

Adams County Legal Journal

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-259 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of August, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece or parcel of real estate Situated in the Township of Reading, County of Adams and Commonwealth of Pennsylvania, being known and described as Lot No. 407 on a Plan of Lots known as "Lake Meade Subdivision", said Plan being recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 1 page 4.

BEING known and numbered as 8 Sherman Drive, East Berlin, Pennsylvania.

Tax Parcel # 2-26

TITLE TO SAID PREMISES IS VESTED IN Lorraine D. Greene, single woman by Deed from Kenneth P. Nagle and Martha S. Nagle, formerly known as Martha S. Windigler, his wife dated 10/19/98, recorded 11/3/98, in Deed Book 1693, Page 306.

SEIZED and taken into execution as the property of **Lorraine Green a/k/a Lorraine D. Greene** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 4, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/23, 30 & 7/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-159 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a stake at West King Street at Lot No. 9; thence by said lands North ten (10) degrees East, one hundred eighty (180.00) feet to a stake at a twenty (20.00) foot alley; thence by said alley South eighty (80) degrees East, sixty-seven (67.00) feet to a stake in Lot No. 7A; thence in and through Lot No. 7A South ten (10) degrees West, one hundred eighty (180.00) feet to a stake at West King Street, aforesaid; thence by the same North eighty (80) degrees West, sixty-seven (67.00) feet to a stake, the place of BEGINNING. Said lot of ground being known as all of Lot No. 8A and Lot No. 8 and the Western portion of Lot No. 7A on a plan or series of lots known as McSherry Park, which plot is entered for recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, and recorded in Misc. Book K, at page 336.

SUBJECT, HOWEVER, to restrictions as contained in Deed Book 217, page 381 which are enforceable under the laws of the Commonwealth of Pennsylvania.

TAX PARCEL #7-91

TITLE TO SAID PREMISES IS VESTED IN **Loren Dale Sines** and **Darlene Sines**, his wife by Deed from John Michael Getzandanner, dated 7/14/95, recorded 7/17/95, in Record Book 1054, page 294.

SEIZED and taken into execution as the property of **Loren Dale Sines & Darlene Sines** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

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

schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/7, 14 & 21

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

In re: First and Final Account of PNC Bank, National Association (formerly Gettysburg National Bank), Guardian of the Estate of William J. Goodin, a minor, dated June 2, 2000 - Adams County Orphans' Court No. OC-61-00

TO ALL PERSONS CONCERNED:

NOTICE IS HEREBY GIVEN that the First and Final Account of PNC Bank, NA (formerly Gettysburg National Bank), Guardian of the Estate of William J. Goodin, a minor, under an Order of Court dated April 15, 1991 in regard to the Estate of Charles Raymond Wolf, has been filed in the Office of the Clerk of the Orphans' Court and will be presented to the Court of Common Pleas of Adams County, Pennsylvania, at Gettysburg, Pennsylvania, for confirmation and approval on July 31, 2000, at 9:00 a.m.

Peggy J. Breighner
Clerk

Hartmut & Yannetti
Attorneys for William J. Goodin

6/30 & 7/7

INCORPORATION NOTICE

C & G COMMUNICATIONS, INC. has been incorporated under the provisions of the Business Corporation Law of 1988.

7/7

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-852 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

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

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

SEIZED and taken into execution as the property of **Betty S. Fissel & Curtis W. Fissel, II** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 18, 2000, and distribution will be made in accordance with said schedule, unless

exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/30, 7/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-268 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Western edge of the Pennsylvania State Highway which leads from Littlestown to the Gettysburg-Hanover State Highway, which point is South six (06) degrees thirty (30) minutes East, five (05) feet from the corner of Lot No. 2 from the plan of lots of Clayton E. and Annie E. Runk; thence along said Highway South six (06) degrees thirty (30) minutes East, one hundred fifteen (115) feet to a stake at corner of Lot No. 5; thence along Lot No. 5, South eighty-three (83) degrees thirty (30) minutes West, one hundred fifty (150) feet to lands now or formerly of Clayton E. Runk and Annie E. Runk; thence along same North six (06) degrees thirty (30) minutes West, one hundred fifteen (115) feet to a point which is South six (06) degrees thirty (30) minutes East, one hundred fifty (150) feet to a point along the Pennsylvania State Highway which leads from Littlestown to the Gettysburg-Hanover State Highway, the place of BEGINNING.

BEING known and numbered as 660 Littlestown Road.

Tax Parcel #J15-37

SEIZED and taken into execution as the property of **Marilyn R. Barrick** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/7, 14 & 21

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on June 7, 2000, 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 BAIRD ENTERPRISES, 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.

BAIRD ENTERPRISES
682 St. Johns Road
Littlestown, PA 17340

7/7

J. R. PROPERTIES VS. FORBES ET AL

1. The general duty of good faith and fair dealing in the performance of a contract as found in The RESTATEMENT (SECOND) OF CONTRACTS, §205, has been adopted in this Commonwealth. A similar requirement has been imposed upon contracts within the Uniform Commercial Code. The duty of "good faith" has been defined as "honesty in fact in the conduct or transaction concerned."

2. The obligation to act in good faith in the performance of contractual duties varies somewhat with the context, and a complete catalogue of types of bad faith is impossible, but it is possible to recognize certain strains of bad faith to include: evasion of the spirit of the bargain, lack of diligence and slacking off, willful rendering of imperfect performance, abuse of power to specify terms, and interference with or failure to cooperate with the other party's performance.

3. A similar requirement of good faith has been imposed under a contract doctrine developed in Pennsylvania case law called the "doctrine of necessary implication." That doctrine has been stated as follows:

In the absence of an express provision, the law will imply an agreement by the parties to a contract to do and perform those things that according to reason and justice they should do in order to carry out the purpose for which the contract was made and to refrain from doing anything that would destroy or injure the other party's right to receive the fruits of the contract.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 98-S-1049. J. R. PROPERTIES, INC., VS. ARNOLD FORBES, T/D/B/A WYATT INVESTORS, A/K/A WYATT INVESTORS, INC.

Joseph C. Adams, Esq., for Plaintiff
William M. Gross, Esq., for Defendant
Spicer, P.J., March 16, 1999.

OPINION ON PRELIMINARY OBJECTIONS

Since the complaint identifies defendant as an individual trading and doing business as Wyatt Investors, also known as Wyatt Investors, Inc., we refer to defendant as an individual for purposes of this opinion.

Plaintiff's complaint, filed October 23, 1998, has prompted preliminary objections in the nature of a demurrer and motion for more specific pleading. For reasons not readily discernible, objections were not filed until February 8, 1999.

Plaintiff alleges that the parties entered into a written contract, a copy of which was attached as Exhibit A, on April 1, 1997. The contract recited that defendant: 1), owed plaintiff money, 2) entered into a contract with Edward G. Sanders that called for a), conveyance by

Sanders to defendant of 24.610 acres in Straban Township and b), construction by defendant of a single family home on the property. The contract gave Sanders a right to re-purchase the property for \$81,000.00, and recited that the parties to this legal action would share in the net profits realized by the re-conveyance as follows: plaintiff, 75%, defendant 25%. The amount of profit paid to plaintiff would then be credited to the amount owed by defendant to plaintiff.

The complaint alleges that defendant has negotiated with and agreed to release Sanders from any further liability upon payment of \$26,000.00.

The agreement between defendant and Sanders was not attached to the complaint.

Defendant argues that nothing in the agreement prevents him from negotiating with Sanders. He also complains that the complaint fails to specifically inform him of the issues he will be required to face at trial and, specifically, fails to attach a copy of the Sanders agreement.

In response to the last objection, plaintiff has attached a copy of the Sanders agreement to its brief. While this is not the best practice¹, we find that it suffices because plaintiff's cause of action is based upon the agreement between itself and defendant, not the agreement between defendant and Sanders. Furthermore, defendant obviously has as much information and knowledge about his dealings with Sanders as plaintiff, if not more. The motion for more specific pleading is denied.

We may sustain the demurrer only if the law says with certainty that plaintiff cannot recover, after reviewing the complaint in a light most favorable to plaintiff and giving it the benefit of all favorable inferences. The mere fact that the agreement does not expressly prohibit defendant from unilateral negotiations is not dispositive. Superior Court has observed:

The general duty of good faith and fair dealing in the performance of a contract as found in The **RESTATEMENT (SECOND) OF CONTRACTS**, §205, has been adopted in this Commonwealth in *Creeger Brick & Building Supply, Inc. v. Mid-State Bank & Trust Co.* 385 Pa. Super. 30, 35, 560 A.2d 151, 153 (1989), and *Baker v. Lafayette College*, 350 Pa. Super. 68, 84, 504 A.2d 247, 155 (1986),

¹ A brief is not a pleading under Pa. R.C.P. 1017.

aff'd, 516 Pa. 291, 532 A.2d 399 (1987). A similar requirement has been imposed upon contracts within the Uniform Commercial Code by 13 Pa. C.S. §1203. The duty of "good faith" has been defined as "(h)onesty in fact in the conduct or transaction concerned." See 13 Pa. C.S. §1201.

The obligation to act in good faith in the performance of contractual duties varies somewhat with the context, *Baker*, supra, 350 Pa. Superior Ct. at 84, 504 A.2d at 255, and a complete catalogue of types of bad faith is impossible, but it is possible to recognize certain strains of bad faith to include: evasion of the spirit of the bargain, lack of diligence and slacking off, willful rendering of imperfect performance, abuse of power to specify terms, and interference with or failure to cooperate with the other party's performance. RESTATEMENT (SECOND) of CONTRACTS §205(d).

Somers v. Somers, 418 Pa. Super. 131, 136, 137, 613 A.2d 1211, 1213 (1992).

Further:

A similar requirement of good faith has been imposed under a contract doctrine developed in Pennsylvania case law called the "doctrine of necessary implication." *Frickert v. Deiter Bros. Fuel Co., Inc.*, 464 Pa. 596, 347 A.2d 701 (1975) (Pomeroy, J. concurring); *Slater v. Pearle Vision Center, Inc.*, 376 Pa. Super. 580, 546 A.2d 676 (1988). That doctrine has been stated as follows:

In the absence of an express provision, the law will imply an agreement by the parties to a contract to do and perform those things that according to reason and justice they should do in order to carry out the purpose for which the contract was made and to refrain from doing anything that would destroy or injure the other party's right to receive the fruits of the contract (citation omitted).

Id., 613 A.2d at 1214.

The situation in *Somers* is somewhat analogous. The parties were uncle and nephew, with uncle claiming that nephew settled claims for less than value, where the parties had an agreement that uncle would share in net profits. While it is true that the suit arose after settlement of those claims, whereas defendant is alleged to only be engaging in negotiations. It may be that plaintiff will be unable to prove actual damages. However, it has alleged sufficient facts to support findings

that defendant is acting in bad faith with intent to deprive plaintiff of the benefit of its bargain. Paragraphs 12 and 13 allege that defendant has, without plaintiff's knowledge, negotiated with Sanders to have Sanders pay directly to defendant the sum of \$26,000.00 in full satisfaction of Sanders' obligation. Negotiations are said to include a full release of Sanders. In this court's opinion, that is enough to require defendant to answer. We do not think that defendant should be able to take advantage of plaintiff's lack of information about negotiations at this stage of the proceedings.

ORDER

AND NOW, this 16TH day of March, 1999, defendant's preliminary objections are overruled. He may file an answer within twenty days.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-266 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN parcel, piece of land situate in Carroll Valley Borough, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center of Snow Trail at Lot No. 289; thence by said lot, North Thirty-seven (37) degrees Sixteen (16) minutes Twenty-eight (28) seconds East, Two Hundred Twenty-five (225) feet to Lot No. 264; thence by said lot and Lot No. 265, South Fifty-five (55) degrees Fifty (50) minutes Forty-six (46) seconds East, One Hundred Seventy-nine and Ninety-eight hundredths (179.98) feet to Lot No. 287; thence by said lot, South Sixty-six (66) degrees Twenty-nine (29) minutes Thirty-five (35) seconds West, Two Hundred Sixty-five and Ninety hundredths (265.90) feet to a point in the cul-de-sac of said Snow Trail; thence in the cul-de-sac and in said Snow Trail, North Fifty-five (55) degrees Fifty (50) minutes Forty-six (46) seconds West, Fifty (50) feet to THE PLACE OF BEGINNING.

THE ABOVE description was taken from a Plan of Lots labeled Section K, Charmita, dated March 3, 1969, prepared by Evans, Hagen and Holdfer, and recorded in Plat Book I page 42.

HAVING THEREON ERECTED a dwelling known as 7 Snowtrail, Fairfield, PA 17320.

SEIZED and taken into execution as the property of **Everett & Gina Willis** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-574 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the property line of Birch Lane, a fifty (50) foot street, at corner of Lot No. 518, on the hereinafter referred plan of lots; thence by said lot, North eighty-six (86) degrees twelve (12) minutes forty-seven (47) seconds East, eighty-eight and ninety-eight hundredths (88.98) feet to a steel pin at Lot No. 520; thence by said lot, South three (03) degrees forty-seven (47) minutes thirteen (13) seconds East, one hundred ten (110.00) feet to a steel pin on the property line of Spruce Lane, a fifty (50) foot street; thence by said street, South eighty-six (86) degrees twelve (12) minutes forty-seven (47) seconds West, eighty (80.00) feet to a point at a rounded radius at Spruce Lane and Birch Lane; thence by said radius by a curve to the right whose radius is fifteen (15.00) feet, an arc distance of twenty-three and fifty-six hundredths (23.56) feet, the long chord of which is North forty-eight (48) degrees forty-seven (47) minutes thirteen (13) seconds West, twenty-one and twenty-one hundredths (21.21) feet to a point on the property line of Birch Lane; thence by said street, North three (03) degrees forty-seven (47) minutes thirteen (13) seconds West, fifty-four and forty hundredths (54.40) feet to a point; thence by the same by a curve to the right whose radius is one hundred forty (140.00) feet, an arc distance of forty-one and nineteen hundredths (41.19) feet, the long chord of which is North four (04) degrees thirty-eight (38) minutes thirty-four (34) seconds East, forty-one and five hundredths (41.05) feet to the point and place of BEGINNING. (CONTAINING 10,321 square feet and being known as Lot No. 519 on a plan of lots of Oxford Estates, Tract II - Phase Three, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 53, page 66.)

Having thereon erected a dwelling known as 18 Birch Lane, New Oxford, PA 17350.

Being Tax Parcel No. 35-008-0182.

BEING THE SAME PREMISES WHICH Jenette W. Reynolds Hawley and Walter L. Hawley granted and conveyed unto James Marcellus Hammons and Dawn Hammons by Deed dated June 20, 1994 and recorded June 22, 1994 in the Recorder of Deeds Office of Adams

County in Deed Book 902, page 138.

TO BE SOLD AS THE PROPERTY OF JAMES MARCELLUS HAMMONS AND DAWN HAMMONS.

SEIZED and taken into execution as the property of **James Marcellus Hammons & Dawn Hammons** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 18, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/30, 7/7 & 14

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 March 22, 2000, 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 CROSSROAD ENTERPRISES, 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.

CROSSROAD ENTERPRISES, INC.
1121 Church Road
East Berlin, PA 17316

7/7

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation for ROBERT J. VIA, INC. were filed with the Department of State of the Commonwealth of Pennsylvania on June 23, 2000, under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444.

Guthrie, Nonemaker, Guthrie & Yingst
Solicitor

7/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1117 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of August, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point along the right-of-way line of Colorado Avenue and corner of Lot No. 88 on subdivision plan hereinafter referred to; thence along Lot No. 88, South sixty-two (62) degrees thirty-two (32) minutes forty-three (43) seconds West, one hundred six and twenty-eight hundredths (106.28) feet to a point along Lot No. 80 on subdivision plan hereinafter referred to; thence along Lot No. 80, North twenty-seven (27) degrees twenty-seven (27) minutes thirteen (13) seconds West, forty-two and ninety-five hundredths (42.95) feet to a point at corner of Lot No. 86 on subdivision plan hereinafter referred to; thence along Lot No. 86, North forty-five (45) degrees fifty-four (54) minutes twenty-three (23) seconds East, one hundred and zero hundredths (100.00) feet to a point along the right-of-way line of Colorado Avenue; thence along the right-of-way line of Colorado Avenue, by a curve to the right, having a radius of two hundred fifty and zero hundredths (250.00) feet, an arc length of seventy-two and sixty hundredths (72.60) feet, and a long chord bearing and distance of South thirty-five (35) degrees forty-six (46) minutes twenty-seven (27) seconds East, seventy-two and thirty-five hundredths (72.35) feet to the point and place of BEGINNING. (CONTAINING 5,989 square feet and being designated as Lot No. 87 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated July 15, 1994, as revised, Project No. 921060, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, page 89.)

Tax Parcel # 7-183

TITLE TO SAID PREMISES IS VESTED IN Jose L. Ibero, by Deed from S & A Custom Built Homes, Inc., a Pennsylvania Corporation, by its Attorney-in-fact, Mark Cummins dated 3/31/97, recorded 4/8/97, in Record Book 1352, Page 213.

SEIZED and taken into execution as the property of Jose L. Ibero and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on September 4, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/23, 30 & 7/7

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 May 30, 2000 for LARRY'S STEAMED CRABS. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988.

The purpose for which said corporation is formed are that: 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 Act of December 21, 1988, P.L. 1444, its amendments and supplements, under the provisions of which said Act this corporation is incorporated.

Stonesifer and Kelley, P.C.
Solicitor

7/7

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on May 29, 2000, for the purpose of obtaining a Certificate of Incorporation of a Domestic Business Corporation 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 CATALYST BROADCAST & ENTERTAINMENT, 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

7/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-277 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Mount Pleasant Township, Adams County, Pennsylvania, being more particularly described as Lot No. 681 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office to the Recorder of Deeds of Adams County, in Misc. Book 4, page 665, and subject to all legal highways, easements, rights-of-way and restrictions of record.

TOGETHER with the rights and SUBJECT TO the restrictions, conditions, agreements, reservations and charges set forth at length in the deed recorded in Deed Book 284 at Page 363.

BEING the same property which Charles J. Pusateri, Sr., and Sharon E. Pusateri, his wife Granted and Conveyed unto Jimmy Artis and Darlene E. Artis, his wife, by Deed dated April 15, 1992, and Recorded in the Office of the Recorder of Deeds of Adams County on April 15, 1992, in Deed Book Volume 622, Page 911.

DBV 622
Page 911
Parcel 5-157

SEIZED and taken into execution as the property of Jimmy Artis & Darlene E. Artis and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 18, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/30, 7/7 & 14

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 ROBERTA F. BITTINGER, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executors: C. Richard Hartman, P.O. Box 168, Cashtown, PA 17310; Jay H. Hartman, 3267 West Cedar Street, Allentown, PA 18104

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

ESTATE OF DOROTHY L. BROWN, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Darlene M. Hankey, 710 Broadway, Hanover, PA 17331

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

ESTATE OF ELIZABETH F. COBLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Lorraine C. Yeager, 2574 New Franklin Road, Chambersburg, PA 17201; Jane C. Rice, 4382 Church Road, Chambersburg, PA 17201

Attorney: Welton J. Fischer, Esq., 550 Cleveland Avenue, Chambersburg, PA 17201

ESTATE OF OLIVE ELIZABETH WAGNER DRIVER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Beverley Driver Eddy, 124 Dale Road, Biglerville, PA 17307

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

ESTATE OF K. MARIE KAUFFMAN a/k/a KATHRYN MARIE KAUFFMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: William W. Hafer

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

SECOND PUBLICATION**ESTATE OF MILDRED C. ERB, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: James R. Erb, Jr., R.D. 7, Box 7250, Spring Grove, PA 17362

Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EUGENE L. HELLER a/k/a EUGENE LINCOLN HELLER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Ruby D. Heller, 460 Center Mills Rd., Aspers, PA 17304

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

THIRD PUBLICATION**ESTATE OF ADELAIDE MILLER FROUNFELTER, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Walter Lee Simpson, 131 Lumber Street, Littlestown, PA 17340

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

ESTATE OF DOROTHY M. LEININGER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Kay A. Bock, c/o Lacy Hayes, Jr., Esq., 2216 Walnut Street, Harrisburg, PA 17103-2426

Attorney: Lacy Hayes, Jr., Esq., 2216 Walnut Street, Harrisburg, PA 17103-2426

ESTATE OF WILBERT F. NOEL, SR., DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Wilbert F. Noel, Jr. or Stephen Noel, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

Attorneys: Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

ESTATE OF EDNA M. POTTER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Carl Alan Potter, 1355 Biglerville Road, Gettysburg, PA 17325

Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

ESTATE OF MANDLE B. WRIGHT, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Ronald H. Smith, 2741 Meadow Drive, Gettysburg, PA 17325

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-218 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of August, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land Situate in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a spike in the center of Legislative Route 01002 at the Southwest corner of land now or formerly of Leroy B. Apgar with a pin set back along the Apgar line 20 feet; thence in the center of said State Highway, Legislative Route 01002, North 78 degrees 15 minutes West, 435.60 feet to a point in the center of old L.R. 01002; thence through a pin set back along the line 25 feet by other land of Garland Baker, North 11 degrees 45 minutes West, 200 feet through an iron pin set back along the line 20 feet, to a spike in the center of L.R. 01002, the place of BEGINNING. CONTAINING 2 acres.

THIS description was taken from a draft of survey made January 1, 1969 by Wilbur V. Redding, R.S.

Tax Parcel # F16-22A

TITLE TO SAID PREMISES IS VESTED IN Hubert D. Snyder, Sr. and Deborah A. Snyder, husband and wife by Deed from Mark F. Smith and Doris A. Smith, husband and wife dated 1/8/93, recorded 1/8/93, in Record Book 677 page 2.

SEIZED and taken into execution as the property of **Hubert D. Snyder a/k/a Hubert D. Snyder, Sr. & Deborah A. Snyder** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 4, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/23, 30 & 7/7

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982-295 (54 Pa. C.S. §311), the undersigned entity[ies] announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately June 19, 2000, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of ARMCHAIR BOOKS, with its principal place of business at 65 West Middle Street, Gettysburg, PA. The name and address of the person owning or interested in said business is Beverley D. Eddy, 124 Dale Road, Biglerville, PA. The character or nature of the business is sale of used books and paper ephemera.

7/7

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State, Harrisburg, Pennsylvania, on June 5, 2000, under the Business Corporation Law of the Commonwealth of Pennsylvania. The name of the corporation is DAPHNE-ATHENA, INC.

The purpose for which the corporation has been organized is to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law.

Craig A. Diehl, Esquire

7/7

Adams County Legal Journal

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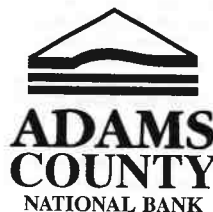
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STEVENS ET AL VS. TYRONE TWP. SUPERVISORS

Commitment:

The philosophy upon which
Adams County National Bank is
founded and upon which we are planning
for your future financial needs today.



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. 99-S-852 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

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

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

SEIZED and taken into execution as the property of **Betty S. Fissel & Curtis W. Fissel, II** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 18, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10

days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/30, 7/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-574 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the property line of Birch Lane, a fifty (50) foot street, at corner of Lot No. 518, on the hereinafter referred plan of lots; thence by said lot, North eighty-six (86) degrees twelve (12) minutes forty-seven (47) seconds East, eighty-eight and ninety-eight hundredths (88.98) feet to a steel pin at Lot No. 520; thence by said lot, South three (03) degrees forty-seven (47) minutes thirteen (13) seconds East, one hundred ten (110.00) feet to a steel pin on the property line of Spruce Lane, a fifty (50) foot street; thence by said street, South eighty-six (86) degrees twelve (12) minutes forty-seven (47) seconds West, eighty (80.00) feet to a point at a rounded radius at Spruce Lane and Birch Lane; thence by said radius by a curve to the right whose radius is fifteen (15.00) feet, an arc distance of twenty-three and fifty-six hundredths (23.56) feet, the long chord of which is North forty-eight (48) degrees forty-seven (47) minutes thirteen (13) seconds West, twenty-one and twenty-one hundredths (21.21) feet to a point on the property line of Birch Lane; thence by said street, North three (03) degrees forty-seven (47) minutes thirteen (13) seconds West, fifty-four and forty hundredths (54.40) feet to a point; thence by the same by a

curve to the right whose radius is one hundred forty (140.00) feet, an arc distance of forty-one and nineteen hundredths (41.19) feet, the long chord of which is North four (04) degrees thirty-eight (38) minutes thirty-four (34) seconds East, forty-one and five hundredths (41.05) feet to the point and place of BEGINNING. (CONTAINING 10,321 square feet and being known as Lot No. 519 on a plan of lots of Oxford Estates, Tract II - Phase Three, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 53, page 66.)

Having thereon erected a dwelling known as 18 Birch Lane, New Oxford, PA 17350.

Being Tax Parcel No. 35-008-0182.

BEING THE SAME PREMISES WHICH Jenette W. Reynolds Hawley and Walter L. Hawley granted and conveyed unto James Marcellus Hammons and Dawn Hammons by Deed dated June 20, 1994 and recorded June 22, 1994 in the Recorder of Deeds Office of Adams County in Deed Book 902, page 138.

TO BE SOLD AS THE PROPERTY OF JAMES MARCELLUS HAMMONS AND DAWN HAMMONS.

SEIZED and taken into execution as the property of **James Marcellus Hammons & Dawn Hammons** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 18, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/30, 7/7 & 14

STEVENS ET AL VS. TYRONE TWP. SUPERVISORS

1. In a mandamus action, Rule 1098 of the Pennsylvania Rules of Civil Procedure permits a court to enter peremptory judgment at any time after the filing of the complaint if the right of the plaintiff is clear.

2. In granting a motion for peremptory judgment under Rule 1098, courts use the same standard which governs the disposition of a motion for summary judgment. Thus courts consider both the record actually presented and the potential record at the time of trial. A judgment will be entered only in the clearest of cases where there is no doubt as to the absence of a material fact. The burden of demonstrating that there is no dispute as to a material fact is on the moving party, and the record must be examined in the light most favorable to the nonmoving party.

3. The failure to file applications and plats conforming to the township's regulations gave the township sufficient justification to reject the application summarily.

4. Technical violations in filing a subdivision application will not excuse the township from making a timely decision where the township fails to object to the application but instead considers the application on the merits.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 98-S-672. WAYNE L. STEVENS AND LORETTA M. STEVENS, HUSBAND AND WIFE, AND C. WILLIAM MARTIN, ON BEHALF OF IMPERIAL N.C. ASSOCIATES, VS. BOARD OF SUPERVISORS OF TYRONE TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA.

Mark S. Silver, Esq., for Plaintiffs

Mark T. Riley, Esq., for Defendant

Kuhn, J., March 17, 1999.

OPINION ON PLAINTIFFS' MOTION FOR PEREMPTORY JUDGMENT

Plaintiffs filed a mandamus action against Defendant on June 30, 1998, and amended the complaint on July 1, 1998. On October 15, 1998, Plaintiffs filed a Motion for Peremptory Judgment Pursuant to Pennsylvania Rule of Civil Procedure 1098. Argument was held on December 29, 1998, and the matter is now before this Court for disposition.

STATEMENT OF FACTS

The facts, when viewed in the light most favorable to Defendant for purposes of this motion, reveal the following circumstances: Plaintiffs, Wayne and Loretta Stevens, are the legal owners of a tract of land in Tyrone Township, Adams County, comprised of approximately 30.014 acres. Plaintiff, C. William Martin, on behalf of

Imperial N.C. Associates, is the equitable owner of the land in accordance with an Agreement of Sale dated September 19, 1997. (Plaintiffs' Amended Complaint, Exhibit B). Approximately 10 acres of the eastern portion of this tract was zoned for mobile home parks. A small portion of the southeastern corner of those 10 acres was part of a larger mobile home park previously approved by the Township and known as Walnut Grove Mobile Home Park. (See, Recorder of Deeds of Adams County, Plan Book 50, Page 46).

On November 25, 1997, Plaintiffs, C. William Martin and Imperial N.C. Associates, by their purported agent, W. Adam Martin, submitted a land development plan at the Adams County Courthouse for the expansion of the existing mobile home park, after being instructed to do so by the Defendant's secretary. On the same date Mr. Martin paid \$202.00 to the "Adams County Courthouse" (Office of Planning and Development) for fees pursuant to a "bill" dated 8 days earlier.

The day after the plans were filed at the Courthouse, Larry W. Wolf, Esquire, forwarded a letter to Imperial N.C. Associates indicating that he had received several sheets of a plan which appeared to be a proposal to expand the Walnut Grove Mobile Home Park. (Answer and New Matter of Defendant, Tyrone Township, to Plaintiffs' Complaint, Exhibit A). The letter did not indicate Mr. Wolf's official position with the Township. Mr. Wolf informed said Plaintiff that the plan was incomplete because it failed to show "Flood Plain Zones, the line between Development and Agricultural Conservation Zones, parking spaces per lot, setbacks for the mobile homes, paving materials for the private streets, exterior lighting, a storm water drainage system, or the other details of the proposed development." The letter went on to inform said Plaintiff that no zoning application or application fee (\$90.00) was received. Mr. Wolf explained that if the submitted plan was intended to be a zoning permit application an application had to be completed and returned along with the application fee and a full copy of the plan.

Galen J. Smith, Chairman for the Tyrone Township Board of Supervisors, forwarded an undated letter to "Adam Martin" (apparently one and the same as W. Adam Martin) indicating that the Board had received the plans for expansion of the mobile home park but could not review them until sufficient copies were provided.

Defendant avers that the additional requested copies were not received, contrary to the averment of Plaintiffs.

The Adams County Office of Planning and Development issued comments on the plan by letter dated December 9, 1997. One of the comments stated that the plan did not meet the requirements for a preliminary plan under the Tyrone Township Subdivision and Land Development Ordinance and that the Township could choose to reject the application as incomplete or accept it as a "sketch" plan. (Plaintiffs' Amended Complaint, Exhibit G).

The Township admits, in its brief, that it did not make a decision on the plan or communicate a decision to Plaintiffs.

LEGAL DISCUSSION

In a mandamus action, Rule 1098 of the Pennsylvania Rules of Civil Procedure permits a court to enter peremptory judgment at any time after the filing of the complaint if the right of the plaintiff is clear. *Thayer v. Lincoln Borough*, __Pa. Commw.__, 687 A.2d 1195, 1197 (1997), *alloc. den.*, 548 Pa. 676, 698 A.2d 598 (1997); *see also*, Pa.R.C.P. 1098, 42 Pa.C.S.A. The *Thayer* Court went on to recite the standard for peremptory judgment as follows:

In granting a motion for peremptory judgment under rule 1098, courts use the same standard which governs the disposition of a motion for summary judgment under Rules 1035.1 - 1035.5 of the Pennsylvania Rules of Civil Procedure. *Washowich*, 503 A.2d at 1086. Thus, courts consider both the record actually presented and the potential record at the time of trial. *Id.* A judgment will be entered only in the clearest of cases where there is no doubt as to the absence of a material fact. *Id.* The burden of demonstrating that there is no dispute as to a material fact is on the moving party, and the record must be examined in the light most favorable to the nonmoving party. *Id.*

Thayer v. Lincoln Borough, 687 A.2d at 1197 (citations omitted).

Plaintiffs allege that they filed a proposed land development plan with Defendant and at the Adams County Courthouse on November 25, 1997. Plaintiffs contend that because Defendant failed to make a

decision in conformity with the Municipalities Planning Code (“MPC”), specifically 53 P.S. § 10508, that their plan should be deemed approved. Defendant counters that Plaintiffs 1) did not properly file their plan and 2) failed to pay the necessary application fee. Therefore, Defendant contends, there was, in fact, no application upon which it was required to act.¹ Because Defendant admits that it did not notify Plaintiffs of the rejection of their plan, if the submitted plan can be considered an “application,” it would be deemed approved under the MPC. (Defendant’s Brief in Opposition to Plaintiffs’ Motion for Peremptory Judgment at 2).

The relevant section of the MPC reads as follows:

All *applications* for approval of a plat (other than those governed by Article VII), whether preliminary or final, shall be acted upon by the governing body or the planning agency within such time limits as may be fixed in the subdivision and land development ordinance but the governing body or the planning agency shall render its decision and communicate it to the *applicant* not later than 90 days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the *application* is filed, provided that should the said next regular meeting occur more than 30 days following the

¹ Defendant argues that a \$90.00 zoning application fee was required before the plan would be considered. Tyrone Township’s Zoning Ordinance indicates as follows:

No building or other structure...nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Officer...

(Tyrone Township Zoning Ordinance, Art. 3, § 300).

The Ordinance goes on to require that the fee be remitted before any further action is taken on an application.

(Tyrone Township Zoning Ordinance, Art. 3 § 360). Plaintiffs argue that this fee was not due from them because the mobile home park was a permitted use and thus no change in zoning, variance, special exception, or other use change was requested. It is unclear from the record whether Plaintiffs were proceeding, or were required to proceed, solely under the Tyrone Township Subdivision and Land Development Ordinance or whether they also had to file for a permit under the Tyrone Township Zoning Ordinance. Thus, there remain genuine material factual and legal questions on this issue.

filing of the *application*, the said 90-day period shall be measured from the 30th day following the day the *application* has been filed.

(1) The decision of the governing body or the planning agency shall be in writing and shall be communicated to the *applicant* personally or mailed to him at his last known address not later than 15 days following the decision.

(2) When the *application* is not approved in terms as filed the decision shall specify the defects found in the *application* and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.

(3) Failure of the governing body or agency to render a decision and communicate it to the *applicant* within the time and in the manner required herein shall be deemed an approval of the *application* in terms as presented unless the *applicant* has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

53 P.S. § 10508 (1) - (3) (footnotes omitted) (emphasis added).

The present determination is dependent upon the interpretation of the terms “applicant” and “application” in Section 508. If no application was ever filed then no decision was due from Defendant under the MPC.

The MPC includes the following definitions:

“Applicant,” a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

“Application for development,” every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a

building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

53 P.S. § 10107.²

Thus, the question becomes whether Plaintiffs' plan, as filed, constituted an application for the expansion of the existing mobile home park as required under Tyrone Township's Subdivision and Land Development Ordinance of 1974.³ Under Article VIII, "it shall be unlawful for any person to maintain, construct, alter or extend any mobile home park within the limits of the Municipality unless he holds a valid certificate of registration issued by the Department of Environmental Resources in the name of such person and also a permit issued by the Municipality." (Tyrone Township's Subdivision and Land Development Ordinance, Art. VIII, § 3A). To obtain a permit, a person must file with the Governing Body⁴ a copy of an application made to the Department of Environmental Resources and an application using a form furnished by the Governing Body to operate a mobile home park in the Municipality. (Tyrone Township's Subdivision and Land Development Ordinance, Art VIII, § 3C).

The record, taken in the light most favorable to Defendant, indicates that no proper application was filed under the ordinance. Further, it also appears that a copy of the Department of Environmental Resources application was not submitted to the Township. At a minimum, there remains a genuine issue of material fact on this issue. Thus, on the record as it stands, peremptory judgment in Plaintiffs' favor is not warranted.

Additionally, even if Plaintiffs' plan as submitted was considered an "application" within the meaning of the MPC, the technical violations in filing may still act to stay the 90-day period. Case law

² The Court notes that the definition of these terms in the Tyrone Township Subdivision and Land Development Ordinance is substantially similar to the definitions in the MPC.

³ It appears that Article IV of the Township's Subdivision and Land Ordinance would not be applicable to the instant case because no subdivision of land is being contemplated. Instead, Plaintiffs wish to develop a portion of the subject tract of land by expanding an existing mobile home park. This type of expansion is governed by Article VIII of the Township's Subdivision and Land Development Ordinance dealing with the development of mobile home parks.

⁴ "Governing Body" is defined in the Tyrone Township Subdivision and Land Development Ordinance as the "Tyrone Township Board of Supervisors." (Tyrone Township's Subdivision and Land Development Ordinance, Art. II).

discussing the 90-day time limit adopted in the MPC is very fact specific. For example, in *Gorton v. Silver Lake Township*, 90 Pa. Commw. 63, 494 A.2d 26 (1985), the court held that the failure to file applications and plats conforming to the township's regulations gave the township sufficient justification to reject the application summarily. The Court held that Section 508(3) never became applicable. (See, also, *O'Hara Township v. DiSilvio*, 51 Pa. Commw. 50, 413 A.2d 1174 (1980) (where the Court held that technical violations in filing a subdivision application will not excuse the township from making a timely decision where the township fails to object to the application but instead considers the application on the merits); *DeAnn v. East Hanover Tp. Bd. Of Supervisors*, 71 Pa. Commw. 259, 455 A.2d 236 (where the court footnoted the concept that it was reasonable for the trial court to hold that there is no effective filing until the required filing fee is paid, as long as the township does not formally recognize the documents as an application for subdivision approval). Thus, in deciding whether Tyrone Township was justified in not making a decision within the 90-day period many remaining factual issues must first be determined.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 17th day of March, 1999, Plaintiffs' Motion for Peremptory Judgment Pursuant to Pennsylvania Rule of Civil Procedure 1098 filed October 15, 1998, is hereby denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-268 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Western edge of the Pennsylvania State Highway which leads from Littlestown to the Gettysburg-Hanover State Highway, which point is South six (06) degrees thirty (30) minutes East, five (05) feet from the corner of Lot No. 2 from the plan of lots of Clayton E. and Annie E. Runk; thence along said Highway South six (06) degrees thirty (30) minutes East, one hundred fifteen (115) feet to a stake at corner of Lot No. 5; thence along Lot No. 5, South eighty-three (83) degrees thirty (30) minutes West, one hundred fifty (150) feet to lands now or formerly of Clayton E. Runk and Annie E. Runk; thence along same North six (06) degrees thirty (30) minutes West, one hundred fifteen (115) feet to a point which is South six (06) degrees thirty (30) minutes East, one hundred fifty (150) feet to a point along the Pennsylvania State Highway which leads from Littlestown to the Gettysburg-Hanover State Highway, the place of BEGINNING.

BEING known and numbered as 660 Littlestown Road.

Tax Parcel #J15-37

SEIZED and taken into execution as the property of Marilyn R. Barrick and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-266 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN parcel, piece of land situate in Carroll Valley Borough, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center of Snow Trail at Lot No. 289; thence by said lot, North Thirty-seven (37) degrees Sixteen (16) minutes Twenty-eight (28) seconds East, Two Hundred Twenty-five (225) feet to Lot No. 264; thence by said lot and Lot No. 265, South Fifty-five (55) degrees Fifty (50) minutes Forty-six (46) seconds East, One Hundred Seventy-nine and Ninety-eight hundredths (179.98) feet to Lot No. 287; thence by said lot, South Sixty-six (66) degrees Twenty-nine (29) minutes Thirty-five (35) seconds West, Two Hundred Sixty-five and Ninety hundredths (265.90) feet to a point in the cul-de-sac of said Snow Trail; thence in the cul-de-sac and in said Snow Trail, North Fifty-five (55) degrees Fifty (50) minutes Forty-six (46) seconds West, Fifty (50) feet to THE PLACE OF BEGINNING.

THE ABOVE description was taken from a Plan of Lots labeled Section K, Charnita, dated March 3, 1969, prepared by Evans, Hagen and Holder, and recorded in Plat Book I page 42.

HAVING THEREON ERECTED a dwelling known as 7 Snowtrail, Fairfield, PA 17320.

SEIZED and taken into execution as the property of Everett & Gina Wiils and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-277 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Mount Pleasant Township, Adams County, Pennsylvania, being more particularly described as Lot No. 681 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office to the Recorder of Deeds of Adams County, in Misc. Book 4, page 665, and subject to all legal highways, easements, rights-of-way and restrictions of record.

TOGETHER with the rights and SUBJECT to the restrictions, conditions, agreements, reservations and charges set forth at length in the deed recorded in Deed Book 284 at Page 363.

BEING the same property which Charles J. Pusateri, Sr., and Sharon E. Pusateri, his wife Granted and Conveyed unto Jimmy Artis and Darlene E. Artis, his wife, by Deed dated April 15, 1992, and Recorded in the Office of the Recorder of Deeds of Adams County on April 15, 1992, in Deed Book Volume 622, Page 911.

DBV 622

Page 911

Parcel 5-157

SEIZED and taken into execution as the property of Jimmy Artis & Darlene E. Artis and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 18, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/30, 7/7 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-11 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Ocelot Drive and Lot No. 198; thence along Lot No. 198, South eighty (80) degrees thirty-three (33) minutes twelve (12) seconds West, one hundred thirty-six and forty-five hundredths (136.45) feet to a point at Lot No. 192; thence along Lot No. 192, North six (06) degrees eight (08) minutes forty-six (46) seconds West, one hundred five (105.00) feet to a point at Lot No. 200; thence along Lot No. 200, North eighty-three (83) degrees fifty-one (51) minutes fourteen (14) seconds East, one hundred thirty (130.00) feet to a point at Ocelot Drive; thence along Ocelot Drive, South six (06) degrees eight (08) minutes forty-six (46) seconds East, forty-six and thirty-nine hundredths (46.39) feet to a point; thence continuing along the same by a curve to the left whose radius is two hundred ten (210.00) feet and whose chord bearing is South thirteen (13) degrees eight (08) minutes eighteen (18) seconds East, fifty-one and fourteen hundredths (51.14) feet for an arc distance of fifty-one and twenty-six hundredths (51.26) feet to the point and place of BEGINNING.

CONTAINING 13,268 square feet and identified as Lot No. 199 on a plan of lots entitled Phase III, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 51, page 82.

BEING Tax Parcel # MAP 7 PARCEL 73.

SEIZED and taken into execution as the property of **Donald M. Forney & Sandra L. Forney** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 9, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

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

7/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-104 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land with improvements thereon situate in the Borough of York Springs, Adams County, Pennsylvania, bounded and described in accordance with the final subdivision plan for Richard P. and Bette A. Lambert, which plan is dated November 9, 1984 and recorded December 10, 1984 in the Office for the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 41 at Page 10, as follows, to wit:

BEGINNING at a mark on the curb line along Pennsylvania Route 94 at the Southwest corner of lands now or formerly of the Holy Trinity Lutheran Church; thence along the curb line of Pennsylvania Route 94 North 36 degrees 30 minutes 00 seconds West 60 feet to a mark on said curb line at the Southeast corner of lands now or formerly of the Episcopal Church; thence along the last mentioned lands North 52 degrees 21 minutes 36 degrees 30 minutes 00 seconds West 36.58 feet to a nail set on the southern border of North "D" Street 12 foot right of way on the aforesaid plan; thence along North "D" Street, North 53 degrees 45 minutes 00 seconds East 55.77 feet to a steel pin at the southeast corner of lands now or formerly of Sheldon C. Lehman on the aforesaid plan; thence along the last mentioned lands South 36 degrees 44 minutes 00 seconds East 73.96 feet to a steel pin at the corner of lands of the aforesaid Holy Trinity Lutheran Church; thence along the last mentioned lands South 50 degrees 52 minutes 30 seconds West 26.39 feet to a pipe on the aforesaid plan; thence continuing South 36 degrees 30 minutes 00 seconds East 20.56 feet to a pipe on the aforesaid plan; thence continuing South 52 degrees 21 minutes 00 seconds West 151.71 feet to a mark on the curb line of Pennsylvania Route 94 and place of BEGINNING.

BEING Tract Nos. 1A, 1B and 2 on the aforesaid Plan and containing 12,131 square feet, more or less.

BEING known as 218 Main Street, York Springs, PA.

SEIZED and taken into execution as the property of **Richard M. Topper &**

Florence D. Herring and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/14, 21 & 28

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF STERLING R. DIEHL, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executrix: Linda B. Sutherland a/k/a Linda Diehl, 2915 South Queen Street, Dallastown, PA 17313

Attorney: William F. Hoffmeyer, Esq., Hoffmeyer & Semmelman, 30 North George Street, York, PA 17401

ESTATE OF MELVIN K. HELDIBRIDE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Wanda M. Eger, 59 York St., Apt. 8, Gettysburg, PA 17325

ESTATE OF BERNARD T. LENHARDT, SR., DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Bernard T. Lenhardt, Jr., 875 Plunkert Road, Littlestown, PA 17340

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

ESTATE OF LEILA MAE McGLAUGHLIN, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Edwin L. McGlaughlin, 980 Boyers Nursery Road, Biglerville, PA 17307

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

ESTATE OF DOROTHY L. STAUFFER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Barbara J. Zimmerman, 749 Steeplechase Road, Landisville, PA 27538

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

SECOND PUBLICATION

ESTATE OF ROBERTA F. BITTINGER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: C. Richard Hartman, P.O. Box 168, Cashtown, PA 17310; Jay H. Hartman, 3267 West Cedar Street, Allentown, PA 18104

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

ESTATE OF DOROTHY L. BROWN, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Darlene M. Hankey, 710 Broadway, Hanover, PA 17331

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

ESTATE OF ELIZABETH F. COBLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Lorraine C. Yeager, 2574 New Franklin Road, Chambersburg, PA 17201; Jane C. Rice, 4382 Church Road, Chambersburg, PA 17201

Attorney: Welton J. Fischer, Esq., 550 Cleveland Avenue, Chambersburg, PA 17201

ESTATE OF OLIVE ELIZABETH WAGNER DRIVER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Beverley Driver Eddy, 124 Dale Road, Biglerville, PA 17307

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

ESTATE OF K. MARIE KAUFFMAN a/k/a KATHRYN MARIE KAUFFMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: William W. Hafer

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

THIRD PUBLICATION

ESTATE OF MILDRED C. ERB, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: James R. Erb, Jr., R.D. 7, Box 7250, Spring Grove, PA 17362

Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EUGENE L. HELLER a/k/a EUGENE LINCOLN HELLER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Ruby D. Heller, 460 Center Mills Rd., Aspers, PA 17304

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-159 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a stake at West King Street at Lot No. 9; thence by said lands North ten (10) degrees East, one hundred eighty (180.00) feet to a stake at a twenty (20.00) foot alley; thence by said alley South eighty (80) degrees East, sixty-seven (67.00) feet to a stake in Lot No. 7A; thence in and through Lot No. 7A South ten (10) degrees West, one hundred eighty (180.00) feet to a stake at West King Street, aforesaid; thence by the same North eighty (80) degrees West, sixty-seven (67.00) feet to a stake, the place of BEGINNING. Said lot of ground being known as all of Lot No. 8A and Lot No. 8 and the Western portion of Lot No. 7A on a plan or series of lots known as McSherry Park, which plot is entered for recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, and recorded in Misc. Book K, at page 336.

SUBJECT, HOWEVER, to restrictions as contained in Deed Book 217, page 381 which are enforceable under the laws of the Commonwealth of Pennsylvania.

TAX PARCEL #7-91

TITLE TO SAID PREMISES IS VESTED IN Loren Dale Sines and Darlene Sines, his wife by Deed from John Michael Getzandanner, dated 7/14/95, recorded 7/17/95, in Record Book 1054, page 294.

SEIZED and taken into execution as the property of **Loren Dale Sines & Darlene Sines** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

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

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-276 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the right-of-way line of Mason-Dixon Drive at lands now or formerly of Littlestown Industrial Development Authority as shown on the hereinafter referenced subdivision plan; thence along said lands, North forty-eight (48) degrees four (04) minutes forty-one (41) seconds West, One hundred twenty-five and two hundredths (125.02) feet to a point at a Stormwater Management Easement as shown on the hereinafter referenced subdivision plan; thence along said Stormwater Management Easement, North forty (40) degrees forty-eight (48) minutes seven (07) seconds East, seventy-two and fifty-six hundredths (72.56) feet to a point at Lot No. 78 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 78, South forty-nine (49) degrees eleven (11) minutes fifty-three (53) seconds East, one hundred twenty-five (125.00) feet to a point on the right-of-way line of Mason-Dixon Drive; thence along the right-of-way line of Mason-Dixon Drive, South forty (40) degrees forty-eight (48) minutes seven (07) seconds West, seventy-five (75.00) feet to a point, the point and place of BEGINNING. CONTAINING 9,222.26 square feet/0.21 acres.

The above description being Lot No. 77 on the Final Subdivision Plan of Heritage Hill - Phase 3, for New Age Associates, prepared by James R. Holley and Associates, Inc., dated November 1, 1993, designated as Project No. 931022, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 65, Page 52.

TAX PARCEL #14-1

TITLE TO SAID PREMISES IS VESTED IN Donald D. Rill, Unmarried, by Deed from Park A. Snyder, Sr. and Madeline T. Snyder, his wife, dated 10/30/97, recorded 11/5/97 in Deed Book/Volume 1469, Page 211.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/14, 21 & 28

Adams County Legal Journal

Vol. 42

July 21, 2000

No. 8, pp. 37-38

CONTINUING LEGAL EDUCATION PROGRAM

Advanced Nursing Home Planning

September 13, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Fundamentals of Family Law

September 19, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Legal Ethics & Professional Responsibility Committee Update

September 21, 2000 – 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 0, Ethics – 1

General Practitioners' Update

October 4, 2000 – 9:00 a.m. - 2:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Tax Planning Strategies for Small Businesses

October 19, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 3.5, Ethics – 0

Title Insurance: From Commitment to Claim

October 25, 2000 – 9:00 a.m. - 2:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Litigating in Orphan's Court

November 9, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

REGISTRATION THROUGH P.B.I. 800-247-4724

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-249 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

TAX PARCEL NO. I-7-34B

ALL THAT CERTAIN lot, parcel, piece of ground situate in Tyrone Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING for a point in the center of Township Road T-565 in lands now or late of Charles T. Baker; thence along said center line of Route T-565, South Eighty-one (81) degrees Six (6) minutes Twenty-five (25) seconds West, Eighteen and Six hundredths (18.06) feet to a point at other lands of now or late of Howard M. Buell and Shirley L. Buell, his wife, of which this was formerly a part; thence along same the following courses and distances: (1) North Four (4) degrees Nine (9) minutes Two (2) seconds West, Two Hundred Twenty-nine and Nineteen hundredths (229.19) feet to a point; (2) North Fifty-nine (59) degrees Thirty (30) minutes Zero (0) seconds West, Thirty-three and Fifty-five hundredths (33.55) feet to a point; (3) North Thirty-one (31) degrees Fifty-five (55) minutes Fifteen (15) seconds East, Two Hundred Ninety and Four hundredths (290.04) feet to a point at lands now or late of Millard Wolfe; thence along same, South Fifty-eight (58) degrees Fourteen (14) minutes Forty (40) seconds East, Ninety-five and Fifteen hundredths (95.15) feet to a point; thence continuing along said Wolfe lands and land now or late of John Stevens, South Fifteen (15) degrees Thirty-five (35) minutes Zero (0) seconds West, Two Hundred Ninety-seven and Ninety hundredths (297.90) feet to a point of lands now or late of Charles T. Baker; thence along same the following Two (2) courses and distances (1) North Fifty-nine (59) degrees Thirty (30) minutes West, One Hundred Twenty-three and Fifty-seven hundredths (123.57) feet to a point; (2) South Four (4) degrees Nine (9) minutes

Two (2) seconds East, Two Hundred Fifteen and Twenty-six hundredths (215.26) feet to a point on the center of Township Road T-565 the PLACE OF BEGINNING.

CONTAINING 1.00 acres and identified as Lot Nos. 1 and 2 on a Plan of Lots prepared by Mort, Brown and Associates on November 1, 1982. Said Plan is recorded in the Adams County Recorder of Deeds Office in Map Book 37 page 113.

THE ABOVE TRACT consists of Two (2) lots as shown on the above referenced subdivision plan.

BEING the same premises which Michael N. Smith, a single person, and Peggy Sue Smith, now Peggy Sue Decker and Brian Joseph Decker, husband and wife, by Deed dated January 10, 1997 and recorded in the Recorder of Deeds of Adams County on January 21, 1997, in Deed Book 1318, Page 349, granted and conveyed unto Ronald E. Moats and Diane A. Moats, husband and wife.

SEIZED and taken into execution as the property of **Ronald E. Moats & Diane A. Moats** and to be sold by me

Raymond W. Newman

Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 9, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/21, 28 & 8/4

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, July 31, 2000, at 9:00 o'clock a.m.

TARNER—Orphans' Court Action Number OC-50-00. The First and Final Account of Donald W. Hinrichs, Executor of the Estate of Robert E. Tarnar, deceased, late of Straban Township, Adams County, Pennsylvania.

HELWIG—Orphans' Court Action Number OC-51-00. The First and Final Account of Linda D. Ayers, Executrix of the Estate of David J. Helwig, deceased, late of Highland Township, Adams County, Pennsylvania.

FEESER—Orphans' Court Action Number OC-51-98. The First and Partial Account of Anthony Thomas Feeser and Kathy Ann Powers, Co-Executors of the Estate of Burrell A. Feeser, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

PIHO—Orphans' Court Action Number OC-55-00. The First and Final Account of John David Pihø, Executor of the Estate of Madeleine Pihø, deceased, late of Reading Township, Adams County, Pennsylvania.

PALMER—Orphans' Court Action Number OC-56-00. The First and Final Account of Charles J. Kint, Executor of the Estate of Dorothea M. Palmer, deceased, late of Oxford Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

7/21 & 28

TIMES AND NEWS VS. HOLZMAN JEWELERS

1. A petition to open judgment is an appeal to the equitable powers of the court.
2. Ordinarily, if a petition to open a judgment is to be successful, it must meet the following test: (1) the petition to open must be promptly filed; (2) the failure to appear or file a timely answer must be excused; and (3) the party seeking to open the judgment must show a meritorious defense.
3. Errors by counsel can be categorized into two classes, unacceptable mistakes and acceptable mistakes. Errors of counsel which indicate an oversight or mistake rather than a deliberate decision not to defend have been found to constitute sufficient explanation to warrant the opening of a default judgment. However, a mistake is unacceptable if it involves the attorney's negligence or dilatoriness, a failure to act by one who knows its implications, or a deliberate decision not to defend.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 96-S-665. **TIMES AND NEWS PUBLISHING COMPANY D/B/A WGET-WGTY RADIO STATIONS VS. HOLZMAN JEWELERS, INC., A NEW JERSEY CORPORATION D/B/A MUSSELMAN JEWELRY, A FICTITIOUS NAME.**

Patrick W. Quinn, Esq., for Plaintiff
Harry M. Ness, Esq., for Defendant
Spicer, P.J., March 19, 1999.

OPINION ON DEFENDANT'S PETITION TO OPEN JUDGMENT

Plaintiff, Times and News Publishing Company, brought a breach of contract action against Defendant, Holzman Jewelers, Inc. Trial was scheduled to take place on April 14, 1997, but due to continuances was not held until February 19, 1998. On the day of trial neither Defendant nor defense counsel appeared. Judgment was later entered against Defendant on March 23, 1998.

Defendant has filed a Petition to Open Judgment alleging that its attorney, Rodney Rexrode, failed to assure that its interests were protected. Defendant further claims that Mr. Rexrode failed to notify it of trial and essentially "disappeared." Defendant explains in its brief that Mr. Rexrode has since been disbarred and is currently a detainee in York County Prison.

LEGAL DISCUSSION

A petition to open judgment is an appeal to the equitable powers of the court. *Cintas Corp. v. Lee's Cleaning Services*, 549 Pa. 84, 93, 700 A.2d 915, 919 (1997). Supreme Court has held:

Ordinarily, if a petition to open a judgment is to be successful, it must meet the following test: (1) the petition to open must be promptly filed; (2) the failure to appear or file a timely answer must be excused; and (3) the party seeking to open the judgment must show a meritorious defense.

Id.

The Court need only address part two of the test as it is dispositive of the issue. Superior Court has held that errors by counsel can be categorized into two classes, unacceptable mistakes and acceptable mistakes. *Shainline v. Alberti Builders, Inc.*, 266 Pa. Super. 129, 138, 403 A.2d 577, 581 (1979). Errors of counsel which indicate an oversight or mistake rather than a deliberate decision not to defend have been found to constitute sufficient explanation to warrant the opening of a default judgment. *Bildstein v. McGlenn*, 320 Pa. Super. 416, 423, 467 A.2d 601, 605 (1983). However, a mistake is unacceptable if it involves the attorney's negligence or dilatoriness, a failure to act by one who knows its implications, or a deliberate decision not to defend. *Id.*

Defendant's counsel acted in a negligent manner when he failed to appear for trial or keep Defendant notified of pertinent matters. It was a deliberate failure to act by one who knew of the implications. Although it is unfortunate that Defendant's counsel acted in such a manner, the error is not one that constitutes a sufficient explanation to warrant the opening of the judgment.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 19th day of March, 1999, Defendant's Petition to Open Judgment is hereby denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-296 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act 68 P.S.A. Section 3101 et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, of a Land Development Plan dated October 6, 1995, last revised December 14, 1994 and recorded in Book 69, page 23 (together with all amendments and supplements thereto recorded on or before the date hereto) being all designated in such plan as Unit No. 14 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for York County, PA in Record Book 1271, page 34.

Tax Parcel #1-52-014

TITLE TO SAID PREMISES IS VESTED IN Kerry L. Snyder and Sharon F. Snyder, their heirs and assigns by Deed from Philip R. Garland t/d/b/a Garland Construction dated 8/10/1998 recorded 8/26/1998 in Record Book 1648 Page 165.

SEIZED and taken into execution as the property of **Kerry L. Snyder & Sharon F. Snyder** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 9, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/21, 28 & 8/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-266 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN parcel, piece of land situate in Carroll Valley Borough, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center of Snow Trail at Lot No. 289; thence by said lot, North Thirty-seven (37) degrees Sixteen (16) minutes Twenty-eight (28) seconds East, Two Hundred Twenty-five (225) feet to Lot No. 264; thence by said lot and Lot No. 265, South Fifty-five (55) degrees Fifty (50) minutes Forty-six (46) seconds East, One Hundred Seventy-nine and Ninety-eight hundredths (179.98) feet to Lot No. 287; thence by said lot, South Sixty-six (66) degrees Twenty-nine (29) minutes Thirty-five (35) seconds West, Two Hundred Sixty-five and Ninety hundredths (265.90) feet to a point in the cul-de-sac of said Snow Trail; thence in the cul-de-sac and in said Snow Trail, North Fifty-five (55) degrees Fifty (50) minutes Forty-six (46) seconds West, Fifty (50) feet to THE PLACE OF BEGINNING.

THE ABOVE description was taken from a Plan of Lots labeled Section K, Charnita, dated March 3, 1969, prepared by Evans, Hagen and Holdfer, and recorded in Plat Book I page 42.

HAVING THEREON ERECTED a dwelling known as 7 Snowtrail, Fairfield, PA 17320.

SEIZED and taken into execution as the property of **Everett & Gina Wills** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/7, 14 & 21

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 00-S-683

IN RE: Montez Demont Martin, Jr.

NOTICE OF HEARING AND PETITION
FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on August 17, 2000, a Petition for Change of Name was filed by Roberta Joy Altland in the above Named Court praying for a decree to change his Name from Montez Demont Martin, Jr. to Monty Alexander Altland.

The Court has fixed August 17, 2000 at 3:00 p.m. in Courtroom No. 3, Adams County Courthouse, 111 Baltimore St., Gettysburg, PA 17325 as the time and place for the hearing of such Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

By: Roberta J. Altland

7/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-11 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Ocelot Drive and Lot No. 198; thence along Lot No. 198, South eighty (80) degrees thirty-three (33) minutes twelve (12) seconds West, one hundred thirty-six and forty-five hundredths (136.45) feet to a point at Lot No. 192; thence along Lot No. 192, North six (06) degrees eight (08) minutes forty-six (46) seconds West, one hundred five (105.00) feet to a point at Lot No. 200; thence along Lot No. 200, North eighty-three (83) degrees fifty-one (51) minutes fourteen (14) seconds East, one hundred thirty (130.00) feet to a point at Ocelot Drive; thence along Ocelot Drive, South six (06) degrees eight (08) minutes forty-six (46) seconds East, forty-six and thirty-nine hundredths (46.39) feet to a point; thence continuing along the same by a curve to the left whose radius is two hundred ten (210.00) feet and whose chord bearing is South thirteen (13) degrees eight (08) minutes eighteen (18) seconds East, fifty-one and fourteen hundredths (51.14) feet for an arc distance of fifty-one and twenty-six hundredths (51.26) feet to the point and place of BEGINNING.

CONTAINING 13,268 square feet and identified as Lot No. 199 on a plan of lots entitled Phase III, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 51, page 82.

BEING Tax Parcel # MAP 7 PARCEL 73.

SEIZED and taken into execution as the property of **Donald M. Forney & Sandra L. Forney** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 9, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

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

7/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-104 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land with improvements thereon situate in the Borough of York Springs, Adams County, Pennsylvania, bounded and described in accordance with the final subdivision plan for Richard P. and Bette A. Lambert, which plan is dated November 9, 1984 and recorded December 10, 1984 in the Office for the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 41 at Page 10, as follows, to wit:

BEGINNING at a mark on the curb line along Pennsylvania Route 94 at the Southwest corner of lands now or formerly of the Holy Trinity Lutheran Church; thence along the curb line of Pennsylvania Route 94 North 36 degrees 30 minutes 00 seconds West 60 feet to a mark on said curb line at the Southeast corner of lands now or formerly of the Episcopal Church; thence along the last mentioned lands North 52 degrees 21 minutes 36 seconds 30 minutes 00 seconds West 36.58 feet to a nail set on the southern border of North "D" Street 12 foot right of way on the aforesaid plan; thence along North "D" Street, North 53 degrees 45 minutes 00 seconds East 55.77 feet to a steel pin at the southeast corner of lands now or formerly of Sheldon C. Lehman on the aforesaid plan; thence along the last mentioned lands South 36 degrees 44 minutes 00 seconds East 73.96 feet to a steel pin at the corner of lands of the aforesaid Holy Trinity Lutheran Church; thence along the last mentioned lands South 50 degrees 52 minutes 30 seconds West 26.39 feet to a pipe on the aforesaid plan; thence continuing South 36 degrees 30 minutes 00 seconds East 20.56 feet to a pipe on the aforesaid plan; thence continuing South 52 degrees 21 minutes 00 seconds West 151.71 feet to a mark on the curb line of Pennsylvania Route 94 and place of BEGINNING.

BEING Tract Nos. 1A, 1B and 2 on the aforesaid Plan and containing 12,131 square feet, more or less.

BEING known as 218 Main Street, York Springs, PA.

SEIZED and taken into execution as the property of **Richard M. Topper &**

Florence D. Herring and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/14, 21 & 28

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed June 9, 2000, with the PA Department of State for **WE FUND DEVELOPMENT CORP.**, a close corporation, 717 Hancock Drive, Gettysburg, PA 17325. Said corporation has been organized under the provisions of the BCL of 1988.

The purpose or purposes for which the corporation was incorporated are as follows:

The general developing of land and construction of houses, first and secondary mortgages, as well as for the purpose to have unlimited power to engage in and do any lawful act concerning any lawful business for which a corporation may be incorporated under the BCL of 1988.

WE Fund Dev. Corp.

7/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-159 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a stake at West King Street at Lot No. 9; thence by said lands North ten (10) degrees East, one hundred eighty (180.00) feet to a stake at a twenty (20.00) foot alley; thence by said alley South eighty (80) degrees East, sixty-seven (67.00) feet to a stake in Lot No. 7A; thence in and through Lot No. 7A South ten (10) degrees West, one hundred eighty (180.00) feet to a stake at West King Street, aforesaid; thence by the same North eighty (80) degrees West, sixty-seven (67.00) feet to a stake, the place of BEGINNING. Said lot of ground being known as all of Lot No. 8A and Lot No. 8 and the Western portion of Lot No. 7A on a plan or series of lots known as McSherry Park, which plot is entered for recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, and recorded in Misc. Book K, at page 336.

SUBJECT, HOWEVER, to restrictions as contained in Deed Book 217, page 381 which are enforceable under the laws of the Commonwealth of Pennsylvania.

TAX PARCEL #7-91

TITLE TO SAID PREMISES IS VESTED IN Loren Dale Sines and Darlene Sines, his wife by Deed from John Michael Getzandanner, dated 7/14/95, recorded 7/17/95, in Record Book 1054, page 294.

SEIZED and taken into execution as the property of **Loren Dale Sines & Darlene Sines** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-276 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the right-of-way line of Mason-Dixon Drive at lands now or formerly of Littlestown Industrial Development Authority as shown on the hereinafter referenced subdivision plan; thence along said lands, North forty-eight (48) degrees four (04) minutes forty-one (41) seconds West, One hundred twenty-five and two hundredths (125.02) feet to a point at a Stormwater Management Easement as shown on the hereinafter referenced subdivision plan; thence along said Stormwater Management Easement, North forty (40) degrees forty-eight (48) minutes seven (07) seconds East, seventy-two and fifty-six hundredths (72.56) feet to a point at Lot No. 78 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 78, South forty-nine (49) degrees eleven (11) minutes fifty-three (53) seconds East, one hundred twenty-five (125.00) feet to a point on the right-of-way line of Mason-Dixon Drive; thence along the right-of-way line of Mason-Dixon Drive, South forty (40) degrees forty-eight (48) minutes seven (07) seconds West, seventy-five (75.00) feet to a point, the point and place of BEGINNING. CONTAINING 9,222.26 square feet/0.21 acres.

The above description being Lot No. 77 on the Final Subdivision Plan of Heritage Hill - Phase 3, for New Age Associates, prepared by James R. Holley and Associates, Inc., dated November 1, 1993, designated as Project No. 931022, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 65, Page 52.

TAX PARCEL #14-1

TITLE TO SAID PREMISES IS VEST-

ED IN Donald D. Rill, Unmarried, by Deed from Park A. Snyder, Sr. and Madeline T. Snyder, his wife, dated 10/30/97, recorded 11/5/97 in Deed Book/Volume 1469, Page 211.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/14, 21 & 28

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 June 15, 2000, 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 RIPPEON'S GIFTS & CRAFTS, 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.

RIPPEON'S GIFTS & CRAFTS, INC.
355 Hickory Road
Littlestown, PA 17340

7/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-377 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN two tracts of land lying and situate in Carroll Valley, Borough known as Lot RC-17+ (formerly Liberty Township) Adams County, Pennsylvania, Charnita Section RC Lots No. 17 and 19) more particularly bounded and described as follows:

BEGINNING at a point in the center of Lower Trail South 45 degrees, 42 minutes, 40 seconds West 225 feet along Lot No. 37 to a point at corner adjoining Lot No. 20 and 21; thence by Lot No. 20 North 44 degrees, 17 minutes, 20 seconds West 125 feet to a point in the center of Toms Creek Trail; thence along center of Toms Creek Trail South 45 degrees, 42 minutes, 40 seconds West 89.61 feet to a point in the center of Toms Creek Trail and at corner of Lot No. 18; thence by Lot No. 18 North 42 degrees, 56 minutes, 00 seconds West 206.81 feet to a point at the corner of Lot No. 18 and lands of Bartholomew Hogan; thence along lands of Bartholomew Hogan North 47 degrees, 04 minutes, 00 seconds East 115 feet to a point; thence South 42 degrees, 56 minutes, 00 seconds East 204.09 feet to a point in the center of Toms Creek Trail; thence through the center of Toms Creek Trail North 45 degrees, 42 minutes, 40 seconds East 199.58 feet to a point in the center of the intersection of Toms Creek Trail and Lower Trail at corner of former Lot No. 19; thence along the center of Lower Trail South 44 degrees, 17 minutes, 20 seconds East 125 feet to the PLACE OF BEGINNING.

CONTAINING 1.188 acres, more or less.

The above described was taken from a survey plat labeled Lot Recombination Plan dated May 23, 1991 prepared by Adams County Surveyors, J. Riley Redding, R.S. recorded in Adams County Plat Book 58 at page 57.

NOTE: Being known and designated as Map/Parcel 46/74 Lot RC 17 and 19 and known as RC 19+ (as per the Adams County Assessing Department) as shown on Plat Book 58 at page 57.

TITLE TO SAID PREMISES IS VESTED IN Tom Simpson and Melanie Simpson, husband and wife by Deed from Bryan E. Fogle and Melody A. Fogle, husband and wife dated 5/13/98 recorded 5/15/98 in Record Book 1581 page 57.

SEIZED and taken into execution as the property of **Tom Simpson & Melanie Simpson** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 9, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/21, 28 & 8/4

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 00-S-386
ACTION IN DIVORCE

ANTONIO LUA HERNANDEZ, Plaintiff
vs.

ANNA MARIA LIPEZ ILDEFONSO,
Defendant

NOTICE TO DEFEND AND
CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims against you, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the court. A judgment may also be entered against you for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignitiés or irretrievable breakdown of the marriage, you may request counseling. A list of marriage counselors is available in the Office of the Prothonotary at the Adams County Court House, 111 Baltimore Street, Gettysburg, PA 17325.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU

DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service
Court Administrator
Adams County Court House
111 Baltimore Street
Gettysburg, PA 17325
(717) 337-9836

AVISO PARA DEFENDER Y RECLAMAR DEFERCHOS

USTED HA SIDO DEMANDADO EN LA CORTE. Si usted desea defenderse de las quejas expuestas en las paginas siguientes debe tomar accion con prontitud. Se de divorcio o anulamiento puede ser emitido en su contra por la Corte. Una decision puede tambien ser emitida en su contra por cualquier otra queja o compensacion reclamados por el demandante. Usted puede perder dinero, o proopiedades u otros derechos importantes para usted.

Quando la base para el divorcio es indignidades o rompiemiento irreparable del matrimonio, usted puede solicitar consejo matrimonial. Una lista de consejeros matrimoniales esta disponible en la oficina del Prothonotary, en la Adams County Court of Common Pleas, 111 Baltimore Street, Gettysburg, Pennsylvania.

SI USTED NO RECLAMA PENSION ALIMENTICIA. PROPIEDAD MARITAL. HONORARIOS DE ABOGADO U OTROS GASTOS ANTES DE QUE EL DECRETO FINAL DE DIVORCIO O ANULAMIENTO SEA EMITIDO. USTED PURDE PERDER EL DERECHO A RECLAMAR CUALQUIERA DE ELLOS.

USTED DEBE LLEVAR ESTE PAPEL A UN ABOGADO DE INMEDIATO. SI NO TIENE O NO PUEDE PAGAR UN ABOGADO, VAYA O LLAME A LA OFICINA INDICADA ABAJO PARA A VERIGUAR DONDE PUEDE OBTENER ASISTENCIA LEGAL.

Lawyer Referral Service
Court Administrator
Adams County Court House
111 Baltimore Street
Gettysburg, PA 17325
(717) 337-9836

7/21

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF ROBERT E. CURTIS a/k/a DR. ROBERT E. CURTIS, ROBERT CURTIS, and ROBERT EDMUND CURTIS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Margaret B. Curtis, c/o Brian R. Price, Esq., 140 East Butler Avenue, Chalfont, PA 18914

Attorney: Brian R. Price, Brian R. Price & Associates, P.C., 140 East Butler Avenue, Chalfont, PA 18914

ESTATE OF HAZEL V. MILLER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: Lisa A. Miller, 36 Dewey Street, 2nd Floor, York, PA 17404

Attorney: Robert E. Campbell, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF HENRY W. SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Michael J. Smith, 400 Chapel Road, Hanover, PA 17331; Brian F. Smith, 176 Irishtown Road, Hanover, PA 17331

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ADA B. TUCKEY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: James Daryl Tuckey, 7 Burns Way Ct., Baltimore, MD 21236; Judith G. Smith, 127 Plank Rd., Gettysburg, PA 17325

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

ESTATE OF BEATRICE IRENE WAY-BRIGHT, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Garnette Reeve Grimes, 3427 Fringer Road, Taneytown, MD 21787; John Martin Frock, 725 Russell Tavern Road, Gettysburg, PA 17325

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ISABELLA D. WEANER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Robert W. Weaner, Sr., 244 Springs Ave., Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF STERLING R. DIEHL, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executrix: Linda B. Sutherland a/k/a Linda Diehl, 2915 South Queen Street, Dallastown, PA 17313

Attorney: William F. Hoffmeyer, Esq., Hoffmeyer & Semmelman, 30 North George Street, York, PA 17401

ESTATE OF MELVIN K. HELDIBRIDGE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Wanda M. Eger, 59 York St., Apt. 8, Gettysburg, PA 17325

ESTATE OF BERNARD T. LENHARDT, SR., DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Bernard T. Lenhardt, Jr., 875 Plunkert Road, Littlestown, PA 17340

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

ESTATE OF LEILA MAE McGLAUGHLIN, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Edwin L. McGlaughlin, 980 Boyers Nursery Road, Biglerville, PA 17307

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

ESTATE OF DOROTHY L. STAUFFER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Barbara J. Zimmerman, 749 Steeplechase Road, Landisville, PA 27538

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

THIRD PUBLICATION

ESTATE OF ROBERTA F. BITTINGER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: C. Richard Hartman, P.O. Box 168, Cashtown, PA 17310; Jay H. Hartman, 3267 West Cedar Street, Allentown, PA 18104

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

ESTATE OF DOROTHY L. BROWN, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Darlene M. Hankey, 710 Broadway, Hanover, PA 17331

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

ESTATE OF ELIZABETH F. COBLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Lorraine C. Yeager, 2574 New Franklin Road, Chambersburg, PA 17201; Jane C. Rice, 4382 Church Road, Chambersburg, PA 17201

Attorney: Welton J. Fischer, Esq., 550 Cleveland Avenue, Chambersburg, PA 17201

ESTATE OF OLIVE ELIZABETH WAGNER DRIVER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Beverley Driver Eddy, 124 Dale Road, Biglerville, PA 17307

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

ESTATE OF K. MARIE KAUFFMAN a/k/a KATHRYN MARIE KAUFFMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: William W. Hafer

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

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Adams County Legal Journal

Vol. 42

July 28, 2000

No. 9, pp. 39-43

CONTINUING LEGAL EDUCATION PROGRAM

Advanced Nursing Home Planning

September 13, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Fundamentals of Family Law

September 19, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Legal Ethics & Professional Responsibility Committee Update

September 21, 2000 – 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 0, Ethics – 1

General Practitioners' Update

October 4, 2000 – 9:00 a.m. - 2:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Tax Planning Strategies for Small Businesses

October 19, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 3.5, Ethics – 0

Title Insurance: From Commitment to Claim

October 25, 2000 – 9:00 a.m. - 2:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Litigating in Orphan's Court

November 9, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

(continued)

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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Civil Practice Before District Justices

November 30, 2000 – 9:00 a.m. - 2:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

4th Annual Family Law Update

December 12, 2000 – 9:00 a.m. - 1:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

New Issues in Matrimonial Appellate Practice

January 30, 2001 – 9:00 a.m. - 12:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 3, Ethics – 0

REGISTRATION THROUGH P.B.I. 800-247-4724

NOTICE OF FILING AN APPLICATION TO RELOCATE A BRANCH OFFICE

NOTICE IS HEREBY GIVEN that Bank of Hanover and Trust Company of Hanover, York County, Pennsylvania did on July 18, 2000, submit to the Department of Banking of the Commonwealth of Pennsylvania an application for a Letter of Authority to relocate a branch office at:

318 Lincolnway East
New Oxford

Adams County, Pennsylvania 17350

To

10 Lincoln Street
New Oxford

Adams County, Pennsylvania 17350.

All interested persons may file comments in favor of, or in protest of, the application in writing with the Department of Banking, Commonwealth of Pennsylvania, 333 Market Street, 16th Floor, Harrisburg, Pennsylvania 17101. All comments to be considered must be received by the Department not later than ten (10) business days after the date of publication of this notice.

7/28

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 June 29, 2000, 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 BOWDERS PIPE ORGAN SERVICE, 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.

Bowders Pipe Organ Service, Inc.
78 Hoffman Home Road
Gettysburg, PA 17325

7/28

FICTITIOUS NAME NOTICE

Anthony C. Austin, Jr., Kristina M. Stroyny, and Linda M. Austin did file in the Office of the Secretary of the Commonwealth of Pennsylvania on or about July 10, 2000 registration of the name: HOME SWEET HOME IN HOME SERVICES under which name they intend to do business at 616 Reservoir Road, Gardners, Adams County, PA 17324, pursuant to the provisions of the Act of Assembly of December 16, 1982, P.L. 1309, No. 295, as amended by Act of December 21, 1988, P.L. 1444, No. 177, known as the "Fictitious Name Act".

Herr, Greer & Hoberg
Attorneys-at-Law

7/28

SANDERS VS. FORBES ET AL

1. "Transaction" may be defined as any act that affects legal rights or obligations, and properly embraces an entire occurrence out of which a legal right springs or on which a legal obligation is predicated. It should not be so stringently interpreted as to mean a single fact or instantaneous event, rather than a combination of acts and events giving rise to judicial relief.

2. This joinder rule is to be broadly construed to effectuate its purpose of avoiding multiple lawsuits by settling in one action all claims arising out of the transaction or occurrence on which plaintiff's cause is based. However, "joinder is permitted only so long as the additional defendant's alleged liability is related to the claim which the plaintiff asserts against the original defendant." Although joinder on the grounds of sole or joint or joint liability must still be based "on the cause of action declared upon by the plaintiff," this phrase has been broadly construed to mean the harm of which the plaintiff complains. An additional defendant may also be joined if it is alleged that he is liable to the joining party on any cause of action "arising out of the transaction or occurrence or series of transactions or occurrences upon which the plaintiff's cause of action is based."

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 98-S-1137. EDWARD G. SANDERS VS. ARNOLD FORBES, T/D/B/A WYATT INVESTORS, A/K/A WYATT INVESTORS, INC., AND FRANK C. MYERS, III, AND J.R. PROPERTIES, INC.

Barbara Jo Entwistle, Esq., for Plaintiff

William M. Gross, Esq., for Defendant, Arnold Forbes

Joseph C. Adams, Esq., for Defendant, Frank C. Myers, III, and Defendant, J.R. Properties, Inc.

Spicer, P.J., March 22, 1999.

OPINION ON PRELIMINARY OBJECTIONS

For sake of simplicity, will refer to the parties as Myers, Wyatt and J.R. Properties. We will not refer to Arnold Forbes, because it is alleged that he trades and does business under Wyatt Investors, also known as Wyatt Investors, Inc. When we refer to Wyatt, we include Forbes. We will refer to plaintiff either as plaintiff or Sanders.

Sanders filed his complaint on November 19, 1998 alleging that he conveyed property located at 150 Coleman Road, Gettysburg, Pennsylvania to Wyatt subject to an agreement that:

1. Wyatt would construct a single family home on the property.
2. Sanders would pay Wyatt interest of \$750.00 per month, to begin when construction was completed.

3. Wyatt would re-convey the improved property back to Sanders within 18 months of completion of construction, in return for which Sanders would pay Wyatt \$81,000.00. Interest payments described in ¶2 would not be credited toward the purchase price.

The agreement was dated December 18, 1996, and will be referred to as “the agreement.”

Sanders also alleges:

- A. Wyatt encumbered the property by a mortgage to Myers, in the sum of \$55,000.
- B. Sanders has made 18 interest payments, some of which were at Wyatt’s direction paid to Myers.
- C. The house was substantially completed in late April or early May, 1997.
- D. Sanders scheduled a settlement, which had to be continued because of title problems.
- E. A lawsuit instituted by J.R. Properties against Wyatt, arising out of an agreement between Wyatt and J.R. Properties, has been entered as a lis pendens against the property.
- F. Wyatt refuses to convey the property to Sanders in accordance with the agreement.

Although this action is listed as one in law, requests for relief are equitable in nature. Sanders seeks specific performance of the agreement, an injunction prohibiting Wyatt from further encumbering the property, and an order directing Wyatt to pay the Myers mortgage and remove the lis pendens. Unless one interprets a request “(t)o order such other and further relief as may be just and proper,” nothing in the prayer for relief requests either Myers or J.R. Properties to do or refrain from doing anything.

Myers filed an answer with a cross claim on December 31, 1998. In his claim against Wyatt, Myers seeks damages, costs and attorney’s fees, as well as “directing Defendant Wyatt Investors to comply with the Mortgage and Note dated April 1, 1997.”

Wyatt has filed preliminary objections seeking dismissal of the cross claim, arguing that Myers is not a proper party to this law suit, since Sanders has not specifically demanded relief from him, and

that an action on the mortgage is improperly joined with Sanders' suit against Wyatt.

Generally, consideration of the cross claim generates inquiry into two rules.

Joinder of several causes of action by a plaintiff is governed by Pa. R.C.P. 1020, and claims against additional defendants by Rule 2252. Although 1020(a) grants a plaintiff considerable latitude, actions by one defendant against another must either relate to plaintiff's cause of action, or arise out of the same transaction as plaintiff's cause of action. *Garrett Electronics Corporation v. Kampel Enterprises, Inc.*, 382 Pa. Super. 352, 555 A.2d 216 (1989). However, there are similar provisions. Rule 1020 (d)(1) provides, "(i)f a transaction or occurrence gives rise to more than one cause of action against the same person, including causes of action in the alternative, they shall be joined in separate counts in the action against any such person."

One authority states:

Definition: "Transaction" may be defined as any act that affects legal rights or obligations, and properly embraces an entire occurrence out of which a legal right springs or on which a legal obligation is predicated. It should not be so stringently interpreted as to mean a single fact or instantaneous event, rather than a combination of acts and events giving rise to judicial relief.

2 Goodrich Amram 2d §1020(d)2, page 382.

Rule 2252 (a) permits joinder of any person as an additional defendant, whether or not a party to the action, who may be (1) solely liable on the plaintiff's cause of action, (2) liable over to the joining party on plaintiff's cause of action, or (3) jointly or severally liable to the joining party on plaintiff's cause of action, or (4) liable to the joining party on any cause of action arising out of the same transaction or occurrence or series of transactions or occurrences upon which the plaintiff's cause of action is based. (Emphasis added).

Superior Court has commented:

This (joinder) rule is to be broadly construed to effectuate its purpose of avoiding multiple lawsuits by settling in one action all claims arising out of the transaction or occurrence on which plaintiff's cause is based. *Samango v. Pileggi*, 363 Pa. Super. 423, 428, 526 A.2d 417, 420 (1987). However, "(j)oinder is permitted only so long as the additional defendant's alleged liability is related to the claim which the plaintiff asserts against the original defendant." *DiLauro v. One Bala Avenue Associates*, 357 Pa. Super. 209, 219, 515 A.2d 939, 945 (1986). Although joinder on the grounds of sole or joint or joint liability must still be based "on the cause of action declared upon by the plaintiff," this phrase has been broadly construed to mean the harm of which the plaintiff complains. See: 8 Goodrich-Amram 2d §§ 2252(a):5-8. An additional defendant may also be joined if it is alleged that he is liable to the joining party on any cause of action "arising out of the transaction or occurrence or series of transactions or occurrences upon which the plaintiff's cause of action is based." Pa.R.C.P. 2252(a). See: *Free v. Lebowitz*, 463 Pa. 387, 344 A.2d 886 (1975).

Garrett Electronics v. Kampel Enterprises, supra, 555 A.2d at 217.

See, also: discussion in 2 Goodrich-Amram 2d §2252(a):7

There is superficial validity to Myers' argument that his cross claim arises out of plaintiff's cause of action. Sanders asks for an order directing Wyatt to pay Myers' mortgage. Myers asks for an order directing Wyatt to pay his mortgage. However, we do not find this sufficient.

In the absence of specific demands by Sanders for relief from Myers, we are left to surmise reasons for Myers being named as a defendant. It may be because Sanders said he made some interest payments directly to Myers. This alone, however, does not support an inference that Wyatt and Myers acted in concert and justify holding Myers responsible on Wyatt's agreement with Sanders. Plaintiff

may have sued Myers and J.R. Properties in an effort to obtain good and marketable title. The agreement, supra, says nothing more than:

4. Upon payment of \$81,000.00 to Wyatt Investors, Inc., and/or its assigns by Edward Sanders pursuant to the terms of this Agreement, Wyatt Investors shall convey title back to Edward G. Sanders. Exhibit A.

Whatever plaintiff's reasons, it is clear that his rights did not spring out of the mortgage and note, nor do they have anything to do with those documents. They are separate, distinct contracts. See: 7 Standard Pennsylvania Practice §2252(a):8 page 141. The mere fact that plaintiff's remedies may involve liens or obligations arising from those documents is not sufficient. *Garrett Electronics v. Kampel Enterprises*, supra, (A landlord sued for negligent maintenance of premises could not join his insurance company).

A question that might be asked is what harm would be occasioned by allowing the cross claim to remain. After all, Wyatt has merely echoed to a great extent plaintiff's request for relief. We do not want to author, however, an opinion that could be used as justification for future attempts to join lenders in sales agreement disputes.

Just in case there is more to this case than meets the eye, we will allow amendment.

ORDER

AND NOW, this 22ND day of March, 1999, preliminary objections by Arnold Forbes to the cross claim filed by Frank C. Myers, III are sustained and the cross claim is dismissed. Plaintiff and/or Mr. Myers may file an amended pleading within twenty days.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-249 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

TAX PARCEL NO. I-7-34B

ALL THAT CERTAIN lot, parcel, piece of ground situate in Tyrone Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING for a point in the center of Township Road T-565 in lands now or late of Charles T. Baker; thence along said center line of Route T-565, South Eighty-one (81) degrees Six (6) minutes Twenty-five (25) seconds West, Eighteen and Six hundredths (18.06) feet to a point at other lands of now or late of Howard M. Buell and Shirley L. Buell, his wife, of which this was formerly a part; thence along same the following courses and distances: (1) North Four (4) degrees Nine (9) minutes Two (2) seconds West, Two Hundred Twenty-nine and Nineteen hundredths (229.19) feet to a point; (2) North Fifty-nine (59) degrees Thirty (30) minutes Zero (0) seconds West, Thirty-three and Fifty-five hundredths (33.55) feet to a point; (3) North Thirty-one (31) degrees Fifty-five (55) minutes Fifteen (15) seconds East, Two Hundred Ninety and Four hundredths (290.04) feet to a point at lands now or late of Millard Wolfe; thence along same, South Fifty-eight (58) degrees Fourteen (14) minutes Forty (40) seconds East, Ninety-five and Fifteen hundredths (95.15) feet to a point; thence continuing along said Wolfe lands and land now or late of John Stevens, South Fifteen (15) degrees Thirty-five (35) minutes Zero (0) seconds West, Two Hundred Ninety-seven and Ninety hundredths (297.90) feet to a point of lands now or late of Charles T. Baker; thence along same the following Two (2) courses and distances (1) North Fifty-nine (59) degrees Thirty (30) minutes West, One Hundred Twenty-three and Fifty-seven hundredths (123.57) feet to a point; (2) South Four (4) degrees Nine (9) minutes Two (2) seconds East, Two Hundred Fifteen and Twenty-six hundredths (215.26) feet to a point on the center of Township Road T-565 the PLACE OF BEGINNING.

CONTAINING 1.00 acres and identified as Lot Nos. 1 and 2 on a Plan of Lots prepared by Mort, Brown and Associates on November 1, 1982. Said Plan is recorded in the Adams County Recorder of Deeds Office in Map Book 37 page 113.

THE ABOVE TRACT consists of Two (2) lots as shown on the above referenced subdivision plan.

BEING the same premises which Michael N. Smith, a single person, and Peggy Sue Smith, now Peggy Sue Decker and Brian Joseph Decker, husband and wife, by Deed dated January 10, 1997 and recorded in the Recorder of Deeds of Adams County on January 21, 1997, in Deed Book 1318, Page 349, granted and conveyed unto Ronald E. Moats and Diane A. Moats, husband and wife.

SEIZED and taken into execution as the property of **Ronald E. Moats & Diane A. Moats** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 9, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/21, 28 & 8/4

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on April 25, 2000, a certificate will be filed under the Fictitious Name Act approved December 21, 1988, P.L. 1444, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Scott R. Trittle, 685 Carr Hill Road, Gettysburg, PA 17325, is/are the only person(s) owning or interested in a business, the character of which is Landscaping Service and that the name, style and designation under which said business is and will be conducted is YARD WORKS LANDSCAPING and the location where said business is and will be located is 685 Carr Hill Road, Gettysburg, PA 17325.

7/28

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, July 31, 2000, at 9:00 o'clock a.m.

TARNER—Orphans' Court Action Number OC-50-00. The First and Final Account of Donald W. Hinrichs, Executor of the Estate of Robert E. Tarnier, deceased, late of Straban Township, Adams County, Pennsylvania.

HELWIG—Orphans' Court Action Number OC-51-00. The First and Final Account of Linda D. Ayers, Executrix of the Estate of David J. Helwig, deceased, late of Highland Township, Adams County, Pennsylvania.

FEESER—Orphans' Court Action Number OC-51-98. The First and Partial Account of Anthony Thomas Feeser and Kathy Ann Powers, Co-Executors of the Estate of Burnell A. Feeser, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

PIHO—Orphans' Court Action Number OC-55-00. The First and Final Account of John David Pihio, Executor of the Estate of Madeleine Pihio, deceased, late of Reading Township, Adams County, Pennsylvania.

PALMER—Orphans' Court Action Number OC-56-00. The First and Final Account of Charles J. Kint, Executor of the Estate of Dorothea M. Palmer, deceased, late of Oxford Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

7/21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-296 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act 68 P.S.A. Section 3101 et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, of a Land Development Plan dated October 6, 1995, last revised December 14, 1994 and recorded in Book 69, page 23 (together with all amendments and supplements thereto recorded on or before the date hereto) being all designated in such plan as Unit No. 14 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for York County, PA in Record Book 1271, page 34.

Tax Parcel #1-52-014

TITLE TO SAID PREMISES IS VESTED IN Kerry L. Snyder and Sharon F. Snyder, their heirs and assigns by Deed from Philip R. Garland v/d/b/a Garland Construction dated 8/10/1998 recorded 8/26/1998 in Record Book 1648 Page 165.

SEIZED and taken into execution as the property of **Kerry L. Snyder & Sharon F. Snyder** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 9, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/21, 28 & 8/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-11 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Ocelot Drive and Lot No. 198; thence along Lot No. 198, South eighty (80) degrees thirty-three (33) minutes twelve (12) seconds West, one hundred thirty-six and forty-five hundredths (136.45) feet to a point at Lot No. 192; thence along Lot No. 192, North six (06) degrees eight (08) minutes forty-six (46) seconds West, one hundred five (105.00) feet to a point at Lot No. 200; thence along Lot No. 200, North eighty-three (83) degrees fifty-one (51) minutes fourteen (14) seconds East, one hundred thirty (130.00) feet to a point at Ocelot Drive; thence along Ocelot Drive, South six (06) degrees eight (08) minutes forty-six (46) seconds East, forty-six and thirty-nine hundredths (46.39) feet to a point; thence continuing along the same by a curve to the left whose radius is two hundred ten (210.00) feet and whose chord bearing is South thirteen (13) degrees eight (08) minutes eighteen (18) seconds East, fifty-one and fourteen hundredths (51.14) feet for an arc distance of fifty-one and twenty-six hundredths (51.26) feet to the point and place of BEGINNING.

CONTAINING 13,268 square feet and identified as Lot No. 199 on a plan of lots entitled Phase III, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 51, page 82.

BEING Tax Parcel # MAP 7 PARCEL 73.

SEIZED and taken into execution as the property of **Donald M. Forney & Sandra L. Forney** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 9, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

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

7/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-431 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground, with the buildings and improvements thereon erected, situate in Reading Township, Adams County and State of Pennsylvania, being in the Plan of Lake Meade Subdivision, as recorded in Plat Book 1, page 1, more specifically bounded and described, as follows:

BEGINNING at a point on the western line of Wadsworth Avenue, said point being on the dividing point between Lots Nos. 132 and 133, aforesaid Plan of Lots; thence North 66 degrees 53' 06" East, a distance of 200 feet to a point; thence North 23 degrees 06' 54" West, a distance of 75 feet to a point; thence South 66 degrees 53' 06" West, a distance of 200 feet to a point; on western line of Wadsworth Avenue; thence along the western line of Wadsworth Avenue, South 23 degrees 06' 54" East, a distance of 75 feet to a point the place of BEGINNING.

HAVING thereon erected a ranch type dwelling house.

UNDER AND SUBJECT to easements and restrictions, as contained in prior deeds and Plans of record.

BEING Tax Parcel #11-21A.

SEIZED and taken into execution as the property of **Barry A. Price & Sandra E. Price** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 16, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/28, 8/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-104 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land with improvements thereon situate in the Borough of York Springs, Adams County, Pennsylvania, bounded and described in accordance with the final subdivision plan for Richard P and Bette A. Lambert, which plan is dated November 9, 1984 and recorded December 10, 1984 in the Office for the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 41 at Page 10, as follows, to wit:

BEGINNING at a mark on the curb line along Pennsylvania Route 94 at the Southwest corner of lands now or formerly of the Holy Trinity Lutheran Church; thence along the curb line of Pennsylvania Route 94 North 36 degrees 30 minutes 00 seconds West 60 feet to a mark on said curb line at the Southeast corner of lands now or formerly of the Episcopal Church; thence along the last mentioned lands North 52 degrees 21 minutes 36 degrees 30 minutes 00 seconds West 36.58 feet to a nail set on the southern border of North "D" Street 12 foot right of way on the aforesaid plan; thence along North "D" Street, North 53 degrees 45 minutes 00 seconds East 55.77 feet to a steel pin at the southeast corner of lands now or formerly of Sheldon C. Lehman on the aforesaid plan; thence along the last mentioned lands South 36 degrees 44 minutes 00 seconds East 73.96 feet to a steel pin at the corner of lands of the aforesaid Holy Trinity Lutheran Church; thence along the last mentioned lands South 50 degrees 52 minutes 30 seconds West 26.39 feet to a pipe on the aforesaid plan; thence continuing South 36 degrees 30 minutes 00 seconds East 20.56 feet to a pipe on the aforesaid plan; thence continuing South 52 degrees 21 minutes 00 seconds West 151.71 feet to a mark on the curb line of Pennsylvania Route 94 and place of BEGINNING.

BEING Tract Nos. 1A, 1B and 2 on the aforesaid Plan and containing 12,131 square feet, more or less.

BEING known as 218 Main Street, York Springs, PA.

SEIZED and taken into execution as the property of **Richard M. Topper & Florence D. Herring** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by

the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-276 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 September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the right-of-way line of Mason-Dixon Drive at lands now or formerly of Littlestown Industrial Development Authority as shown on the hereinafter referenced subdivision plan; thence along said lands, North forty-eight (48) degrees four (04) minutes forty-one (41) seconds West, One hundred twenty-five and two hundredths (125.02) feet to a point at a Stormwater Management Easement as shown on the hereinafter referenced subdivision plan; thence along said Stormwater Management Easement, North forty (40) degrees forty-eight (48) minutes seven (07) seconds East, seventy-two and fifty-six hundredths (72.56) feet to a point at Lot No. 78 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 78, South forty-nine (49) degrees eleven (11) minutes fifty-three (53) seconds East, one hundred twenty-five (125.00) feet to a point on the right-of-way line of Mason-Dixon Drive; thence along the right-of-way line of Mason-Dixon Drive, South forty (40) degrees forty-eight (48) minutes seven (07) seconds West, seventy-five (75.00) feet to a point, the point and place of BEGINNING. CONTAINING 9,222.26 square feet/0.21 acres.

The above description being Lot No. 77 on the Final Subdivision Plan of Heritage Hill - Phase 3, for New Age Associates, prepared by James R. Holley and Associates, Inc., dated November 1, 1993, designated as Project No. 931022, which said subdivision plan is recorded

in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 65, Page 52.

TAX PARCEL #14-1

TITLE TO SAID PREMISES IS VESTED IN Donald D. Rill, Unmarried, by Deed from Park A. Snyder, Sr. and Madeline T. Snyder, his wife, dated 10/30/97, recorded 11/5/97 in Deed Book/Volume 1469, Page 211.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 2, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-377 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN two tracts of land lying and situate in Carroll Valley, Borough known as Lot RC-17+ (formerly Liberty Township) Adams County, Pennsylvania, Charnita Section RC Lots No. 17 and 19) more particularly bounded and described as follows:

BEGINNING at a point in the center of Lower Trail South 45 degrees, 42 minutes, 40 seconds West 225 feet along Lot No. 37 to a point at corner adjoining Lot No. 20 and 21; thence by Lot No. 20 North 44 degrees, 17 minutes, 20 seconds West 125 feet to a point in the center of Toms Creek Trail; thence along center of Toms Creek Trail South 45 degrees, 42 minutes, 40 seconds West 89.61 feet to a point in the center of Toms Creek Trail and at corner of Lot No. 18; thence by Lot No. 18 North 42 degrees, 56 minutes, 00 seconds West 206.81 feet to a point at the corner of Lot No. 18 and lands of Bartholomew Hogan; thence along lands of Bartholomew Hogan North 47 degrees, 04 minutes, 00 seconds East 115 feet to a point; thence South 42 degrees, 56 minutes, 00 seconds East 204.09 feet to a point in the center of Toms Creek Trail; thence through the center of Toms Creek Trail North 45 degrees, 42 minutes, 40 seconds East 199.58 feet to a point in the center of the intersection of Toms Creek Trail and Lower Trail at corner of former Lot No. 19; thence along the center of Lower Trail South 44 degrees, 17 minutes, 20 seconds East 125 feet to the PLACE OF BEGINNING.

CONTAINING 1.188 acres, more or less.

The above described was taken from a survey plat labeled Lot Recombination Plan dated May 23, 1991 prepared by Adams County Surveyors, J. Riley Redding, R.S. recorded in Adams County Plat Book 58 at page 57.

NOTE: Being known and designated as Map/Parcel 46/74 Lot RC 17 and 19 and known as RC 19+ (as per the Adams County Assessing Department) as shown on Plat Book 58 at page 57.

TITLE TO SAID PREMISES IS VESTED IN Tom Simpson and Melanie Simpson, husband and wife by Deed from Bryan E. Fogle and Melody A. Fogle, husband and wife dated 5/13/98 recorded 5/15/98 in Record Book 1581 page 57.

SEIZED and taken into execution as the property of **Tom Simpson & Melanie Simpson** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 9, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/21, 28 & 8/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-364 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the property line of Pine Lane at corner of Lot No. 86 on the hereinafter referred to plan of lots; thence along Lot No. 86, South forty-three (43) degrees fifty-six (56) minutes fifty-one (51) seconds West, one hundred fourteen and sixty hundredths (114.60) feet to a point where the corners of Lots Nos. 86, 69, 70 and 85 intersect; thence along Lot No. 70; North forty-two (42) degrees fifty-seven (57) minutes thirty (30) seconds West, seventy-eight (78) feet to a point on the property line of Walnut Lane; thence along said Walnut Lane by a curve to the left, the radius of which is eight hundred forty-seven and seven hundred twelve thousandths (847.712) feet, an arc length of ninety-five and thirteen hundredths (95.13) feet, and having a long chord bearing and distance of North forty-three (43) degrees twenty (20) minutes seven (7) seconds East, ninety-five and eight hundredths (95.08) feet to a point; thence by a curve to the right, the radius of which is fifteen (15) feet, an arc length of twenty-two and eighty-seven hundredths (22.87) feet, and having a long

chord bearing and distance of North eighty-six (86) degrees seven (7) minutes forty-six (46) seconds East, twenty and seventy-two hundredths (20.72) feet to a point on the property line of Pine Lane, aforesaid; thence along said Pine Lane by a curve to the right, the radius of which is one thousand five hundred seventy and two hundred fifty-five thousandths (1,570.255) feet, an arc length of sixty-five (65) feet and having a long chord bearing and distance of South forty-six (46) degrees zero (0) minutes fifty-seven (57) seconds East, sixty-four and ninety-nine hundredths (64.99) feet to a point at Lot No. 86, the point and place of BEGINNING. (CONTAINING 8,712.039 square feet or 0.200 acres). (Being Lot No. 85 on a plan of lots of Oxford Estates dated January, 1983, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 37, at page 122.)

Tax Parcel # 9-39

TITLE TO SAID PREMISES IS VESTED IN William E. Earle and Lisa Rae Earle, his wife by Deed from Oxford Estates, a General Partnership dated 8/21/84, recorded 8/9/84, in Deed Book 384, Page 381.

SEIZED and taken into execution as the property of **William E. Earle & Lisa Rae Earle** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 9, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/28, 8/4 & 11

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF BLANCHE A. BARNHART, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: James W. Barnhart, 531 Locust Street, Hanover, PA 17331

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF R. KENNETH FOUST, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Gary E. Hartman, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF KATHERINE A. FUHRMAN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrices: Loretta M. Harrison, 3523 Meadowdale Drive, Baltimore, MD 21244; Barbara E. Louser, 532 Sabal Lake Dr., #112, Longwood, FL 32779

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

ESTATE OF RUELLE W. WOLFE, DEC'D

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

Sally Ann Kemp a/k/a Sally W. Kemp, 6909 Deloache Avenue, Dallas, TX 75225

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

SECOND PUBLICATION

ESTATE OF ROBERT E. CURTIS a/k/a DR. ROBERT E. CURTIS, ROBERT CURTIS, and ROBERT EDMUND CURTIS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Margaret B. Curtis, c/o Brian R. Price, Esq., 140 East Butler Avenue, Chalfont, PA 18914

Attorney: Brian R. Price, Brian R. Price & Associates, P.C., 140 East Butler Avenue, Chalfont, PA 18914

ESTATE OF HAZEL V. MILLER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: Lisa A. Miller, 36 Dewey Street, 2nd Floor, York, PA 17404

Attorney: Robert E. Campbell, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF HENRY W. SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Michael J. Smith, 400 Chapel Road, Hanover, PA 17331; Brian F. Smith, 176 Irishtown Road, Hanover, PA 17331

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ADA B. TUCKEY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: James Daryl Tuckey, 7 Burns Way Ct., Baltimore, MD 21236; Judith G. Smith, 127 Plank Rd., Gettysburg, PA 17325

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

ESTATE OF BEATRICE IRENE WAY-BRIGHT, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Garnette Reeve Grimes, 3427 Fringer Road, Taneytown, MD 21787; John Martin Frock, 725 Russell Tavern Road, Gettysburg, PA 17325

Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ISABELLA D. WEANER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Robert W. Weaner, Sr., 244 Springs Ave., Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF STERLING R. DIEHL, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executrix: Linda B. Sutherland a/k/a Linda Diehl, 2915 South Queen Street, Dallastown, PA 17313

Attorney: William F. Hoffmeyer, Esq., Hoffmeyer & Semmelman, 30 North George Street, York, PA 17401

ESTATE OF MELVIN K. HELDIBRIDE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Wanda M. Eger, 59 York St., Apt. 8, Gettysburg, PA 17325

ESTATE OF BERNARD T. LENHARDT, SR., DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Bernard T. Lenhardt, Jr., 875 Plunkert Road, Littlestown, PA 17340

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

ESTATE OF LEILA MAE McGLAUGHLIN, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Edwin L. McLaughlin, 980 Boyers Nursery Road, Biglerville, PA 17307

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

ESTATE OF DOROTHY L. STAUFFER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Barbara J. Zimmerman, 749 Steeplechase Road, Landisville, PA 27538

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-397 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE CERTAIN (3) tracts of land, together with the improvements thereon erected, Situate, lying and being in Reading Township, Adams County, Pennsylvania, more specifically bounded, limited and described as follows:

TRACT NO. 1:

BEGINNING at a point on the Northwest bank of the Conewago Creek at the Southwest corner of Lot No. 21 on the plan hereinafter referred to: thence along said Lot No. 21, North 41 degrees West 258 feet to a point at a 20 feet wide driveway, thence along the South side of said last mentioned driveway, South 57-1/2 degrees West, 50 feet to a point at Lot No. 19; thence along said Lot No. 19, South 33 degrees East, 280 feet to a point on the Northwest bank of said Conewago Creek; thence along the Northwest bank of said Conewago Creek, North 40 degrees East, 87 feet to a point at Lot No. 21, the place of BEGINNING. (Being known as Lot No. 20, Block 3, on a plot or plan as per survey of Charles E. Hoke, Registered Surveyor, on August 6, 1946).

TRACT NO. 2:

BEGINNING at a point on the West bank of Conewago Creek at the Southwestern corner of Lot No. 22 on the

plan hereinafter referred to and being lands now or formerly of William E. Stock; thence along said lands now or formerly of William E. Stock, North 50-1/2 degrees West, 237 feet to a point at a 20 feet wide driveway; thence along the Southern side of said driveway, South 57-1/2 degrees West, 50 feet to a point at Lot No. 20 on said plan; thence along said Lot No. 20, South 41 degrees East, 258 feet to a point on the West bank of the Conewago Creek; thence along the West bank of said Conewago Creek, North 40 degrees East, 87 feet to a point at Lot No. 22 of said plan, the place of BEGINNING. (Being known as Lot No. 21, Block 3, on a plot or plan as per survey of Charles E. Hoke, Registered Surveyor, on August 6, 1946).

TRACT NO. 3:

BEGINNING at a point at the Southeast corner of Lot No. 21 on the plan hereinafter referred to and being lands now or formerly of William E. Stock; thence along said lands now or formerly of William E. Stock, North 50-1/2 degrees West, 237 feet to a point at a 20 feet wide driveway; thence along the Southern side of said driveway, North 57 degrees 30 minutes East, 50 feet to a point at a 20 feet wide private driveway; thence along said last mentioned private driveway, South 56 degrees East, 221.26 feet to a point at Conewago Creek; thence along said Conewago Creek, South 40 degrees West, 67 feet to a point at Lot No. 21, the place of BEGINNING. (Being known as the major portion of Lot No. 22 on a plot or plan of a series of lots laid out by Harry A. Lauchman and Gertle R. Lauchman, his wife, as per survey of Charles E. Hoke, Registered

Surveyor, and as revised by J.R. Fleming).

TOGETHER with the free ingress, egress and regress to and for the said Grantees, their heirs and assigns, their tenants and under-tenants, occupiers and possessors of the above land, in along, upon and out of a 20 feet wide driveway running along the front of the above mentioned lots, in common with the owners, their heirs and assigns, their tenants and under-tenants, occupiers and possessors of adjoining lands there-to.

Tax Parcel # L8-49

SEIZED and taken into execution as the property of **Randy L. Stevens & Betsy Ritter Stevens** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

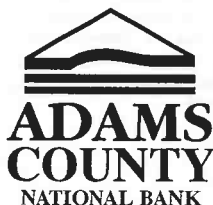
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 16, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/28, 8/4 & 11

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



Member FDIC