

# Adams County Legal Journal

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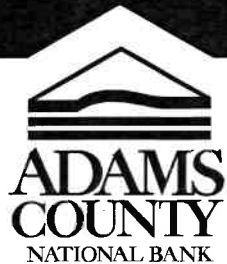
No. 46, pp. 301-306

## IN THIS ISSUE


GETTYSBURG AREA SCHOOL DISTRICT  
SALE OF UNNECESSARY REAL ESTATE

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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-69 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of May, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point along the Southerly right-of-way line of Squire Circle and Lot No. 26 of the hereinafter referred to Subdivision Plan; thence along said Lot No. 26, South fifteen (15) degrees forty-two (42) minutes twenty-one (21) seconds East, ninety and seventy-three hundredths (90.73) feet to a point at Lot No. 24-A; thence along said Lot No. 24-A, South seventy (70) degrees forty (40) minutes thirty-one (31) seconds West, forty-one and twenty-one hundredths (41.21) feet to a point at Lot No. 25; thence along said Lot No. 25, North thirty (30) degrees thirty-five (35) minutes ten (10) seconds West, eighty-one and fifty-four hundredths (81.54) feet to a point along the Southerly right-of-way line of Squire Circle; thence along the Southerly right-of-way of Squire Circle, North fifty-nine (59) degrees twenty-four (24) minutes fifty (50) seconds East, forty-two and zero hundredths (42.00) feet to a point; thence continuing along same by a curve to the right which has a radius of one hundred twenty-five and zero hundredths (125.00) feet, an arc distance of twenty-one and eighty-three hundredths (21.83) feet, the long chord of which is North sixty-four (64) degrees twenty-four (24) minutes fifty-eight (58) seconds East, twenty-one and eighty hundredths (21.80) square feet to a point, the place of BEGINNING. CONTAINING 4,510.3874 square feet and being identified as Lot No. 25-A on the final Subdivision Plan of McSherrystown West, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 64, page 20.

SAID tract of land being subject to the Protective Covenants and Restrictions for McSherrystown West dated January 12, 1994, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 835, page 35.

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.

IT BEING that same tract of land which Mel Martinez, The Secretary of Housing and Urban Development, of Washington, D.C., by Attorney in Fact, Toni Johnson, by deed dated December 17, 2001 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 2531, page 1, granted and conveyed unto 787 Associates, LLC, GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Christopher Sauers and Deborah Sauers, husband and wife, as tenants by the entireties, by Deed from 787 Associates, LLC, dated 02/21/2002, recorded 03/27/2002, in Deed Book 2602, Page 187.

Premises being: 41 Squire Circle, McSherrystown, PA 17344

Tax Parcel No. 28-002-0231-000

SEIZED and taken into execution as the property of **Christopher Sauers & Deborah Sauers a/k/a Deborah L. Sauers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 8, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/30, 4/5 & 13

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about February 28, 2007 for the incorporation of CL HANKEY, INC. under the Pennsylvania Corporation Law of 1988. The initial registered office of the corporation is 32 Barlow Street, Gettysburg, Pennsylvania 17325.

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

4/5

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of Commonwealth of Pennsylvania on or about December 14, 2006, pursuant to the Fictitious Name Act, setting forth that Peter M. Monahan, Thomas M. Monahan and William P. Monahan are the only individuals interested in a business, the character of which is property management, that the designation under which the business is and will be conducted is BELMAR PARTNERSHIP and that the principal place of business is 401 Buford Avenue, Gettysburg, Pennsylvania 17325.

Bernard A. Yannetti, Jr., Esq.  
Solicitor

4/5

## GETTYSBURG AREA SCHOOL DISTRICT SALE OF UNNECESSARY REAL ESTATE

1. Failure to comply with the minimal requirements of section 1925(b) (Rules of Appellate Procedure) will result in automatic waiver of issues raised by Appellant.

2. The public school code provides a detailed legislative scheme for the sale of unused and unnecessary lands and buildings by public school districts. 24 P.S. § 7-707. Included in the legislation are safeguards to ensure that the sale of property is in the interest of the public. Those safeguards include a statutory right to a hearing so that the public has the opportunity to offer evidence and to be heard concerning the merits of the sale.

3. During a hearing, it is the function of the Court to ascertain whether the proposed sale is in the public's interest. The sole function of the court is to approve or disapprove the proposed sale. A Court may not negotiate for a better price, make a new sale or conduct an auction.

4. A court may properly approve a private sale despite a higher offer where the difference in price is small or where other circumstances regarding the sale negotiated by the school board appeal to the court's sound discretion.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 06-S-72, IN RE: GETTYSBURG AREA SCHOOL DISTRICT SALE OF UNNECESSARY REAL ESTATE.

Robert L. McQuaide, Esq., for Plaintiff

John A. Wolfe, Esq., for Defendant Daniel I. Keys

George, J., May 23, 2006

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

On January 25, 2006, the Gettysburg Area School District petitioned the Court to approve the sale of 2.121 acres located at 3610 Chambersburg Road, Adams County, Pennsylvania. An abandoned motel building sits on the property, which is in a poor condition and may be occupied by squatters. The school district acquired title to the real estate at a judicial tax claim sale held on September 16, 2005, for a bid price of \$61,000.00. The owner at the time of the tax sale obtained title to the property on September 30, 1986, when the property was purchased for \$120,000.00. The Gettysburg Area School District sought approval to sale the property to Daniel Keys for the purchase price of \$75,000.00. The Petition was accompanied by affidavits from two (2) licensed realtors who indicated the proposed purchase price as fair and reasonable.

A hearing on the Petition was scheduled for March 1, 2006, with notice of the hearing being provided in accordance with law. See 24 P.S. § 7-707(1). At hearing, the School District presented the

testimony of Bradley Hunt, the School District Business Manager. He testified that the District bought the property solely for the purpose of protecting its ability to collect delinquent taxes. Mr. Hunt established the School District's compliance with law in arranging the sale of the property. He also expressed the School District's interest in promptly relinquishing its ownership of the property.

The School District also presented the testimony of one of the realtors who previously submitted an affidavit in support of the Petition. The Realtor once again stated that the sale price of \$75,000.00 was fair and reasonable.

After the conclusion of the School District's presentation, Conway Williams, Jr., a licensed realtor in Adams County, objected to the sale and offered testimony. He stated that the going rate for the parcel at issue is about \$60,000.00 an acre. See R. March 1, 2006 TR, p. 51. He further explained that commercial property goes for more than \$60,000.00 an acre. TR, p. 51. He concluded, based upon his familiarity with prices in the area and after a comparative analysis, that the value of the property was at least \$85,000.00. This estimate took into account substantial discounts due to the condition of the property. TR, p. 51. Mr. Conway corroborated his opinion by explaining that he knew a buyer that was willing to pay more than \$85,000.00 for the property. TR, p. 52.

The objector next called Michael Williams as a witness. Michael Williams indicated that he is familiar with the property and is willing to purchase the property for \$85,000.00 on the same terms and conditions as the contract offered by Keys. No further testimony was presented.

At the conclusion of the hearing, the Court denied the School District's Petition. Daniel Keys, the proposed purchaser, filed a Post-Hearing Motion for Reconsideration, which was denied by this Court. Thereafter, Keys timely appealed to the Commonwealth Court. On April 4, 2006, this Court Ordered Keys to file a Concise Statement of Matters Complained of on Appeal in compliance with the Pennsylvania Rules of Appellate Procedure 1925(b). As of the date of this Opinion, the Court has not been served with Keys' Concise Statement of Matters Complained of on Appeal.

Section 1925(b) of the Pennsylvania Rules of Appellate Procedure requires an Appellant to file a timely Concise Statement of Matters

Complained of on Appeal of record in the lower Court as well as serve it on the trial judge. In *Commonwealth v. Castillo*, 888 A.2d 775, 780 (Pa. 2005) and *Commonwealth v. Schofield*, 888 A.2d 771, 774 (Pa. 2005), the Pennsylvania Supreme Court reaffirmed the rule that failure to comply with the minimal requirements of section 1925(b) will result in automatic waiver of issues raised by the Appellant. Instantly, Keys has failed to serve this Court with his Concise Statement of Matters Complained of on Appeal. Accordingly, all issues raised in his appeal are waived.

To the extent that the appeal raises the same issues set forth by Keys in his Post Hearing Motion, the appeal is clearly meritless. The public school code provides a detailed legislative scheme for the sale of unused and unnecessary lands and buildings by public school districts. 24 P.S. § 7-707. Included in the legislation are safeguards to ensure that the sale of property is in the interest of the public. Those safeguards include a statutory right to a hearing so that the public has the opportunity “to offer evidence and to be heard” concerning the merits of the sale. *In re Petition of Bd. of School Dirs. Of Hampton Twp.*, 688 A.2d 279, 281 (Pa.Cmwlt. 1997). During a hearing, it is the function of the court to ascertain whether the proposed sale is in the public’s interest. *In re Petition of Bd. of Public Ed. of the School Dist. of Pittsburgh*, 405 A.2d 556, 558 (Pa.Cmwlt. 1979). The sole function of the court is to approve or disapprove the proposed sale. A Court may not “negotiate for a better price, make a new sale or conduct an auction.” *Swift v. Abington School District*, 297 A.2d 538, 540 (Pa.Cmwlt. 1972) (citing *McKees Rocks Borough School District Petition*, 62 A.2d 20, 22 (Pa. 1948)). Although the existence of a higher offer is one factor to be considered by the Court in considering the merits of a sale, a higher offer is not necessarily controlling with regard to approval or disapproval. *Id.* A “court may properly approve a private sale despite a higher offer where the difference in price is small or where other circumstances regarding the sale negotiated by the school board appeal to the court’s sound discretion.” *Id.* (citing *Imperial Cardiff Coal Co. Appeal*, 40 A.2d 163 (Pa.Super. 1944)). Ultimately, the decision to approve or disapprove the private sale of real estate by a school district rests in the discretion of the trial Court. *Id.*

At a hearing in this matter, I found the testimony of Conway Williams, Jr. to be credible. Mr. Williams stated that a fair and just

price for the property was at least thirteen per cent (13%) greater than the proposed sale price.<sup>1</sup> The realtor's opinion properly reflected the current condition and uncertainties related to the real estate. Moreover, the realtor's opinion was corroborated by the credible testimony of a buyer willing to purchase the property at the price of \$85,000.00, subject to the same conditions in the sales agreement between the School District and Keys.<sup>2</sup>

Keys' argument, that a sale to Williams could not be completed in a timely fashion, is a direct assault to the safeguards that the legislature placed in the public school code. Undoubtedly, once a petition has been presented to the Court for the approval of a sale, the sales agreement has been approved by the School Board and settlement is imminent. It is hard, therefore, to imagine a circumstance where the disapproval of a sale will not result in a delay to the School District in divesting itself of the property. It logically follows, therefore, that in order to keep the schedule of a sale on track, the Court must automatically approve a petition when presented. This concept is the antithesis of the right to a public hearing and the exercise of judicial discretion.<sup>3</sup>

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<sup>1</sup>The agreement between the School District and Keys listed the sale price at \$75,000.00; Conway Williams, Jr. opined the property to be valued at \$85,000.00, at minimum.

<sup>2</sup>At hearing in this matter, counsel for Keys made great efforts to distinguish the conditions set forth in the offer of Michael Williams from the conditions set forth in the School District's agreement with Keys. This argument ignores Michael Williams' unequivocal testimony that his willingness to purchase the property at \$85,000.00 remained even if the sale included all the conditions set forth in the agreement between Keys and the School District. TR p. 59.

<sup>3</sup>Keys' related argument, that the sales agreement tendered by Williams was incapable of being performed due to the requirement that it be accepted on the date of hearing, is equally meritless. Despite Keys' efforts to highlight this term in the proposed contract, the testimony of Conway Williams, Jr. and Michael Williams, when read in context, clearly reveals their willingness to make reasonable accommodations to conclude the transaction. Moreover, Keys misinterprets the weight and purpose of the objector's testimony. As noted, it is not the Court's role to conduct an auction or negotiate a sales agreement; rather the testimony was considered in the context of whether or not the contract price offered by Keys was "fair and just." By seeking to distinguish conditions relating to the immediacy of the sale, Keys in effect is conducting the auction that he claims is improper.

Keys, in his post hearing motion, suggests that the Court improperly conducted an auction by considering the testimony of Michael Williams in regard to his willingness to purchase the property at a price greater than the sale price at issue. This argument miscomprehends the purpose of Michael Williams' testimony. The price that a buyer is willing to pay to a willing seller is certainly relevant testimony in regard to the fair and just value of a property at issue. Obviously, the weight of the testimony is affected by whether the terms of respective offers are similar. It was in this context that Williams' testimony was considered. Although the Court provided the parties with the opportunity to resolve their differences informally, there is no support in the record for the argument that the Court conducted an auction of the property.

In weighing whether or not the proposed sale included a fair and just value for the real estate, I considered the credible opinion of Conway Williams, Jr. I also weighed testimony that there was a willing buyer at the value suggested by Williams. Undoubtedly, the court is vested with the ability to determine the credibility of witnesses. *In re Estate of Holtz*, 222 A.2d 885, 889 (Pa. 1966). This Court clearly had the prerogative to decide to accept the testimony of Conway Williams, Jr. and Michael Williams where the testimony is supported by the record.<sup>4</sup>

In reaching my decision, I weighed the needs of the School District against the interests of the public in maximizing the sales price. I took into account the rather sizeable discrepancy in the actual value of the property as compared to the proposed sales price and balanced that difference against the inconvenience to the School District in maintaining the property until a sale at a fair and just value

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<sup>4</sup>In his post trial motion, Keys suggests that the Court erred in considering the testimony of the objectors since "the Court had evidence, by affidavit, of two (2) reputable real estate appraisers as to the value of the real estate...." This argument is contrary to the theory of due process, which contemplate not only the right to a hearing, but also the right to meaningful participation in that hearing including the right to be heard and present evidence.

could occur. The record supports that the balancing of interests conducted by the Court was an appropriate exercise of judicial discretion. For the foregoing reasons, I request that the appeal be denied.<sup>5</sup>

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<sup>5</sup>In his post hearing motion, Keys raises two additional issues that merit brief discussion. In his first issue, Keys challenges the Court's questioning of the pro se objectors. "It is well settled that a trial court always has the right, and sometimes even the duty to interrogate witnesses in order to clarify evidence" or to elicit new information that is necessary to insure a fair proceeding. *Commonwealth v. Hodge*, 369 A.2d 815, 819 (Pa.Super. 1977). The trial court is in error only when "the judge's questioning amounts to an abuse of discretion...the record must clearly show prejudice, bias, capricious disbelief or prejudgment." *Wilson v. Anderson*, 616 A.2d 34, 37 (Pa.Super. 1992) (quoting *Kenworthy v. Burghart*, 361 A.2d 335, 338 (Pa.Super. 1976)). There is no support in record for any such abuse of discretion.

Keys also suggests that the Court erred in considering testimony concerning Michael Williams' offer to purchase the property since the actual proposed sales agreement from Williams was not admitted as an exhibit. Interestingly, although the written sales agreement was available at the hearing and examined by Keys' counsel, it was Keys' counsel who objected to making the agreement part of the record. Nevertheless, Keys once again misunderstands the purpose of the objector's testimony in this regard. The terms of a written offer to purchase the property are immaterial in light of Conway Williams' opinion as to the value of the real estate and Michael Williams' sworn testimony that he is willing to purchase the property, under the same terms as Keys, for \$85,000.00. Keys has failed to cite any legal basis as to why this testimony is improper.



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1348 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of May, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point along the Northerly right-of-way line of Wheaton Drive and Lot No. 131 of the hereinafter referred to subdivision plan; thence along said Lot No. 131, North thirteen (13) degrees four (04) minutes twelve (12) seconds West, two hundred twenty-one and zero hundredths (221.00) feet to a point at other lands now or formerly of the Lynn Lee Construction Co., Inc., South eighty-one (81) degrees thirty (30) minutes zero (00) seconds East, one hundred eighty-four and twenty-six hundredths (184.26) feet to a point at Lot No. 129; thence along said Lot No. 129, South fourteen (14) degrees twenty-nine (29) minutes forty-one (41) seconds West, one hundred ninety-five and twenty-nine hundredths (195.29) feet to a point along the Northerly right-of-way line of Wheaton Drive; thence along the Northerly right-of-way line of Wheaton Drive by a curve to the left which has a radius of one hundred seventy-five and zero hundredths (175.00) feet, an arc distance of eighty-four and nineteen hundredths (84.19) feet, the long chord of which is North eighty-nine (89) degrees seventeen (17) minutes fifteen (15) seconds West, eighty-three and thirty-eight hundredths (83.38) feet to a point, the place of BEGINNING. CONTAINING 26,560.9854 square feet and being identified as Lot No. 130 on the final subdivision plan of Meadow View Estates, Phases III and IV, which plan is recorded in the Adams County Recorder of Deeds Office in Plat Book 65, Page 39.

SAID tract of land is subject to the declaration of restrictions dated September 8, 1994, and recorded September 16, 1994 in the Adams County Recorder of Deeds Office in Record Book 939, Page 210.

Being Known As: 113 Wheaton Drive, (Union Township), Littlestown, PA 17340

Property ID No.: 41-3-69

TITLE TO SAID PREMISES IS VESTED IN Norman L. Brown and Linda J. Brown, husband and wife, as tenants by the entireties by Deed from Helwig Construction Company dated 11/17/00 recorded 11/28/00 in Deed Book 2169, Page 220.

SEIZED and taken into execution as the property of **Norman L. Brown & Linda J. Brown** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 8, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/30, 4/5 & 13

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-758 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of May, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin at the intersecting property lines of Rodger W. Wagner and Karlis Neilands and Mary Michael Neilands, said iron pipe being at the Westernmost corner of the tract of land herein described and as established on the subdivision plan hereinafter referred to; thence by lands of Karlis Neilands and Mary Michael Neilands and lands of Eunice M. Sneeringer, North 58 degrees 25 minutes 0 seconds East, 333.40 feet to an iron pipe; thence by lands of John E. Shull and Wanda M. Shull and Thomas Joseph Smith and Joann Smith, East 212 feet to an iron pin at lands of Donald L. Walton and Beverly J. Walton; thence by lands of Donald L. Walton and Beverly J. Walton, Southeast 198 feet to a steel pin; thence by lands of Christopher E. Oberlander and Suzanne L. Casser and lands of Wayne F. Hardy and Angela F. Hardy, Southwest 181.5 feet to a tree stump; thence continuing by lands of Wayne F. Hardy and Angela F. Hardy, South 58 degrees 29 minutes 0 seconds West, 332 feet to a steel pin at lands of Rodger W. Wagner; thence by lands of Rodger W. Wagner, North 45 degrees 47 minutes 0 seconds West,

227.58 feet to an iron pipe at lands of Karlis Neilands and Mary Michael Neilands, aforesaid, the point and place of BEGINNING. (The foregoing description was taken from a Plan of Property of Ricky L. Laughman and Sandra R. Burchette dated October 2, 1990, as prepared by Rodney Lee Decker, Registered Surveyor, which said plot plan after having been approved by the municipal subdivisions and commissions of Adams County was duly recorded in the Office of the Recorder of Deeds of Adams County on January 16, 1991, in Plan Book 57, page 36.)

Tax Map Number: L 11-119

Premises Being: 660 B Greensprings Rd., Hanover, PA 17331

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 8, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/30, 4/5 & 13

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of Commonwealth of Pennsylvania on or about February 28, 2007, pursuant to the Fictitious Name Act, setting forth that Gregg A. Auchey and Deborah A. Auchey are the only individuals interested in a business, the character of which is fence construction and repair, that the designation under which the business is and will be conducted is D & G FENCE and that the principal place of business is 359 Seven Stars Road, Gettysburg, Pennsylvania 17325.

Bernard A. Yannetti, Jr.  
Solicitor

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**SHERIFF'S SALE**

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-371 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of May, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or lot of ground together with the improvements thereon located, situate, lying and being in Germany Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center of a public road known as Township Road No. T-448, at lands now or formerly of Evan Kline, Jr.; thence by said lands through a steel pin located thirty-one and forty-five one-hundredths (31.45) feet from the said center of said road, South thirty-four (34) degrees seven (07) minutes twenty (20) seconds East two hundred five (205) feet to a steel pin; thence by said lands South fifty-five (55) degrees thirty-two (32) minutes eighteen (18) seconds West one hundred ten and ten one-hundredths (110.10) feet to a steel pin at lands now or formerly of Daniel Collins; thence by said lands North thirty-seven (37) degrees twenty-four (24) minutes ten (10) seconds West two hundred eight and ten one-hundredths (208.10) feet through a steel pin located thirty-one and eighty one-hundredths (31.80) feet from the center of the aforesaid road to a point at the center of said public road known as Township Road No. T-448; thence along the center of said road North fifty-six (56) degrees fifty-two (52) minutes eight (08) seconds East, one hundred twenty-two and two one-hundredths (122.02) feet to a point, the place of BEGINNING. This description is taken from a plan prepared by J.H. Rife, R.E., dated February 19, 1969, File No. A-1541, Field Book No. 139-63.

**RECORD OWNER**

TITLE TO SAID PREMISES IS VESTED IN Wayne P. Fleharty and Karen E. Fleharty, his wife, by Deed from Outreach For Christ Inc., dated 4-9-84, recorded 4-12-84 in Deed Book 377, page 1022.

Tax Parcel: (15) J17-0124

Premises being: 41 Kindig Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Wayne P. Fleharty & Karen E. Fleharty a/k/a Tara E. Fleharty** and to be sold by me.

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

**TO ALL PARTIES IN INTEREST AND CLAIMANTS:**

You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 8, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/30, 4/5 & 13

**INCORPORATION NOTICE**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about February 28, 2007 for the incorporation of D & G FENCE, INC. under the Pennsylvania Corporation Law of 1988. The initial registered office of the corporation is 359 Seven Stars Road, Gettysburg, Pennsylvania 17325.

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

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**FICTITIOUS NAME NOTICE**

NOTICE IS GIVEN that an Application for Registration of Fictitious Name was or will be filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on March 27, 2007, pursuant to the Fictitious Name Act, setting forth that Americas' Arts, LLC, of 581 Heckenluber Road, Biglerville, PA 17307, is the only entity owning or interested in a business, the character of which is fine art exhibitions, trade shows and sales in Pennsylvania and other states, and that name, style and designation under which said business is and will be conducted is HISTORY MEETS THE ARTS FAIR and the location where said business is and will be conducted is 581 Heckenluber Road, Biglerville, PA 17307.

Lawrence R. Knutson  
Americas' Arts L.L.C.

4/5

**INCORPORATION NOTICE**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on February 28, 2007, for the purpose of obtaining a Certificate of Incorporation organized under the provisions of the Pennsylvania Business Corporation Law, approved December 21, 1988, P.L. 1444, as amended. The name of the corporation is SCRUBIN' PUPS, INC. The purpose or purposes for which the corporation is incorporated is that the corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under said Business Corporation Law.

Pyle and Entwistle  
Attorneys for the Corporation

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**NOTICE**

NOTICE IS HEREBY GIVEN that John S. Phillips, Esq., intends to apply in open Court for admission to the Bar of Adams County, Pennsylvania, on the 30th day of May, 2007, and that he intends to practice law as an attorney at Phillips & Phillips, 101 W. Middle St., Gettysburg, Adams County, Pennsylvania.

4/5, 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 MILDRED A. HOUGHTON, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

William Morton, 2705 Overview Drive, Hampstead, MD 21074

Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

**ESTATE OF GRACE BOWMAN KOONS, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Robert W. Koons, 263 Barlow Street, Gettysburg, PA 17325

Attorney: Wendy Weikal-Beauchat, Esq., 63 W. High Street, Gettysburg, PA 17325

**ESTATE OF HARRY J. SLAYBAUGH, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Richard H. Mylin, III, Esq., c/o 135 South Duke Street, York, PA 17403

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

**ESTATE OF MARY A. STARNER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Samuel E. Starnier, c/o 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

**SECOND PUBLICATION****ESTATE OF THEODORE L. STEPLER, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Evelyn M. Lydic, 1148 Brandon Drive, Chambersburg, PA 17201

Attorney: Jerrold A. Sulcove, Esq., 82 West Queen Street, Chambersburg, PA 17201

**THIRD PUBLICATION****ESTATE OF RUBY V. COLE, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

Co-Executors: June Bobb, 2261 Coon Road, Aspers, PA 17304; Georgieann Dettinburn, 880 Yellow Hill Road, Biglerville, PA 17307

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

**ESTATE OF ALICE M. HAGARMAN, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executor: Donald G. Hagaman, 366 Fairview Avenue, McSherrystown, PA 17344

Attorney: Crabbs & Crabbs, Attorneys for the Estate, 202 Broadway, Hanover, PA 17331

**ESTATE OF REBECCA ANN LYONS, DEC'D**

Late of Gettysburg Borough, Adams County, Pennsylvania

Executrix: Terry L. Latschar, 815 Taneytown Road, Gettysburg, PA 17325

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

**ESTATE OF FRANCIS E. REED, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Patricia R. Finch, 209 Stafford Drive, Hanover, PA 17331

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

**ESTATE OF HELEN M. WEAVER, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Administrator: Jay E. Weaver, Sr., 200 Harrisburg Street, East Berlin, PA 17316

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

**ESTATE OF PAULINE W. WEIDNER, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Ronald L. Weidner and Wayne B. Weidner, c/o Roger B. Irwin, Esq., 60 West Pomfret Street, Carlisle, PA 17013

Attorney: Roger B. Irwin, Esq., Irwin & McKnight, 60 West Pomfret Street, Carlisle, PA 17013



# Adams County Legal Journal

Vol. 48

April 13, 2007

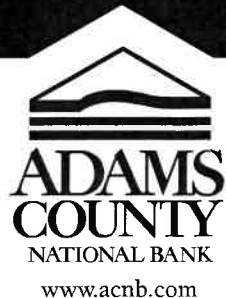
No. 47, pp. 307-310


## IN THIS ISSUE

COMMONWEALTH VS. HERMAN

Helping families achieve  
their long-range financial goals  
is our business.

*Celebrating 150 years!*  
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 Equal Housing Lender. Equal Opportunity Lender. Member FDIC.

## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-69 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of May, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point along the Southerly right-of-way line of Squire Circle and Lot No. 26 of the hereinafter referred to Subdivision Plan; thence along said Lot No. 26, South fifteen (15) degrees forty-two (42) minutes twenty-one (21) seconds East, ninety and seventy-three hundredths (90.73) feet to a point at Lot No. 24-A; thence along said Lot No. 24-A, South seventy (70) degrees forty (40) minutes thirty-one (31) seconds West, forty-one and twenty-one hundredths (41.21) feet to a point at Lot No. 25; thence along said Lot No. 25, North thirty (30) degrees thirty-five (35) minutes ten (10) seconds West, eighty-one and fifty-four hundredths (81.54) feet to a point along the Southerly right-of-way line of Squire Circle; thence along the Southerly right-of-way of Squire Circle, North fifty-nine (59) degrees twenty-four (24) minutes fifty (50) seconds East, forty-two and zero hundredths (42.00) feet to a point; thence continuing along same by a curve to the right which has a radius of one hundred twenty-five and zero hundredths (125.00) feet, an arc distance of twenty-one and eighty-three hundredths (21.83) feet, the long chord of which is North sixty-four (64) degrees twenty-four (24) minutes fifty-eight (58) seconds East, twenty-one and eighty hundredths (21.80) square feet to a point, the place of BEGINNING. CONTAINING 4,510.3874 square feet and being identified as Lot No. 25-A on the final Subdivision Plan of McSherrystown West, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 64, page 20.

SAID tract of land being subject to the Protective Covenants and Restrictions for McSherrystown West dated January 12, 1994, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 835, page 35.

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.

IT BEING that same tract of land which Mel Martinez, The Secretary of Housing and Urban Development, of Washington, D.C., by Attorney in Fact, Toni Johnson, by deed dated December 17, 2001 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 2531, page 1, granted and conveyed unto 787 Associates, LLC, GRANTOR HEREIN.

TITLE TO SAID PREMISES IS VESTED IN Christopher Sauers and Deborah Sauers, husband and wife, as tenants by the entireties, by Deed from 787 Associates, LLC, dated 02/21/2002, recorded 03/27/2002, in Deed Book 2602, Page 187.

Premises being: 41 Squire Circle, McSherrystown, PA 17344

Tax Parcel No. 28-002-0231-000

SEIZED and taken into execution as the property of **Christopher Sauers & Deborah Sauers a/k/a Deborah L. Sauers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 8, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/30, 4/5 & 13

## NOTICE

NOTICE IS HEREBY GIVEN that John S. Phillips, Esq., intends to apply in open Court for admission to the Bar of Adams County, Pennsylvania, on the 30th day of May, 2007, and that he intends to practice law as an attorney at Phillips & Phillips, 101 W. Middle St., Gettysburg, Adams County, Pennsylvania.

4/5, 13 & 20

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State incorporating a business known as O'SHEA RENTALS UNLIMITED, INC. The following has been completed under the provisions of the Pennsylvania Business Corporation Law of 1988, P.L. 1444, as amended.

Clayton R. Wilcox, Esq.  
234 Baltimore Street  
Gettysburg, PA 17325

4/13

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania, Department of State, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation for a non-profit corporation. The name of the proposed corporation, which has been organized pursuant to the Nonprofit Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988 (P.L. 1444, No. 177), is LITTLESTOWN AREA HISTORICAL SOCIETY, INC.

The purpose of the corporation is to conduct exclusively charitable, scientific, and educational activities within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended or corresponding provisions of any successor United States Internal Revenue statute.

Clayton R. Wilcox  
Solicitor

4/13

## COMMONWEALTH VS. HERMAN

1. The scope of review in an appeal following a sentence imposed after a probation proceeding is limited to the validity of the revocation proceeding and the legality of the judgment of sentence.
2. Challenges to the discretionary aspects of a sentence following revocation proceedings are within the scope of appellate review.
3. A claim of excessive sentence, imposed as a result of re-sentencing following a revocation proceeding, is a proper subject of appellate review.
4. When imposing sentencing following an intermediate punishment revocation proceeding, the trial court is limited only by the maximum sentence that it could have imposed originally at the time of the intermediate punishment sentence.
5. Generally, broad discretion is granted to the sentencing court. When imposing a sentence, the sentencing court must take into account the protection of the public, gravity of offense in relation to impact on victim and community, and rehabilitative needs of the defendant, and it must impose individualized sentence.
6. Appellant, in challenging the discretionary aspect of sentencing, must show that there is a substantial question that the sentence imposed is not appropriate under the sentencing code.
7. The court is not bound by the Probation Department's recommendation regarding re-sentencing.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Criminal. No. CP-01-CR-119-2003. COMMONWEALTH OF  
PENNSYLVANIA VS. JOSEPH MICHAEL HERMAN, JR.

Shawn C. Wagner, Esq., District Attorney, for Commonwealth  
Kristin L. Rice, Esq., for Defendant  
George, J., May 25, 2006

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

The Defendant, Joseph Michael Herman, Jr. ("Herman"), appeals from this Court's sentence of two and one-half (2 1/2) to ten (10) years in a state correctional institution following his revocation from a previous sentence of intermediate punishment. Herman challenges the sentence on the basis that it is excessive. The relevant history is as follows:

On September 5, 2003, Herman entered a counseled guilty plea to criminal trespass as a felony of the second degree. Pursuant to a plea agreement, Herman was sentenced to twenty-four (24) months in the intermediate punishment program consisting of three (3) months on Phase II (house arrest) with the remaining time spent in Phases III through V (probationary phases). On December 27, 2004, the Commonwealth filed a Petition for Revocation of Herman's participation in the intermediate punishment

program. The Petition alleged that Herman had been arrested in Lancaster County on a number of charges, the most serious of which included burglary as a felony of the second degree, criminal mischief as a felony of the third degree and possessing instruments of a crime as a misdemeanor of the first degree. A hearing was promptly scheduled for January 11, 2005.

On January 11, 2005, at the request of Herman, the hearing on the Petition for Revocation was continued to the call of either party. Additionally, Herman was provided with an application for court appointed services. Herman was re-listed for hearing on June 23, 2005. However, on that date, Herman once again requested the matter to be continued at the call of either party to allow for the disposition of the underlying criminal charges in Lancaster County.

Following Herman's conviction of attempted burglary and criminal mischief in Lancaster County, Herman appeared before this Court on February 28, 2006, for hearing. At that time, the parties presented the Court with an agreement wherein the Commonwealth would agree to a re-sentencing of no less than seventeen (17) months and no more than thirty-six (36) months in exchange for Herman's acknowledgement of intermediate punishment violations. This agreement was rejected by the Court. Thereafter, Herman acknowledged violating his sentence of intermediate punishment without agreement. A pre-sentence investigation was conducted and further proceedings were scheduled for March 17, 2006. After a review of the pre-sentence investigation, I sentenced Herman to no less than two and one half (2 1/2) years and no more than ten (10) years in a State Correctional Institution.

Pennsylvania Courts have historically held that the "scope of review in an appeal following a sentence imposed after a probation proceeding is limited to the validity of the revocation proceeding and the legality of the judgment of sentence." *Commonwealth v. Infante*, 850 A.2d 696, 697-98 (Pa.Super. 2004). It has recently been accepted, however, that challenges to the discretionary aspects of a sentence following revocation proceedings are within the scope of appellate review. *Commonwealth v. Ferguson*, 893 A.2d 735, 737 (2006). Since a



claim that a sentence is excessive “raises a challenge to the discretionary aspects of the sentence”, *Commonwealth v. Whitman*, 880 A.2d 1250, 1252 (Pa.Super. 2005), a claim of excessive sentence, imposed as a result of re-sentencing following a revocation proceeding, is a proper subject of appellate review.

When imposing sentencing following an intermediate punishment revocation proceeding, “the trial court is limited only by the maximum sentence that it could have imposed originally at the time of the [intermediate punishment sentence].” *Commonwealth v. Fish*, 752 A.2d 921, 923 (Pa.Super. 2000) (finding that the trial Court is limited only by the maximum sentence that it could have originally imposed when re-sentencing on a probation revocation); see also 42 Pa.C.S.A. § 9773. Pennsylvania sentencing guidelines are not applicable to a re-sentencing following the revocation of intermediate punishment. 204 Pa. Code § 303.1(b); see generally *Ferguson*, 893 A.2d at 739 (guidelines do not apply to sentences imposed following a revocation of probation).

Generally, broad discretion is granted to the sentencing court. *Commonwealth v. Griffin*, 804 A.2d 1, 7 (Pa.Super. 2002). When imposing a sentence, the sentencing court must take into account “the protection of the public, gravity of offense in relation to impact on victim and community, and rehabilitative needs of the defendant, and it must impose individualized sentence.” *Commonwealth v. Walls*, 846 A.2d 152, 157 (Pa.Super. 2004), app. granted, 875 A.2d 1075 (Pa. 2005); see generally, 42 Pa.C.S. § 9721(b). When imposing Herman’s sentence, this Court took into account the statements from counsel and the defendant as well as the pre-sentence investigation. Notably, the pre-sentence investigation revealed that Herman had a prior record involving a burglary and two (2) misdemeanor thefts at the time he was originally convicted of criminal trespass in Adams County. Following his original sentencing, he was convicted in Chester County of possessing instruments of a crime.<sup>1</sup> Most importantly, he was convicted of criminal contempt to commit burglary, criminal mischief and loitering and prowling in Lancaster County for acts committed while serving the Adams County sentence of intermediate punishment.

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<sup>1</sup>The commission date for this offense pre-dated Herman’s sentence in Adams County on the criminal trespass and thus was not a basis for revocation.

Certainly, the protection of the community becomes a paramount interest in light of Herman's continuous and repeated inability to be rehabilitated. In structuring a sentence following his revocation, I intended that the sentence reflect the seriousness of committing a felony offense while already on supervision for a felony conviction. The sentence also serves to provide long term supervision to deter future recidivism while permitting Herman the opportunity to return to the community within a reasonable time period. The sentence does not constitute an abuse of discretion nor does it present a substantial question meriting appellate review. See *Whitman*, cited above (an appellant, in challenging the discretionary aspect of sentencing, must show that there is a substantial question that the sentence imposed is not appropriate under the sentencing code).

Herman's Concise Statement of Matters Complained of on Appeal suggests that there was "no new information contained in the pre-sentence investigation which should have reasonably compelled the Court to exceed the Probation Department's recommendation regarding re-sentencing." This argument implies that there is a presumption that the Court is bound by recommendation of the Probation Department. I am unaware of any such authority and suggest that Herman's attempt to place limitations on the province of his sentencing Court be rejected. Certainly, if I had accepted a negotiated agreement, I would have been bound by the terms of that agreement. I, however, specifically rejected the original agreement tendered by the Commonwealth and Herman. Following the rejection of the agreement, Herman nevertheless acknowledged his violations. He neither challenges the voluntariness or the knowing nature of his acknowledgement. He should not be permitted, now, to successfully argue that the Court is somehow limited by a recommendation that was previously rejected.<sup>2</sup>

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<sup>2</sup>Herman's Concise Statement of Matters Complained of on Appeal also suggests that the Court erred in failing to consider the possibility of boot camp. This argument is frivolous. Clearly the Court possesses discretion in its sentencing authority. The alternatives available to the Court are defined in 42 Pa.C.S.A. § 9721 (relating to sentencing). Motivational boot camp is not among those alternatives. Rather, motivational boot camp, pursuant to 61 P.S. § 1128, is a type of confinement that is vested in the jurisdiction of the Department of Corrections. Although the Court is vested with the discretion in determining whether an offender is eligible for boot camp, 61 P.S. § 1124(b), there is no statutory requirement that an offender be considered for boot camp as suggested by Herman. To the contrary, the statutory authorization establishing boot camp clearly specifies that the boot camp alternative shall not be construed to enlarge an offender's right of appeal. 61 P.S. § 1128. Instantly, Herman was not considered boot camp eligible due to a clear history of failed rehabilitative attempts.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1348 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of May, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point along the Northerly right-of-way line of Wheaton Drive and Lot No. 131 of the hereinafter referred to subdivision plan; thence along said Lot No. 131, North thirteen (13) degrees four (04) minutes twelve (12) seconds West, two hundred twenty-one and zero hundredths (221.00) feet to a point at other lands now or formerly of the Lynn Lee Construction Co., Inc., South eighty-one (81) degrees thirty (30) minutes zero (00) seconds East, one hundred eighty-four and twenty-six hundredths (184.26) feet to a point at Lot No. 129; thence along said Lot No. 129, South fourteen (14) degrees twenty-nine (29) minutes forty-one (41) seconds West, one hundred ninety-five and twenty-nine hundredths (195.29) feet to a point along the Northerly right-of-way line of Wheaton Drive; thence along the Northerly right-of-way line of Wheaton Drive by a curve to the left which has a radius of one hundred seventy-five and zero hundredths (175.00) feet, an arc distance of eighty-four and nineteen hundredths (84.19) feet, the long chord of which is North eighty-nine (89) degrees seventeen (17) minutes fifteen (15) seconds West, eighty-three and thirty-eight hundredths (83.38) feet to a point, the place of BEGINNING. CONTAINING 26,560.9854 square feet and being identified as Lot No. 130 on the final subdivision plan of Meadow View Estates, Phases III and IV, which plan is recorded in the Adams County Recorder of Deeds Office in Plat Book 65, Page 39.

SAID tract of land is subject to the declaration of restrictions dated September 8, 1994, and recorded September 16, 1994 in the Adams County Recorder of Deeds Office in Record Book 939, Page 210.

Being Known As: 113 Wheaton Drive, (Union Township), Littlestown, PA 17340  
Property ID No.: 41-3-69

TITLE TO SAID PREMISES IS VESTED IN Norman L. Brown and Linda J. Brown, husband and wife, as tenants by the entireties by Deed from Helwig Construction Company dated 11/17/00 recorded 11/28/00 in Deed Book 2169, Page 220.

SEIZED and taken into execution as the property of **Norman L. Brown & Linda J. Brown** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 8, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/30, 4/5 & 13

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-758 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of May, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin at the intersecting property lines of Rodger W. Wagner and Karlis Neilands and Mary Michael Neilands, said iron pipe being at the Westernmost corner of the tract of land herein described and as established on the subdivision plan hereinafter referred to; thence by lands of Karlis Neilands and Mary Michael Neilands and lands of Eunice M. Sneeinger, North 58 degrees 25 minutes 0 seconds East, 333.40 feet to an iron pipe; thence by lands of John E. Shull and Wanda M. Shull and Thomas Joseph Smith and Joann Smith, East 212 feet to an iron pin at lands of Donald L. Walton and Beverly J. Walton; thence by lands of Donald L. Walton and Beverly J. Walton, Southeast 198 feet to a steel pin; thence by lands of Christopher E. Oberlander and Suzanne L. Casser and lands of Wayne F. Hardy and Angela F. Hardy, Southwest 181.5 feet to a tree stump; thence continuing by lands of Wayne F. Hardy and Angela F. Hardy, South 58 degrees 29 minutes 0 seconds West, 332 feet to a steel pin at lands of Rodger W. Wagner; thence by lands of Rodger W. Wagner, North 45 degrees 47 minutes 0 seconds West,

227.58 feet to an iron pipe at lands of Karlis Neilands and Mary Michael Neilands, aforesaid, the point and place of BEGINNING. (The foregoing description was taken from a Plan of Property of Ricky L. Laughman and Sandra R. Burchette dated October 2, 1990, as prepared by Rodney Lee Decker, Registered Surveyor, which said plot plan after having been approved by the municipal subdivisions and commissions of Adams County was duly recorded in the Office of the Recorder of Deeds of Adams County on January 16, 1991, in Plan Book 57, page 36.)

Tax Map Number: L 11-119

Premises Being: 660 B Greensprings Rd., Hanover, PA 17331

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 8, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/30, 4/5 & 13

## 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 3-9-07 for the purpose of obtaining a Certificate of Incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

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

Newberry Millwork, Inc.  
58 North Pheasant Way  
Abbottstown, PA 17301

4/13

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-371 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of May, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or lot of ground together with the improvements thereon located, situate, lying and being in Germany Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center of a public road known as Township Road No. T-448, at lands now or formerly of Evan Kline, Jr.; thence by said lands through a steel pin located thirty-one and forty-five one-hundredths (31.45) feet from the said center of said road, South thirty-four (34) degrees seven (07) minutes twenty (20) seconds East two hundred five (205) feet to a steel pin; thence by said lands South fifty-five (55) degrees thirty-two (32) minutes eighteen (18) seconds West one hundred ten and ten one-hundredths (110.10) feet to a steel pin at lands now or formerly of Daniel Collins; thence by said lands North thirty-seven (37) degrees twenty-four (24) minutes ten (10) seconds West two hundred eight and ten one-hundredths (208.10) feet through a steel pin located thirty-one and eighty one-hundredths (31.80) feet from the center of the aforesaid road to a point at the center of said public road known as Township Road No. T-448; thence along the center of said road North fifty-six (56) degrees fifty-two (52) minutes eight (08) seconds East, one hundred twenty-two and two one-hundredths (122.02) feet to a point, the place of BEGINNING. This description is taken from a plan prepared by J.H. Rife, R.E., dated February 19, 1969, File No. A-1541, Field Book No. 139-63.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Wayne P. Fleharty and Karen E. Fleharty, his wife, by Deed from Outreach For Christ Inc., dated 4-9-84, recorded 4-12-84 in Deed Book 377, page 1022.

Tax Parcel: (15) J17-0124

Premises being: 41 Kindig Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Wayne P. Fleharty & Karen E. Fleharty a/k/a Tara E. Fleharty** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 8, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/30, 4/5 & 13

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1260 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described tract of land, lying and being situate in Hamiltonban and Liberty Townships, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a set spike in SR-0016; thence with lands now or formerly of Clarence and Alice Eyler, through a set iron pin on line, North 39° 11 minutes 43 seconds East 142.16 feet to an existing bent pipe; thence by the same, North 60° 18 minutes 31 seconds West 49.97 feet to a set iron pin; thence with lands now or formerly of Blue Ridge Sportsmen's Association, Inc., North 37° 10 minutes 45 seconds East through a set iron pin on line 293.48 feet to a set spike in Old Waynesboro Road (T-809); thence in Old Waynesboro Road, through an existing spike on line, South 63° 46 minutes 07 seconds East 178.58 feet to a set spike; thence with lands now or formerly of John and Karen Stem through a set iron pin on line, South 04° 29 minutes 33 seconds West 160.32 to an existing iron pin; thence with lands now or formerly of Shirley Hull, North 78° 11 minutes 46 seconds West 190.65 feet to an existing iron pin; thence by the same through an existing iron pin on line, South 11° 31 minutes 15 seconds West 187.26 feet to a set spike in SR-0016; thence in SR-0016, North 84° 23 minutes 06 seconds West 148.10 feet to a set spike, the place of BEGINNING. CONTAINING 1.485 acres and being that tract of land as is more fully shown on the reduced survey attached hereto and incorporated herein

by reference, as prepared by R. Lee Royer & Associates, R.S., dated October 20, 1995.

MAP #18-A17-74

TITLE TO SAID PREMISES IS VESTED IN Rodney E. Riley and Sheila E. Riley, his wife by Deed from Harry M. Fogle and Kathleen M. Fogle dated 12/30/1997 and recorded 1/7/1998 in Record Book 1502, Page 33.

Premises Being: 1050 Old Waynesboro Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Sheila E. Riley** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 29, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/13, 20 & 27

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, Act 1982-295 (54 Pa.C.S. No. 311), that the undersigned entity has filed in the Office of the Secretary of the Commonwealth of Pennsylvania a certificate for the conducting of business in Adams County, Pennsylvania under the assumed or fictitious name, style or designation of STOKES CONSULTING GROUP, with its principal place of business at 22 Mummasburg Street, Gettysburg, Pennsylvania 17325. The name and address of the person owning an interest in said business is Harry C. Stokes, 22 Mummasburg Street, Gettysburg, Pennsylvania 17325. The character or nature of the business is business consulting.

4/13

**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 FRANCIS E. HAGERMAN a/k/a FRANCIS E. HAGERMAN, SR., DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Dennis J. Hagerman, 320 Church Street, Hanover, PA 17331

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

**ESTATE OF JEFFREY J. HARTLAUB, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Beulah M. Hartlaub, 270 Kuhn Road, Littlestown, PA 17340

**ESTATE OF NYLE L. MYERS, DEC'D**

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

Executrices: Doris Jean Stock, 114 Carlisle Street, New Oxford, PA 17350; Louise M. Wentz a/k/a A. Louise Wentz, 211 Park Heights, Hanover, PA 17331; Geraldine M. Alleman, 545 Short Road, East Berlin, PA 17316; Joyce M. Durboraw, 117 Carlisle Street, New Oxford, PA 17350

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

**ESTATE OF HOWARD R. SCHRIVER, DEC'D**

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: Joan S. Aughinbaugh, 1635 East Mayberry Road, Westminster, MD 21158

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

**ESTATE OF BETTY V. SHULL, DEC'D**

Late of the Borough of York Springs, Adams County, Pennsylvania

Executor: Sterling Financial Trust Co., c/o 135 North George Street, York, PA 17401

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

**ESTATE OF JEAN L. WAGAMAN, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Barbara L. Foulk, 313 Baer Avenue, Hanover, PA 17331

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

**SECOND PUBLICATION**

**ESTATE OF MILDRED A. HOUGHTON, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

William Morton, 2705 Overview Drive, Hampstead, MD 21074

Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

**ESTATE OF GRACE BOWMAN KOONS, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Robert W. Koons, 263 Barlow Street, Gettysburg, PA 17325

Attorney: Wendy Weikal-Bauchat, Esq., 63 W. High Street, Gettysburg, PA 17325

**ESTATE OF HARRY J. SLAYBAUGH, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Richard H. Mylin, III, Esq., c/o 135 South Duke Street, York, PA 17403

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

**ESTATE OF MARY A. STARNER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Samuel E. Starner, c/o 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

**THIRD PUBLICATION**

**ESTATE OF THEODORE L. STEPLER, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Evelyn M. Lydic, 1148 Brandon Drive, Chambersburg, PA 17201

Attorney: Jerrold A. Sulcove, Esq., 82 West Queen Street, Chambersburg, PA 17201

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-61 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece or parcel of land, situate, lying and being in Oxford Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the property line of the cul-de-sac of Cherry Court at corner of Lot No. 106 of the hereinafter referenced plan of lots; thence along Lot No. 106, South 42 degrees 02 minutes 49 seconds West 92.07 feet to a point at other lands now or formerly of Oxford Estates; thence along same, North 34 degrees 52 minutes 51 seconds West 143 feet to a point at Lot No. 104 on said plan; thence along Lot No. 104, South 85 degrees 05 minutes 59 seconds East 129 feet to a point on the property line of the cul-de-sac of Cherry Court; thence along same, by a curve to the left, the radius of which is 50 feet, for an arc length of 42 feet and having a chord bearing and distance of South 21 degrees 26 minutes 29 seconds East 40.78 feet to a point at Lot No. 106, the point and place of BEGINNING.

CONTAINING 8,650 square feet and being Lot No. 105 on a plan of lots of Oxford Estates, Phase IV, dated May 23, 1985, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 42, page 5.

UNDER AND SUBJECT to any and all covenants, conditions, reservations, restrictions, limitations, right-of-ways, objections, easements, agreements, etc., as they appear of record.

With the appurtenances: TO HAVE AND TO HOLD the same unto and for the use of Grantees, their heirs and assigns forever.

Parcel Identification No.: 35-008-0114-000

TITLE TO SAID PREMISES IS VESTED IN Betty J. Topper, single person, by Deed from Rodney A. Carey and Teresa M. Carey, husband and wife, dated 03/17/2006, recorded 03/27/2006, in Deed Book 4356, page 255.

Premises being: 3 Cherry Court, New Oxford, PA 17350

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

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

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

schedule of distribution will be filed by the Sheriff in his office on June 29, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/13, 20 & 27

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1439 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL of that lot or parcel of ground situate in the Borough of York Springs, Adams County, Pennsylvania, more particularly bounded and is described as follows, to wit:

BEGINNING at an iron pin at the edge of the sidewalk on the Southwestern side of Main Street, and extending thence by said sidewalk, South 32 degrees East, Eighty-Five and Eighteen Hundredths (85.18) feet to an iron pin; thence by land now or formerly of William Davis, South 66 degrees West, Two Hundred Three (203) feet to an iron pin at the Northeastern side of a 12 foot alley; thence by said alley; North Twenty-Seven (27) degrees West, Eighty-Two and Fifty Hundredths (82.50) feet to an iron pin; thence by land now or formerly of Freemond C. and Nora F. Kennedy, North Sixty-Five (65) degrees, Twenty-Five (25) minutes East, One Hundred Ninety-Five and Forty-Seven Hundredths (195.47) feet to the iron pin, the place of BEGINNING. CONTAINING 0.388 Acres.

Having erected thereon a warehouse.

SUBJECT TO the restrictions, reservations, easements, rights of way and covenants as appear in prior instruments of record.

BEING THE SAME PREMISES granted and conveyed to Phillip B. Harris, the Defendant herein, by Deed of Joanne M. Lehr, said Deed dated March 21, 2003 and recorded in the Adams County Recorder of Deeds Office in Record Book 3023 at Page 38.

Premises Being: 321 Main Street, York Springs, PA 17372

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 29, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/13, 20 & 27

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW  
CASE NO. 2006-S-577

TODD R. REAMER, Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA  
WILLIAM PENN and HANNAH PENN,  
his wife, JOHN DOE, JOHN W. GLAD-  
FELTER and MARIAN GLADFELTER,  
his wife, LUANN DILLE AND JOHN W.  
ROBINSON, Defendants

## ORDER OF COURT

AND NOW, this 28th day of March, 2007, upon consideration of the attached Motion for Judgment, it is hereby ordered that the Defendants in the above-captioned action be forever barred from asserting any right, lien, title or interest in the subject real estate inconsistent with the interest or claims of the plaintiffs as set forth in their Complaint, unless the Defendant or Defendants bring an action in ejectment within thirty (30) days of notice of this Order pursuant to Pa. R.C.P. 1066(b)(1). If such action is not taken within the thirty (30) day period, the Prothonotary or Praeceptor of the Plaintiffs, shall enter final judgment, if appropriate.

Service of this Order of Court upon the Defendants shall be handled by publication once in the Gettysburg Times and the Adams County Legal Journal.

By the Court  
/s/Michael A. George  
J

4/13

# Adams County Legal Journal

Vol. 48

April 20, 2007

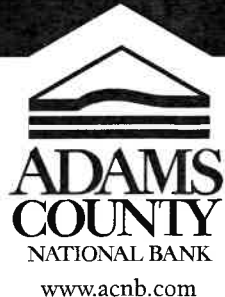
No. 48, pp. 311-319


## IN THIS ISSUE

DAVIS VS. DAVIS

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

*Celebrating 150 years!*  
1857-2007



 Equal Housing Lender Equal Opportunity Lender Member FDIC.

## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1260 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described tract of land, lying and being situate in Hamiltonban and Liberty Townships, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a set spike in SR-0016; thence with lands now or formerly of Clarence and Alice Eyler, through a set iron pin on line, North 39° 11 minutes 43 seconds East 142.16 feet to an existing bent pipe; thence by the same, North 60° 18 minutes 31 seconds West 49.97 feet to a set iron pin; thence with lands now or formerly of Blue Ridge Sportsmen's Association, Inc., North 37° 10 minutes 45 seconds East through a set iron pin on line 293.48 feet to a set spike in Old Waynesboro Road, through an existing spike on line, South 63° 46 minutes 07 seconds East 178.58 feet to a set spike; thence with lands now or formerly of John and Karen Stem through a set iron pin on line, South 04° 29 minutes 33 seconds West 160.32 to an existing iron pin; thence with lands now or formerly of Shirley Hull, North 78° 11 minutes 46 seconds West 190.65 feet to an existing iron pin; thence by the same through an existing iron pin on line, South 11° 31 minutes 15 seconds West 187.26 feet to a set spike in SR-0016; thence in SR-0016, North 84° 23 minutes 06 seconds West 148.10 feet to a set spike, the place of BEGINNING. CONTAINING 1.485 acres and being that tract of land as is more fully shown on the reduced survey attached hereto and incorporated herein by reference, as prepared by R. Lee Royer & Associates, R.S., dated October 20, 1995.

MAP #18-A17-74

TITLE TO SAID PREMISES IS VESTED IN Rodney E. Riley and Sheila E. Riley, his wife by Deed from Harry M. Fogle and Kathleen M. Fogle dated

12/30/1997 and recorded 1/7/1998 in Record Book 1502, Page 33.

Premises Being: 1050 Old Waynesboro Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Sheila E. Riley** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 29, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/13, 20 & 27

## NOTICE

NOTICE IS HEREBY GIVEN that John S. Phillips, Esq., intends to apply in open Court for admission to the Bar of Adams County, Pennsylvania, on the 30th day of May, 2007, and that he intends to practice law as an attorney at Phillips & Phillips, 101 W. Middle St., Gettysburg, Adams County, Pennsylvania.

4/5, 13 & 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 the 9th day of March, 2007, for the purpose of incorporating a nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988.

The name of the corporation is THE CENTER FOR YOUTH AND COMMUNITY DEVELOPMENT.

The purposes for which it has been organized are: Nonprofit charitable, religious, educational and scientific activities.

Thomas R. Campbell, Esq.  
Campbell & White, P.C.  
112 Baltimore Street  
Gettysburg, PA 17325  
Solicitor for the Corporation

4/20



## DAVIS VS. DAVIS

1. The objectives of the Divorce Code are to effectuate economic justice between the parties and insure a fair and just determination of property rights.
2. It is improper to start with a presumption that a 50/50 split is the starting point with little or no consideration of the factors outlined in 23 Pa.C.S.A. §3502(a).
3. The Divorce Code does not contain a specific method for valuing assets. It is within the trial court's discretion and the court may rely on estimates, inventories, records of purchase prices, and appraisals submitted by the parties.
4. A trial court can accept all, some or none of the submitted testimony in determining the value of the marital property.
5. The valuation of a closely-held business is not an exact science; reasonable minds often disagree on the worth of such a business.
6. A trial court does not abuse its discretion in disregarding the only expert valuation submitted by the parties and utilizing a valuation done by the Master.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 02-S-981, DANIEL K. DAVIS VS. WENDY DAVIS.

Katrina M. Luedtke, Esq., for Plaintiff  
Muriel Anne Crabbs, Esq., for Defendant  
Bigham, J., May 30, 2006

### OPINION

#### STATEMENT OF FACTS

Plaintiff, Daniel K. Davis (hereinafter referred to as "Husband") and Defendant, Wendy Davis (hereinafter referred to as "Wife") were married on October 30, 1993. They separated in November of 2001 and Husband filed a Divorce Complaint on September 19, 2002. He filed an Amended Complaint on July 3, 2003 raising a claim for equitable distribution. On November 10, 2004, a Master was appointed to hear both claims for divorce and equitable distribution. By stipulation of both parties, this Court entered an Order authorizing bifurcation on October 19, 2004 and they were divorced on February 28, 2005.

On September 8, 2005, the Master conducted a hearing on the sole remaining issue of equitable distribution. Pursuant to the Master's request, both parties submitted a Memorandum of Law containing proposals for equitable distribution.<sup>1</sup> The Master filed his Report and Recommendation on March 13, 2006. Wife filed six exceptions to the Master's report on March 23, 2006. Later, Wife outlined and

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<sup>1</sup> Wife suggested a 55/45 split in her favor. Husband suggested a 50/50 split between these parties.

briefed only two exceptions on April 12, 2006. Husband filed a brief in opposition to Wife's six exceptions on April 19, 2006. Oral argument was held on May 3, 2006.

Essentially, Wife argues the Master erred in two respects: (1) recommending a 50/50 split of marital property and (2) valuing Husband's masonry business. Since both parties agreed to the distribution of their personal property, household furnishings, bank accounts and vehicles, the Master's report outlined the two remaining marital assets and debts. The two marital assets were the marital residence with equity of \$24,266.40 and Husband's masonry business known as "Davis Masonry" with a marital portion valued at \$64,358.09. The two marital debts were the Capital One credit card bill of \$1,058.86 and Sears credit card bill of \$1,043.00. The Master proposed a 50/50 split of the marital estate and proposed it be accomplished by the following:

<b><u>Marital Assets Valued at</u></b>	<b><u>\$88,624.49</u></b>
<b><u>Distribution to Wife:</u></b>	
Home Equity	\$24,266.40
Cash Payment to Wife	\$20,045.85
Equals 50% to Wife	\$44,312.25
<b><u>Distribution to Husband:</u></b>	
Marital Value of Business	\$64,358.09
Less Payment to Wife	\$20,045.85
Equals 50% to Husband	\$44,312.24
<b><u>Marital Debts Valued at</u></b>	<b><u>\$ 2,101.86</u></b>
<b><u>Wife's Responsible to Pay</u></b>	
Sears Credit Card	\$ 1,043.00
<b><u>Husband's Responsible to Pay</u></b>	
Capital One Credit Card	\$ 1,058.86

The Master considered the factors enumerated in 23 Pa.C.S.A. § 3502(a) when making his determination that a 50/50 split was warranted. He gave the most consideration to eight of those factors, which included: (a)(1) Length of marriage; (a)(3) Age, health, station, amount, sources of income, vocational skills, employability, estate liabilities and needs of each of the parties; (a)(4) Contribution by one party to the education, training, or increase earning power to the other party; (a)(5) Opportunity of each party for future acquisitions of

capital assets and income; (a)(6) Sources of income of both parties; (a)(8) Value of property set apart to each party; (a)(9) Standard of living of the parties established during the marriage; and (a)(11) Whether the party will be serving as the custodian of any dependent minor children.

These parties were married for almost eight years. Husband is 38 years old and operates a successful masonry business earning approximately \$40,000 a year. Wife is 36 years of age and is a certified Medical Secretary earning \$13,462.80 a year at Hanover Hospital. These parties share custody of their two minor children. Wife was a stay-at-home mother following the birth of each of their children. She had returned to work a few months after the birth of their first child but both parties decided she would remain home with the children after the birth of their second child. Around that same time period of late 1998 to early 1999, Husband decided to start his own masonry business. In addition to caring for the children, Wife contributed to Husband's business by handling the bookwork, payroll, and preparing paperwork to be sent to the accountant. She typically worked seven hours per week in Husband's business as it was getting started.

Based on the facts listed above, the Master proposed a 50/50 split which would give Husband the marital value of his business and Wife the equity in the residence. Since marital value of Husband's business was \$64,358.09 and the home equity was valued at \$24,266.40, the Master directed husband pay Wife a lump sum in cash for the difference, which would be \$20,045.85. Since the two credit card debts were almost equal in value, he proposed each party assume one of the debt obligations.

The Master's reasoning for the 50/50 split derives from economic considerations. He predicts the value of the real estate will continue to increase in the future. However, the value of Husband's business will only increase depending on the market and the success of his business. He points out that some of the assets owned by the business are machinery and equipment which will likely depreciate in value over time, in contrast with the marital home which will likely appreciate in value. He realizes the cash payment to Wife will enable her to pay off the vast majority of the mortgage balance encumbering the home which will free her income and enable her to obtain

additional assets in the future. Also, the Master took into account the fact that Husband will likely have to borrow against this business or take out a personal loan in order to make the cash payment to Wife, which will result in payment of interest by him.

As to the valuation of Husband's business, both parties called their own expert to testify at the Master's hearing. Husband's expert, Jacob Kaufman, a certified public accountant, valued Husband's business at **\$44,026**. Wife's expert, Barry Meyer, a public accountant, valued Husband's business at **\$162,940**. The substantial difference between these valuations is explained by the experts' method for valuing income. Husband's expert thought the income of the business should be averaged over a three to five year period. Wife's expert thought the highest income year should be utilized. The Master found it interesting that Husband's expert disputed the valuation method utilized by Wife's expert, while at the same time agreed that is "generally accepted in the industry". The Master found Wife's expert method of valuation to be more appropriate for a small, closely-held business, but agreed with Husband's expert that the business income should be averaged over a period of time without looking at any one year in isolation.

The Master valued Husband's business at **\$112,626.66** but the marital portion of husband's business was only **\$64,358.09**. This figure was based on the following calculation as outlined in the Master's Report:

Average Net Income of Business	\$35,675
Add back Depreciation Taken	<u>\$28,150</u>
	\$63,825
Less 5 Year SL Depreciation 27.648 x 20%	(\$5,530)
Skid Loader	(\$502)
Net Recomputed Income	\$57,793
Less Owner's Wage	<u>(\$40,000)</u>
	\$17,793
Less Fair Rental Value of Assets (\$46,399 x 10%)	<u>(\$4,640)</u>
	\$13,153
Divide by Divorce Value Rate	.084
Capitalization Rates Normal 60%	

Plus Goodwill Value Pre-Divorce Goodwill	24%
Excess Earnings	\$15,658.33
Divide By Capitalization of Excess Earnings	20%
Plus Estimated Value of Assets	\$46,399
Less Current Depreciation Value 2003 Year	(\$6,032)
Less 2004 Year Estimated Depreciation Value	<u>(\$6,032)</u>
Total Value of Business and Assets	<b>\$112,626.66</b>

The marital portion of the value of husband's business was calculated by using the following formula as outlined in the Master's Report:

Value of Husband's Business	\$112,626.66
Divided by the Age of the Business	7
	\$ 16,089.52
Number of Years in Business at Separation	4
Marital Value of Husband's Business	<b>\$ 64,358.09</b>

### DISCUSSION

When making a determination on equitable distribution, we must consider the eleven factors enumerated in 23 Pa.C.S.A. § 3502(a) which are as follows:

- (1) The length of marriage.
- (2) Any prior marriage of either party.
- (3) The age, health, station, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties.
- (4) The contribution by one party to the education, training or increased earning power of the other party.
- (5) The opportunity of each party for future acquisitions of capital assets and income.
- (6) The sources of income of both parties, including, but not limited to, medical, retirement, insurance or other benefits.
- (7) The contribution or dissipation of each party in the acquisition, preservation, depreciation or

appreciation of the marital property, including the contribution of a party as homemaker.

- (8) The value of the property set apart to each party.
- (9) The standard of living of the parties established during the marriage.
- (10) The economic circumstances of each party at the time the division of property is to become effective.
- (10.1) The Federal, State and local tax ramifications associated with each asset to be divided, distributed or assigned, which ramifications need not be immediate and certain.
- (10.2) The expense of sale, transfer or liquidation associated with a particular asset, which expense need not be immediate and certain.
- (11) Whether the party will be serving as custodian of any dependent minor children.

23 Pa.C.S.A. § 3502(a)(1)-(11).

In addition, we must bear in mind the objectives of the Divorce Code which is to effectuate economic justice between the parties and insure a fair and just determination of property rights. 23 Pa.C.S.A. § 3102(a)(6).

As recently recognized by our Superior Court in *Wang v. Feng*, 888 A.2d 882, 888 (Pa. Super. 2005) there is no easy formula by which to divide marital property. *Citing to Isralsky v. Isralsky*, 824 A.2d 1178, 1191 (Pa. Super. 2003). It is improper to start with a presumption that a 50/50 split is the starting point with little or no consideration of the factors outlined in 23 Pa.C.S.A. § 3502(a). *Stand. Pa. Practice*, 2d § 126:607, *Citing to Powell v. Powell*, 577 A.2d 576 (Pa. Super. 1990), *Frantangelo v. Frantangelo*, 520 A.2d 1195 (Pa. Super. 1987). After a consideration of the statutory factors and evidence, a starting point of equal division may be considered by the Court. *Id. Citing to Ganong v. Ganong*, 513 A.2d 1024 (Pa. Super. 1986).

These parties remained together for almost eight years and had two children born during their marriage. They are both relatively young in age, in good health, and employed. In the past, Wife has contributed to the success of Husband's business by acting as the

bookkeeper. She was a stay-at-home mother following the birth of their two children and she remains the primary physical custodian of both children. The parties' actual and potential income appears to be the most distinct factor for this Court. Husband has the ability to control his income by being the owner of his own masonry business. Whereas, Wife's income is based on the salary she will be paid as a medical secretary. In light of these facts, we believe an appropriate division would be to award Wife 55% and Husband 45% of the remaining marital estate. We agree with the Master's suggestion to allow Husband to keep the marital value of his business and Wife keeps the equity in the marital residence. The only adjustment would be the amount of money that Husband will be required to pay Wife to effectuate a 55/45 split. Originally, the Master instructed Husband to pay \$20,045.85<sup>2</sup> in a lump sum payment of cash. Now, Husband must pay \$24,477.07<sup>3</sup> in a lump sum payment of cash.

The Divorce Code does not contain a specific method for valuing assets. It is within the trial court's discretion and the court may rely on estimates, inventories, records of purchase prices, and appraisals submitted by the parties. *Verholek v. Verholek*, 741 A.2d 792 (Pa. Super. 1999). The law is well settled that a trial court can accept all, some or none of the submitted in testimony in determining the value of marital property. *Isralsky v. Isralsky*, 824 A.2d 1178 (Pa. Super. 2003)(citations omitted). As recognized by our Superior Court, the valuation of a closely-held business is not an exact science; reasonable minds often disagree on the worth of such a business. *Colonna v. Colonna*, 791 A.2d 353, 356 (Pa. Super. 2001): A trial court does not abuse its discretion in adopting the only expert valuation submitted by the parties. *See Baker v. Baker*, 861 A.2d 2988 (Pa. Super. 2004). In addition, a trial court does not abuse its discretion in disregarding the only expert valuation submitted by the parties and utilizing a valuation done by the Master. *Haentjens v. Haentjens*, 860 A.2d 1056 (Pa. Super. 2004).

Based on our review of both experts and the Master's recommendation, we believe the Master's valuation of Husband's business should be used. By comparing the valuations performed by both

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<sup>2</sup>As calculated by taking the total value of the marital estate multiplied by .50 and subtract the home equity (\$88,624.49 x .50 = \$44,312.25 - \$24,266.40 = \$20,045.85)

<sup>3</sup>As calculated by taking the total value of the marital estate multiplied by .55 and subtract the home equity (\$88,624.49 x .55 = \$48,743.47 - \$24,266.40 = \$24,477.07)

experts, this Court believes the Master appropriately constructed his own formula for valuing the business. Wife's expert focused on the highest year of income and valued the business at **\$162,940**. Husband's expert focused on the average income over a three to five year period and valued the business at **\$44,026**. The Master adopted in part the approach taken by both experts by utilizing the highest year of income but looking over a span of time. By using an average of the net income for three years, the Master valued the business at **\$112,626.66**.

The Master's approach was to adopt the methodology of Wife's expert except for the calculation of net income. The Master believed the valuation of the business should be based on looking at income over a three year period, as opposed to looking at one year in isolation. Since both experts agreed to discount the 2004 business year from calculations, the Master focused on the income for the years 2001, 2002, and 2003. Over this three year period, the average net income was \$35,675<sup>4</sup>. We believe the Master's approach to valuing Husband's business was appropriate in light of the conflicting views of the experts.

Wife believes the Master should have simply adopted her expert's valuation because she claims her expert is a professional and works with the largest accounting practice in the area. In addition, Wife argues the Master's calculation is flawed because he failed to adjust the "owner's wage". Wife points out that if the average net income of \$35,675 is used, then the owner's wage cannot total \$40,000. We agree with Wife that Husband could not pay himself a salary of \$40,000 if he earns only \$35,675 in a given year. However for purposes of valuing the business, we do not believe the Master erred in failing to adjust the owner's wage figure. Both experts agreed that \$40,000 should be used as the owner's wage. In addition, the Domestic Relations Office set Husband's income at \$40,000 for purposes of calculating support.

Accordingly, the attached order is entered.

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<sup>4</sup>Husband's expert submitted the values of net income for these years. The net income for the year ending December 31, 2003 was \$44,128. The net income for the year ending December 31, 2002 was \$42,001. The net income for the year ending December 31, 2001 was \$20,896.



ORDER

AND NOW, this 30th day of May 2006, in consideration of Defendant's Exceptions to the Master's Report and Recommendation, IT IS ORDERED THAT the Exceptions are granted in part and denied in part. Defendant's request to modify the Master's recommendation of a 50/50 split in equitable distribution is granted. We are increasing Defendant's share in equitable distribution to 55%. Defendant's request to modify the Master's valuation of Plaintiff's business is denied.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1439 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL of that lot or parcel of ground situate in the Borough of York Springs, Adams County, Pennsylvania, more particularly bounded and is described as follows, to wit:

BEGINNING at an iron pin at the edge of the sidewalk on the Southwestern side of Main Street, and extending thence by said sidewalk, South 32 degrees East, Eighty-Five and Eighteen Hundredths (85.18) feet to an iron pin; thence by land now or formerly of William Davis, South 66 degrees West, Two Hundred Three (203) feet to an iron pin at the Northeastern side of a 12 foot alley; thence by said alley; North Twenty-Seven (27) degrees West, Eighty-Two and Fifty Hundredths (82.50) feet to an iron pin; thence by land now or formerly of Fremond C. and Nora F. Kennedy, North Sixty-Five (65) degrees, Twenty-Five (25) minutes East, One Hundred Ninety-Five and Forty-Seven Hundredths (195.47) feet to the iron pin, the place of BEGINNING. CONTAINING 0.388 Acres.

Having erected thereon a warehouse.

SUBJECT TO the restrictions, reservations, easements, rights of way and covenants as appear in prior instruments of record.

BEING THE SAME PREMISES granted and conveyed to Phillip B. Harris, the Defendant herein, by Deed of Joanne M. Lehr, said Deed dated March 21, 2003 and recorded in the Adams County Recorder of Deeds Office in Record Book 3023 at Page 38.

Premises Being: 321 Main Street, York Springs, PA 17372

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 29, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/13, 20 & 27

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1438 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the land subject to the Mortgage is all of that lot or parcel of ground situate in the Borough of York Springs, Adams County, Pennsylvania, more particularly bounded and is described as follows, to wit:

BEGINNING at a point, now or formerly a post, on the Carlisle-Hanover Pike (Main Street of said Borough); thence along the Southwest side of said street, South 30-1/2 degrees East, 70 feet to a corner in the corner of a 14-foot alley; thence running in and along said alley, South 57-1/4 degrees West, 205 feet to a post at a 12-foot rear alley; thence along said rear alley, North 25-1/2 degrees West, 107 feet to a post; thence by other lands now or formerly of Malcolm J. Lehr and Joanne M. Lehr, husband and wife, North 67-1/2 degrees East, 199 feet to the above-described place of BEGINNING. CONTAINING 17,795 square feet, more or less.

Having erected thereon two (2) garages.

SUBJECT TO the restrictions, reservations, easements, rights of way and covenants as appear in prior instruments of record.

BEING THE SAME PREMISES granted and conveyed to Phillip B. Harris, the Defendant herein, by Deed of Joanne M. Lehr, said Deed dated March 21, 2003 and recorded in the Adams County Recorder of Deeds Office in Record Book 3023 at Page 44.

Premises Being: Second Street Lot #2, York Springs, PA 17372 (a/k/a 302 Second Street, York Springs, PA 17372)

Parcel (42) 002-0019 A

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

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

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

schedule of distribution will be filed by the Sheriff in his office on June 29, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/20, 27 & 5/4

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-61 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece or parcel of land, situate, lying and being in Oxford Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the property line of the cul-de-sac of Cherry Court at corner of Lot No. 106 of the hereinafter referenced plan of lots; thence along Lot No. 106, South 42 degrees 02 minutes 49 seconds West 92.07 feet to a point at other lands now or formerly of Oxford Estates; thence along same, North 34 degrees 52 minutes 51 seconds West 143 feet to a point at Lot No. 104 on said plan; thence along Lot No. 104, South 85 degrees 05 minutes 59 seconds East 129 feet to a point on the property line of the cul-de-sac of Cherry Court; thence along same, by a curve to the left, the radius of which is 50 feet, for an arc length of 42 feet and having a chord bearing and distance of South 21 degrees 26 minutes 29 seconds East 40.78 feet to a point at Lot No. 106, the point and place of BEGINNING.

CONTAINING 8,650 square feet and being Lot No. 105 on a plan of lots of Oxford Estates, Phase IV, dated May 23, 1985, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 42, page 5.

UNDER AND SUBJECT to any and all covenants, conditions, reservations, restrictions, limitations, right-of-ways, objections, easements, agreements, etc., as they appear of record.

With the appurtenances: TO HAVE AND TO HOLD the same unto and for the use of Grantees, their heirs and assigns forever.

Parcel Identification No.: 35-008-0114-000

TITLE TO SAID PREMISES IS VESTED IN Betty J. Topper, single person, by Deed from Rodney A. Carey and Teresa M. Carey, husband and wife, dated 03/17/2006, recorded 03/27/2006, in Deed Book 4356, page 255.

Premises being: 3 Cherry Court, New Oxford, PA 17350

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

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

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

schedule of distribution will be filed by the Sheriff in his office on June 29, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/13, 20 & 27

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Pennsylvania's "Fictitious Names Act", 54 Pa. C.S.A. §§ 301 et seq., of the filing of an Application for Registration of Fictitious Name under the said Act. The fictitious name is COLLABORATING FOR YOUTH. The address of the principal office or place of business to be carried on under or through the fictitious name is 225 West High Street, Gettysburg, Adams County, Pennsylvania 17325. The name and address of the entity which is a party to the registration is The Center for Youth and Community Development, a domestic nonprofit corporation, Gettysburg, Adams County, Pennsylvania 17325. An application for registration under the Fictitious Names Act of the said fictitious name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on March 9, 2007.

Campbell & White, P.C.  
112 Baltimore Street  
Gettysburg, PA 17325  
Attorneys for Applicant

4/20

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Pennsylvania's "Fictitious Names Act", 54 Pa. C.S.A. §§ 301 et seq., of the filing of an Application for Registration of Fictitious Name under the said Act. The fictitious name is BIGLERVILLE, P.T. The address of the principal office or place of business to be carried on under or through the fictitious name is 3101 Biglerville Road, Biglerville, Adams County, Pennsylvania 17307. The names and addresses of the persons who are parties to the registration are J. Scott Lewis, t/d/b/a GO Sport Physical Therapy, Inc., 705 Old Harrisburg Road, Suite #4, Gettysburg, Adams County, Pennsylvania 17325. An application for registration under the Fictitious Names Act of the said fictitious name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on April 2, 2007.

Campbell & White, P.C.  
112 Baltimore Street  
Gettysburg, PA 17325  
Attorneys for Applicant

4/20

**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 VIOLA V. BANKARD a/k/a VIOLA D. BANKARD, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrices: Earlene J. Carver, 153 East York Street, P.O. Box 143, Biglerville, PA 17307; Phyllis L. Bankard, 1109 Tall Pines Drive, Westminster, MD 21157

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

**ESTATE OF ERICH A. BORNEMANN, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Frederick D. Bornemann, 722 West Washington Street, Hagerstown, MD 21740

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

**ESTATE OF MARIAN D. CAREY a/k/a MARIAN DORIS CAREY, DEC'D**

Late of Berwick Township, Adams County, Pennsylvania

Administrator: Alan S. Carey, c/o Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

Attorney: Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

**ESTATE OF ANNA M. HANSFORD, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Lemuel L. Hansford, II, 100 Dakota Drive, Hanover, PA 17331; Suanne E. Pribble, 409 Nittany Lane, Abbotstown, PA 17301; Kathy L. Eckard, 10 Marie Drive, Hanover, PA 17331

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

**ESTATE OF BARBARA E. KUSHEN a/k/a BARBARA E. WALTERS, DEC'D**

Late of Tyrone Township, Adams County, Pennsylvania

Administrator: Stephen A. Walters, P.O. Box 622, 73A 4th Street, Biglerville, PA 17307

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

**ESTATE OF ELLIS E. REBER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Peter D. Solymos, c/o Paul G. Lutz, Esq., 110 South Northern Way, York, PA 17402

Attorney: Paul G. Lutz, Esq., 110 South Northern Way, York, PA 17402

**ESTATE OF BETTY GANT SULLENGER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Karen Sue Sullenger, P.O. Box 122, Sorrento, ME 04677

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

**ESTATE OF JOHN A. WELSHONCE, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: James D. Welshonce, P.O. Box 681, Fairfield, PA 17320; Susan W. Brewer, 87 Wyatt Road, Garden City, NY 11530

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

**SECOND PUBLICATION****ESTATE OF FRANCIS E. HAGERMAN a/k/a FRANCIS E. HAGERMAN, SR., DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Dennis J. Hagerman, 320 Church Street, Hanover, PA 17331

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

**ESTATE OF JEFFREY J. HARTLAUB, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Beulah M. Hartlaub, 270 Kuhn Road, Littlestown, PA 17340

**ESTATE OF NYLE L. MYERS, DEC'D**

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

Executrices: Doris Jean Stock, 114 Carlisle Street, New Oxford, PA 17350; Louise M. Wentz a/k/a A. Louise Wentz, 211 Park Heights, Hanover, PA 17331; Geraldine M. Alleman, 545 Short Road, East Berlin, PA 17316; Joyce M. Durboraw, 117 Carlisle Street, New Oxford, PA 17350

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

**ESTATE OF HOWARD R. SCHRIEVER, DEC'D**

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: Joan S. Aughinbaugh, 1635 East Mayberry Road, Westminster, MD 21158

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

**ESTATE OF BETTY V. SHULL, DEC'D**

Late of the Borough of York Springs, Adams County, Pennsylvania

Executor: Sterling Financial Trust Co., c/o 135 North George Street, York, PA 17401

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

**ESTATE OF JEAN L. WAGAMAN, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Barbara L. Foulk, 313 Baer Avenue, Hanover, PA 17331

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

**THIRD PUBLICATION****ESTATE OF MILDRED A. HOUGHTON, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

William Morton, 2705 Overview Drive, Hampstead, MD 21074

Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

**ESTATE OF GRACE BOWMAN KOONS, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Robert W. Koons, 263 Barlow Street, Gettysburg, PA 17325

Attorney: Wendy Weikal-Beauchat, Esq., 63 W. High Street, Gettysburg, PA 17325

(continued on page 6)

**THIRD PUBLICATION (continued)**

ESTATE OF HARRY J. SLAYBAUGH,  
DEC'D

Late of Oxford Township, Adams  
County, Pennsylvania

Executor: Richard H. Mylin, III, Esq.,  
c/o 135 South Duke Street, York, PA  
17403

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

ESTATE OF MARY A. STARNER, DEC'D

Late of Oxford Township, Adams  
County, Pennsylvania

Executor: Samuel E. Starnier, c/o 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

# Adams County Legal Journal

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April 27, 2007

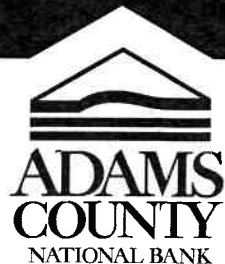
No. 49, pp. 320-321

## IN THIS ISSUE

FRANTZ VS. GARLAND

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1260 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described tract of land, lying and being situate in Hamiltonban and Liberty Townships, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a set spike in SR-0016; thence with lands now or formerly of Clarence and Alice Eyer, through a set iron pin on line, North 39° 11 minutes 43 seconds East 142.16 feet to an existing bent pipe; thence by the same, North 60° 18 minutes 31 seconds West 49.97 feet to a set iron pin; thence with lands now or formerly of Blue Ridge Sportsmen's Association, Inc., North 37° 10 minutes 45 seconds East through a set iron pin on line 293.48 feet to a set spike in Old Waynesboro Road (T-809); thence in Old Waynesboro Road, through an existing spike on line, South 63° 46 minutes 07 seconds East 178.58 feet to a set spike; thence with lands now or formerly of John and Karen Stem through a set iron pin on line, South 04° 29 minutes 33 seconds West 160.32 to an existing iron pin; thence with lands now or formerly of Shirley Hull, North 78° 11 minutes 46 seconds West 190.65 feet to an existing iron pin; thence by the same through an existing iron pin on line, South 11° 31 minutes 15 seconds West 187.26 feet to a set spike in SR-0016; thence in SR-0016, North 84° 23 minutes 06 seconds West 148.10 feet to a set spike, the place of BEGINNING. CONTAINING 1.485 acres and being that tract of land as is more fully shown on the reduced survey attached hereto and incorporated herein by reference, as prepared by R. Lee Royer & Associates, R.S., dated October 20, 1995.

MAP #18-A17-74

TITLE TO SAID PREMISES IS VESTED IN Rodney E. Riley and Sheila E. Riley, his wife by Deed from Harry M. Fogle and Kathleen M. Fogle dated

12/30/1997 and recorded 1/7/1998 in Record Book 1502, Page 33.

Premises Being: 1050 Old Waynesboro Road, Fairfield, PA 17320

SEIZED and taken into execution as the property of **Sheila E. Riley** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 29, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/13, 20 & 27

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1439 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL of that lot or parcel of ground situate in the Borough of York Springs, Adams County, Pennsylvania, more particularly bounded and is described as follows, to wit:

BEGINNING at an iron pin at the edge of the sidewalk on the Southwestern side of Main Street, and extending thence by said sidewalk, South 32 degrees East, Eighty-Five and Eighteen Hundredths (85.18) feet to an iron pin; thence by land now or formerly of William Davis, South 66 degrees West, Two Hundred Three (203) feet to an iron pin at the Northeastern side of a 12 foot alley; thence by said alley; North Twenty-Seven (27) degrees West, Eighty-Two

and Fifty Hundredths (82.50) feet to an iron pin; thence by land now or formerly of Freemond C. and Nora F. Kennedy, North Sixty-Five (65) degrees, Twenty-Five (25) minutes East, One Hundred Ninety-Five and Forty-Seven Hundredths (195.47) feet to the iron pin, the place of BEGINNING. CONTAINING 0.388 Acres.

Having erected thereon a warehouse.

SUBJECT TO the restrictions, reservations, easements, rights of way and covenants as appear in prior instruments of record.

BEING THE SAME PREMISES granted and conveyed to Phillip B. Harris, the Defendant herein, by Deed of Joanne M. Lehr, said Deed dated March 21, 2003 and recorded in the Adams County Recorder of Deeds Office in Record Book 3023 at Page 38.

Premises Being: 321 Main Street, York Springs, PA 17372

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 29, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/13, 20 & 27

## FRANTZ VS. GARLAND

1. A plaintiff's choice of forum is given great weight and the burden is on the party challenging that choice to show it is improper.

2. Pennsylvania courts have adopted the universal rule that in the absence of an agreement to the contrary ... payment is due at the plaintiff's residence or place of business and, venue is proper there in a breach of contract action alleging failure to make payment.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 06-S-53, CARL E. FRANTZ, INC. VS. LYNN GARLAND.

Bernard A. Yannetti, Jr., Esq., for Plaintiff

Thomas R. Nell, Esq., for Defendant

George, J., June 6, 2006

### OPINION

The Defendant, Lynn Garland, filed a Petition for Change of Venue seeking to transfer a contractual dispute to Franklin County. For the reasons set forth below, the Petition is denied.

"A plaintiff's choice of forum is given great weight and the burden is on the party challenging that choice to show it is improper." *Borger v. Murphy*, 797 A.2d 309, 312 (Pa. Super. 2002), appeal denied. 808 A.2d 568. Frantz's Complaint alleges that the Plaintiff is a Pennsylvania corporation with its principal place of business located at 3701 Chambersburg Road, Biglerville, Adams County, Pennsylvania. The Complaint further indicates that the formation of the contract occurred at Frantz's business location and that Garland failed to make payment pursuant to the contract. Although Garland contests the location of the formation of the contract, her Answer acknowledges that she was billed by Frantz for services rendered and that she made partial payment on the invoice.

I find a hearing on this issue unnecessary. As indicated above, the admissions in the pleadings reveal that Garland made a partial payment on an invoice generated by Frantz, whose principal place of business is located in Adams County. Pennsylvania Courts have adopted the universal rule that "in the absence of an agreement to the contrary...payment is due at the plaintiff's residence or place of business and, venue is proper there in a breach of contract action alleging failure to make payment." *Lucas Enterprise, Inc. v. Paul C. Harman Co., Inc.*, 417 A.2d 720, 721 (Pa. Super. 1980). Since the



Complaint alleges that Frantz's place of business is located in Adams County and there is no indication of agreement to the contrary, payment was due in Adams County. Thus, venue in Adams County is proper. *Id.* at 722.

For the foregoing reasons, the attached Order is entered.

ORDER

AND NOW, this 6th day of June, 2006, the Defendant's Motion for Change of Venue is denied. This matter shall promptly proceed to arbitration as directed by chairman of the board of arbitrators previously appointed.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-1438 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the land subject to the Mortgage is all of that lot or parcel of ground situate in the Borough of York Springs, Adams County, Pennsylvania, more particularly bounded and is described as follows, to wit:

BEGINNING at a point, now or formerly a post, on the Carlisle-Hanover Pike (Main Street of said Borough); thence along the Southwest side of said street, South 30-1/2 degrees East, 70 feet to a corner in the corner of a 14-foot alley; thence running in and along said alley, South 57-1/4 degrees West, 205 feet to a post at a 12-foot rear alley; thence along said rear alley, North 25-1/2 degrees West, 107 feet to a post; thence by other lands now or formerly of Malcolm J. Lehr and Joanne M. Lehr, husband and wife, North 67-1/2 degrees East, 199 feet to the above-described place of BEGINNING. CONTAINING 17,795 square feet, more or less.

Having erected thereon two (2) garages.

SUBJECT TO the restrictions, reservations, easements, rights of way and covenants as appear in prior instruments of record.

BEING THE SAME PREMISES granted and conveyed to Phillip B. Harris, the Defendant herein, by Deed of Joanne M. Lehr, said Deed dated March 21, 2003 and recorded in the Adams County Recorder of Deeds Office in Record Book 3023 at Page 44.

Premises Being: Second Street Lot #2, York Springs, PA 17372 (a/k/a 302 Second Street, York Springs, PA 17372)

Parcel (42) 002-0019 A

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 29, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/20, 27 & 5/4

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 07-S-61 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of June, 2007, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece or parcel of land, situate, lying and being in Oxford Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the property line of the cul-de-sac of Cherry Court at corner of Lot No. 106 of the hereinafter referenced plan of lots; thence along Lot No. 106, South 42 degrees 02 minutes 49 seconds West 92.07 feet to a point at other lands now or formerly of Oxford Estates; thence along same, North 34 degrees 52 minutes 51 seconds West 143 feet to a point at Lot No. 104 on said plan; thence along Lot No. 104, South 85 degrees 05 minutes 59 seconds East 129 feet to a point on the property line of the cul-de-sac of Cherry Court; thence along same, by a curve to the left, the radius of which is 50 feet, for an arc length of 42 feet and having a chord bearing and distance of South 21 degrees 26 minutes 29 seconds East 40.78 feet to a point at Lot No. 106, the point and place of BEGINNING.

CONTAINING 8,650 square feet and being Lot No. 105 on a plan of lots of Oxford Estates, Phase IV, dated May 23, 1985, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 42, page 5.

UNDER AND SUBJECT TO any and all covenants, conditions, reservations, restrictions, limitations, right-of-ways, objections, easements, agreements, etc., as they appear of record.

With the appurtenances: TO HAVE AND TO HOLD the same unto and for the use of Grantees, their heirs and assigns forever.

Parcel Identification No.: 35-008-0114-000

TITLE TO SAID PREMISES IS VESTED IN Betty J. Topper, single person, by Deed from Rodney A. Carey and Teresa M. Carey, husband and wife, dated 03/17/2006, recorded 03/27/2006, in Deed Book 4356, page 255.

Premises being: 3 Cherry Court, New Oxford, PA 17350

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 29, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/13, 20 & 27

**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 7, 2007, at 9:00 a.m.

**CHISHOLM**—Orphans' Court Action Number OC-139-06. The First and Final Account of Virginia E. Schein, Executor of the Estate of Rupert R. Chisholm, deceased, late of Franklin Township, Adams County, Pennsylvania.

**WALDMAN**—Orphans' Court Action Number OC-38-07. The First and Final Account of William H. Lilley, Executor, d.b.n.c.t.a. for the Estate of William G. Waldman, deceased, late of Cumberland Township, Adams County, Pennsylvania.

**MAZALESKI**—Orphans' Court Action Number OC-39-07. The First and Final Account of Sterling Financial Trust Company, Executor of the Estate of Joseph L. Mazaleski, deceased, late of Union Township, Adams County, Pennsylvania.

Kelly A. Lawver  
Clerk of Courts

4/27 & 5/4

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN pursuant to the provisions of Sec. 311 of the Act of Assembly of December 16, 1982, 54 PA C.S.A. 311, that an application for registration of a fictitious name was filed on February 6, 2007 with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the conducting of a business under the fictitious name of HAUSER ESTATE VINEYARD AND WINERY with its principal office or place of business at 30 West Middle Street, Gettysburg, PA 17325. The names and addresses of all entities owning or interested in said business are: Hauser Estate, Inc., 30 West Middle Street, Gettysburg, PA 17325.

Jonathan Patrono, Esq.  
Patrono & Associates, LLC  
30 W. Middle Street  
Gettysburg, PA 17325  
(717) 334-8098

4/27

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Jonathan Patrono, Esq.  
Patrono & Associates, LLC  
30 W. Middle Street  
Gettysburg, PA 17325  
(717) 334-8098

4/27

**INCORPORATION NOTICE**

NOTICE IS HEREBY GIVEN that on September 15, 2006, Articles of Incorporation-Nonprofit were filed with the Department of State of the Commonwealth of Pennsylvania incorporating LIBERTY WORSHIP CENTER, THE ASSEMBLIES OF GOD, INC., under the provisions of the Business Corporation Law.

The purpose for which said corporation is formed: The corporation shall have unlimited power to engage in and do any lawful act concerning any and all lawful business for which corporations may be incorporated under the Business Corporation Law of 1988.

The location and post office address of the initial registered office of said corporation is 405 North Avenue, East Berlin, PA 17316.

Matthew R. Battersby, Esq.  
20 W. Main St., PO Box 215  
Fairfield, PA 17320  
(717) 642-6260

4/27

**INCORPORATION NOTICE**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on February 6, 2007 with the Department of State of the Commonwealth of Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Corporation Law statutes at 15 Pa.C.S. § 1306 et seq., as amended.

The name of the corporation is HAUSER ESTATE, INC., with its principal office or place of business at 30 West Middle Street, Gettysburg, PA 17325.

Jonathan Patrono, Esq.  
Patrono & Associates, LLC  
30 W. Middle Street  
Gettysburg, PA 17325  
(717) 334-8098

4/27

**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 SAMUEL BURDETT, DEC'D**

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

Betty M. Snyder, 47 Bluebird Trail, Fairfield, PA 17320

Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

**ESTATE OF DARLENE E. CRAWFORD, DEC'D**

Late of Butler Township, Adams County, Pennsylvania

Executrix: Linda Sue Rakes, 8828 Omdorf Road, Thurmont, MD 21788

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

**ESTATE OF RAY A. GRIMES a/k/a RAY ALBERT GRIMES, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Mary G. Grimes, P.O. Box 38, McKnightstown, PA 17343

Attorney: Barbara Jo Entwistle, Pyle and Entwistle, 66 West Middle Street, Gettysburg, PA 17325

**ESTATE OF HOWARD A. HAWBAKER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: James Howard Hawbaker, 3270 Centennial Road, Hanover, PA 17331; John Joseph Hawbaker, 1360 Hickory Road, Littlestown, PA 17340; Daniel Thomas Hawbaker, 861 Littlestown Road, Littlestown, PA 17340

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

**ESTATE OF MARY S. KREBS, DEC'D**

Late of the Borough of Littlestown, Adams County, Pennsylvania

David H. Krebs, 50 Rita Marie Avenue, Littlestown, PA 17340

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

**ESTATE OF ROBERT M. MILLER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Gerald L. W. Miller, 144 Hanover Street, Gettysburg, PA 17325

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

**ESTATE OF BETTIE J. WOLFGANG, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Edwin J. Wolfgang, 714 Kohler Mill Road, New Oxford, PA 17350; Sharon J. Morin, 7502 Lincoln Highway, Abbottstown, PA 17301

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

**SECOND PUBLICATION****ESTATE OF VIOLA V. BANKARD a/k/a VIOLA D. BANKARD, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrices: Earlene J. Carver, 153 East York Street, P.O. Box 143, Biglerville, PA 17307; Phyllis L. Bankard, 1109 Tall Pines Drive, Westminster, MD 21157

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

**ESTATE OF ERICH A. BORNEMANN, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Frederick D. Bornemann, 722 West Washington Street, Hagerstown, MD 21740

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

**ESTATE OF MARIAN D. CAREY a/k/a MARIAN DORIS CAREY, DEC'D**

Late of Berwick Township, Adams County, Pennsylvania

Administrator: Alan S. Carey, c/o Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

Attorney: Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

**ESTATE OF ANNA M. HANSFORD, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Lemuel L. Hansford, II, 100 Dakota Drive, Hanover, PA 17331; Suanne E. Pribble, 409 Nittany Lane, Abbottstown, PA 17301; Kathy L. Eckard, 10 Marie Drive, Hanover, PA 17331

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

**ESTATE OF BARBARA E. KUSHEN a/k/a BARBARA E. WALTERS, DEC'D**

Late of Tyrone Township, Adams County, Pennsylvania

Administrator: Stephen A. Walters, P.O. Box 622, 73A 4th Street, Biglerville, PA 17307

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

**ESTATE OF ELLIS E. REBER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Peter D. Solymos, c/o Paul G. Lutz, Esq., 110 South Northern Way, York, PA 17402

Attorney: Paul G. Lutz, Esq., 110 South Northern Way, York, PA 17402

**ESTATE OF BETTY GANT SULLENGER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Karen Sue Sullenger, P.O. Box 122, Sorrento, ME 04677

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

**ESTATE OF JOHN A. WELSHONCE, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: James D. Welshonce, P.O. Box 681, Fairfield, PA 17320; Susan W. Brewer, 87 Wyatt Road, Garden City, NY 11530

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

**THIRD PUBLICATION****ESTATE OF FRANCIS E. HAGERMAN a/k/a FRANCIS E. HAGERMAN, SR., DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Dennis J. Hagerman, 320 Church Street, Hanover, PA 17331

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

**ESTATE OF JEFFREY J. HARTLAUB, DEC'D**

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Beulah M. Hartlaub, 270 Kuhn Road, Littlestown, PA 17340

(continued on page 6)

**THIRD PUBLICATION (continued)**

**ESTATE OF NYLE L. MYERS, DEC'D**

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

Executrices: Doris Jean Stock, 114  
Carlisle Street, New Oxford, PA  
17350; Louise M. Wentz a/k/a A.  
Louise Wentz, 211 Park Heights,  
Hanover, PA 17331; Geraldine M.  
Alleman, 545 Short Road, East  
Berlin, PA 17316; Joyce M. Durboraw,  
117 Carlisle Street, New Oxford, PA  
17350

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

**ESTATE OF HOWARD R. SCHRIVER,  
DEC'D**

Late of the Borough of Biglerville,  
Adams County, Pennsylvania

Executor: Joan S. Aughinbaugh, 1635  
East Mayberry Road, Westminster,  
MD 21158

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

**ESTATE OF BETTY V. SHULL, DEC'D**

Late of the Borough of York Springs,  
Adams County, Pennsylvania

Executor: Sterling Financial Trust Co.,  
c/o 135 North George Street, York,  
PA 17401

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

**ESTATE OF JEAN L. WAGAMAN, DEC'D**

Late of Conewago Township, Adams  
County, Pennsylvania

Executrix: Barbara L. Foulk, 313 Baer  
Avenue, Hanover, PA 17331

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