require probation officers to conduct an independent inquiry into the propriety of the issuance of the citation before a probationer may be detained. Such a requirement is not only impractical but is also not supported by current authority. I feel that the language in the *Beam* Court's opinion and its decision are dispositive of the issue Harris raised. Specifically, inquiry into the probable cause preceding the filing of criminal charges is irrelevant. The filing of criminal charges against a probationer alone constitutes a sufficient basis for the probation officer to detain the probationer.

The final issue Harris raised challenges the sufficiency of the evidence. When considering a challenge to the sufficiency of the evidence, the critical determination is whether the evidence admitted at trial, and all reasonable inferences drawn therefrom, when viewed in a light most favorable to the Commonwealth as verdict winner, is sufficient to establish every element of an offense beyond a reasonable doubt. *Commonwealth v. Dailey*, 828 A.2d 356, 358 (Pa.Super. 2003). To withstand a conviction for resisting arrest, the Commonwealth must prove that the defendant intended to prevent a public servant from effectuating a lawful arrest and created substantial risk of bodily injury to the public servant or employed a means of resistance which justified or required substantial force to overcome the resistance. *In Interest of Woodford*, 616 A.2d 641 (Pa.Super. 1992); 18 Pa.C.S.A. § 5104. Since the unlawfulness of the arrest has previously been discussed above, the only remaining elements which the Commonwealth was required to establish is whether Harris intended to prevent a public servant from effectuating the arrest and whether his actions required substantial force to overcome his resistance.

In considering the proof in support of these elements in a light most favorable to the Commonwealth, trial testimony revealed that Gettysburg Police Officer Harvey advised Harris that he was under arrest and was directed to put his hands on the hood of a nearby vehicle. See Tr. at 17, 48. After Officer Harvey patted down Harris, he began to attempt to handcuff him. *Id.* at 18, 48. At that moment, Harris threw a cane which he was holding and began running away from Officer Harvey. *Id.* at 21, 48.

Before Harris ran from Officer Harvey, an assisting police officer observed Harris attempt to grab Officer Harvey's handcuffs. *Id.* at 73. Harris ran a distance of eight to sixteen feet when he ran into Officer Weikert, who was assisting at the time. *Id.* at 33, 68. Officer Weikert attempted to put him in handcuffs and was assisted by Officer Harvey and two other police officers. *Id.* at 18. Harris continued to struggle and pull his arms away from the officers. Tr. at 18. This action continued despite numerous directions telling him to stop resisting. *Id.* at 19. Additionally, a female on a nearby porch instructed Harris to "stop fighting . . . stop fighting". *Id.* He continued to fight, however, until the four officers got him under control. *Id.* At one point during the struggle, Harris grabbed hold of Officer Harvey's handcuffs and ripped them out of the officer's hand. *Id.* at 61, 63. Harris's struggle with the four police officers lasted approximately a minute. *Id.* at 61, 65. Eventually, Harris was placed in handcuffs and ended his resistance. Under these circumstances, the evidence was clearly sufficient to justify the verdict in this matter. Not only was substantial force required to overcome Harris's resistance but the risk inherent in an arrestee gaining possession of handcuffs during the course of a struggle, to the exclusion of arresting officers, presents an added degree of resistance and danger. See *Commonwealth v. Miller*, 475 A.2d 145 (Pa.Super. 1984) (determining struggle with police officers accompanied by resisting efforts to place handcuffs on defendant constituted sufficient evidence to support conviction); *Commonwealth v. Clark*, 761 A.2d 190 (Pa.Super. 2000) (determining defendant's taking of fighting stance, which required three police officers to subdue him, constituted sufficient evidence to support conviction), appeal denied 771 A.2d 1278 (Pa. 2001).

For the reasons set forth above, Harris's conviction was proper.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-472 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 June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in or near the centerline of U.S. Route 15; thence leaving said centerline and extending along a right-of-way the following courses and distances: North thirty-four (34°) degrees thirty (30') minutes (30") seconds East four hundred four and seven hundredths (404.07) feet to an iron pipe; thence North thirty-four (34°) degrees thirty (30') minutes (30") seconds East one hundred seventy-four and twenty-six hundredths (174.26) feet to an iron pipe at stones at lands now or formerly of George R. Barrick; thence continuing along the last mentioned lands South fifty-five (55°) degrees twenty-three (23') minutes five (05") seconds East eight hundred eighty-five and twenty-one hundredths (885.21) feet to a concrete monument in or near the centerline of White Church Road, also known as T-568; thence extending in and along said centerline South forty-three (43°) degrees twelve (12') minutes seventeen (17") seconds West five hundred thirty-eight and sixty-two hundredths (538.62) feet to an iron pipe in the center of said last mentioned roadway; thence leaving said roadway and extending along lands now or formerly of the Episcopal Church and E.D.L.U. corporation North fifty-eight (58°) degrees thirty-eight (38') minutes thirty-five (35") seconds West a distance of eight hundred four and ninety-eight hundredths (804.98) feet to a point in or near the centerline of U.S. Route 15 being the point and place of BEGINNING.

CONTAINING 10.747 acres total and 9.812 acres net and being designated as Lot No. 2 on a final subdivision plan for John W. and Doris M. Breighner dated August 14, 1987, as prepared by John R. Williams, P.L.S. Said Plan is recorded in the Adams County Recorder's Office in Plan Book 47, Page 100.

HAVING THEREON erected a dwelling house known as: 460 White Church Road, York Springs, PA 17372.

BEING THE SAME PREMISES WHICH Verne W. Nestler, Jr. and Amelia T. Nestler, by Deed dated 4/30/02 and

recorded 5/7/02 in Adams County Deed Book 2651, Page 285, granted and conveyed unto Franklin D. Buckley, Jr.

SEIZED IN EXECUTION AS THE PROPERTY OF FRANKLIN D. BUCKLEY, JR. UNDER ADAMS COUNTY JUDGMENT NO. 03-S-472

Map & Parcel 22-16-12

SEIZED and taken into execution as the property of **Franklin D. Buckley, Jr.** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 18, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-23 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Southerly right of way line of Abbots Drive in the Borough of Abbots town, County of Adams and State of Pennsylvania known and numbered as Lot No. 25 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 Plat 73, Page 43, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Southerly right of way line of Abbots Drive, at a corner of Lot No. 26 of a final plan of lots for Abbots Manor, Phase I, recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plat Book 69, Page 95; thence extending along the said right of way line of Abbots Drive on a line curving to the left having a radius of 220 feet, an arc distance of 86.42 feet with a chord bearing North 64 degrees 43 minutes 09 seconds East

85.87 feet to a point, at a corner of Lot No. 24 on plan of lots for Abbots Manor Phase II recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Record Book 73, Page 43; thence extending along the said Lot No. 24 South 36 degrees 32 minutes 03 seconds East 145.44 feet in a point; thence South 62 degrees 30 minutes 00 seconds West 135.80 feet to a point; thence extending along the aforementioned Lot No. 26, North 17 degrees 01 minutes 50 seconds West 149.45 feet to the point and place of BEGINNING.

BEING Parcel No (01)005-0053

SUBJECT TO all covenants, restrictions, reservations, easements, conditions and rights appearing of record; and subject to any state of facts an accurate survey would show.

Being Known As: 180 Abbottstown Drive, Abbots town, PA 17301

Property ID No.: 1-5-53

TITLE TO SAID PREMISES IS VESTED IN Robert J. Muller and Roxanne L. Muller by Deed from Mel Martinez, the Secretary of Housing and Urban Development, of Washington, D.C., by their attorney in fact Lew Carlson dated 08/28/02 recorded 09/26/02 in Deed Book 2814 Page 305.

SEIZED and taken into execution as the property of **Robert J. Muller & Roxanne L. Muller** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-101 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE three (3) contiguous tracts of land situate in Freedom Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1: BEGINNING at an iron pin at corner of lands now or formerly of Joseph E. Codori; thence by lands now or formerly of R. C. Witherow, North 2-1/2 degrees East, 48 feet to an iron pin; thence North 62 degrees East, 179 feet to an iron pin; thence South 28 degrees East, 86 feet to a point in Marsh Creek; thence by other land now or formerly of Joseph E. Codori South 62 degrees West, 52 feet to an iron pin; thence by same South 78-1/2 degrees West 157.2 feet to an iron pin, the place of BEGINNING.

CONTAINING 50 perches.

TRACT NO. 2: BEGINNING at a corner of Marsh Creek Heights Road and other land now or formerly of George A. Miller and Blanche M. Miller; thence along land now or formerly of George A. and Blanche M. Miller in a Southerly direction, 50 feet to other land now or formerly of Robert C. Witherow; thence along other land now or formerly of said Robert C. Witherow in an Easterly direction 64 feet to a stake at other land of Robert C. Witherow; thence continuing along other land now or formerly of Robert C. Witherow in a Northerly direction, 50 feet to the Marsh Creek Heights Road; thence along the said Marsh Creek Heights Road in a Westerly direction 64 feet to the land now or formerly of George A. Miller and Blanche M. Miller, the place of BEGINNING.

TRACT NO. 3: BEGINNING at an iron pin at corner of lands now or formerly of George A. Miller and Blanche M. Miller; thence along other land now or formerly of said George A. Miller and Blanche M. Miller in a Southerly direction 50 feet to a stake at land of Robert C. Witherow; thence along land now or formerly of Robert C. Witherow in an Easterly direction 50 feet to a stake; thence continuing along lands now or formerly of Robert C. Witherow, in a Northerly direction 50 feet to Marsh Creek Heights Road; thence along said road in a Westerly direction 50 feet to other lands now or formerly of George A. Miller and Blanche M. Miller; the place of BEGINNING.

CONTAINING 50 perches.

Map #13-E17-36

TITLE TO SAID PREMISES IS VESTED IN Daniel J. Boone, Unmarried by Deed from Celia Dunayer, unmarried dated 3/26/1998 and recorded 3/27/1998 in Record Book 1547, Page 42.

Premises being: 196 Marsh Creek Heights Road, Gettysburg, PA 17325

Tax Parcel No. 13-E17-36

SEIZED and taken into execution as the property of Daniel J. Boone and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1308 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 June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Union Township and partly in the Borough of Littlestown, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point along the Southwesterly right-of-way line of Wheaton Drive and Lot No. 110 of the hereinafter referred to subdivision plan; thence along said Lot 110, South forty-five (45) degrees two (02) minutes thirty-six (36) seconds West, one hundred thirty-nine and ninety-six hundredths (139.96) feet to a point at lands now or formerly of Donald Smith; thence along said lands now or formerly of Donald Smith, North forty-five (45) degrees seventeen (17) minutes forty-one seconds East, one hundred and zero hundred (100.00) feet to a point at Lot No. 112; thence along said Lot No. 112, North

forty-four (44) degrees forty-two (42) minutes nineteen (19) seconds East, one hundred forty and zero hundred (140.00) feet to a point along the Southwesterly right-of-way line Wheaton Drive, South forty-five (45) degrees seventeen (17) minutes forty-one (41) seconds East, eighty-six and thirty-three hundredths (86.33) feet to a point; thence continuing along same by a curve to the right which has a radius of two thousand four hundred fifty-six and sixty-one hundredth (2456.61) feet, an arc distance of fourteen and forty-nine hundredths (14.49) feet, the long chord of which is South forty-five (45) degrees seven (07) minutes thirty-two (32) seconds East, fourteen and forty-nine hundredths (14.49) feet to a point, the place of BEGINNING.

BEING THE SAME premises which Lynn Lee Construction, Inc., by deed dated 8/31/95 and recorded 9/5/95 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 1077 at Page 242, granted and conveyed unto Michelle C. Valentine and Timothy J. Valentine.

Tax Parcel #: (41) 3-56 (Assessed in Union Township)

SEIZED and taken into execution as the property of Michelle C. Valentine & Timothy J. Valentine and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 18, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-262 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bound and described as follows:

BEGINNING at a point on the South property line of Park Street where the same is interested by the West property line of Sunset Avenue; thence running along said property line of Sunset Avenue, South 34 degrees 15 minutes West, 101.6 feet to an iron pin at the corner of lot now or formerly of Fred J. Kane; thence along same, North 55 degrees 45 minutes West, 138 feet to an iron pin; thence North 34 degrees 15 minutes East, 101.6 feet to an iron pin on the South property line of Park Street; thence running along the property line of said Park Street, South 55 degrees 45 minutes East, 138 feet to a point at the intersection of Park Street and Sunset Avenue, at the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Michael H. Flowers and Susan A. Flowers by Deed from Dale E. Deardorff and William K. Grove, executors of the will of Mildred D. Shower, dated 12/28/1996 and recorded 1/3/1997 in Deed Book 1312, Page 313.

Premises being: 358 Park Street, Gettysburg, PA 17325

Tax Parcel No. 16-012-0012

SEIZED and taken into execution as the property of **Michael H. Flowers & Susan A. Flowers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-258 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike located two (2) feet North of the center line of Mt. Hope Road, Legislative Route 01016, and approximately forty-seven and sixty-nine hundredths (47.69) feet East of the corner of lands of Clifton Henry; thence by other lands now, or formerly, of Harold B. Carbaugh and Mary S. Carbaugh and through a reference iron pin set back fourteen and nine-tenths (14.9) feet from the beginning of this course, North zero (00) degrees thirty-six (36) minutes thirty (30) seconds East, two hundred twenty-one and fifty-eight hundredths (221.58) feet to an iron pin set along the North edge of a certain twenty (20) foot wide Adams Electric right of way; thence by lands of same, North eighty-eight (88) degrees forty-six (46) minutes thirty (30) seconds East, two hundred nine and ninety-two hundredths (209.92) feet to a steel rod set at the North edge of said right of way; thence by lands of same, South twenty (20) degrees three (03) minutes twenty (20) seconds East one hundred seventy and sixty-four hundredths (170.64) feet running through a reference aluminum rod set back twenty-one and forty-six hundredths (21.46) feet from the end of this course to a railroad spike three (3) feet North of the center line of said Mt. Hope Road; and by lands of Richard Flowers and Luther Lightner, South seventy-one (71) degrees one (01) minute ten (10) seconds West, two hundred nineteen and eighty-eight hundredths (219.88) feet to a railroad spike seven (7) feet South of the center line of said Mt. Hope Road; thence along said Mt. Hope Road and by lands of Luther Lightner, North eighty-four (84) degrees forty-six (46) minutes ten (10) seconds West, sixty-three and eight hundredths (63.08) feet to the railroad spike two (2) feet North of the center line of said Mt. Hope Road, L.R. 01016, the place of BEGINNING, CONTAINING 1.141 Acre.

The above description is taken from a draft of survey made June 16, 1981, by Adams County Surveyors, J. Rile

Redding, R.S., and duly approved by the Hamiltonban Township Supervisors as a subdivision of Hamiltonban Township, Adams County, Pennsylvania, on July 6, 1981, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 35 at Page 124, on which said tract is designated as 1.

BEING THE SAME PREMISES which Edith C. Lindsell, being same person as Edith C. Cressleer and Leonard W. Lindsell, husband and wife, by deed dated 12/23/92 and recorded 12/23/92 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 673 at Page 46, granted and conveyed unto Richard K. Smith and Dolores Smith, husband and wife, as tenants of an estate by the entireties.

Tax Parcel #: 18-B-14-54

SUBJECT TO MORTGAGE

SEIZED and taken into execution as the property of **Dolores Smith & Richard K. Smith** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/13, 20 & 27

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Pennsylvania Department of State for LUCKY INVESTMENT GROUP, INC., in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

Himani Raheja
413 York St
Gettysburg, PA 17325

5/20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-311 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in the Borough of Fairfield, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a lietz spike in the centerline of Legislative Route No. 01015 at corner of Lot No. 3 and at corner of lands now or formerly of James M. Landis; thence by Lot No. 3, South 25 degrees 02 minutes 35 seconds West, 160 feet, passing through a reference pipe set back 25 feet from the beginning of this course, to a steel rod at corner of Lot No.3 and corner of other lands now or formerly of James M. Landis; thence by said other lands of James M. Landis, North 64 degrees 57 minutes 25 seconds West, 105 feet to a steel rod at corner of said other lands of James M. Landis and corner of Lot No. 5; thence by said Lot No. 5, North 25 degrees 02 minutes 35 seconds East, 160 feet, passing through a reference pipe set back 25 feet from the end of this course, to a lietz spike set in the centerline of Legislative Route No. 01015 at corner of Lot No. 5 and corner of lands now or formerly of James M. Landis; thence by said lands of James M. Landis and running in the centerline of Legislative Route No. 01015, South 64 degrees 57 minutes 25 seconds East, 105 feet to a lietz spike set in the centerline of said Legislative Route No. 01015 at a corner of Lot No. 3 and corner of said lands now or formerly of James M. Landis, the place of BEGINNING.

The above description was taken from a subdivision plan dated May 16, 1983 prepared by Adams County Surveys, which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 38 at Page 55, being Lot No. 4 thereon.

TITLE TO SAID PREMISES IS VESTED IN Jason Lawrence Vinson by reason of the following:

BEING THE SAME PREMISES which David M. Fitz and Carrie A. Fitz, husband and wife by Deed dated 6/30/1998 and recorded on 7/1/1998 in the County of Adams in Record Book 1612, Page 338 conveyed unto Jason Lawrence Vinson and Charlotte Ann Vinson, husband and wife,

AND ALSO BEING THE SAME PREMISES which Jason Lawrence Vinson and Charlotte Ann Vinson, husband and wife by Deed dated 6/24/1999 and recorded on 8/17/1999 in the County of Adams in Record Book 1896, Page 327 conveyed unto Jason Lawrence Vinson.

AND THE SAID Jason Lawrence Vinson and Charlotte Ann Vinson were divorced from the bonds of matrimony in Docket #99-S-137 on 8/24/1999.

Premises being: 44 North Miller Street, Fairfield, PA 17320

Tax Parcel No. 11005-0062-000

SEIZED and taken into execution as the property of **Jason Lawrence Vinson a/k/a Jason L. Vinson** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/20, 27 & 6/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-703 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Jonathan Lane and Lot No. 53; thence along Lot No. 53, South forty-three (43) degrees forty-six (46) minutes twenty-nine (29) seconds West, one hundred (100.00) feet to a point at lands now or formerly of John E. and Reba F. Biemiller; thence along said lands, South forty-nine (49) degrees one (01) minute forty-five (45)

seconds East, seventy-five and nine hundredths (75.09) feet to a point at Lot No. 51; thence along Lot No. 51, North forty-three (43) degrees forty-six (46) minutes twenty-nine (29) seconds East, one hundred one and sixty-six hundredths (101.66) feet to a point at Jonathan Lane; thence along Jonathan Lane by a curve to the left whose radius is one thousand six hundred ninety-seven and eighty-eight hundredths (1,697.88) feet and whose chord bearing is North fifty (50) degrees seventeen (17) minutes forty-two (42) seconds West, seventy-five and nineteen hundredths (75.19) feet for an arc distance of seventy-five and twenty hundredths (75.20) feet to the point and place of BEGINNING.

CONTAINING 7,583.20 square feet and identified as Lot No. 52 on a plan of lots known as Bonnie Field prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9 Page 24.

BEING THE SAME premises which Donald B. Smith and Alice C. Smith, by deed dated 5/2/89 and recorded 5/2/89 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 520 at Page 1115, granted and conveyed unto Holly A. Blake, deceased.

Tax Parcel #: 6-9-66

SEIZED and taken into execution as the property of **Bernard A. Blake, In His Capacity as the Representative of the Estate of Holly A. Blake, Deceased & Bernard A. Blake, Individually and to be sold by me.**

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/20, 27 & 6/3

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF RICHARD C. CODORI, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Joanne Schwartz, 158 E. Water Street, Gettysburg, PA 17325

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

ESTATE OF ORBIE E. JACOBS, a/k/a ORBIE W. JACOBS, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Linda Lundberg, Ass't VP, PNC Bank, NA, 4242 Carlisle Pike, Camp Hill, PA 17011

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

ESTATE OF RUTH A. LEE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Miriam T. Collins, 44 Pebble Lane, Biglerville, PA 17307

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

ESTATE OF NORA E. STARRY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Betty F. Warner, 490 Heidersburg Road, Biglerville, PA 17307; Stanley L. Starry, 6599 Old Harrisburg Road, York Springs, PA 17372

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

SECOND PUBLICATION

ESTATE OF RICHARD K. BISH, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: LeRoy W. Bish, Jr., 10101 Canopy Tree Ct., Orlando, FL 32836

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

ESTATE OF OLGA M. BRIDY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administratrix, c.t.a.: Virginia M. Bittle, 35 Thomas Circle, Arendtsville, PA 17303

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

ESTATE OF MARY A. BROWN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Patricia A. Gibbons, 20 Fox Run Road, Abbottstown, PA 17301

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

ESTATE OF RONALD L. RIGGEEAL, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Ruthie P. Riggieal, 309 E. Main Street, Emmitsburg, MD 21727

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

ESTATE OF JOANN WEAVER a/k/a JOANN URSULA WEAVER, DEC'D

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

Administrator: Doris J. McGuire, c/o Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

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

ESTATE OF OSIE L. WHITE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Catherine V. Miller, c/o Miller & Associates, 2963 D Manchester Road, Manchester, MD 21102

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

THIRD PUBLICATION

ESTATE OF RUTH A. BISH a/k/a RUTH ANN BISH, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Randal L. Bish, 412 Stone Bridge Road, Gettysburg, PA 17325

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

ESTATE OF CHARLES W. CHANTE-LAU, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

William J. Chantelau, 765 Barlow Drive, Gettysburg, PA 17325

ESTATE OF RICHARD S. MILLER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Mark D. Miller, 201 Poplar Hill Road, Gardners, PA 17324

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

ESTATE OF MARY C. MYERS, DEC'D

Late of Union Township, Adams County, Pennsylvania

Co-Executors: Jane E. Lowe, 475 Mehning Rd., Littlestown, PA 17340; Harlan R. Myers, 625 Littlestown Rd., Littlestown, PA 17340

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

ESTATE OF SHERMAN H. ROE, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: Penelope Frock, 1160 Belmont Rd., Gettysburg, PA 17325

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

ESTATE OF WESLEY A. ROSS a/k/a WESLEY S. ROSS, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Melissa A. Jones, 145 Barlow Two-Taverns Rd., Gettysburg, PA 17325

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

(continued on page 8)

THIRD PUBLICATION (continued)

ESTATE OF FRANCES E. SHAFFER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Paul E. Schildt and Barbara J. Schildt, c/o Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 N. George St., York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 N. George St., York, PA 17401

ESTATE OF ESTELLE A. SIPLING a/k/a ESTELLE AGNES SIPLING, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Ronald G. Sipling, 32 Stoney Robbey Rd., Fulton, NY 13069; Judith A. Bollinger, 679 Mehring Rd., Littlestown, PA 17340

Attorney: David C. Smith, Esq., 754 Edgegrove Rd., Hanover, PA 17331

ESTATE OF SALLY S. SOSNA a/k/a SALLY SOSNA, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Robert J. Sosna, c/o Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF ESTIE ANN STERNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Doris Buckley, 3321 Meadowview Drive, Manchester, MD 21102; Richard S. Sterner, 4235 Schalk Rd., No. 1, Millers, MD 21102

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

ESTATE OF DOROTHY MAE STEVENS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Robert Henry Elmiger, 6211 Blue Hill Rd., Glenville, PA 17329

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-317 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in the Borough of Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, being Lot #128 in Section A, bounded and described as follows:

BEGINNING at a point in the center of High Trail, formerly known as High Ridge Trail, at Lot #127; thence by said lot, North 62 degrees, 13 minutes West, 200 feet to a point; thence North 27 degrees, 47 minutes East, 90 feet to other lands, now or formerly of Charmita, Inc.; thence by said lands, South 62 degrees, 13 minutes East, 200 feet to a point in the center of said High Trail, formerly known as High Ridge Trail, thence in said High Trail, formerly known as High Ridge Trail, South 27 degrees, 47 minutes West, 90 feet to the place of BEGINNING. The above description was taken from a plan of lots labeled "Section A, Charmita" and dated March 10, 1965, prepared by Gordon L. Brown, R.S., recorded in Adams County Miscellaneous Docket 3, Page 733.

Map #13 Parcel #16

SEIZED and taken into execution as the property of Michael K. Burke & The United States of America and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/20, 27 & 6/3

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately March 1, 2005, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of PFANTASTIC PFINDS, with its principal place of business at 263 Longstreet Drive. The names and addresses of the persons owning or interested in said business are Karen D. Corson & Shannon M. Keefer, residing at 263 Longstreet Drive, Gettysburg, PA 17325. The character or nature of the business is general merchandise resale.

5/20

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on January 6, 2005.

The name of the corporation is ELKWOOD INDUSTRIES, INC.

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

Elk-Wood Industries, Inc. 4994 Fairfield Road Fairfield, PA 17320

5/20

Adams County Legal Journal

Vol. 47

May 27, 2005

No. 1, pp. 1-5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1308 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 June, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in Union Township and partly in the Borough of Littlestown, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point along the Southwesterly right-of-way line of Wheaton Drive and Lot No. 110 of the hereinafter referred to subdivision plan; thence along said Lot 110, South forty-five (45) degrees two (02) minutes thirty-six (36) seconds West, one hundred thirty-nine and ninety-six hundredths (139.96) feet to a point at lands now or formerly of Donald Smith; thence along said lands now or formerly of Donald Smith, North forty-five (45) degrees seventeen (17) minutes forty-one seconds

East, one hundred and zero hundred (100.00) feet to a point at Lot No. 112; thence along said Lot No. 112, North forty-four (44) degrees forty-two (42) minutes nineteen (19) seconds East, one hundred forty and zero hundred (140.00) feet to a point along the Southwesterly right-of-way line Wheaton Drive, South forty-five (45) degrees seventeen (17) minutes forty-one (41) seconds East, eighty-six and thirty-three hundredths (86.33) feet to a point; thence continuing along same by a curve to the right which has a radius of two thousand four hundred fifty-six and sixty-one hundredth (2456.61) feet, an arc distance of fourteen and forty-nine hundredths (14.49) feet, the long chord of which is South forty-five (45) degrees seven (07) minutes thirty-two (32) seconds East, fourteen and forty-nine hundredths (14.49) feet to a point, the place of BEGINNING.

BEING THE SAME premises which Lynn Lee Construction, Inc., by deed dated 8/31/95 and recorded 9/5/95 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 1077 at Page 242, granted and conveyed unto Michelle C. Valentine and Timothy J. Valentine.

Tax Parcel #: (41) 3-56 (Assessed in Union Township)

SEIZED and taken into execution as the property of **Michelle C. Valentine & Timothy J. Valentine** and to be sold by me.

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

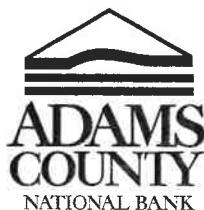
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 18, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/13, 20 & 27

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



Member FDIC

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-863 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center line of Legislative Route 01077 at corner of other lands now or formerly of John Whitney; thence in said center line of Legislative Route 01077 South 58 degrees 40 minutes East, 89.77 feet to a point in the center line of said Legislative Route 01077 at land now or formerly of James Sharrah; thence through an iron pin set back along the line by other land now or formerly of James Sharrah South 34 degrees 36 minutes West, 182.41 feet to an iron pipe; thence by land of James Sharrah and Mrs. Lottie Topper South 57 degrees 33 minutes East, 117.93 feet to an iron pipe; thence by other land formerly of Calvin Cluck and wife South 30 degrees 12 minutes West, 268.11 feet to an iron pin; thence by same South 25 degrees 38 minutes West, 808.79 feet to an iron pipe; thence by land now or formerly of Mark Bucher, North 55 degrees 9 minutes West, 386.35 feet to an iron pipe; thence by other land formerly of Cluck North 37 degrees 25 minutes East, formerly of John Whitney and through an iron pin set back along the line 29.90 feet North 34 degrees 37 minutes East, 322.80 feet to a point in the center of Legislative Route 01077 to the point and place of BEGINNING.

CONTAINING 6.7478 acres.

BEING known as: 126 Olde Rte. 30, McKnightstown, PA 17343

Property ID No.: D-11-95A

TITLE TO SAID PREMISES IS VESTED IN Stephan H. Reaver and Cindy L. Reaver, husband and wife, as tenants of an estate by the entireties by deed from Calvin A. Slegal a/k/a Calvin Andrew Slegal and Mary Jane Slegal, husband

and wife dated 01/02/97 recorded 01/03/97 in Deed Book 1312 Page 345.

SEIZED and taken into execution as the property of **Stephan H. Reaver & Cindy L. Reaver** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/20, 27 & 6/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-67 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin driven at the point of intersection of the center line of Legislative Route 01016, running between Mt. Hope through Virginia Mills and to the Fairfield-Orrtanna State Highway, and the center line of the Western Maryland Railroad right of way near Virginia Mills; thence running in the center of said Legislative Route 01016, North 70-3/4 degrees West 574 feet to an iron pin in the center of said State Highway; thence by land now or formerly of Mike McGlaughlin, land now or formerly of Lloyd Benner and land now or formerly of Ronald Kump, North 52 degrees East 980 feet, running through

an elm tree 44 feet from the end of this course, to a point in the center of said Railroad right of way; thence running in the center of said Railroad right of way, South 12-1/4 degrees West 412.5 feet to a point in the center of said Railroad right of way, in a curve thereof; thence continuing in the center of said Railroad right of way, South 19-1/2 degrees West 415.8 feet to the above described place of BEGINNING. CONTAINING 5 acres and 122.04 square perches.

BEING KNOWN AS: 401 Mount Hope Road, Fairfield, (Hamiltonban Township), PA 17320

PROPERTY ID NO. C14-22

TITLE TO SAID PREMISES IS VESTED IN Randy A. Rippeon and Tracie L. Rippeon, husband and wife as tenants of an estate by the entireties by deed from Robert G. Coy and Janet M. Coy, husband and wife dated 06/30/99 recorded 07/08/99 in Deed Book 1869, Page 329.

SEIZED and taken into execution as the property of **Randy A. Rippeon & Tracie L. Rippeon** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/20, 27 & 6/3

COMMONWEALTH VS. FLANARY

1. Claims that challenge the sufficiency of the evidence are a question of law.
2. Evidence to support a verdict is sufficient when there is testimony that is offered to establish each material element of the crime charged and which proves, beyond a reasonable doubt, that the accused committed the offense.
3. When reviewing a claim challenging the sufficiency of the evidence, a court is required to view the evidence in the light most favorable to the verdict winner, thereby allowing the Commonwealth the benefit of all reasonable influences that may be drawn from the evidence.
4. A motion for new trial based upon grounds that a verdict was contrary to the weight of the evidence concedes that there is sufficient evidence to sustain a verdict.
5. An attack on the weight of the evidence is within the trial court's discretion.
6. The role of the trial judge is to determine that notwithstanding all the facts, certain facts are so clearly of greater weight that to ignore them or to give them equal weight with all the facts is to deny justice.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-27-04, COMMONWEALTH OF PENNSYLVANIA VS. JOSEPH BRADLEY FLANARY.

Sarah Caldwell, Esq., Assistant District Attorney, for Commonwealth
Robert Chester, Esq., Assistant Public Defender, for Defendant
George, J., Opinion filed August 20, 2004

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

The Appellant, Joseph Bradley Flanary (hereinafter referred to as Flanary), appealed to the Pennsylvania Superior Court after a jury rendered a guilty verdict on March 30, 2004. The jury found Flanary guilty of two counts of driving under the influence of alcohol pursuant to Section 3731(a)(1) and 3731(a)(4) of the Pennsylvania Motor Vehicle Code. See 75 Pa.C.S. § 3731. Additionally, the Court found Flanary guilty of careless driving, a summary violation, pursuant to 75 Pa.C.S. § 3714 and false reports, also a summary violation, pursuant to 75 Pa.C.S. § 3748. Following sentencing on this matter, Flanary filed a Motion for Judgment of Acquittal seeking a new trial. Flanary's motion was denied by the Court on June 8, 2004. Thereafter, Flanary filed a timely appeal to the Pennsylvania Superior Court wherein he challenged all verdicts based on both the weight and sufficiency of the evidence. For the reasons set forth below, Flanary's appeal lacks merit.

In *Commonwealth v. Widmer*, 744 A.2d 745 (Pa. 2000), the Pennsylvania Supreme Court noted the distinction between a claim that challenges the sufficiency of the evidence and a claim that

challenges the weight of the evidence. *Id.* at 751. The Court found that claims that challenge the sufficiency of the evidence are a question of law. *Id.* Evidence to support a verdict is sufficient when there is testimony that is offered to establish each material element of the crime charged and which proves, beyond a reasonable doubt, that the accused committed the offense. *Commonwealth v. Karkaria*, 625 A.2d 1167, 1170 (Pa. 1993). When reviewing a claim challenging the sufficiency of the evidence, a court is required to view the evidence in the light most favorable to the verdict winner, thereby allowing the Commonwealth the benefit of all reasonable influences that may be drawn from the evidence. *Commonwealth v. Chambers*, 599 A.2d 630, 633 (Pa. 1991). On the other hand, a motion for new trial based upon grounds that a verdict was contrary to the weight of the evidence concedes that there is sufficient evidence to sustain a verdict. *Commonwealth v. Whiteman*, 485 A.2d 459, 462 (Pa.Super.1984). An attack on the weight of the evidence is within the trial court's discretion. *Commonwealth v. Brown*, 648 A.2d 1177, 1189 (Pa.1994). "The role of the trial judge is to determine that 'notwithstanding all the facts, certain facts are so clearly of greater weight that to ignore them or to give them equal weight with all the facts is to deny justice.'" *Widmer*, 744 A.2d at 752 (quoting *Thompson v. City of Philadelphia*, 493 A.2d 669, 674 (Pa.1985)).

After viewing the evidence in the light most favorable to the verdict winner and giving the prosecution the benefit of all reasonable influences drawn therefrom, the following facts were established at trial:

At approximately 2:30 A.M. on September 27, 2003, Trooper Victor Woerner, of the Pennsylvania State Police, was dispatched to a car accident on State Route 15 in Straban Township, Adams County. The roads were dry and there were no adverse weather conditions. Trooper Woerner arrived at the scene of the accident approximately five minutes after dispatch. Upon arrival, Trooper Woerner observed a vehicle on the embankment, west of the southbound lane of State Route 15. The vehicle was located in a grassy area approximately 20 to 30 feet off the edge of the roadway. There was a fencerow with heavy brush and trees directly to the west of where the vehicle was located.

Immediately upon arrival, Trooper Woerner noticed that the vehicle was "running" and that a person in the driver's seat of the

vehicle was unsuccessfully trying to free the vehicle from its location. He identified this individual as Joseph Bradley Flanary. During Trooper Woerner's initial conversation with Flanary, Flanary indicated that he picked up an unknown Hispanic individual at the Eastside Bar in Gettysburg. Flanary further claimed that he was too intoxicated to drive and, therefore, he allowed this unknown Hispanic individual to drive his vehicle. Flanary further stated that the unknown individual wrecked his vehicle and fled the scene of the accident on foot toward Biglerville, a borough located west of the accident scene.

Trooper Woerner investigated the scene of the accident and found that the passenger side door of the vehicle was locked. He observed what appeared to be blood on the driver side airbag and the driver side door panel. Finally, he noticed a red substance on the passenger side airbag. Based on his experience, he concluded that the red substance on the passenger side airbag was not blood, rather, it was catsup. Also, on the passenger's side, there was a Sheetz's Store foil wrapper that contained the same substance found on the passenger side air bag. Trooper Woerner noticed that Flanary had a cut on his forehead, a cut on his nose, and a cut on his left elbow.

After further examination of the accident scene, Trooper Woerner discovered a four foot high fence in the middle of the fencerow to the west of the vehicle. He also noticed that the brush was so thick that no one could have gone through that area.

During his conversation with Flanary, Trooper Woerner detected that Flanary's breath smelled strongly of alcohol. Additionally, his speech was slurred, he had trouble producing identification, and he had trouble walking. The trooper administered a field sobriety test on Flanary, which Flanary failed. Based on Trooper Woerner's experience, he concluded that Flanary was intoxicated and incapable of driving safely. A subsequent blood-alcohol test at the Gettysburg Hospital revealed that Flanary's blood-alcohol concentration was .213 percent.

As part of the subsequent investigation, a search warrant was obtained allowing the police to search Flanary's blood and his vehicle. During the execution of the search warrant, samples were gathered from the passenger side airbag, the driver side airbag,

and the driver side door panel. Mary Hockensmith, a forensic scientist with the Pennsylvania State Police laboratories, and an expert in DNA analysis, analyzed the samples. She opined that the DNA profile of the blood drawn from Flanary matched the samples from the driver side door panel and the driver side airbag. She further deduced that the statistical probability that the DNA belonged to a random individual who exhibited the same type of DNA combination as the DNA found in Flanary's vehicle was one in fifteen-quadrillion. A separate analysis of the substance contained on the passenger airbag indicated that the substance was not human blood.

In his Statement of Matters complained of on appeal, Flanary challenges his conviction of driving under the influence of alcohol under 75 Pa.C.S. § 3731(a)(1) on the basis that the Commonwealth failed to carry its burden of establishing that Flanary was the operator of the vehicle. This challenge is clearly meritless. The fact that Flanary's blood was found on the driver side airbag and the driver side door panel is sufficient circumstantial evidence to allow the jury to conclude that Flanary was the operator of the vehicle at the time of the accident. Additionally, this evidence is supplemented by Trooper Woerner's observations, which refute Flanary's contention that another person was present in the vehicle. Finally, the evidence supports a conclusion that Flanary planted catsup on the passenger side airbag in order to give the appearance that blood was on the airbag and that a second person was present in the vehicle. If, indeed, such a finding was made, it is certainly indicative of consciousness of guilt. Accordingly, the evidence is sufficient to support the jury's verdict.

Flanary also challenges his conviction of driving under the influence of alcohol under 75 Pa.C.S. § 3731(a)(4) on the basis that the Commonwealth failed to establish that the blood-alcohol test was drawn less than three hours after Flanary operated the vehicle. As indicated above, the blood sample was drawn at Gettysburg Hospital at 4:19 A.M. on September 27, 2003. Trooper Woerner indicated that he arrived at the scene of the accident at 2:35 A.M. Upon his arrival, Flanary was seated behind the driver's seat of the vehicle, the vehicle was running, and Flanary was attempting to free the vehicle from its position in the field. When viewed in a light most favorable to the

Commonwealth, the circumstances are more than sufficient to establish that the trooper arrived on the scene of the accident shortly after the accident. Therefore, once again, Flanary's argument is meritless.¹

The evidence also supports Flanary's conviction of the crime of careless driving under Section 3714 of the motor vehicle code. See 75 Pa.C.S. § 3714. On the date in question, Flanary operated his vehicle with a blood-alcohol level that exceeded the legal limit. While Flanary was operating his vehicle, it veered from the roadway traveling 20 to 30 feet into a nearby grassy area. At the time of the accident, the roadway was dry and there were no adverse weather conditions. Flanary's carelessness and his inability to control his vehicle presented a grave safety risk to the public.

Finally, under Section 3748 of the Pennsylvania Motor Vehicle Code, Flanary challenges the sufficiency of the evidence used to support his conviction of the crime of false reporting. See 75 Pa.C.S. § 3748. Section 3748 provides that any person who knowingly gives false information regarding accident reporting is guilty of a summary offense. *Id.* Trooper Woerner was dispatched to the scene of the accident wherein he conducted the investigation. Flanary's vehicle was not able to be driven from the scene under its own power. During the course of the investigation, Flanary provided information to Trooper Woerner that someone else was driving the vehicle at the time of the accident. There is more than sufficient evidence to determine that Flanary was not truthful in his oral report to Trooper Woerner.

Accordingly, the verdicts were proper and do not shock this judge's conscience.

¹ It also appears that Flanary is challenging his conviction under 75 Pa.C.S. § 3731(a)(4) on the basis that the evidence was insufficient for a jury to conclude that Flanary operated the vehicle on the highway or roadway. However, Flanary, by his own admission, advised the trooper that immediately preceding the accident, he had been at a bar in Gettysburg borough. Under these circumstances, the evidence is sufficient for the jury to conclude that the vehicle did not fall from the sky onto the embankment next to a four-lane highway, but rather, the vehicle ended upon in the field after veering off the highway.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-258 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike located two (2) feet North of the center line of Mt. Hope Road, Legislative Route 01016, and approximately forty-seven and sixty-nine hundredths (47.69) feet East of the corner of lands of Clifton Henry; thence by other lands now, or formerly, of Harold B. Carbaugh and Mary S. Carbaugh and through a reference iron pin set back fourteen and nine-tenths (14.9) feet from the beginning of this course, North zero (00) degrees thirty-six (36) minutes thirty (30) seconds East, two hundred twenty-one and fifty-eight hundredths (221.58) feet to an iron pin set along the North edge of a certain twenty (20) foot wide Adams Electric right of way; thence by lands of same, North eighty-eight (88) degrees forty-six (46) minutes thirty (30) seconds East, two hundred nine and ninety-two hundredths (209.92) feet to a steel rod set at the North edge of said right of way; thence by lands of same, South twenty (20) degrees three (03) minutes twenty (20) seconds East one hundred seventy and sixty-four hundredths (170.64) feet running through a reference aluminum rod set back twenty-one and forty-six hundredths (21.46) feet from the end of this course to a railroad spike three (3) feet North of the center line of said Mt. Hope Road; thence along said Mt. Hope Road and by lands of Richard Flowers and Luther Lightner, South seventy-one (71) degrees one (01) minute ten (10) seconds West, two hundred nineteen and eighty-eight hundredths (219.88) feet to a railroad spike seven (7) feet South of the center line of said Mt. Hope Road; thence along said Mt. Hope Road and by lands of Luther Lightner, North eighty-four (84) degrees forty-six (46) minutes ten (10) seconds West, sixty-three and eight hundredths (63.08) feet to the railroad spike two (2) feet North of the center line of said Mt. Hope Road, L.R. 01016, the place of BEGINNING, CONTAINING 1.141 Acre.

The above description is taken from a draft of survey made June 16, 1981, by

Adams County Surveyors, J. Riley Redding, R.S., and duly approved by the Hamiltonban Township Supervisors as a subdivision of Hamiltonban Township, Adams County, Pennsylvania, on July 6, 1981, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 35 at Page 124, on which said tract is designated as 1.

BEING THE SAME PREMISES which Edith C. Lindsell, being same person as Edith C. Cressleer and Leonard W. Lindsell, husband and wife, by deed dated 12/23/92 and recorded 12/23/92 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 673 at Page 46, granted and conveyed unto Richard K. Smith and Dolores Smith, husband and wife, as tenants of an estate by the entireties.

Tax Parcel #: 18-B-14-54

SUBJECT TO MORTGAGE

SEIZED and taken into execution as the property of **Dolores Smith & Richard K. Smith** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/13, 20 & 27

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation for GLENDALE INVESTMENTS, INC. were filed with the Department of State of the Commonwealth of Pennsylvania on April 28, 2005, under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444.

Guthrie, Nonemaker, Yingst & Hart
Solicitor

5/27

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 05-S-14

Action to Quiet Title

GEORGE A. KEMPER and ANNA J. KEMPER, Plaintiffs

vs.

FRED M. JAMESON and DONNA L. JAMESON, Defendants

TO: Fred M. Jameson and Donna L. Jameson

DATE OF NOTICE: May 16, 2005

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER, IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

Patrono & Associates, LLC
John J. Murphy III, Esq.
Attorney for Plaintiffs
30 West Middle Street
Gettysburg, PA 17325
(717) 334-8098
PA ID # 91299

5/27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-311 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in the Borough of Fairfield, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a liezt spike in the centerline of Legislative Route No. 01015 at corner of Lot No. 3 and at corner of lands now or formerly of James M. Landis, thence by Lot No. 3, South 25 degrees 02 minutes 35 seconds West, 160 feet, passing through a reference pipe set back 25 feet from the beginning of this course, to a steel rod at corner of Lot No. 3 and corner of other lands now or formerly of James M. Landis; thence by said other lands of James M. Landis, North 64 degrees 57 minutes 25 seconds West, 105 feet to a steel rod at corner of said other lands of James M. Landis and corner of Lot No. 5; thence by said Lot No. 5, North 25 degrees 02 minutes 35 seconds East, 160 feet, passing through a reference pipe set back 25 feet from the end of this course, to a liezt spike set in the centerline of Legislative Route No. 01015 at corner of Lot No. 5 and corner of lands now or formerly of James M. Landis; and running in the centerline of Legislative Route No. 01015, South 64 degrees 57 minutes 25 seconds East, 105 feet to a liezt spike set in the centerline of said Legislative Route No. 01015 at a corner of Lot No. 3 and corner of said lands now or formerly of James M. Landis, the place of BEGINNING.

The above description was taken from a subdivision plan dated May 16, 1983 prepared by Adams County Surveys, which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 38 at Page 55, being Lot No. 4 thereon.

TITLE TO SAID PREMISES IS VESTED IN Jason Lawrence Vinson by reason of the following:

BEING THE SAME PREMISES which David M. Fitz and Carrie A. Fitz, husband and wife by Deed dated 6/30/1998 and recorded on 7/1/1998 in the County of Adams in Record Book 1612, Page 338 conveyed unto Jason Lawrence Vinson and Charlotte Ann Vinson, husband and wife.

AND ALSO BEING THE SAME PREMISES which Jason Lawrence Vinson and Charlotte Ann Vinson, husband and wife by Deed dated 6/24/1999 and recorded on 8/17/1999 in the County of Adams in Record Book 1896, Page 327 conveyed unto Jason Lawrence Vinson,

AND THE SAID Jason Lawrence Vinson and Charlotte Ann Vinson were divorced from the bonds of matrimony in Docket #99-S-137 on 8/24/1999.

Premises being: 44 North Miller Street, Fairfield, PA 17320

Tax Parcel No. 11005-0062-000

SEIZED and taken into execution as the property of Jason Lawrence Vinson a/k/a Jason L. Vinson and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/20, 27 & 6/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-703 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Jonathan Lane and Lot No. 53; thence along Lot No. 53, South forty-three (43) degrees forty-six (46) minutes twenty-nine (29) seconds West, one hundred (100.00) feet to a point at lands now or formerly of John E. and Reba F. Biemiller; thence along said lands, South forty-nine (49) degrees one (01) minute forty-five (45)

seconds East, seventy-five and nine hundredths (75.09) feet to a point at Lot No. 51; thence along Lot No. 51, North forty-three (43) degrees forty-six (46) minutes twenty-nine (29) seconds East, one hundred one and sixty-six hundredths (101.66) feet to a point at Jonathan Lane; thence along Jonathan Lane by a curve to the left whose radius is one thousand six hundred ninety-seven and eighty-eight hundredths (1,697.88) feet and whose chord bearing is North fifty (50) degrees seventeen (17) minutes forty-two (42) seconds West, seventy-five and nineteen hundredths (75.19) feet for an arc distance of seventy-five and twenty hundredths (75.20) feet to the point and place of BEGINNING.

CONTAINING 7,583.20 square feet and identified as Lot No. 52 on a plan of lots known as Bonnie Field prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9 Page 24.

BEING THE SAME premises which Donald B. Smith and Alice C. Smith, by deed dated 5/2/89 and recorded 5/2/89 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 520 at Page 1115, granted and conveyed unto Holly A. Blake, deceased.

Tax Parcel #: 6-9-66

SEIZED and taken into execution as the property of Bernard A. Blake, In His Capacity as the Representative of the Estate of Holly A. Blake, Deceased & Bernard A. Blake, Individually and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/20, 27 & 6/3

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF LLOYDA A. DECKER, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executors: Theodore A. Decker, 1390 Gun Club Road, York Springs, PA 17372; Rodney L. Decker, 112 Old Cabin Hollow Road, Dillsburg, PA 17019

Attorney: Jan M. Wiley, Esq., Wiley, Lenox, Colgan & Marzocco, P.C., 130 W. Church St., Suite 100, Dillsburg, PA 17019

ESTATE OF RAYMOND M. HALE, JR., DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: William R. Hale, 21 Pearl Street, P.O. Box 358, Arendtsville, PA 17303

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

ESTATE OF MARY L. KRIVAK, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Mack Chilcote, 20 Sunset Drive, Gettysburg, PA 17325

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

ESTATE OF REBA P. MCGOWAN a/k/a REBA MCGOWAN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Donald W. McGowan, c/o Amy E. W. Ehrhart, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

Attorney: Amy E. W. Ehrhart, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF ROBERT BRUCE SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: E. Elizabeth Smith, 309C Lovely Lane, New Oxford, PA 17350

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

SECOND PUBLICATION

ESTATE OF RICHARD C. CODORI, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Joanne Schwartz, 158 E. Water Street, Gettysburg, PA 17325

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

ESTATE OF ORBIE E. JACOBS, a/k/a ORBIE W. JACOBS, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Linda Lundberg, Ass't VP, PNC Bank, NA, 4242 Carlisle Pike, Camp Hill, PA 17011

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

ESTATE OF RUTH A. LEE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Miriam T. Collins, 44 Pebble Lane, Biglerville, PA 17307

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

ESTATE OF NORA E. STARRY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Betty F. Warner, 490 Heidersburg Road, Biglerville, PA 17307; Stanley L. Starry, 6599 Old Harrisburg Road, York Springs, PA 17372

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

THIRD PUBLICATION

ESTATE OF RICHARD K. BISH, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: LeRoy W. Bish, Jr., 10101 Canopy Tree Ct., Orlando, FL 32836

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

ESTATE OF OLGA M. BRIDY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administratrix, c.t.a.: Virginia M. Bittle, 35 Thomas Circle, Arendtsville, PA 17303

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

ESTATE OF MARY A. BROWN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Patricia A. Gibbons, 20 Fox Run Road, Abbottstown, PA 17301

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

ESTATE OF RONALD I. RIGGEEAL, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Ruthie P. Riggel, 309 E. Main Street, Emmitsburg, MD 21727

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

ESTATE OF JOANN WEAVER a/k/a JOANN URSULA WEAVER, DEC'D

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

Administrator: Doris J. McGuire, c/o Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

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

ESTATE OF OSIE L. WHITE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Catherine V. Miller, c/o Miller & Associates, 2963 D Manchester Road, Manchester, MD 21102

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-262 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bound and described as follows:

BEGINNING at a point on the South property line of Park Street where the same is intersected by the West property line of Sunset Avenue; thence running along said property line of Sunset Avenue, South 34 degrees 15 minutes West, 101.6 feet to an iron pin at the corner of lot now or formerly of Fred J. Kane; thence along same, North 55 degrees 45 minutes West, 138 feet to an iron pin; thence North 34 degrees 15 minutes East, 101.6 feet to an iron pin on the South property line of Park Street; thence running along the property line of said Park Street, South 55 degrees 45 minutes East, 138 feet to a point at the intersection of Park Street and Sunset Avenue, at the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Michael H. Flowers and Susan A. Flowers by Deed from Dale E. Deardorff and William K. Grove, executors of the will of Mildred D. Shower, dated 12/28/1996 and recorded 1/3/1997 in Deed Book 1312, Page 313.

Premises being: 358 Park Street, Gettysburg, PA 17325

Tax Parcel No. 16-012-0012

SEIZED and taken into execution as the property of **Michael H. Flowers & Susan A. Flowers** and to be sold by me,

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-317 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in the Borough of Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, being Lot #128 in Section A, bounded and described as follows:

BEGINNING at a point in the center of High Trail, formerly known as High Ridge Trail, at Lot #127; thence by said lot, North 62 degrees, 13 minutes West, 200 feet to a point; thence North 27 degrees, 47 minutes East, 90 feet to other lands, now or formerly of Charnita, Inc.; thence by said lands, South 62 degrees, 13 minutes East, 200 feet to a point in the center of said High Trail, formerly known as High Ridge Trail, thence in said High Trail, formerly known as High Ridge Trail, South 27 degrees, 47 minutes West, 90 feet to the place of BEGINNING. The above description was taken from a plan of lots labeled "Section A, Charnita" and dated March 10, 1965, prepared by Gordon L. Brown, R.S., recorded in Adams County Miscellaneous Docket 3, Page 733.

Map #13 Parcel #16

SEIZED and taken into execution as the property of **Michael K. Burke & The United States of America** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/20, 27 & 6/3

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that BECHTEL-WALKER, INC., a Pennsylvania corporation having offices at 5760 York Road, New Oxford, PA 17350, has adopted resolutions providing for the dissolution of the corporation pursuant to the provision of the Pennsylvania Business Corporation Law of 1988 as amended, and that said corporation is winding up its affairs in the manner prescribed by law so that its corporate existence shall be ended by the issuance of a certificate of dissolution by the Department of State of the Commonwealth of Pennsylvania.

Matthew L. Guthrie
Solicitor

5/27