

Adams County Legal Journal

Vol. 46

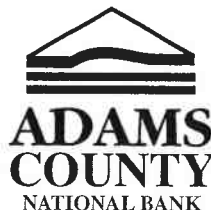
July 2, 2004

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IN THIS ISSUE

LEWIS VS. GETTYSBURG DIAGNOSTIC
IMAGING ET AL

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



Member FDIC

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

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

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 337-9812
 Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-132 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a pipe along land of Greenmount Cemetery at the Northwestern corner of the lot designated as Lot No. 4 on the plan of lots referred to below; thence by land of the Greenmount Cemetery, North 6 degrees 16 minutes West 102.61 feet to a pipe; thence by the lot designated as Lot No. 2 on the plan of lots referred to below North 70 degrees 46 minutes 20 seconds East 151.40 feet to a pipe; thence along a 50 foot wide private road known as Apple Lane South 19 degrees 13 minutes 40 seconds East 100 feet to a pipe; thence by other land of Elliott E. Schlosser and wife designated as Lot No. 4 on the plan of lots referred to below South 70 degrees 46 minutes 20 seconds West 174.41 feet to a pipe, the place of BEGINNING.

CONTAINING 16,290 Square Feet.

THE above description was taken from a plan of lots prepared by J. Riley Redding, Registered Surveyor, trading as Adams County Surveyors, dated October 17, 1977, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 19 at Page 17. The lot hereby conveyed being designated as Lot No. 3 on said plan of lots.

TITLE TO SAID PREMISES IS VESTED IN Thad B. Trostel and Donna F. Trostel, his wife by Deed from Jeffrey L. Newman and Constance A. Newman, his wife dated 2/28/1997 and recorded 3/4/1997 in Record Book 1336 Page 26.

Premises being: 32 Apple Lane, Arendtsville, PA 17303

Tax Parcel No. 110, Map #6

SEIZED and taken into execution as the property of **Thad B. Trostel a/k/a**

Thad B. Trostel & Donna F. Trostel a/k/a Donna F. Fair 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 August 23, 2004, 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.

6/25, 7/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-139 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground along the public road leading from the Hanover-Carlisle State Highway to the Hanover-Abbotstown State Highway in Berwick Township, Adams County, Pennsylvania, which is bounded and described as follows:

BEGINNING at an iron stake on the North side of the public road aforesaid at land now or formerly of George Wolf; thence by the same, North 29 degrees West, 49.5 feet to an iron pin at lands now or formerly of Emory Laughmen; thence by the same, North 60 degrees 27 minutes East, 244 feet to an iron pin near a walnut tree at the other land now or formerly of Charles H. Bittinger; thence by the same, South 37 degrees East, 67 feet to an iron pin at the public road, aforesaid; thence by the same, South 54 degrees 45 minutes West, 260 feet to an iron pin, the place of BEGINNING.

EXCEPTING AND RESERVING, however unto C.H. Bittinger, his heirs and assigns the perpetual right-of-way and privilege irrevocably, in, over and under the lot hereby conveyed for the purpose of maintaining, operating and replacing the water pipe line which now exists and extends upon the lot of ground hereby conveyed. This conveyance does not include or intend to include any water right or privilege to obtain water from the pipe line of C.H. Bittinger, as now existing over the lot of ground hereby conveyed.

BEING the same premises which Russel D. Langkam and George T. Langkam, by Deed dated March 31, 2000 and recorded in the Office of the Recorder of Deeds of Philadelphia County on April 24, 2000, in Deed Book 2035, Page 191, granted and conveyed unto Russell D. Langkam and George T. Langkam.

Grenen & Birsic, P.C.
 By: /s/Kristine M. Anthou, Esq.
 Attorneys for Plaintiff
 One Gateway Center, Nine West
 Pittsburgh, PA 15222
 (412) 281-7650

Parcel No.: (04)L12-57

SEIZED and taken into execution as the property of **James Bigelow, Sr. & Teresa Wallis** 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 August 9, 2004, 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.

6/18, 25 & 7/2

LEWIS VS. GETTYSBURG DIAGNOSTIC IMAGING ET AL

1. Preliminary objections, the end result of which would be dismissal of the cause of action, should be sustained only in cases that are clear and free from doubt.
2. Because of the nature of the demurrer, all well pled material facts as well as all reasonable inferences deductible therefrom are admitted.
3. An agreement is a valid and enforceable contract if the parties manifested a party's intent to be bound by the agreement's terms, the terms are sufficiently definite, and consideration existed.
4. Corporate agents may not be held liable for the actions of the corporation, except in very limited circumstances.
5. In order to establish civil conspiracy, it must be shown that two or more persons combined or agreed with intent to do an unlawful act or to do an otherwise lawful act by unlawful means.
6. Proof of malice, i.e., an intent to injure is an essential part of a conspiracy cause of action; this unlawful intent must also be without justification.
7. A corporation is a creature of legal fiction that can act only through its officers, directors and other agents. When a party contracts with a corporation through a corporate agent who acts within the scope of his authority and reveals his principal, the corporate principal alone is liable for breach of the contract.
8. A single entity cannot conspire with itself and, similarly, agents of a single entity cannot conspire among themselves.
9. A claim for civil conspiracy could not lie where the alleged parties to this conspiracy were all agents of a single entity.
10. The insulation of the corporate veil may be pierced if equity requires that the shareholders' traditional insulation from personal liability be disregarded where the corporate form is a sham, constituting a facade for the operations of the dominant shareholder.
11. Liability for the acts of a corporation may be assessed against the owners thereof wherever equity requires that such be done either to prevent fraud, illegality or injustice or when recognition of the corporate entity would defeat public policy or shield someone from public liability for crime.
12. Pennsylvania law is unequivocal that a civil conspiracy cannot take place within a single entity.
13. The factual allegations in the Complaint must have evidentiary support or be likely to have evidentiary support. Factual allegations in a complaint that are included as a form of art to survive challenge by demurrer but which are not sounded in fact may subject parties to sanctions.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 03-S-254, JOFFRE P. LEWIS, M.D., VS. GETTYSBURG
DIAGNOSTIC IMAGING, P.C., JOSEPH C. JONES, RUKHSANA
K. RAHMAN AND MARIA V. SPAGNOLI

Joseph L. Hitchings, Esq., for Plaintiff
Michael J. Salmonson, Esq., for Defendants
George, J., July 10, 2003

OPINION

This cause of action arises as a result of the parties' inability to consummate an employment relationship. The Plaintiff, Joffre P. Lewis, M.D., (hereinafter referred to as "Lewis") claims that the Defendants, Gettysburg Diagnostic Imaging, P.C., Joseph C. Jones, Rukhsana K. Rahman and Maria V. Spagnoli, offered him an employment that he accepted. He claims that the contract was offered on June 30, 2001, and accepted, signed and returned by him shortly thereafter. He further alleges that for some unexplained reason his employment was terminated on September 20, 2001. It appears from a reading of Lewis's Complaint that the termination decision occurred prior to the actual commencement of Lewis's work-related duties. As a result of this failed relationship, Lewis has filed a complaint containing causes of action for breach of contract and civil conspiracy. This matter comes before the court on Defendants' Preliminary Objections seeking to dismiss Defendants Jones, Rahman and Spagnoli on the theory that Lewis's pleading is insufficient to support a cause of action against these individual defendants. All Defendants further object that Lewis's Complaint is insufficient to support a cause of action for civil conspiracy. For the reasons set forth herein below, the Defendants' Preliminary Objections are granted.

Preliminary objections, the end result of which would be dismissal of the cause of action, should be sustained only in cases that are clear and free from doubt. *League of Women Voters of Pennsylvania v. Commonwealth*, 692 A.2d 263, 267 (Pa. Commw. Ct. 1997). Because of the nature of the demurrer, all well pled material facts as well as all reasonable inferences deductible therefrom are admitted. *Peerless Publications, Inc. v. County of Montgomery*, 656 A.2d 547, 550 (Pa. Commw. Ct. 1995). For the purpose of clarity, I will address each count of Lewis's Complaint separately.

Under the first cause of action, breach of contract, Lewis is required to establish a contractual obligation existed between the parties which was breached. An agreement is a valid and enforceable contract if the parties manifested a party's intent to be bound by the agreement's terms, the terms are sufficiently definite, and consideration existed. *Johnston the Florist, Inc. v. TEDCO Constr. Corp.*, 657 A.2d 511, 516 (Pa. Super. Ct. 1995).

In considering all well pleaded facts, and inferences derived therefrom, I fail to find anything in the pleadings concerning Lewis's breach of contract claim that imposes liability on the individual defendants. Specifically, the pleadings are absent of any indication that the individual defendants manifested an intent to be parties to the contract in their individual capacities. Lewis's Complaint consistently represents the alleged contract as being between Lewis and the corporate defendant. For instance, paragraph 6 of Lewis's Complaint reads: "[i]n the spring of 2001, Plaintiff and Defendants entered into discussions concerning Plaintiff accepting a position in the Defendants' Corporation." Lewis's Compl., ¶ 6. Later, the Complaint reads: "[o]n June 30, 2001, Plaintiff was offered a position with Defendant, Gettysburg Diagnostic Imaging, P.C.," *Id.* at ¶ 7. Moreover, the Complaint includes attachments consisting of the alleged contract as well as a letter from Joseph C. Jones, purporting to terminate the relationship between the parties. Both documents clearly indicate that the business relationship was between the corporate defendant and Lewis.¹ Lewis's Complaint is absent of any indication that negotiations were between anyone other than the corporate defendant, its agents and himself. Since corporate agents may not be held liable for the actions of the corporation, except in very limited circumstances which are currently not applicable, *Village at Camelback v. Carr*, 538 A.2d 528, 533 (Pa. Super. Ct. 1988), the demurrer of the individual defendants will be granted.²

Lewis's second cause of action is based upon the theory of civil conspiracy. In order to establish civil conspiracy, it must be shown that two or more persons combined or agreed with intent to do an unlawful act or to do an otherwise lawful act by unlawful means. *Rutherford v. Presbyterian-Univ. Hosp.*, 612 A.2d 500, 508 (Pa.

¹For instance, the correspondence from Dr. Jones opens by indicating: "I am writing on behalf of Gettysburg Diagnostic Imaging." See Dr. Jones Letter, Lewis's Compl., Ex. A. Moreover, the document upon which Lewis bases his suit reads: "[w]e are pleased to offer you a position in our corporation." See Employment Letter, Lewis's Compl., Ex. B., p. 1. Also, it consistently indicates employment by the corporation. *Id.* at ¶¶ 3, 5-9.

²In his brief opposing the grant of the individual defendants' Preliminary Objections, Lewis relies heavily upon an allegation in paragraph 36 of his Complaint. Paragraph 36, however, is not part of the allegations in Count 1 of Lewis's Complaint nor was paragraph 36 incorporated therein. Accordingly, Lewis's argument in this regard is inapplicable as it applies to Count I.

Super. Ct. 1992). Proof of malice, i.e., an intent to injure is an essential part of a conspiracy cause of action; this unlawful intent must also be without justification. *Id.* (quoting *Thompson Coal Co. v. Pike Coal Co.*, 412 A.2d 466, 472 (Pa. 1979)).

Lewis claims that the individual defendants “agreed amongst themselves and on behalf of the corporation to wrongfully terminate Plaintiff’s employment relationship.” Lewis’s Compl., ¶ 33. All Defendants demur to this count on the theory that neither the corporate entity nor the agents of that entity can conspire among themselves as a matter of law.

It is well settled in this Commonwealth that a corporation is a creature of legal fiction that can act only through its officers, directors and other agents. *Lokay v. Lehigh Valley Cooperative Farmers, Inc.*, 492 A.2d 405, 408 (Pa. Super. Ct. 1985). As such, when “a party contracts with a corporation through a corporate agent who acts within the scope of his authority and reveals his principal, the corporate principal alone is liable for breach of the contract.” *Daniel Adams Assocs., Inc. v. Rimbach Publishing, Inc.* 519 A.2d 997, 1001 (Pa. Super. Ct. 1987). In recognition of these general rules, the Pennsylvania Superior Court instructed that “[a] single entity cannot conspire with itself and, similarly, agents of a single entity cannot conspire among themselves.” *Rutherford*, 612 A.2d at 508. In *Rutherford*, the plaintiff alleged a cause of action for civil conspiracy to terminate his employment. The plaintiff alleged that the parties to the conspiracy were a doctor, a division of the hospital, and the hospital. In affirming the trial court’s granting of Defendants’ Preliminary Objections, the Superior Court recognized, as a matter of law, that a claim for civil conspiracy could not lie where the alleged parties to this conspiracy were all agents of a single entity. Instantly, I see no reason to distinguish *Rutherford*.

Lewis argues that the Complaint contains sufficient allegations to pierce the corporate veil and thereby avoid dismissal under the Defendants’ legal theory. Specifically, he references his allegations that the corporation was undercapitalized at its formation and that the Defendants failed to follow corporate formalities “including having regular meetings, and making record of the decisions made at those meetings”. See Lewis’s Compl., ¶ 36. This attempt to pierce the corporate veil is apparently tailored after the Superior Court’s decision

in *Village at Camelback v. Carr*, 538 A.2d 528 (Pa. Super. Ct. 1988). In *Carr*, the Superior Court held that the trial court erred in granting a demurrer filed by the Defendants seeking the protections of the corporate veil. In doing so, the Superior Court recognized that the insulation of the corporate veil may be pierced if equity requires that the shareholders' traditional insulation from personal liability be disregarded where the corporate form is a sham, constituting a facade for the operations of the dominant shareholder. *Id.* at 533. Although piercing the corporate veil is:

. . . admittedly an extraordinary remedy preserved for cases involving exceptional circumstances . . . liability for the acts of a corporation may be assessed against the owners thereof wherever equity requires that such be done either to prevent fraud, illegality or injustice or when recognition of the corporate entity would defeat public policy or shield someone from public liability for crime.

Id.

The scope of this rule "permits the separate corporate entity to be disregarded whenever it is necessary to avoid injustice." *Rinck v. Rinck* 526 A.2d 1221, 1223 (Pa. 1987).

Under this reasoning, Lewis argues that since the pleadings support the attachment of individual liability, the alleged conspiracy, as pled, necessarily involves separate entities. I disagree. Lewis's argument confuses the potential imposition of liability against the individuals, as is authorized in limited circumstances by *Carr*, with the requirement that all elements of his cause of action be properly pled.

The gravamen of Lewis's argument is that the Complaint is absent of any claims that the individual defendants acted without the authority of the corporation. To the contrary, Lewis's Complaint alleges that the individual defendants "are responsible for making the decisions relating to the business practices and hiring decisions of the corporation", Lewis's Compl., ¶ 32, and that the individual defendants "agreed amongst themselves and on behalf of the corporation to . . . [terminate Lewis]." *Id.* at ¶¶ 30, 33. Pennsylvania law is unequivocal that a civil conspiracy cannot take place within a single entity, *Rutherford*, supra. Absent specific allegations that the

individual defendants acted outside the scope of their authority, there is no third party with which the corporation could conspire and thus, the elements of a civil conspiracy are not sufficiently established by Lewis's Complaint.³

Although the Preliminary Objections will be granted, Lewis will be given the opportunity to amend his Complaint. Although one can envision amended language sufficient to survive a demurrer, the Rules of Civil Procedure require more than boilerplate language. The factual allegations in the Complaint must have evidentiary support or be likely to have evidentiary support. Factual allegations in a complaint that are included as a form of art to survive challenge by demurrer but which are not sounded in fact may subject parties to sanctions. *See* PA. R. CIV. P. 1023.1.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 10th day of July, 2003, the Preliminary Objections of Defendants Joseph C. Jones, Rukhsana K. Rahman and Maria V. Spagnoli are granted in regard to Count I and Count I is dismissed against those parties. Additionally, the demurrer of all Defendants to Count II of the Plaintiff's Complaint is granted. The Plaintiff will be given the opportunity to file an Amended Complaint within twenty (20) days of the date of this Order. If the Plaintiff files an Amended Complaint, the Defendants shall file responsive pleading within the time period set forth by the Pennsylvania Rules of Civil Procedure. In the event that the Plaintiff does not file an Amended Complaint, Defendant Gettysburg Diagnostic Imaging, Inc., shall have forty (40) days from the date of this Order within which to file an Answer to Count I of the Plaintiff's original Complaint.

³Lewis argues that since the allegations are sufficient to support piercing of the corporate veil, then the corporate existence should be disregarded. This argument, however, is overly simplistic. The same count in Lewis's Complaint recognizes the corporate existence and appears to include the corporation as an alleged conspiring party.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-353 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

342 York Street
Gettysburg, PA 17325
Adams County

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

BEGINNING at a point on the Northern side of York Street, at the Southeast corner of lot of George H. Poist; thence running along lot of George H. Poist in a North Northwesterly direction for a distance of 180 feet, more or less, to a point in or along a public alley; thence in or along said public alley in an East Northeasterly direction for a distance of 30 feet 3 inches, more or less, to the Northwest corner of lot now or formerly of Orville B. Orner, formerly a part hereof; thence along said last mentioned lot in a South Southeasterly direction for a distance of 180 feet, more or less, to a corner on the Northern side of York Street aforesaid; thence in a West Southwesterly direction along the Northern side of York Street for a distance of 30 feet 3 inches, more or less, to the above described place of BEGINNING.

TOGETHER WITH and Subject to the rights to use the parking lots as contained in Record Book 433, page 517.

SEIZED and taken into execution as the property of **Corey L. Gardner** 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 August 23, 2004, 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.

6/25, 7/2 & 9

COURT OF COMMON PLEAS OF
ADAMS COUNTY
COMMONWEALTH OF PENNSYLVANIA
ORPHANS' COURT DIVISION

IN RE: Robert Hoffman Trust - PNC Bank, National Association, Trustee

Trust contained in Last Will and Testament of Robert Hoffman, deceased, dated September 12, 1994, First Codicil dated January 4, 1995, and Second Codicil dated February 7, 1996 O.C. # 63-97

NOTICE

NOTICE IS HEREBY GIVEN that PNC Bank, National Association, Trustee of a trust created under the Last Will and Testament of Robert Hoffman, deceased, has filed its First and Final Account and Statement of Proposed Distribution as such Trustee in the Office of the Clerk of Courts of Common Pleas of Adams County, Commonwealth of Pennsylvania, Orphans' Court Division, and that the same will be presented to said Court for confirmation of the Account and approval of the proposed distribution July 6, 2004, at 9:00 o'clock a.m., at the Adams County Courthouse, Gettysburg, Pennsylvania.

Lisa K. Grubbs
Clerk of said Court.

Richard E. Thrasher, Esq.
Puhl, Eastman & Thrasher,
Attorneys

6/25 & 7/2

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, PA of an application for registration under the Fictitious Name Act. The name of the business is GETTYSBURG TOP CLEANERS with its principal place of business at 12 Springs Avenue, Gettysburg, Pennsylvania. The owners of the business are Chong Nam Chang and Jung Sil Chang, of 200 Longstreet Drive, Gettysburg, Pennsylvania.

Teeter, Teeter & Teeter

7/2

WRIT OF SCIRE FACIAS

2004-NO-0000233

Adams County, ss

The Commonwealth of Pennsylvania, To Audrey A. Harman Greeting:

Whereas, The Borough of Littlestown on the 20th day of November, 2003 filed its claim in our Court of Common Pleas of Adams County at No. 03-TL-596 for the sum of \$1,245.85 with interest from the 20th day of November, 2003 for unpaid water and sewer rentals due and owing, including penalty, interest and costs, plus additional water and sewer rentals, and penalty and interest thereon against the following property situate in 20-22 Park Avenue, Littlestown, PA 17340 Parcel No. 008-0205, Record Book 298 at Page 807,

owned or reputed to be owned by you Audrey A. Harman

And Whereas, we have been given to understand that said claim is still due and unpaid, and remains a lien against the property;

Now, you are hereby notified to file your affidavit of defense to said claim, if defense you have thereto, in the office of the Prothonotary of our said Court within fifteen days after the service of this writ upon you.

If no affidavit of defense be filed within said time, judgment may be entered against you for the whole claim and the property described in the claim be sold to recover the amount thereof.

Witness the Honorable John D. Kuhn, President Judge of our said Court at Gettysburg, this 9th day of March, A.D. 2004.

Patricia A. Funt, Prothonotary
By: /s/Chris Dutrow
Deputy Prothonotary

6/25, 7/2 & 9

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania.

The name of the corporation is PRUITT TRUCKING & HAULING, INC.

The corporation has been incorporated under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania Act of December 22, 1988.

Pruitt Trucking & Hauling, Inc.
230 Conrad Lane
Gardners, PA 17324

7/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-176 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, together with the improvements thereon erected, situate, lying and being in the Borough of McSherrystown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the Northern side of North Street at the Southwestern corner of lot now or formerly of Thomas B. Redding, designated as 53 North Street; thence along the Northern side of North Street, South sixty-six (66) degrees West, seventy (70) feet to a point on the Northern side of North Street, thence by lands now or formerly of Lewis S. Smith and Alma C. Smith, husband and wife, North twenty-four (24) degrees West, one hundred twenty-five and no one-hundredths (125.00) feet; thence by lands of same, North sixty-six (66) degrees East, seventy-three and forty-six one hundredths (73.46) feet; thence by said lot now or formerly of Thomas D. Redding, South twenty-two (22) degrees twenty-five (25) minutes East, one hundred twenty-five and five one-hundredths (125.05) feet to the point on the North side of North Street, the place of BEGINNING, CONTAINING 0.206 acres. Known as 49 North Street.

The above description is taken from a draft made by Joe B. O'Brien, Registered Surveyor, on April 18, 1969.

BEING Tax Map 2, Parcel 213.

BEING the same premises which George D. Hartman and Mary H. Hartman, husband and wife, by Deed dated December 29, 1989 and recorded in the Office of the Recorder of Deeds in and for Adams County in Deed Book 543, Page 484, granted and conveyed unto Robert W. Myers and Eva F. Myers, husband and wife.

SEIZED and taken into execution as the property of **Robert W. Myers & Eva F. Myers** 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 August 9, 2004, 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.

6/18, 25 & 7/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-174 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate in Bonneauville Borough, Adams County, Pennsylvania, and more specifically described as follows, to wit:

LOT 22: BEGINNING at a point at the only common corner of Lots 22, 23 and Southwestern edge of White Birch Drive on the plan described below; thence along Northwestern edge of Lot 23, South 39 degrees 12 minutes 38 seconds West, 110.00 feet to a point at lands now or formerly of James A. Orndorff; thence along the Northeastern edge of said lands, North 50 degrees 47 minutes 22 seconds West, 75.00 feet to a point at the corner of Lot 21 of said plan; thence along the Southeastern edge of Lot 21, North 39 degrees 12 minutes 38 seconds East, 110.00 feet to a point on the Southwestern edge of White Birch Drive; thence along said Drive, South 50 degrees 47 minutes 22 seconds East, 75.00 feet to a point at the corner of Lot 23 of said plan, the point and place of BEGINNING.

CONTAINING 8,250 square feet.

THE above description, being known as Lot 22, was taken from a plan of lots entitled "Final Plan Section Two - Hickory Ridge", prepared by Worley Surveying dated November 11, 1992 and revised August 24, 1993, File No. C-1264, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 64, Page 70, on April 21, 1994.

TITLE TO SAID PREMISES IS VESTED IN Michael H. Meyer and Elizabeth L. Meyer, his wife by Deed from James A. Orndorff and Brenda G. Orndorff, his wife dated 11/14/1995 and recorded 11/20/1995 in Record Book 1110 Page 245.

Tax Parcel: 10-23

Premises Being: 15 White Birch Drive, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Michael H. Meyer &**

Elizabeth L. Meyer 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 August 23, 2004, 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.

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6/18, 25 & 7/2

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, July 6, 2004, at 9:00 a.m.

BRODBECK—Orphans' Court Action Number OC-56-04. The First and Final Account of Deo H. Brodbeck, Executor of the Estate of Alma M. Brodbeck, deceased, late of Franklin Township, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

6/25 & 7/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-330 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot, parcel, piece of ground, situate on the North side of Pennsylvania State Highway 234 in Huntington Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a spike in the center-line of the state highway leading from Five Points to Heidlersburg on lands now or late of Ray F. Decker; thence in the center line of the aforesaid highway and lands now or late of Decker, North seventy-six (76) degrees twenty-four (24) minutes West, two hundred twenty-five (225) feet to a point; thence by lands now or late of Ralph Sloan, of which this was once a part, North thirty-three (33) degrees East, one hundred fifty-six (156) feet, more or less, to a point at lands of the Commonwealth of Pennsylvania, Pennsylvania State Game Commission, formerly of Aaron Fetrow; thence by said Game Commission lands, South fifty-six (56) degrees East, two hundred one (201) feet, more or less, to an iron pin; thence South twenty-two (22) degrees forty-five (45) minutes West, seventy-seven and seven tenths (77.7) feet to a spike in the center line of the Pennsylvania State Highway leading from Heidlersburg to Five Points, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Evelyn May Kelly, single by reason of the following:

BEING THE SAME premises which Joan A. Anderson n/b/m Joan A. Hammel and John F. Hammel, her husband by Deed dated 3/17/1998 and recorded 3/24/1998 in the County of Adams in Record Book 1544 Page 163 conveyed unto Robert Allen Kelly and Evelyn May Kelly, his wife.

AND THE SAID Evelyn May Kelly and Robert Allen Kelly were divorced from the bonds of matrimony in Docket #01-S-1092 on 3/1/2002.

AND ALSO BEING THE SAME premises which Robert Allen Kelly and Evelyn May Kelly, formerly his wife by Deed dated 3/9/2003 and recorded 5/13/2003 in the County of Adams in Record Book 3102 Page 322, conveyed unto Evelyn May Kelly, single.

Premises being: 576 East Berlin Road, York Springs, PA 17372

Tax Parcel No. 17-12A

SEIZED and taken into execution as the property of **Robert A. Kelly a/k/a Robert Allen Kelly & Evelyn M. Kelly a/k/a Evelyn M. Kelley a/k/a Evelyn May Kelly** 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 August 23, 2004, 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.

6/25, 7/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-339 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a steel rod near the Western edge of the right-of-way of Mt. Carmel Road (T-312), at corner of Lot No. 1 on the hereinafter described subdivision plan dated August 30, 1993 and prepared by Adams County Surveyors, thence by said Lot No. 1 North 62 degrees 13 minutes 10 seconds West, 165.00 feet to a steel rod; thence by same North 77 degrees 54 minutes 15 seconds West, 276.21 feet to a railroad spike; thence by same South 89 degrees 41 minutes 35 seconds West, 195.00 feet to a steel rod; thence by same South 20 degrees 59 minutes 40 seconds West, 147.67 feet to a steel rod on line of land now or formerly of Harry Jenkins, Sr.; thence by same North 81 degrees 53 minutes 00 seconds West 87.45 feet to a steel rod in run on line of land now or formerly of El Vista Orchards, Inc.; thence by same North 20 degrees 59 minutes 40 seconds East, 360.21 feet to an existing steel rod; thence by same North 51 degrees 04 minutes 50 seconds East, 159.38 feet to an existing steel rod; thence by same North 73 degrees 14

minutes 15 seconds East, 179.19 feet to an existing steel rod; thence by same South 51 degrees 42 minutes 55 seconds East, 177.48 feet to an existing steel rod set in run at corner of land now or formerly of Randy Aldridge; thence by said land now or formerly of Randy Aldridge South 12 degrees 43 minutes 10 seconds West, 238.03 feet to an existing steel rod; thence by same South 62 degrees 13 minutes 10 seconds East, 272.09 feet to a point on line of land now or formerly of El Vista Orchards, Inc.; thence by land now or formerly of El Vista Orchards, Inc., South 03 degrees, 35 minutes 50 seconds West, 27.40 feet to a steel rod, the point of BEGINNING. CONTAINING 3.617 acres more or less.

THE above description is taken from a subdivision plan for Dorcas G. Charney dated August 30, 1993, prepared by Adams County Surveyors, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 68, at page 15. The tract herein conveyed is designated on said plan as Lot No. 2.

Map #C-12, Parcel #17

BEING THE SAME premises which Dorcas Gay Charney, single by Deed dated 4/26/1996 and recorded 4/26/1996 in the County of Adams in Record Book 1182 Page 297, conveyed unto Russell L. Ritchie and Sharon M. Ritchie, husband and wife, in fee.

Premises being: 617 Mount Carmel Road, Orrtanna, PA 17353

Tax Parcel No. #17 Map #C 12-17

SEIZED and taken into execution as the property of **Russell L. Ritchie a/k/a Russell Lee Ritchie & Sharon M. Ritchie** 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 August 23, 2004, 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.

6/25, 7/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-349 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of the cartway of the Peach Glen-Idaville Road (L.R. 01047), said point marking the common point of adjoinder of Lots No. 5 and No. 6 on the hereinafter mentioned plan of subdivision with the center of said cartway; thence departing from the centerline of the Peach Glen-Idaville Road, and extending along Lot Nos. 5 and 3 on the hereinafter mentioned plan of subdivision, North 30 degrees 12 minutes 30 seconds East, through a concrete monument set 30 feet from the origin of this call, for a total distance of 450 feet to a concrete monument which marks the common point of adjoinder of Lot Nos. 1, 2, 3 and 6 on the hereinafter mentioned plan of subdivision; thence extending along Lot No. 1, South 59 degrees 47 minutes 30 seconds East, for a distance of 270 feet to a steel pin at Lot No. 8 on the hereinafter mentioned plan of subdivision; thence departing from Lot No. 1, and extending along Lot No. 8, South 30 degrees 12 minutes 30 seconds West, for a distance of 230 feet to a steel pin at Lot No. 7 on the hereinafter mentioned plan of subdivision; thence extending along Lot No. 7, the following two courses and distances: North 59 degrees 47 minutes 30 seconds West, for a distance of 220 feet to a steel pin; thence continuing South 30 degrees 12 minutes 30 seconds West, through a steel pin set back 30 feet from the terminus of this call for a total distance of 220 feet, to a point in the center of the cartway of Peach Glen-Idaville Road; thence extending in and through the center of the cartway of the Peach Glen-Idaville Road, North 59 degrees 47 minutes 30 seconds West, for a distance of 50 feet to a point in said cartway at Lot No. 5 on the hereinafter mentioned plan of subdivision, said point marking the place of BEGINNING.

CONTAINING 1.678 acres and being designated as Lot No. 6 on a final plan of subdivision of Peach Glen Meadows, Phase I, prepared for Kimba, Inc., by Mort, Brown and Associates, dated August 16, 1984, and recorded in the Office of the Recorder of Deeds of

Adams County, Pennsylvania, in Plat Book 40 at page 131.

TITLE TO SAID PREMISES IS VESTED IN Ivan Richardson and Rebecca Richardson, his wife by Deed from Eleanor J. Runkles dated 7/6/2000 and recorded 7/6/2000 in Record Book 2083, Page 82.

Premises being: 315 Peach Glen-Idaville Road

Tax Map G3, Parcel 91

SEIZED and taken into execution as the property of **Ivan Richardson & Rebecca Richardson** 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 August 23, 2004, 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.

6/25, 7/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-341 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in Menallen Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a lietz spike in the center line of Township Road T-385, known as Middle Road, at corner of land now or formerly of Roger L. Galloway; thence by land now or formerly of Roger L. Galloway and running through a steel rod located 20.15 feet from the place of beginning, South 12 degrees 49 minutes 15 seconds East, 594.47 feet to a steel rod; thence by land now or formerly of Larry Heller, South 34 degrees 46 minutes 35 seconds West, 148.68 feet to an existing pipe at corner of land now or formerly of Robert Heller; thence by land now or formerly of Junior E. Taylor, North 58 degrees 15 minutes 30 seconds

West, 113.04 feet to an existing pipe; thence by the same, and running through an existing reference pipe located 25.48 feet from the end of this line, North 12 degrees 49 minutes 15 seconds West, 600 feet to a lietz spike in the center of Middle Road; thence in said Middle Road and by other land now or formerly of William C. Gonc and wife, North 72 degrees 33 minutes East, 190.95 feet to a lietz spike in the center of said road, the place of BEGINNING.

CONTAINING 2.802 Acres.

The foregoing description was obtained from a draft of a survey made by J. Riley Redding, Registered Land Surveyor, trading as Adams County Surveyors, dated December 13, 1984, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 41 at page 26; the lot hereby conveyed being designated as Lot No. 2 on said draft.

BEING the same premises which Michael L. Byers and Lisa A. (Smith) Byers, by Deed dated December 20, 1990, and recorded December 31, 1990, in Adams County in Record Book Volume 0576, Page 0789, granted and conveyed unto Michael L. Byers and Lisa A. Byers.

BEING known as 695 Middle Road, Aspers, PA 17304.

BEING Adams County Control #29-0-008276, Tax Parcel No. E04-0028B-000

SEIZED and taken into execution as the property of **Michael L. Byers & Lisa A. Byers** 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-356 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All those two certain tracts of land situate in Huntingdon Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT 1:

BEGINNING at an existing railroad spike in Pennsylvania L.R. No. 01047 known as Idaville and York Springs Road at land now or late of Dan Pakyz; thence in and through said L.R. 01047 North 56 degrees West 335 feet to a point in said L.R. 01047 at lands now or late of Paul C. and A. Shirley Barney; thence along said Barney lands North 33 degrees 15 minutes East, passing through a set rebar 25.64 feet to a set rebar; thence along said Barney lands South 77 degrees 47 minutes 10 seconds East 167.15 feet to a point; thence continuing along lands now or late of Lisa Y. Metzger South 56 degrees 45 minutes East 157.9 feet to a set rebar at lands now or late of Dan Pakyz; thence by the same South 29 degrees 30 minutes West, passing through a set rebar 30.09 feet from the end of this course 320.71 feet to an existing railroad spike, the place of BEGINNING.

The above description was taken from a survey prepared by John R. Williams, R.S. recorded in Adams County Recorder's Office in Plat Book 36, page 138.

TRACT 2:

BEGINNING at a rebar at corner of land now or late of Lisa Y. Metzger on line of land now or late of Dan Pakyz, which point of beginning is North 29 degrees 30 minutes East 380.1 feet from an existing railroad spike in L.R. Route 01047 running between Idaville and York Springs; thence along said Metzger land North 56 degrees 45 minutes West 157.98 feet to a point; thence through the tract of lands now or late of Paul C. Barney South 77 degrees 47 minutes 10 seconds East 165.1 feet to a rebar set on line of land of Pakyz; thence along said Pakyz land South 29 degrees 30 minutes West 59.39 feet to the place of BEGINNING. CONTAINING 4680 square feet.

The above description was taken from a final subdivision plan recorded in Plan Book 36, Page 138.

UNDER AND SUBJECT, NEVERTHELESS, to easements, conditions and restrictions of prior record pertaining to said premises.

BEING the same premises which Dale R. Bailor and Debra A. Bailor, single persons, by deed dated October 13, 1990, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 572, at Page 94, granted and conveyed unto Dale R. Bailor, single man,

Tax Map H-3, Parcel 25

Seized in Execution as the property of Dale R. Bailor on Judgment No. 356 of 2004

SEIZED and taken into execution as the property of Dale R. Bailor 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1235 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of Harney Road at lands now or formerly of Esh; thence in the center of said Harney Road, South seventy-seven (77) degrees eight (08) minutes fifty-four (54) seconds East, one hundred sixty-three and forty-four hundredths (163.44) feet to a point at other lands now or formerly of Lake Weant; thence by said lands and through a steel pin set thirty (30) feet back on the line, South seventeen (17) degrees forty-one (41) minutes thirty-two (32) seconds West, two hundred seventy-three and sixty-seven hundredths (273.67) feet to a flange axle; thence continuing by lands, North seventy-

seven (77) degrees sixteen (16) minutes eighteen (18) seconds West, one hundred eighteen and eighty-four hundredths (118.84) feet to a flange axle; thence continuing by said lands, South twenty-one (21) degrees eleven (11) minutes twenty-eight (28) seconds West, two hundred sixty-six and sixteen hundredths (266.16) feet to a flange axle; thence continuing by said lands, North seventy-four (74) degrees fifty-five (55) minutes twenty-two (22) seconds West, twenty-seven and ninety-two hundredths (27.92) feet to a flange axle at lands now or formerly of Esh; thence by said land, North seventeen (17) degrees thirty-nine (39) minutes twenty-five (25) seconds East, five hundred thirty-seven and ten hundredths (537.10) feet to the place of BEGINNING.

CONTAINING 1.2419 acres, neat measure.

THE above description was taken from a draft of survey, dated December 16, 1974, prepared by J.H. Rife, R.E.

TITLE TO SAID PREMISES IS VESTED IN Brian Scott Boese by Deed from Tony R. Forbes and Bonnie S. Forbes, his wife dated 10/29/1999 and recorded 11/4/1999 in Record Book 1947 Page 126.

Tax Parcel: H-18-13A

Premises Being: 1655 Harney Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of Brian Scott Boese 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-403 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE CERTAIN lots, parcels or tracts of land situate in Tyrone Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1:

BEGINNING at a point for a corner in the center of the State Highway leading from Gettysburg to Carlisle (known as Route No. 34); thence running in the center of said Highway North forty-five and one-quarter (45-1/4) degrees East one hundred (100) feet to a point in the center of said Highway; thence running by land formerly of C.B. Gardner South forty-four and three-quarters (44-3/4) degrees East two hundred sixty-seven and seven-tenths (267.7) feet to a stake; thence running by land of the same and lands now or formerly of Jacob Lobaugh and William Bream South fifty-eight (58) degrees West two hundred twenty-three and five-tenths (223.5) feet to a point in a stone fence; thence running by land formerly of Charley Group North seventeen and one-half (17-1/2) degrees West two hundred forty-six (246) feet to a point in the center of the aforesaid Highway, the point and place of BEGINNING.

TRACT NO. 2:

BEGINNING at an iron pin for a corner, thence running by Tract No. 1 North forty-four and three-quarters (44-3/4) degrees West two hundred sixty-seven and seven-tenths (267.7) feet to a point in the center of the State Highway leading from Gettysburg to Carlisle; thence running in the center of the State Highway North forty-five and one-quarter (45-1/4) degrees East fifteen (15) feet to a point in the center of the State Highway; thence running by lands formerly of C.B. Gardner South forty-four and three-quarters (44-3/4) degrees East two hundred sixty-six (266) feet to an iron pin; thence running by land of the same South fifty-eight (58) degrees West fifteen and three-tenths (15.3) feet to an iron pin, the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Thomas Alberts and Barbara Alberts, husband and wife by Deed from Danny E. Taylor, single man and Shelly R. Taylor a/k/a Shelley R. Taylor, single woman dated 2/21/2002 and recorded 9/13/2002 in Record Book 2802 Page 203.

Premises being: 3103 Carlisle Pike a/k/a 3103 Carlisle Road, Gardners, PA 17324

Tax Parcel No. 33 Map G4

SEIZED and taken into execution as the property of **Thomas Alberts & Barbara Alberts** 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-948 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Eastern right-of-way line of South Lincoln Drive, a sixty (60) feet wide right-of-way, at corner of Lot No. 75 on the Subdivision plan hereinafter referred to; thence along Lot No. 75, South seventy-two (72) degrees fifty (50) minutes fifty-six (56) seconds East, one hundred eighty and forty-nine hundredths (180.49) feet to a point at Lot No. 73 on the subdivision plan hereinafter referred to; thence along Lot No. 73, South thirty (30) degrees twenty-eight (28) minutes thirty-nine (39) seconds West ninety and seventy-seven hundredths (90.77) feet to a point in the Northern right-of-way line of Poplar Street a sixty (60) feet wide right-of-way; thence along the Northern right-of-way line of Poplar Street North fifty-nine (59) degrees thirty-one (31) minutes twenty-two (22) seconds West eighty-four and sixty-four hundredths (84.64) feet to a point at the intersection of Poplar Street and South Lincoln Drive; thence along the Eastern right-of-way of South Lincoln Drive, the following two (2) courses and distances: (1) North fourteen (14) degrees

thirty-one (31) minutes twenty-one (21) seconds West, twenty-one and twenty-one hundredths (21.21) feet to a point; and (2) by a curve to the left, having a radius of two hundred twenty and twenty-six hundredths (220.26) feet, the long chord bearing and distance of which is North twenty-three (23) degrees forty-eight (48) minutes fifty-two (52) seconds East, fifty-one and twelve-hundredths (51.12) feet for an arc distance of fifty-one and twenty-three hundredths (51.23) feet to a point on the Eastern right-of-way line of South Lincoln Drive, the point and place of BEGINNING.

CONTAINING 7,860 square feet and being Lot No. 74 on plan prepared for Diller's Village, Phase II, by Donald E. Worley, Registered Surveyor, dated April 29, 1987 designated as File No. G-93 which said subdivision plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 47 page 22.

UNDER AND SUBJECT nevertheless to easements and setbacks as more particularly set forth on the hereinabove referenced subdivision plan recorded in Plan Book 47, page 22 including ten (10) feet wide utility and drainage easements to the rear and sides of the hereinabove described premises.

TITLE TO SAID PREMISES IS VESTED IN Connie L. Strausbaugh and Scott A. Strausbaugh, her husband by Deed from Connie L. Strausbaugh f/k/a Connie L. Warehime, joined by her husband Scott A. Strausbaugh dated 10/27/1998 and recorded 11/23/1998 in Record Book 1708 page 59.

Premises being: 212 South Lincoln Drive, Hanover, PA 17331

Tax Parcel No. 9-306

SEIZED and taken into execution as the property of **Scott A. Strausbaugh & Connie L. Strausbaugh a/k/a Connie L. Warehime** 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 3, 2004, 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.

7/2, 9 & 16

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 WILLIAM H. LEREW, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Gary A. Lerew and Ronald E. Lerew, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF JEAN E. SHERWOOD, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Douglas A. Sherwood, 1345 Buchanan Valley Road, Orttanna, PA 17353; Donald E. Sherwood, 116 Seneca Avenue, Dover, PA 17315

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

ESTATE OF RAYMOND JOHN SMITH, DEC'D

Late of Union Township, Adams County, Pennsylvania

Donald R. Smith, 350 Ocker Avenue, Littlestown, PA 17340; Randolph E. Smith, 65 Flickinger Rd., Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF RAYMOND F. CROMER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Richard H. Cromer, 140 Blacksmith Road, Camp Hill, PA 17011; Lloyd E. Cromer, 423 Ridge Road, Gettysburg, PA 17325

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

ESTATE OF RAY C. MACKLEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Shirley J. Mackley, 36 Table Rock Rd., Gettysburg, PA 17325

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

ESTATE OF FREDERIKA MINER a/k/a FREDERIKA M. MINER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Christine Brandt Little, 399 Pumping Station Road, Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF HORACE W. BAKER, DEC'D

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

Executor: Esther R. Baker, c/o 106 Harrisburg Street, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 106 Harrisburg Street, East Berlin, PA 17316

ESTATE OF ELLA A. BECKER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Charles A. Becker, 2252 Bob White Lane, Lancaster, PA 17601; Richard D. Becker, 4073 Grandview Drive, Hanover, PA 17331

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

ESTATE OF ROBERT K. FAIR, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Larry D. Fair, 2747 Meadow Drive, Gettysburg, PA 17325

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

ESTATE OF HELEN J. LUQUETTE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Kenneth G. Luquette, 314 Lyn Wood Drive, Severna Park, MD 21146; Mary J. Kime, 250 Orchard Lane, Aspers, PA 17304

Attorney: John Wolfe, Esq., 47 West High Street, Gettysburg, PA 17325

ESTATE OF WALTER G. SUMMERS a/k/a WALTER GERALD SUMMERS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrator: Sheila F. Summers, 522 Third Street, Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq., Arthur J. Becker, Jr., P.C., 544 Carlisle Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1253 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center line of a mountain road leading to Mt. Hope and at corner of land now or formerly of Jack E. Stearns; thence along land now or formerly of Jack E. Stearns, North 64 degrees 45 minutes 10 seconds West, 2,831.36 feet to an iron pin at corner of land of Jack E. Stearns and land of the Commonwealth of Pennsylvania; thence along land of the Commonwealth of Pennsylvania, North 25 degrees 39 minutes 50 seconds East, 651.81 feet to an iron pin at existing stones to corner of the Commonwealth of Pennsylvania and Stanley E. Rocky; thence along land of said Stanley E. Rocky, South 64 degrees 45 minutes 10 seconds East, 2,186.60 feet to an iron pin set at existing stones at corner of land now or formerly of Stanley E. Rocky and George Miller; thence along land of said George Miller, South 18 degrees 57 minutes 40 seconds West, 269.45 feet to stones; thence South 64 degrees 56 minutes 50 seconds East, 388.24 feet to an iron pin in the West edge of the mountain road to Mt. Hope; thence South 04 degrees 43 minutes 50 seconds East, 444.81 feet to the place of BEGINNING. CONTAINING 37.517 Acres.

The above description was taken from a draft of survey by Richard W. Boyer, R.S., dated January 22, 1975, designating the above as Lot No. 1 as recorded in Plat Book 6 at page 23.

BEING known as 370 Mountain Lane l/k/a 1975 G Mt. Hope Road, Fairfield, PA 17320.

BEING THE SAME PREMISES which Howard B. Orenstein and Rebecca A. Orenstein, husband and wife, by Deed dated and recorded September 23, 1977 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 333, Page 701, granted and conveyed unto Glenn W. Kauffmann and Sarah H. Kauffmann, husband and wife.

Parcel No. B-14-20.

SEIZED and taken into execution as the property of **Glenn W. Kauffmann, Sarah E. Kauffmann & The United States of America** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 3, 2004, 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.

7/2, 9 & 16

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Sec. 311 of the Act of Assembly of December 16, 1982, 54 PA C.S.A. 311, that an application for registration of a fictitious name was filed on May 17, 2004 with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the conducting of a business under the fictitious name of ADOPT AN ANGEL INTERNATIONAL, with its principal office or place of business at 42 Mile Trail, Fairfield, PA 17320. The names and addresses of all persons owning or interested in said business are: Adopt an Angel International, LLC and Dmytro Pugach.

John J. Murphy, III, Esq.
Patrono & Associates, LLC

7/2

IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY
COMMONWEALTH OF PENNSYLVANIA
NO: 2004-S-606

IN RE: Petition of Thomas Michael Baker

NOTICE

NOTICE IS HEREBY GIVEN that, on June 16, 2004, a Petition for Change of Name was filed in the Court of Common Pleas of Adams County, PA, requesting a decree to change the name of Thomas Michael Baker to Thomas Michael Stein.

The Court has fixed August 24, 2004 at 8:30 a.m. in Courtroom #2, Adams Co. Court House, 111-117 Baltimore Street, Gettysburg, PA, as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petition should not be granted.

Samuel A. Gates, Esq.
Attorney for Petitioner
250 York Street
Hanover, PA 17331
(717) 632-4971

7/2

Adams County Legal Journal

Vol. 46

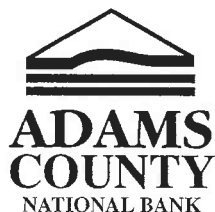
July 9, 2004

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 337-9812

Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-132 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a pipe along land of Greenmount Cemetery at the Northwestern corner of the lot designated as Lot No. 4 on the plan of lots referred to below; thence by land of the Greenmount Cemetery, North 6 degrees 16 minutes West 102.61 feet to a pipe; thence by the lot designated as Lot No. 2 on the plan of lots referred to below North 70 degrees 46 minutes 20 seconds East 151.40 feet to a pipe, thence along a 50 foot wide private road known as Apple Lane South 19 degrees 13 minutes 40 seconds East 100 feet to a pipe, thence by other land of Elliott E. Schlosser and wife designated as Lot No. 4 on the plan of lots referred to below South 70 degrees 46 minutes 20 seconds West 174.41 feet to a pipe, the place of BEGINNING.

CONTAINING 16,290 Square Feet.

THE above description was taken from a plan of lots prepared by J. Riley Redding, Registered Surveyor, trading as Adams County Surveyors, dated October 17, 1977, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 19 at Page 17. The lot hereby conveyed being designated as Lot No. 3 on said plan of lots.

TITLE TO SAID PREMISES IS VESTED IN Thad B. Trostel and Donna F. Trostel, his wife by Deed from Jeffrey L. Newman and Constance A. Newman, his wife dated 2/28/1997 and recorded 3/4/1997 in Record Book 1336 Page 26.

Premises being: 32 Apple Lane, Arendtsville, PA 17303

Tax Parcel No. 110, Map #6

SEIZED and taken into execution as the property of **Thad B. Trostel a/k/a**

Thad B. Trostel & Donna F. Trostel a/k/a Donna F. Fair 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 August 23, 2004, 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.

6/25, 7/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1253 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center line of a mountain road leading to Mt. Hope and at corner of land now or formerly of Jack E. Stearns; thence along land now or formerly of Jack E. Stearns, North 64 degrees 45 minutes 10 seconds West, 2,831.36 feet to an iron pin at corner of land of Jack E. Stearns and land of the Commonwealth of Pennsylvania; thence along land of the Commonwealth of Pennsylvania, North 25 degrees 39 minutes 50 seconds East, 651.81 feet to an iron pin at existing stones to corner of the Commonwealth of Pennsylvania and Stanley E. Rockey; thence along land of said Stanley E. Rockey, South 64 degrees 45 minutes 10 seconds East, 2,186.60 feet to an iron

pin set at existing stones at corner of land now or formerly of Stanley E. Rockey and George Miller, thence along land of said George Miller, South 18 degrees 57 minutes 40 seconds West, 269.45 feet to stones; thence South 64 degrees 56 minutes 50 seconds East, 388.22 feet to an iron pin in the West edge of the mountain road to Mt. Hope; thence South 04 degrees 43 minutes 50 seconds East, 444.81 feet to the place of BEGINNING. CONTAINING 37.517 Acres.

The above description was taken from a draft of survey by Richard W. Boyer, R.S., dated January 22, 1975, designating the above as Lot No. 1 as recorded in Plat Book 6 at page 23.

BEING known as 370 Mountain Lane f/k/a 1975 G Mt. Hope Road, Fairfield, PA 17320.

BEING THE SAME PREMISES which Howard B. Orenstein and Rebecca A. Orenstein, husband and wife, by Deed dated and recorded September 23, 1977 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 333, Page 701, granted and conveyed unto Glenn W. Kauffmann and Sarah H. Kauffmann, husband and wife.

Parcel No. B-14-20.

SEIZED and taken into execution as the property of **Glenn W. Kauffmann, Sarah E. Kauffmann & The United States of America** and to be sold by me,

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 3, 2004, 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.

7/2, 9 & 16

YOST ET AL VS. ADAMS COUNTY ET AL

1. An increase or change in assessment that is not followed by an appropriate notice within five (5) days of such change is void, *ab initio*.
2. Courts are not instituted for the purpose of rendering advisory opinions. In general, courts of this Commonwealth should only exercise jurisdiction necessary to determine the resolution of an actual case or controversy.
3. A judicial determination that is unnecessary to decide an actual dispute constitutes an advisory opinion and has no legal effect.
4. *Callas v. Armstrong County Bd. Of Assessment*, and the subsequent cases interpreting the *Callas* exception, appear to allow changes in assessments where the taxing authority is correcting clerical and mathematical errors in the original assessment.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 02-S-118, GREGORY R. YOST, DOROTHY K. YOST, FRED B. JENNINGS, SHARON J. JENNINGS, LEONARD J. SUPENSKI, DOUGLAS R. RUDISILL, CHRISTINE A. RUDISILL, LAKE MEADE PROPERTY OWNERS ASSOCIATION, INC., Individually and on Behalf of All Similarly Situated Property Owners in the Lake Meade and Lake Heritage Subdivisions, vs. ADAMS COUNTY AND ADAMS COUNTY BOARD OF ASSESSMENT APPEALS

Nicholas Charles Haros, Esq., for Plaintiffs
John M. Hartzell, Esq., for Defendants
George, J., July 10, 2003

OPINION

The history of this case originates in 1990 when Adams County conducted a countywide re-assessment for real estate tax purposes. Included in the re-assessed properties were various lots that collectively comprise the residential communities known as Lake Meade and Lake Heritage respectively.¹ At the time of the countywide re-assessment, Adams County chose to separately assess the common facilities in each of the respective residential communities. Thereafter, real estate taxes were assessed for the common facilities separately to the Lake Meade Property Owners Association and the Lake Heritage Property Owners Association respectively. Thus, the individual lots comprising the respective residential communities

¹ Lake Meade is located in the Adams County municipalities of Latimore and Reading Townships. Lake Heritage extends into the Adams County municipalities of Straban, Mt. Pleasant and Mt. Joy Townships.

were not assessed for any additional value that they may have enjoyed as a result of their “appurtenant interest” in the common facilities.

On November 16, 1998, the Lake Meade Property Owners Association, Inc. (hereinafter referred to as “LMPOA”) and the Lake Heritage Property Owners Association, Inc. (hereinafter referred to as “LHPOA”) filed a tax assessment appeal arguing that the Uniform Planned Community Act, 68 PA. CONS. STAT. ANN. § 5101 (West 2003) (hereinafter referred to as “the UPCA”), prohibited Adams County from taxing the common facilities as separate lots. By Opinion dated October 4, 2000, Judge John D. Kuhn² determined that Adams County’s tax assessment of the common facilities owned by the respective associations was improper and in violation of the UPCA. Judge Kuhn based his ruling on Section 5105(b)(1) of the UPCA, which provides that “no separate assessed value shall be attributed to and no separate tax shall be imposed against common facilities” in a planned residential community. 68 PA. CONS. STAT. ANN. § 5105 (b)(1) (West 2003).

On January 9, 2001, apparently in response to Judge Kuhn’s decision, the Adams County Board of Assessment Appeals changed the assessed market values for the individual lots comprising Lake Meade and Lake Heritage. Essentially, the assessments on the individual lots in each community were increased to include the value of the respective community’s common areas and facilities. By Notice of Assessment dated February 26, 2001, every property owner in each subdivision was advised as to the increase in their assessment, fair market value and assessed value of their lot.

The parties have stipulated that in computing the new assessments, the Adams County Chief Assessor simply divided the value that had previously been assigned to the common areas and facilities in each community by the number of individual lots in the community and, thereafter, added that fractional value to the value already assigned to each lot. At the time the assessments and values for the lots in Lake Meade and Lake Heritage were changed, the Board neither re-checked property evaluations throughout Adams County nor conducted a countywide re-assessment. The property owners in

²Judge Kuhn has since been elevated to President Judge of the Adams County Court of Common Pleas.

Lake Meade and Lake Heritage have filed a class action³ against Adams County and the Adams County Board of Assessment Appeals challenging the increase in assessed values of the individual lots.

The property owners initially challenge the re-assessment on the basis of procedural deficiencies. Specifically, they argue that the Adams County Chief Assessor acted without authority from the Board of Assessment Appeals in making changes to the assessments. They further argue that the Board of Assessment Appeals failed to mail notices of the changes within five (5) days from the date the Board changed the assessments and fair market values. I will address the procedural challenges first.

Adams County, as a sixth class county,⁴ is governed by the Fourth to Eighth Class County Assessment Law. PA. STAT. ANN. tit. 72, § 5453.101 (West 1995). That law relevantly provides that if there is a revision or change in the assessment and valuation of real property, the Board of Assessment Appeals must provide the property owner with notice of that change including an indication as to the amount of the present assessment and valuation as well as the amount of the new assessment, valuation and common level ratio. Such a “notice shall be mailed within five (5) days from the date the board made such change”. PA. STAT. ANN. tit. 72 § 5453.701(a) (West 1995). The Commonwealth Court, in construing the language of this Section, has found its applicability to be mandatory. *See City of Connellsville v. Fayette County Tax Claim Bureau*, 632 A.2d 1065 (Pa. Commw. Ct. 1993). In fact, the Commonwealth Court placed such significance on this language that it characterized a failure to comply with the language as a “fatal defect”. *Id.* at 1068. The clear instruction of the *Connellsville* Court is that any increase or change in assessment that is not followed by an appropriate notice within five (5) days of such change is void, *ab initio*.⁵

³By Order of Court dated March 19, 2002, the class is defined as: “All persons who own or owned property in the Lake Meade or Lake Heritage subdivisions and whose assessment was increased to include the value of their respective community’s common areas and facilities.”

⁴The Court takes judicial notice that Adams County is a county of the sixth class under the County Code. *See generally Wings Field Preservation Assocs., L.P. v. Commonwealth, Dep’t of Transp.*, 776 A.2d 311 (Pa. Commw. Ct. 2001) (noting class of the respective county is an appropriate subject of judicial notice).

⁵*Ab initio* is a Latin term defined as: “[f]rom the beginning; from the first act; from the inception.” BLACK’S LAW DICTIONARY 6 (5th ed. 1979).

Based upon the stipulations presented to the Court, it is undisputed that a period of twenty-eight (28) days passed between the Board of Assessment Appeals' decision to change the assessments and the mailing of the Notice that was forwarded to the property owners. Under these circumstances, and despite the worthy efforts of Adams County to distinguish this matter, I find that *Connellsville* mandates a conclusion in favor of the property owners.

In reaching this conclusion, I recognize the strict compliance requirements placed upon the taxing authority. I also acknowledge the harsh penalties that follow non-compliance. My concern is heightened by the reality that in the instant matter the landowners failed to suffer any due process infringement since the Board of Assessment Appeals, and subsequently this Court, properly addressed the issues which they raised. In asking this Court to waive any procedural error, Adams County argues "both the enormity of providing this notice to hundreds of property owners, as well as the fact that due process opportunities were not abridged, should mitigate with regard to the failure to meet statutory requirement[s] that, but for this language, have not caused any harm." Adams County Br., p. 5. While this argument has certain appeal, this Court does not have the luxury of disregarding appellate precedent or creating exceptions where the clear language of the appellate precedent does not allow for such an artificial distinction. While some may argue that a "due process" styled test may allow the Court the opportunity to better balance the equities, our appellate courts have adopted a strict compliance rule. Since I lack authority to change that rule, the landowners' appeal will be granted on this issue.⁶

Despite the foregoing resolution, both parties have requested the Court to address the landowners' second argument which challenges

⁶ As previously noted, the landowners have also procedurally challenged the reassessment based upon a claim that the Chief Assessor acted without the authority of the Board of Assessment Appeals. It is not necessary to address this issue in light of the foregoing disposition. Moreover, perhaps in recognition of the conclusiveness of the *Connellsville* decision, neither party has briefed the "lack of authority issue". Accordingly, it is waived.

the change in assessments as an illegal “spot re-assessment”.⁷ While I recognize the parties’ interest in guidance on this matter, I decline their invitation to issue an advisory opinion. Courts are not instituted for the purpose of rendering advisory opinions. *Schoenbrun v. Nettour*, 61 A.2d 868, 869 (Pa. 1948). In general, courts of this Commonwealth should only exercise jurisdiction necessary to determine the resolution of an actual case or controversy. See *Borough of Marcus Hook v. Pennsylvania Municipal Retirement Bd.*, 720 A.2d 803, 804 (Pa. Commw. Ct. 1998); *Sedat, Inc. v. Fisher*, 617 A.2d 1, 4-5 (Pa. Super. Ct. 1992). It is well established that a judicial determination that is unnecessary to decide an actual dispute constitutes an advisory opinion and has no legal effect. *Commonwealth v. Thornton*, 822 A.2d 31, 38 (Pa. Super. Ct. 2003); see also *Pierro v. Pierro*, 252 A.2d 652, 653 (Pa. 1969) (dictum by a court regarding an issue unnecessary to the resolution of the case does not establish the law of the case). Thus, regardless of any opinion by this Court, the issue of whether the Adams County Board of Assessment Appeals may, pursuant to proper procedure, re-assess the Lake Heritage and Lake Meade properties absent a countywide re-assessment remains an open question that can only be determined in appropriate proceedings.

In spite of the foregoing, however, and in an effort to provide some finality to these proceedings, the following cases, although not an exhaustive list of matters to be reviewed in resolving this issue, should be examined. *Radecke v. York County Bd. of Assessment Appeals*, 798 A.2d 265 (Pa. Commw. Ct. 2002); *Aulhouse v. County of Monroe*, 633 A.2d 1267 (Pa. Commw. Ct. 1993); *O’Merle v. Monroe County Bd. of Assessment Appeals*, 504 A.2d 975 (Pa. Commw. Ct. 1986); *Callas v. Armstrong County Bd. of Assessment*, 453 A.2d 25 (Pa. Commw. Ct. 1982). *Callas*, and the subsequent cases interpreting the *Callas* exception, appear to allow changes in assessments where the taxing authority is correcting clerical and mathematical errors in the original assessment. Of particular import is the Commonwealth Court’s Opinion in *O’Merle*. In that case, the

⁷The Fourth to Eighth Class County Assessment Law generally provides that the re-assessment of real property for tax purposes is to be conducted on a countywide basis. Re-assessment of property that is not conducted as part of a countywide re-assessment is illegal under statutory and constitutional law. These illegal re-assessments have adopted the designation of “spot re-assessment” as a term of art. See generally BERT M. GOODMAN, ASSESSMENT LAW AND PROCEDURE IN PENNSYLVANIA (PBI Press, 2002-03 ed.).

Commonwealth Court rejected a taxing authority's attempt to increase an assessment based upon features in a home that were mistakenly omitted during the original assessment. *See also Radecke, supra*. The Commonwealth Court found that such a re-assessment went beyond the correction of mathematical and clerical errors accepted by the *Callas* Court. Although the case cited by Adams County, *Atlantic City Elec. Co. v. United Sch. Dist.*, 780 A.2d 766 (Pa. Commw. Ct. 2001), is also instructive on this issue, that case involves the taxing authority's proper assessment of property without the need for countywide assessment where the property subject to assessment was legislatively added to the tax rolls. That case, however, is distinguishable in that the appurtenant easement interest currently at issue was not legislatively added to the tax rolls but rather was an appropriate subject of taxation at the time of the 1990 countywide assessment. *See County of Monroe v. Pinecrest Dev. Corp.*, 510 A.2d 1274 (Pa. Commw. Ct. 1986). The taxing authority either mistakenly omitted or consciously chose not to tax that interest during the countywide assessment. Although the legislature's enactment of the UPCA in 1996 may have arguably altered Pennsylvania case law, those alterations had the effect of removing common facilities from the tax rolls rather than adding what had previously been exempt property to the tax rolls. Nevertheless, while any effort to increase the assessments of the individual lots at Lake Meade and Lake Heritage under the circumstances as presented would appear to be more than a correction of clerical or mathematical errors authorized by the *Callas* Court, ultimate disposition of that issue cannot occur until an actual controversy is before the Court.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 10th day of July, 2003, the Adams County Board of Assessment Appeals' decision is reversed and the January 9, 2001, change in assessments and assessed market values for the individual lots in Lake Meade and Lake Heritage is vacated. The appropriate taxing authorities shall refund each respective lot owner in the Lake Meade and Lake Heritage developments the excess portion of tax paid due to the increase in assessments for the tax year 2001 through current. The refunds shall be paid with interest at the legal rate from the date of this Order.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-353 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

342 York Street
Gettysburg, PA 17325
Adams County

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

BEGINNING at a point on the Northern side of York Street, at the Southeast corner of lot of George H. Poist; thence running along lot of George H. Poist in a North Northwesterly direction for a distance of 180 feet, more or less, to a point in or along a public alley; thence in or along said public alley in an East Northeasterly direction for a distance of 30 feet 3 inches, more or less, to the Northwest corner of lot now or formerly of Orville B. Omer, formerly a part hereof; thence along said last mentioned lot in a South Southeasterly direction for a distance of 180 feet, more or less, to a corner on the Northern side of York Street aforesaid; thence in a West Southwesterly direction along the Northern side of York Street for a distance of 30 feet 3 inches, more or less, to the above described place of BEGINNING.

TOGETHER WITH and Subject to the rights to use the parking lots as contained in Record Book 433, page 517.

SEIZED and taken into execution as the property of **Corey L. Gardner** 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 August 23, 2004, 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.

6/25, 7/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-440 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 234 on a Plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Platt Book 1, Page 1, and subject to all legal highways, easements, right of way and restrictions of record.

HAVING thereon erected a ranch house known as 90 Schofield Drive.

SEIZED and taken into execution as the property of **Jennifer L. Landaeta & Lyndon R. Landaeta** 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 13, 2004, 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.

7/9, 16 & 23

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation will be filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about July 1, 2004, for the purpose of obtaining a Certificate of Incorporation for a proposed business corporation to be organized under the Pennsylvania Business Corporation Law of 1988. The name of the corporation is ADAMS COUNTY FENCE COMPANY, INCORPORATED, and the purpose for which it is being organized is for the provision of fence construction and all other activities permitted by the PA Business Corporation Law, as amended, within

and outside the Commonwealth of Pennsylvania, and the corporation shall have unlimited powers to engage in and to do any lawful act concerning any and all business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988, and for these purposes to have, possess, and enjoy all the rights, benefits and privileges of said Act of Assembly and its supplements and amendments.

The initial registered office of the corporation is 114 Teeter Road, Littlestown, Pennsylvania, 17340.

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

7/9

WRIT OF SCIRE FACIAS

2004-NO-0000233

Adams County, ss.

The Commonwealth of Pennsylvania, To Audrey A. Harman Greeting:

Whereas, The Borough of Littlestown on the 20th day of November, 2003 filed its claim in our Court of Common Pleas of Adams County at No. 03-TL-596 for the sum of \$1,245.85 with interest from the 20th day of November, 2003 for unpaid water and sewer rentals due and owing, including penalty, interest and costs, plus additional water and sewer rentals, and penalty and interest thereon against the following property situate in 20-22 Park Avenue, Littlestown, PA 17340 Parcel No. 008-0205, Record Book 298 at Page 807.

owned or reputed to be owned by you Audrey A. Harman

And Whereas, we have been given to understand that said claim is still due and unpaid, and remains a lien against the property;

Now, you are hereby notified to file your affidavit of defense to said claim, if defense you have thereto, in the office of the Prothonotary of our said Court within fifteen days after the service of this writ upon you.

If no affidavit of defense be filed within said time, judgment may be entered against you for the whole claim and the property described in the claim be sold to recover the amount thereof.

Witness the Honorable John D. Kuhn, President Judge of our said Court at Gettysburg, this 9th day of March, A.D. 2004.

Patricia A. Funt, Prothonotary
By: /s/Chris Dutrow
Deputy Prothonotary

6/25, 7/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-311 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the center of the Biglerville-Gettysburg State Highway, Route 34, at the Southwest corner of land of Charles G. Naylor, formerly Fred C. Black; thence by land of Charles G. Naylor, South 81 degrees East, 207.5 feet to an iron pin; thence by land of same, North 7 degrees East, 100 feet to an iron pin; thence by land of Green Tomato Corporation (formerly Pierce Mellott), South 81 degrees 15 minutes East, 213.2 feet to an iron pin; thence by land of Coffman Shenk, South 5 degrees 24 minutes West, 321 feet to an iron pin; thence by land of John A. Hauser, North 81 degrees West, 422 feet to a spike in the center of the aforesaid state highway; thence in the center of said state highway, North 5 degrees East, 220 feet to a spike, the place of BEGINNING, CONTAINING 2 acres and 100.3 perches, more or less.

The description of the foregoing tract of land was obtained from draft of survey made by Leroy H. Winebrenner, County Surveyor, on April 15, 1971. Being further identified in the Adams County Tax Assessors Office as Tax Map F9-Parcel 37A.

Being the same which John A. Hauser and Helen S. Hauser, his wife, by deed dated May 5, 1971, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 291 at page 1139, granted and conveyed unto Osborn Printing Co., a Pennsylvania corporation, the Defendant herein.

SUBJECT, HOWEVER, to the reservation by John A. Hauser, his heirs and assigns, in perpetuity, of the easement and uninterrupted right and privilege, as more fully described in the above recited deed.

Improved with an 11,656 square foot block and brick single-story, commercial building and macadam and gravel parking lot.

SEIZED and taken into execution as the property of **Osborn Printing Company, A Pennsylvania Corporation** 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 13, 2004, 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.

7/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-401 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground situate in Franklin Township, County of Adams, Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point at Lot No. 4 and lands now or formerly of George Cole; thence by lands of Cole North 37 degrees 17 minutes 40 seconds West 280.45 feet to a point; thence by lands of same North 28 degrees 57 minutes 00 seconds East 93.55 feet to a point; thence along lands of same and into Buchanan Valley Road (PA-234) North 61 degrees 03 minutes 00 seconds West 20 feet to a point; thence crossing said road North 28 degrees 57 minutes 00 seconds East 206.90 feet to an existing iron pin 18 feet West of the centerline of Buchanan Valley Road; thence back across Buchanan Valley Road and lands now or formerly of Ferdinand Tauscher through a reference pin set back 40 feet from the start of this course South 65 degrees 45 minutes 00 seconds East 451.49 feet to a street rod at Lot No. 4; thence by Lot No. 4 South 49 degrees 59 minutes 30 seconds West 482.60 feet to a steel rod at lands now or formerly of George Cole, the place of BEGINNING.

THE above description is taken from a final plan dated May 7, 1984, by Adams County Surveyors and recorded July 6, 1984 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Plan Book 40 at Page 49 and designated as Lot No. 2. Reference is made to a final plan dated May 8, 1978 by Adams

County Surveyors and recorded December 27, 1978 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Plan Book 25 at Page 30 for the metes and bounds of the courses not set forth in Plan Book 40 at Page 49.

TITLE TO SAID PREMISES IS VESTED IN Joseph A. Kime and Tessa J. Kime, husband and wife, by Deed from Tracey S. Snider, joined by her husband Richard R. Snider, dated 4/19/2002 and recorded 4/23/2002 in Record Book 2634, Page 17.

Premises being: 3049 Buchanan Valley Road, Orrtanna, PA 17353

Tax Parcel No. 31 Map D7

SEIZED and taken into execution as the property of **Joseph A. Kime & Tessa J. Kime a/k/a Tessa Adams** 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 3, 2004, 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.

7/9, 16 & 23

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Names Act, 54 Pa. C.S.A. 311, of the filing of an application with the Department of State of the Commonwealth of Pennsylvania on May 12, 2004, for a certificate for the conducting of a business under the assumed or fictitious name of **TITOS GENERAL STORE**, with its principal place of business at 39 N. Washington Street, Gettysburg, PA 17325. The name and address of the individual interested in said business is Martha Ortiz, 433 W. Fifth Street, Waynesboro, PA 17268.

Clinton T. Barkdoll, Esq.

Kulla, Barkdoll, Ullman and Painter, P.C.
9 East Main Street
Waynesboro, PA 17268

7/9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-330 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot, parcel, piece of ground, situate on the North side of Pennsylvania State Highway 234 in Huntington Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a spike in the center-line of the state highway leading from Five Points to Heidlersburg at lands now or late of Ray F. Decker; thence in the center line of the aforesaid highway and lands now or late of Decker, North seventy-six (76) degrees twenty-four (24) minutes West, two hundred twenty-five (225) feet to a point; thence by lands now or late of Ralph Sloan, of which this was once a part, North thirty-three (33) degrees East, one hundred fifty-six (156) feet, more or less, to a point at lands of the Commonwealth of Pennsylvania, Pennsylvania State Game Commission, formerly of Aaron Fetrow; thence by said Game Commission lands, South fifty-six (56) degrees East, two hundred one (201) feet, more or less, to an iron pin; thence South twenty-two (22) degrees forty-five (45) minutes West, seventy-seven and seven tenths (77.7) feet to a spike in the center line of the Pennsylvania State Highway leading from Heidlersburg to Five Points, the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Evelyn May Kelly, single by reason of the following:

BEING THE SAME premises which Joan A. Anderson n/b/m Joan A. Hammel and John F. Hammel, her husband by Deed dated 3/17/1998 and recorded 3/24/1998 in the County of Adams in Record Book 1544 Page 163 conveyed unto Robert Allen Kelly and Evelyn May Kelly, his wife.

AND THE SAID Evelyn May Kelly and Robert Allen Kelly were divorced from the bonds of matrimony in Docket #01-S-1092 on 3/1/2002.

AND ALSO BEING THE SAME premises which Robert Allen Kelly and Evelyn May Kelly, formerly his wife by Deed dated 3/9/2003 and recorded 5/13/2003 in the County of Adams in Record Book 3102 Page 322, conveyed unto Evelyn May Kelly, single.

Premises being: 576 East Berlin Road, York Springs, PA 17372

Tax Parcel No. 17-12A

SEIZED and taken into execution as the property of **Robert A. Kelly a/k/a Robert Allen Kelly & Evelyn M. Kelly a/k/a Evelyn M. Kelley a/k/a Evelyn May Kelly** 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 August 23, 2004, 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.

6/25, 7/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-339 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a steel rod near the Western edge of the right-of-way of Mt. Carmel Road (T-312), at corner of Lot No. 1 on the hereinafter described subdivision plan dated August 30, 1993 and prepared by Adams County Surveyors, thence by said Lot No. 1 North 62 degrees 13 minutes 10 seconds West, 165.00 feet to a steel rod; thence by same North 77 degrees 54 minutes 15 seconds West, 276.21 feet to a railroad spike; thence by same South 89 degrees 41 minutes 35 seconds West, 195.00 feet to a steel rod; thence by same South 20 degrees 59 minutes 40 seconds West, 147.67 feet to a steel rod on line of land now or formerly of Harry Jenkins, Sr.; thence by same North 81 degrees 53 minutes 00 seconds West 87.45 feet to a steel rod in run on line of land now or formerly of El Vista Orchards, Inc.; thence by same North 20 degrees 59 minutes 40 seconds East, 360.21 feet to an existing steel rod; thence by same North 51 degrees 04 minutes 50 seconds East, 159.38 feet to an existing steel rod; thence by same North 73 degrees 14

minutes 15 seconds East, 179.19 feet to an existing steel rod; thence by same South 51 degrees 42 minutes 55 seconds East, 177.48 feet to an existing steel rod set in run at corner of land now or formerly of Randy Aldridge; thence by said land now or formerly of Randy Aldridge South 12 degrees 43 minutes 10 seconds West, 238.03 feet to an existing steel rod; thence by same South 62 degrees 13 minutes 10 seconds East, 272.09 feet to a point on line of land now or formerly of El Vista Orchards, Inc.; thence by land now or formerly of El Vista Orchards, Inc., South 03 degrees, 35 minutes 50 seconds West, 27.40 feet to a steel rod, the point of BEGINNING.

CONTAINING 3.617 acres more or less.

THE above description is taken from a subdivision plan for Dorcas G. Charney dated August 30, 1993, prepared by Adams County Surveyors, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 68, at page 15. The tract herein conveyed is designated on said plan as Lot No. 2.

Map #C-12, Parcel #17

BEING THE SAME premises which Dorcas Gay Charney, single by Deed dated 4/26/1996 and recorded 4/26/1996 in the County of Adams in Record Book 1182 Page 297, conveyed unto Russell L. Ritchie and Sharon M. Ritchie, husband and wife, in fee.

Premises being: 617 Mount Carmel Road, Orrtanna, PA 17353

Tax Parcel No. #17 Map #C 12-17

SEIZED and taken into execution as the property of **Russell L. Ritchie a/k/a Russell Lee Ritchie & Sharon M. Ritchie** 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 August 23, 2004, 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.

6/25, 7/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-349 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of July, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of the cartway of the Peach Glen-Idaville Road (L.R. 01047), said point marking the common point of adjoinder of Lots No. 5 and No. 6 on the hereinafter mentioned plan of subdivision with the center of said cartway; thence departing from the centerline of the Peach Glen-Idaville Road, and extending along Lot Nos. 5 and 3 on the hereinafter mentioned plan of subdivision, North 30 degrees 12 minutes 30 seconds East, through a concrete monument set 30 feet from the origin of this call, for a total distance of 450 feet to a concrete monument which marks the common point of adjoinder of Lot Nos. 1, 2, 3 and 6 on the hereinafter mentioned plan of subdivision; thence extending along Lot No. 1, South 59 degrees 47 minutes 30 seconds East, for a distance of 270 feet to a steel pin at Lot No. 8 on the hereinafter mentioned plan of subdivision; thence departing from Lot No. 1, and extending along Lot No. 8, South 30 degrees 12 minutes 30 seconds West, for a distance of 230 feet to a steel pin at Lot No. 7 on the hereinafter mentioned plan of subdivision; thence extending along Lot No. 7, the following two courses and distances: North 59 degrees 47 minutes 30 seconds West, for a distance of 220 feet to a steel pin; thence continuing South 30 degrees 12 minutes 30 seconds West, through a steel pin set back 30 feet from the terminus of this call for a total distance of 220 feet, to a point in the center of the cartway of Peach Glen-Idaville Road; thence extending in and through the center of the cartway of the Peach Glen-Idaville Road, North 59 degrees 47 minutes 30 seconds West, for a distance of 50 feet to a point in said cartway at Lot No. 5 on the hereinafter mentioned plan of subdivision, said point marking the place of BEGINNING.

CONTAINING 1.678 acres and being designated as Lot No. 6 on a final plan of subdivision of Peach Glen Meadows, Phase I, prepared for Kimba, Inc., by Mort, Brown and Associates, dated August 16, 1984, and recorded in the Office of the Recorder of Deeds of

Adams County, Pennsylvania, in Plat Book 40 at page 131.

TITLE TO SAID PREMISES IS VESTED IN Ivan Richardson and Rebecca Richardson, his wife by Deed from Eleanor J. Runkles dated 7/6/2000 and recorded 7/6/2000 in Record Book 2083, Page 82.

Premises being: 315 Peach Glen-Idaville Road

Tax Map G3, Parcel 91

SEIZED and taken into execution as the property of **Ivan Richardson & Rebecca Richardson** 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 August 23, 2004, 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.

6/25, 7/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-341 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in Menallen Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a lietz spike in the center line of Township Road T-385, known as Middle Road, at corner of land now or formerly of Roger L. Galloway; thence by land now or formerly of Roger L. Galloway and running through a steel rod located 20.15 feet from the place of beginning, South 12 degrees 49 minutes 15 seconds East, 594.47 feet to a steel rod; thence by land now or formerly of Larry Heller, South 34 degrees 46 minutes 35 seconds West, 148.68 feet to an existing pipe at corner of land now or formerly of Robert Heller; thence by land now or formerly of Junior E. Taylor, North 58 degrees 15 minutes 30 seconds

West, 113.04 feet to an existing pipe; thence by the same, and running through an existing reference pipe located 25.48 feet from the end of this line, North 12 degrees 49 minutes 15 seconds West, 600 feet to a lietz spike in the center of Middle Road; thence in said Middle Road and by other land now or formerly of William C. Gonce and wife, North 72 degrees 33 minutes East, 190.95 feet to a lietz spike in the center of said road, the place of BEGINNING.

CONTAINING 2.802 Acres.

The foregoing description was obtained from a draft of a survey made by J. Riley Redding, Registered Land Surveyor, trading as Adams County Surveyors, dated December 13, 1984, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 41 at page 26, the lot hereby conveyed being designated as Lot No. 2 on said draft.

BEING the same premises which Michael L. Byers and Lisa A. (Smith) Byers, by Deed dated December 20, 1990, and recorded December 31, 1990, in Adams County in Record Book Volume 0576, Page 0789, granted and conveyed unto Michael L. Byers and Lisa A. Byers.

BEING known as 695 Middle Road, Aspers, PA 17304.

BEING Adams County Control #29-0-008276, Tax Parcel No. E04-0028B-000

SEIZED and taken into execution as the property of **Michael L. Byers & Lisa A. Byers** 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-356 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All those two certain tracts of land situate in Huntingdon Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT 1:

BEGINNING at an existing railroad spike in Pennsylvania L.R. No. 01047 known as Idaville and York Springs Road at land now or late of Dan Pakyz; thence in and through said L.R. 01047 North 56 degrees West 335 feet to a point in said L.R. 01047 at lands now or late of Paul C. and A. Shirley Barney; thence along said Barney lands North 33 degrees 15 minutes East, passing through a set rebar 25.64 feet to a set rebar; thence along said Barney lands South 77 degrees 47 minutes 10 seconds East 167.15 feet to a point; thence continuing along lands now or late of Lisa Y. Metzger South 56 degrees 45 minutes East 157.9 feet to a set rebar at lands now or late of Dan Pakyz; thence by the same South 29 degrees 30 minutes West, passing through a set rebar 30.09 feet from the end of this course 320.71 feet to an existing railroad spike, the place of BEGINNING.

The above description was taken from a survey prepared by John R. Williams, R.S. recorded in Adams County Recorder's Office in Plat Book 36, page 138.

TRACT 2:

BEGINNING at a rebar at corner of land now or late of Lisa Y. Metzger on line of land now or late of Dan Pakyz, which point of beginning is North 29 degrees 30 minutes East 380.1 feet from an existing railroad spike in L.R. Route 01047 running between Idaville and York Springs; thence along said Metzger land North 56 degrees 45 minutes West 157.98 feet to a point; thence through the tract of lands now or late of Paul C. Barney South 77 degrees 47 minutes 10 seconds East 165.1 feet to a rebar set on line of land of Pakyz; thence along said Pakyz land South 29 degrees 30 minutes West 59.39 feet to the place of BEGINNING. CONTAINING 4680 square feet.

The above description was taken from a final subdivision plan recorded in Plan Book 36, Page 138.

UNDER AND SUBJECT, NEVERTHELESS, to easements, conditions and restrictions of prior record pertaining to said premises.

BEING the same premises which Dale R. Bailor and Debra A. Bailor, single persons, by deed dated October 13, 1990, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 572, at Page 94, granted and conveyed unto Dale R. Bailor, single man.

Tax Map H-3, Parcel 25

Seized in Execution as the property of Dale R. Bailor on Judgment No. 356 of 2004

SEIZED and taken into execution as the property of Dale R. Bailor 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1235 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of Harney Road at lands now or formerly of Esh; thence in the center of said Harney Road, South seventy-seven (77) degrees eight (08) minutes fifty-four (54) seconds East, one hundred sixty-three and forty-four hundredths (163.44) feet to a point at other lands now or formerly of Lake Weant; thence by said lands and through a steel pin set thirty (30) feet back on the line, South seventeen (17) degrees forty-one (41) minutes thirty-two (32) seconds West, two hundred seventy-three and sixty-seven hundredths (273.67) feet to a flange axle; thence continuing by lands, North seventy-

seven (77) degrees sixteen (16) minutes eighteen (18) seconds West, one hundred eighteen and eighty-four hundredths (118.84) feet to a flange axle; thence continuing by said lands, South twenty-one (21) degrees eleven (11) minutes twenty-eight (28) seconds West, two hundred sixty-six and sixteen hundredths (266.16) feet to a flange axle; thence continuing by said lands, North seventy-four (74) degrees fifty-five (55) minutes twenty-two (22) seconds West, twenty-seven and ninety-two hundredths (27.92) feet to a flange axle at lands now or formerly of Esh; thence by said land, North seventeen (17) degrees thirty-nine (39) minutes twenty-five (25) seconds East, five hundred thirty-seven and ten hundredths (537.10) feet to the place of BEGINNING.

CONTAINING 1.2419 acres, neat measure.

THE above description was taken from a draft of survey, dated December 16, 1974, prepared by J.H. Rife, R.E.

TITLE TO SAID PREMISES IS VESTED IN Brian Scott Boese by Deed from Tony R. Forbes and Bonnie S. Forbes, his wife dated 10/29/1999 and recorded 11/4/1999 in Record Book 1947 Page 126.

Tax Parcel: H-18-13A

Premises Being: 1655 Harney Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of Brian Scott Boese 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-403 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE CERTAIN lots, parcels or tracts of land situate in Tyrone Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1:

BEGINNING at a point for a corner in the center of the State Highway leading from Gettysburg to Carlisle (known as Route No. 34); thence running in the center of said Highway North forty-five and one-quarter (45-1/4) degrees East one hundred (100) feet to a point in the center of said Highway; thence running by land formerly of C.B. Gardner South forty-four and three-quarters (44-3/4) degrees East two hundred sixty-seven and seven-tenths (267.7) feet to a stake; thence running by land of the same and lands now or formerly of Jacob Lobaugh and William Bream South fifty-eight (58) degrees West two hundred twenty-three and five-tenths (223.5) feet to a point in a stone fence; thence running by land formerly of Charley Group North seventeen and one-half (17-1/2) degrees West two hundred forty-six (246) feet to a point in the center of the aforesaid Highway, the point and place of BEGINNING.

TRACT NO. 2:

BEGINNING at an iron pin for a corner; thence running by Tract No. 1 North forty-four and three-quarters (44-3/4) degrees West two hundred sixty-seven and seven-tenths (267.7) feet to a point in the center of the State Highway leading from Gettysburg to Carlisle; thence running in the center of the State Highway North forty-five and one-quarter (45-1/4) degrees East fifteen (15) feet to a point in the center of the State Highway; thence running by lands formerly of C.B. Gardner South forty-four and three-quarters (44-3/4) degrees East two hundred sixty-six (266) feet to an iron pin; thence running by land of the same South fifty-eight (58) degrees West fifteen and three-tenths (15.3) feet to an iron pin, the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Thomas Alberts and Barbara Alberts, husband and wife by Deed from Danny E. Taylor, single man and Shelly R. Taylor a/k/a Shelley R. Taylor, single woman dated 2/21/2002 and recorded 9/13/2002 in Record Book 2802 Page 203.

Premises being: 3103 Carlisle Pike a/k/a 3103 Carlisle Road, Gardners, PA 17324

Tax Parcel No. 33 Map G4

SEIZED and taken into execution as the property of **Thomas Alberts & Barbara Alberts** 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-948 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Eastern right-of-way line of South Lincoln Drive, a sixty (60) feet wide right-of-way, at corner of Lot No. 75 on the Subdivision plan hereinafter referred to; thence along Lot No. 75, South seventy-two (72) degrees fifty (50) minutes fifty-six (56) seconds East, one hundred eighty and forty-nine hundredths (180.49) feet to a point at Lot No. 73 on the subdivision plan hereinafter referred to; thence along Lot No. 73, South thirty (30) degrees twenty-eight (28) minutes thirty-nine (39) seconds West ninety and seventy-seven hundredths (90.77) feet to a point in the Northern right-of-way line of Poplar Street a sixty (60) feet wide right-of-way; thence along the Northern right-of-way line of Poplar Street North fifty-nine (59) degrees thirty-one (31) minutes twenty-two (22) seconds West eighty-four and sixty-four hundredths (84.64) feet to a point at the intersection of Poplar Street and South Lincoln Drive, thence along the Eastern right-of-way of South Lincoln Drive, the following two (2) courses and distances: (1) North fourteen (14) degrees

thirty-one (31) minutes twenty-one (21) seconds West, twenty-one and twenty-one hundredths (21.21) feet to a point; and (2) by a curve to the left, having a radius of two hundred twenty and twenty-six hundredths (220.26) feet, the long chord bearing and distance of which is North twenty-three (23) degrees forty-eight (48) minutes fifty-two (52) seconds East, fifty-one and twelve-hundredths (51.12) feet for an arc distance of fifty-one and twenty-three hundredths (51.23) feet to a point on the Eastern right-of-way line of South Lincoln Drive, the point and place of BEGINNING.

CONTAINING 7,860 square feet and being Lot No. 74 on plan prepared for Diller's Village, Phase II, by Donald E. Worley, Registered Surveyor, dated April 29, 1987 designated as File No. G-93 which said subdivision plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 47 page 22.

UNDER AND SUBJECT nevertheless to easements and setbacks as more particularly set forth on the hereinabove referenced subdivision plan recorded in Plan Book 47, page 22 including ten (10) feet wide utility and drainage easements to the rear and sides of the hereinabove described premises.

TITLE TO SAID PREMISES IS VESTED IN Connie L. Strausbaugh and Scott A. Strausbaugh, her husband by Deed from Connie L. Strausbaugh f/k/a Connie L. Warehime, joined by her husband Scott A. Strausbaugh dated 10/27/1998 and recorded 11/23/1998 in Record Book 1708 page 59.

Premises being: 212 South Lincoln Drive, Hanover, PA 17331

Tax Parcel No. 9-306

SEIZED and taken into execution as the property of **Scott A. Strausbaugh & Connie L. Strausbaugh a/k/a Connie L. Warehime** 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 3, 2004, 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.

7/2, 9 & 16

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 EVELYN G. GUSS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Alethea J. Snyder, 2763 New Scotland Road, Voorheesville, NY 12186

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

ESTATE OF WILLIAM HAGERMAN a/k/a WILLIAM L. HAGERMAN, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Co-Executrices: Patricia M. McMaster, 12 North Pine Street, Gettysburg, PA 17325; Barbara A. Clabaugh, 376 Bon-Ox Road, Gettysburg, PA 17325

Attorney: Scott J. Strausbaugh, Esq., Arthur J. Becker, Jr., P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF SARAH J. KAEHLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Joan L. Hartlaub, 16 Wappler Dr., Hanover, PA 17331

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

ESTATE OF GLADYS R. METZ, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Gloria V. Eline, 210 Maple Avenue, Clarks Green, PA 18411

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

ESTATE OF JOHN J. STOCK, DEC'D

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

Executors: Donald L. Stock, 315B Maple Avenue, Hanover, PA 17331; Meg E. Fullerton, 3145 East Berlin Road, York, PA 17404

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

ESTATE OF JAMES D. TIMMINS, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Administratrix: Christina A. Garcia, 178 Center Street, Hanover, PA 17331

Attorney: Snelbaker, Brennenman & Spare, P.C., 44 West Main Street, P.O. Box 318, Mechanicsburg, PA 17055-0318

SECOND PUBLICATION

ESTATE OF WILLIAM H. LEREW, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Gary A. Lerew and Ronald E. Lerew, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, P.C., 29 North Duke Street, York, PA 17401

ESTATE OF JEAN E. SHERWOOD, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Douglas A. Sherwood, 1345 Buchanan Valley Road, Orttanna, PA 17353; Donald E. Sherwood, 116 Seneca Avenue, Dover, PA 17315

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

ESTATE OF RAYMOND JOHN SMITH, DEC'D

Late of Union Township, Adams County, Pennsylvania

Donald R. Smith, 350 Ocker Avenue, Littlestown, PA 17340; Randolph E. Smith, 65 Flickinger Rd., Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF RAYMOND F. CROMER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Richard H. Cromer, 140 Blacksmith Road, Camp Hill, PA 17011; Lloyd E. Cromer, 423 Ridge Road, Gettysburg, PA 17325

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

ESTATE OF RAY C. MACKLEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Shirley J. Mackley, 36 Table Rock Rd., Gettysburg, PA 17325

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

ESTATE OF FREDERIKA MINER a/k/a FREDERIKA M. MINER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Christine Brandt Little, 399 Pumping Station Road, Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-426 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground situate in the Borough of Littlestown, Adams County, Pennsylvania, as shown on the Subdivision Plan for "Lakeview Village - Phase Two" prepared by Donald E. Worley, Registered Surveyor, of Worley Surveying, dated April 21, 1989, revised September 11, 1989 recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 54, Page 65 (2 pages) and designated as Lot No. 49 thereon, more particularly bounded and described as follows:

BEGINNING at a steel pin on the Northern Right-of-Way line of Starlite Drive at corner of Lot No. 50 on the Plan of Lots hereinabove identified; thence by said Lot No. 50, North forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, one hundred twenty-six and fifty-one hundredths (126.51) feet to a steel pin on line of land of Pennsylvania Classics, Inc.; thence by said land of Pennsylvania Classics, Inc., North fifty-five (55) degrees forty-three (43) minutes thirty-six (36) seconds East, thirty-five and fifty-five hundredths (35.55) feet to a steel pin at corner of Lot No. 48; thence by said Lot No. 48, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, one hundred twenty and twenty-seven hundredths (120.27) feet to a steel pin on the Northern Right-of-Way line of Starlite Drive, thence by said Northern Right-of-Way line of Starlite Drive, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, thirty-five (35.00) feet to the above described place of BEGINNING.

CONTAINING 4,319 square feet.

TOGETHER with and subject to a fifty (50) feet Right-of-Way in, through along the streets known as Crescent Lane and Starlite Drive to be used in common with other owners of lots in "Lakeview Village - Phase Two," as shown on the Subdivision Plan above referenced.

Tax Parcel #11-129

SEIZED and taken into execution as the property of **Ryan M. Glover** 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 13, 2004, 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.

7/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-242 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of the State Highway leading from Fairfield to Cashtown, Pennsylvania Legislative Route No. 01001, at corner of land now or formerly of Frank A. Newell; thence by said land now or formerly of Frank A. Newell and lands now or formerly of Ornan Rebert and through a reference iron pin located 60 feet from the beginning of this course, North 12 degrees 15 minutes 00 seconds East 299.28 feet to an iron pin at line of land now or formerly of Ornan Rebert; thence by land now or formerly of I. Z. Musselman Orchards, Inc., South 77 degrees 45 minutes 00 seconds East, 113.84 feet to an iron pin; thence by lands of same, South 00 degrees 12 minutes 10 seconds East, 189.56 feet through a reference iron pin located 32.74 feet from the end of this course to a point in the center line of said State Highway leading from Fairfield to Cashtown, thence in and along the center line of said State Highway and by a curve to the left with a radius of 1,910.08 feet, an arc distance of 192.41 feet (long chord, South 65 degrees 49 minutes 20 seconds West, 192.28 feet) to the point in the center of said State Highway, the place of BEGINNING.

CONTAINING 33,378 square feet, or 0.766 acre.

BEING THE SAME PREMISES WHICH Kelly W. Rollyson and Valerie A. Rollyson, his wife, by deed dated December 30, 1999 and recorded

December 30, 1999, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 1980, Page 120, granted and conveyed unto Kelly W. Rollyson and Valerie A. Rollyson, husband and wife, as tenants of an estate by the entireties.

Reidenbach, Henderson & Pecht
Herbert P. Henderson, II, Esq.
Attorney for Plaintiff
Attorney I.D. # 56304
36 East King Street
Lancaster, PA 17602
(717) 295-9159

SEIZED and taken into execution as the property of **Kelly W. Rollyson & Valerie A. Rollyson** 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 13, 2004, 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.

7/9, 16 & 23

FICTITIOUS NAME NOTICE

Eric Yost has filed an application for registration of a fictitious name of "AYE ENTERPRISES" a business to perform installation and repair of vehicle electrical systems and installation and repair of emergency vehicle warning systems. Eric W. Yost, AYE Enterprises, 305 Brough Road, Abbottstown, PA 17301.

7/9

Adams County Legal Journal

Vol. 46

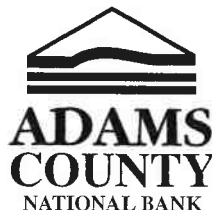
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Our Trust Department
makes a business of caring
for other people's property.



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 337-9812

Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1253 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center line of a mountain road leading to Mt. Hope and at corner of land now or formerly of Jack E. Stearns; thence along land now or formerly of Jack E. Stearns, North 64 degrees 45 minutes 10 seconds West, 2,831.36 feet to an iron pin at corner of land of Jack E. Stearns and land of the Commonwealth of Pennsylvania; thence along land of the Commonwealth of Pennsylvania, North 25 degrees 39 minutes 50 seconds East, 651.81 feet to an iron pin at existing stones to corner of the Commonwealth of Pennsylvania and Stanley E. Rockey; thence along land of said Stanley E. Rockey, South 64 degrees 45 minutes 10 seconds East, 2,186.60 feet to an iron pin set at existing stones at corner of land now or formerly of Stanley E. Rockey and George Miller; thence along land of said George Miller, South 18 degrees 57 minutes 40 seconds West, 269.45 feet to stones; thence South 64 degrees 56 minutes 50 seconds East, 388.24 feet to an iron pin in the West edge of the mountain road to Mt. Hope; thence South 04 degrees 43 minutes 50 seconds East, 444.81 feet to the place of BEGINNING. CONTAINING 37 517 Acres.

The above description was taken from a draft of survey by Richard W. Boyer, R.S., dated January 22, 1975, designating the above as Lot No. 1 as recorded in Plat Book 6 at page 23.

BEING known as 370 Mountain Lane f/k/a 1975 G Mt. Hope Road, Fairfield, PA 17320.

BEING THE SAME PREMISES which Howard B. Orenstein and Rebecca A. Orenstein, husband and wife, by Deed dated and recorded September 23, 1977

in the Office of the Recorder of Deeds in and for Adams County in Deed Book 333, Page 701, granted and conveyed unto Glenn W. Kauffmann and Sarah H. Kauffmann, husband and wife.

Parcel No. B-14-20.

SEIZED and taken into execution as the property of **Glenn W. Kauffmann, Sarah E. Kauffmann & The United States of America** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-870 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in Latimore Township, Adams County, Pennsylvania being more particularly described as Lot No. 1467 on a Plan of lots of Lake Meade subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1, Page 23 and subject to all legal highways, easements, rights-of-way and restrictions of record.

SUBJECT, nevertheless to the covenants, restrictions and reservations which run with the land and are binding

upon and inure to the benefit of the Grantees, their heirs and assigns, and which covenants, restrictions and reservations are set forth of record.

HAVING THEREON ERECTED A DWELLING HOUSE KNOWN AS: 1 Howard Drive, East Berlin, PA 17316

BEING THE SAME PREMISES WHICH John C. Berwager and Yvonne V. Berwager, by Deed dated 4/28/00 and recorded 5/12/00 in Adams County Deed Book 2048, Pge 247, granted and conveyed unto Michael M. Krull and Vanessa C. Kelly-Krull.

SEIZED IN EXECUTION AS THE PROPERTY OF VANESSA C. KELLY-KRULL AND MICHAEL M. KRULL UNDER ADAMS COUNTY JUDGMENT NO. 03-S-870

Map & Parcel 24-1-13A

SEIZED and taken into execution as the property of **Vanessa C. Kelly-Krull & Michael M. Krull** 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 20, 2004, 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.

7/16, 23 & 30

MILLS VS. TITMAN

1. Summary judgment may only be granted in cases where it is clear and free from doubt the moving party is entitled to judgment as a matter of law.

2. *Griffith v. United Airlines, Inc.*, governs choice of law issues in Pennsylvania. The *Griffith* Court abandoned the strict *lex loci delicti* (law of the place where the tort was committed) rule in favor of a more flexible rule which permits analysis of the policies and interests underlying the particular issue before the court. Under this flexible rule, known as “the most significant rule”, the paramount consideration is “an analysis of the extent to which one state rather than another has demonstrated, by reason of its policies and their connection and relevance to the matter in dispute, a priority of interest in the application of its rule of law.”

3. The contracts considered vital in determining the state with the most significant relationship include 1) the place of injury, 2) the place of the conduct, 3) the domicile of the parties, and 4) the place where the relationship between the parties is centered. The weight of a particular state’s contacts must be measured on a qualitative rather than a quantitative scale.

4. A party moving for summary judgment may not rely solely upon its own testimonial affidavits or depositions to establish the non-existence of genuine issues of material fact.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 01-S-1212, KATHY LYNN MILLS VS. DENNIS ROBERT TITMAN.

David M. Pollick, Esq., for Plaintiff

James G. Nealon, Esq., for Defendant

Kuhn, P.J., July 16, 2003

OPINION ON PLAINTIFF’S AND DEFENDANT’S MOTIONS FOR PARTIAL SUMMARY JUDGMENT

Before this Court are Plaintiff’s Motion for Partial Summary Judgment, filed October 11, 2002, and Defendant’s Motion for Partial Summary Judgment, filed December 4, 2002. For the reasons set forth herein, both motions are denied.

Factual Background

This action arises out of a one-vehicle accident that occurred on July 30, 2000 in Taneytown, Frederick County, Maryland. Plaintiff was a passenger in a 1995 Ford Explorer pick-up truck being operated by Defendant. At the time of the accident, Plaintiff, Defendant and two other individuals were traveling from 4602 Teeter Road, Taneytown, Maryland to 120 West Upper Trail, Fairfield, Pennsylvania.¹

¹Plaintiff had been renting the Taneytown property; however, there is dispute as to whether she was still residing there at the time of the accident. Defendant resided, and continues to reside, at the Fairfield property.

On the date of the accident the parties had traveled from the Fairfield property to the Taneytown property to retrieve some of Plaintiff's belongings and bring them to the Fairfield property where she would reside with Defendant. The accident occurred on the return trip to Fairfield while Defendant was operating his vehicle southbound on Harney Road just past its intersection with Bollinger School Road in Frederick County, Maryland. Plaintiff alleges that Defendant lost control of the vehicle and left the right-hand side of the roadway striking a cement culvert resulting in injuries and damages to Plaintiff. Plaintiff further alleges that the accident occurred as a result of the negligence of Defendant, and was due in no manner to any act, or failure to act, on the part of Plaintiff. Specifically, Plaintiff states that the negligence of Defendant consisted of the following:

- a. Failing to properly operate and control his motor vehicle;
- b. Operating his vehicle in careless disregard for the safety of others and the Plaintiff in particular;
- c. Operating his vehicle too fast for the conditions then and there existing;
- d. Failing to operate his vehicle on a traveled portion of the roadway;
- e. Operating his vehicle while under the influence of alcohol to a degree which rendered him incapable of safe driving; and
- f. Operating his vehicle in willful and wanton disregard for the safety of other persons and the Plaintiff in particular.

Defendant states that he ran off the edge of the road because he was looking behind him to see if anything was blowing out of the truck. He does, however, admit that he drank beer prior to the accident. Nevertheless, he argues that the substantive law of the State of Maryland should be applied to the instant action, and that Plaintiff's claims are barred by the principal of assumption of risk, and by her own contributory negligence because she also consumed beer prior to the accident.

Procedural Background

Plaintiff filed a Complaint in this matter on November 14, 2001. Plaintiff then filed a Motion for Partial Summary Judgment on October 11, 2002, requesting this Court to enter an Order declaring

that the Comparative Negligence Statute of Pennsylvania shall be utilized to determine the causal negligence of the parties at trial. Defendant filed a separate Motion for Partial Summary Judgment on December 1, 2002, requesting this Court to enter an Order declaring that Maryland substantive law controls the issue of negligence in this action.

Discussion

Summary judgment is proper when:

the pleadings, depositions, answers to interrogatories, admissions on file, and affidavits demonstrate that there exists no genuine issue of material fact and the moving party is entitled to judgment as a matter of law... In determining whether to grant summary judgment a trial court must resolve all doubts against the moving party and examine the record in a light most favorable to the non-moving party. Summary judgment may only be granted in cases where it is clear and free from doubt the moving party is entitled to judgment as a matter of law.

Ryan v. Asbestos Corporation, Ltd., 2003 WL 21419026 (Pa. Super. 2003).

The principle issue raised in the parties' respective motions for partial summary judgment is whether Pennsylvania's comparative negligence statute or Maryland's contributory negligence statute should be utilized to evaluate causal negligence in this action. Pennsylvania's comparative negligence statute, 42 Pa.C.S.A. § 7102, provides that a plaintiff's own negligence proportionally reduces the damages recoverable from a defendant, but does not bar recovery unless the plaintiff's negligence was greater than the causal negligence of the defendant. In contrast, Maryland law, the doctrine of contributory negligence, bars a plaintiff's recovery if the damage suffered is partly the plaintiff's own fault. See *Harrison v. Montgomery County Board of Education*, 295 Md. 442, 456 A.2d 894 (1983).

Plaintiff argues that she resided with Defendant in Fairfield, Pennsylvania at the time of the accident, and that Pennsylvania law should control the issue of negligence. Defendant contends that Plaintiff resided in Taneytown, Maryland at the time of the accident, and that Maryland law should control the issue of negligence.

The parties agree that *Griffith v. United Airlines, Inc.*, 203 A.2d 796 (Pa. 1964) governs choice of law issues in Pennsylvania. The *Griffith* Court abandoned the strict *lex loci delicti* (law of the place where the tort was committed) rule in favor of a more flexible rule which permits analysis of the policies and interests underlying the particular issue before the court. *Griffith*, 203 A.2d at 805. Under this flexible rule, known as “the most significant contacts rule”,

the paramount consideration is “an analysis of the extent to which one state rather than another has demonstrated, by reason of its policies and their connection and relevance to the matter in dispute, a priority of interest in the application of its rule of law.”

Davish v. Gidley, 611 A.2d 1307, 1309 (Pa.Super. 1992),
citing *McSwain v. McSwain*, 215 A.2d 677, 682 (1966).

The contacts considered vital in determining the state with the most significant relationship are derived from the Restatement Second of Conflicts, Section 379(2), and include 1) the place of injury, 2) the place of the conduct, 3) the domicile of the parties, and 4) the place where the relationship between the parties is centered. *Griffith*, 203 A.2d at 802-803. The weight of a particular state’s contacts must be measured on a qualitative rather than a quantitative scale. *Allstate Insurance Company v. McFadden*, 595 A.2d 1277, 1279 (Pa.Super. 1991).

Here, it appears that we have concrete answers to only two of the above questions. First, it is undisputed that the accident occurred in Maryland. Second, the parties do not dispute that the tortious conduct occurred in Maryland. With regard to the tortious conduct, Plaintiff states in her motion for partial summary judgment that either or both of the parties may have been impaired by alcohol at the time of the accident. Furthermore, Defendant states in his motion for partial summary judgment that the parties consumed beer for a few hours in Taneytown, Maryland while loading Defendant’s truck with Plaintiff’s belongings. Specifically, Defendant stated in his deposition testimony on July 18, 2002, that he had a beer at lunch, and then approximately six 12-ounce cans of beer between lunch time and the time of the accident, which was around 3:30 in the afternoon. (N.T. p.14). Plaintiff stated in her deposition testimony on the same date

that she also had a beer at lunch, and then approximately six or seven cans of beer prior to the accident. (N.T. p. 23). Neither party disputes that the alcohol consumption took place at Plaintiff's property in Taneytown, Maryland.

At this point, the domicile of the parties and the place where the relationship between the parties was centered is still in question. Plaintiff states in her deposition testimony that she held a written lease on the Maryland property. (N.T. 11). She further states in an Affidavit dated April 1, 2003 that her lease ran from May 1999 through May 2000, and was then month-to-month until such time as either party gave notice of termination. Plaintiff maintains that she notified her landlord of termination in June 2000 and that she planned to vacate the Maryland property at the end of July.

Despite the fact that Plaintiff acknowledges the existence of a written lease, she has failed to provide this court with a copy of that document. Instead, Plaintiff relies on her affidavit and deposition testimony in support of her allegation that she vacated the Maryland property prior to the accident. The Pennsylvania Superior Court has held, however, that a party moving for summary judgment may not rely solely upon its own testimonial affidavits or depositions to establish the non-existence of genuine issues of material fact. *Dudley v. USX Corporation*, 606 A.2d 916, 918 (Pa.Super. 1992).

In addition to her affidavit, Plaintiff has provided this Court with a copy of her 2000 Maryland tax return, listing her residency in Maryland as ending on June 30, 2000, and a copy of the Maryland State Police Accident Report, listing her residence in Pennsylvania as of July 30, 2000. Neither of these documents erases all doubt regarding Plaintiff's domicile at the time of the accident. Both documents were prepared subsequent to the accident and are therefore not as reliable as Plaintiff's written lease on the Maryland property.

Plaintiff has also provided a copy of a self-storage agreement dated July 22, 2000. She states that she stored larger furniture items there after leaving the Maryland residence because they would not fit in the new Pennsylvania residence. Again, this document does not definitively demonstrate that Plaintiff had vacated the Maryland property prior to the accident.

Plaintiff further states that she submitted a change of address form to the United States Postal Service in June 2000, requesting that her

mail be delivered to the Fairfield, Pennsylvania address. Furthermore, she states that she began paying various utility bills for the Pennsylvania property as early as May 25, 2000. Unfortunately, Plaintiff has not provided this Court with a copy of the change of address form or other evidence demonstrating that she did in fact submit such a form to the postal service. Plaintiff has also failed to provide copies of checks or other evidence that she paid the utility bills referenced in the affidavit.

Plaintiff maintains that by July 2000 she was spending most of her time with Defendant at his Pennsylvania residence, and that she quit her job in Maryland approximately two weeks prior to the accident due to her intention to relocate to Pennsylvania. Plaintiff further states that she was a life-long resident of Pennsylvania except for an approximate 14-month period prior to the accident. She notes that, at the time of the accident, she continued to do her banking in Pennsylvania, maintained an automobile insurance policy in Pennsylvania, and was not registered to vote in Maryland. Nevertheless, she also states in her deposition testimony that she paid rent for the month of July on the Maryland property, and that she was still maintaining the Maryland property.

Defendant argues that Plaintiff's domicile at the time of the accident was Taneytown, Maryland, "evidenced by the fact her address at the time was 4602 Teeter Road, Taneytown, MD, and she worked in and paid MD state income taxes." However, Defendant provides no evidence to support this allegation or to refute Plaintiff's claim that she resided with him in Pennsylvania at the time of the accident. He makes one reference to a statement Plaintiff made during her deposition in which she noted that she had spent the night at Defendant's residence in Pennsylvania the night before the accident, and that she was "pretty much staying up there." In fact, this statement appears to contradict rather than support Defendant's allegation that Plaintiff was living in Maryland when the accident occurred.

Defendant's own deposition testimony contains only one veiled reference to Plaintiff's domicile at the time of the accident. When asked about the trip he was taking on the date of the accident, he stated:

It started from where I live, 120 West Upper Trail, and I went to Taneytown, Maryland, to pick up Kathy's things, because she was supposed to move in with me. (N.T. p.8)²

It is by no means clear to this Court that there is no factual dispute regarding Plaintiff's domicile at the time of the accident. Furthermore, the parties have not sufficiently demonstrated that no genuine issue of material fact exists with regard to the place in which their relationship was centered. Defendant argues that the parties' relationship was centered on travel between their separate residences in Maryland and Pennsylvania. Plaintiff, however, maintains that she was already residing with Defendant at his Pennsylvania residence when the accident occurred, and that it was her intention to move her belongings and reside there permanently. As noted above, neither party has provided sufficient evidence on this point.

Summary judgment is only appropriate where it is clear and free from doubt that the moving party is entitled to judgment as a matter of law. Two of the factors considered "vital" in determining the state with the most significant relationship are in dispute at this point. Therefore it would be inappropriate for this Court to grant either motion for partial summary judgment.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 16th day of July, 2003, Plaintiff's Motion for Partial Summary Judgment, filed October 11, 2002, is denied. Defendant's Motion for Partial Summary Judgment, filed December 4, 2002, is also denied.

²Both parties were given the opportunity to respond to several questions posed by this Court in a letter dated March 19, 2003. Defendant indicated that he intended to provide answers to the questions; however, no such answers or other evidence was received from Defendant.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-311 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the center of the Biglerville-Gettysburg State Highway, Route 34, at the Southwest corner of land of Charles G. Naylor, formerly Fred C. Black; thence by land of Charles G. Naylor, South 81 degrees East, 207.5 feet to an iron pin; thence by land of same, North 7 degrees East, 100 feet to an iron pin; thence by land of Green Tomato Corporation (formerly Pierce Mellott), South 81 degrees 15 minutes East, 213.2 feet to an iron pin; thence by land of Coffman Shenk, South 5 degrees 24 minutes West, 321 feet to an iron pin; thence by land of John A. Hauser, North 81 degrees West, 422 feet to a spike in the center of the aforesaid state highway; thence in the center of said state highway, North 5 degrees East, 220 feet to a spike, the place of BEGINNING. CONTAINING 2 acres and 100.3 perches, more or less.

The description of the foregoing tract of land was obtained from draft of survey made by Leroy H. Winebrenner, County Surveyor, on April 15, 1971. Being further identified in the Adams County Tax Assessors Office as Tax Map F9-Parcel 37A.

Being the same which John A. Hauser and Helen S. Hauser, his wife, by deed dated May 5, 1971, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 291 at page 1139, granted and conveyed unto Osborn Printing Co., a Pennsylvania corporation, the Defendant herein.

SUBJECT, HOWEVER, to the reservation by John A. Hauser, his heirs and assigns, in perpetuity, of the easement and uninterrupted right and privilege, as more fully described in the above recited deed.

Improved with an 11,656 square foot block and brick single-story, commercial building and macadam and gravel parking lot.

SEIZED and taken into execution as the property of **Osborn Printing Company, A Pennsylvania Corporation** 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 13, 2004, 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.

7/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-401 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground situate in Franklin Township, County of Adams, Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point at Lot No. 4 and lands now or formerly of George Cole; thence by lands of Cole North 37 degrees 17 minutes 40 seconds West 280.45 feet to a point; thence by lands of same North 28 degrees 57 minutes 00 seconds East 93.55 feet to a point; thence along lands of same and into Buchanan Valley Road (PA-234) North 61 degrees 03 minutes 00 seconds West 20 feet to a point; thence crossing said road North 28 degrees 57 minutes 00 seconds East 206.90 feet to an existing iron pin 18 feet West of the centerline of Buchanan Valley Road; thence back across Buchanan Valley Road and lands now or formerly of Ferdinand Tauscher through a reference pin set back 40 feet from the start of this course South 65 degrees 45 minutes 00 seconds East 451.49 feet to a street rod at Lot No. 4; thence by Lot No. 4 South 49 degrees 59 minutes 30 seconds West 482.60 feet to a steel rod at lands now or formerly of George Cole, the place of BEGINNING.

THE above description is taken from a final plan dated May 7, 1984, by Adams County Surveyors and recorded July 6, 1984 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Plan Book 40 at Page 49 and designated as Lot No. 2. Reference is made to a final plan dated May 8, 1978 by Adams County Surveyors and recorded December 27, 1978 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Plan Book 25 at Page

30 for the metes and bounds of the courses not set forth in Plan Book 40 at Page 49.

TITLE TO SAID PREMISES IS VESTED IN Joseph A. Kime and Tessa J. Kime, husband and wife, by Deed from Tracey S. Snider, joined by her husband Richard R. Snider, dated 4/19/2002 and recorded 4/23/2002 in Record Book 2634, Page 17.

Premises being: 3049 Buchanan Valley Road, Orrtanna, PA 17353

Tax Parcel No. 31 Map D7

SEIZED and taken into execution as the property of **Joseph A. Kime & Tessa J. Kime a/k/a Tessa Adams** 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 3, 2004, 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.

7/9, 16 & 23

NOTICE

Re: Adoption of Ethan Wilkinson

A petition has been filed asking the court to put an end to all rights the biological father has to the child, Ethan Wilkinson. The court has set a hearing to consider ending the father's parental rights to the child. That hearing will be held in the Second Floor Conference Room of the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Pennsylvania on July 27, 2004 at 1:00 PM. Even if the father fails to appear at the scheduled hearing, the hearing will go on without him and his rights to the child may be ended by the court without his being present. The father has a right to be represented at the hearing by a lawyer. The father should take this paper to his lawyer at once. If he does not have a lawyer or cannot afford one, he should go to or telephone the office set forth below to find out where you can get legal help.

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
800-692-7375

7/16

LEGAL NOTICE

NOTICE IN THE COURT OF
COMMON PLEAS OF ADAMS
COUNTY IN AND FOR THE
COMMONWEALTH OF
PENNSYLVANIA

CIVIL

IN RE: Dismissal of Action for failure to proceed Under Pa.R.J.A. 1901 (c) and Local Rule of Court No. 10 (e)

Pursuant to the provisions of Pa.R.J.A. 1901 (c) and Local Rule of Court No. 10 (e) notice is given hereby that the following cases will be listed by the Adams County Prothonotary for general call before the Adams County Court on Tuesday, September 21, 2004 at 9:00 a.m. to request the Court to dismiss for failure to proceed unless good cause for continuing the proceedings shall be given on or before that date.

Abbottstown-Paradise Joint Sewer Authority v. Mobile Home Brokers – 88-S-1016

Vivian J. Walter v. George W. Walter – 89-S-591

Borough of Littlestown, Littlestown Borough Authority and Union Township v. William D. Foreman, Bryan E. Nelson and Nancy Nelson – 89-S-930

Wiley E. Asberry and Lois A. Wiley v. Mark R. Keller, Constance L. Keller and Mount Pleasant Township – 90-S-44

Charles L. Rosenberry v. Verna Sloat – 92-S-234

Gettysburg Hospital v. William Weckesser – 92-S-842

Robert Stover and Lois Stover v. Kevin Scott Johnson and Karen Johnson – 92-S-844

Eileen M. Little v. Straban Township – 92-S-881

Gettysburg Hospital v. Edward Kipp and Rosalee Kipp – 92-S-887

Jayanti S. Patel v. James Talhelm – 92-S-899

Fred L. Dutterer v. Rodney J. Miller, individually, and Green Services v. Jack Himes, John Daily, Edgar Jones and William Hoffman – 93-S-567

Commonwealth of PA v. Krystal Cadillac Olds GMC Truck – 93-S-941

Michael P. Rokansandich v. Jeffrey S. Hemler – 93-S-1003

Gettysburg Hospital v. John Lance and Christina Lance – 95-S-13

Adam L. Stotsky, Jr. v. David D. Williams and Kathy A. Williams – 95-S-1156

Thomas Michael Wood v. Karen Lynn Pennington – 96-S-349

Gettysburg Hospital v. William R. Dick and Cynthia A. Dick – 97-S-336

G. Randy Reamer v. E. Robert Kiehl and Margaret E. Kiehl, husband and wife, and Harry Rood and Marilee K. Rood – 97-S-426

McDermitt, Inc. v. Peter Carley and Practical Management Solutions – 97-S-947

Benjamin G. Landa v. Gavin B. Watson – 98-S-687

Richard L. Emmert v. Conewago Township Supervisors – 99-S-723

Richard Grosso v. Barbara Grosso – 99-S-764

Charles G. Witt v. Joanne E. Witt – 99-S-927

Thomas L. Goodman v. Joanne M. Goodman – 99-S-1002

James A. McIntyre and James McIntyre New Homes & Remodeling v. Woody's Restaurant & Night Club Inc. and E. Matthew Stambaugh – 99-S-1062

Corbin D. Lehman v. Lenore Renz – 99-S-1077

Thomas Granville Phillips v. Elaine Phillips – 99-S-1154

In Re: Condemnation by Oxford Township of easements across respective lands of Donald L. Diehl and Joyce Stephenson Diehl, Mark Stapleton and Sharon L. Stapleton, Michael E. Sanders and Susan A. Sanders, James M. Groft and Anne E. Groft, Belinda J. Wyatt, Steven A. Neiderer, Edward J. Kiser and Darlene Z. Kiser, Dennis G. Hess and Susan C. Hess, Richard A. Baltzley and Nancy A. Baltzley, John Reh and Susan M. Reh and Cyril F. Hagerman and Joan E. Hagerman – 99-S-1157

Andrew W. Clarkson v. Patti L. Clarkson – 99-S-1160

Possum Valley Municipal Authority v. John R. Smith Jr. and Keystone Country Furniture Co. – 99-S-1170

Linda G. Moose and Gene P. Moose v. Constance Louise Carson – 00-S-60

Anne L. Perentesis v. Carroll Valley Resort Co. LLP, Robert Fritts and Carroll Valley Golf Resort – 00-S-115

Barry L. Stevens and Stevens Electric v. Krystal Cadillac Olds GMC Truck – 00-S-154

Bentzel Construction Inc. V. BLH Industries Inc. – 00-S-284

Lorne Jay Peters v. Bobbi Jo Garland – 00-S-384

Michael E. Peters v. Cheryl Lynn Peters – 00-S-446

CAM & Sons, Inc. and Craig A. Miller v. James A. McIntyre – 00-S-568

Veronica A. Spangler v. Joseph L. Spangler – 00-S-614

Nationscredit Home Equity Services Corporation v. Raissa Concannon – 00-S-643

Aerotek Inc. and Onsite Commercial Staffing v. Zefer Operations Inc. – 00-S-737

Countrywide Home Loans Inc. v. Ricky E. Bupp and Melva J. Bupp – 00-S-744
Christopher Barry Dubs v. Sherry Jolene Dubs – 00-S-752

Russell T. Salsbury v. Glenda J. Salsbury – 00-S-849

Scott D. Fitz v. Trudy Ann Fitz – 00-S-892
Christopher Carr v. Harleysville Insurance Company – 00-S-955

First Select, Inc. v. Donald E. Wolfe – 00-S-1032

C & D Landscaping v. Sunoco – 00-S-1059

Kohl Roofing & Siding Co. d/b/a Kohl Building Products v. James A. McIntyre and Judith McIntyre – 00-S-1137

Judy E. Brown McCord, executrix of the estate of Dolores J. Hart and Lori Hart, parent and natural guardian of Joshua Hart, a minor v. Nathan Thomas Lush – 01-S-1

Banc One Consumer Discount Co. v. Casie L. Wills and Chad E. Wills – 01-S-2

G. B. Groft Inc. v. James A. McIntyre – 01-S-6

Mandy Wildasin v. Joey L. Wildasin – 01-S-21

Cendant Mortgage Corporation v. Jose Ibero – 01-S-43

Discover Bank v. Ronald B. Scott – 01-S-66
Virginia L. Hollabaugh v. Luke I. Friedline and Denise M. Friedline – 01-S-98

Linda Arentmout v. Tynia S. Shriner – 01-S-110

Susan E. Barbour v. Leon J. Barbour – 01-S-111

Dennis L. Holmes v. Julie A. Holmes – 01-S-133

Patricia Wollschlager and Donald Wollschlager v. David Leatherman – 01-S-176

Samuel M. Aiello v. Neal Bryon Monette – 01-S-185

York Corrugating Company v. CAM & Sons Inc. – 01-S-193

Randall B. Inskip v. Richard L. Andrew – 01-S-213

Rita A. Swartz and Jerry Swartz v. Robert Hoff – 01-S-225

H & S Supply Inc. v. Craig A. Miller and CAM & Sons Inc. – 01-S-238

First Select Inc. v. Julia King and Loy L. King – 01-S-248

Frank S. Hovatter v. Susan J. Hovatter – 01-S-268

Terry L. Stem and Elizabeth Stork v. Carroll Valley Borough and Carroll Valley Borough Council – 01-S-276

Countrywide Home Loans Inc. v. Chad Surdich – 01-S-306

(continued on page 5)

Consumer Portfolio Services v. Harry Pappas and Krystal Cadillac Olds GMC Truck – 01-S-333

Bradley S. Unger and Wendy A. Unger v. Glenn E. Simpson & Sons Inc. – 01-S-334

Kuhn Brothers New Oxford Mechanical Inc. v. Brian Keefer and Roy L. Dinges – 01-S-349

Ronnie E. Weidner v. Connie Stambaugh – 01-S-378

Miller & Shultis P.C. v. Holly G. Dietrich – 01-S-400

Lawrence G. Plank v. Michelle E. Plank – 01-S-442

Helen Jayne Tipton Roulette and Marjorie A. Lyons, as personal representatives of the Estate of Margaret E. Williams, deceased and Marjorie A. Lyons and Francis H. Lyons v. J. Emmett Patterson and Golden Arch of Pennsylvania Inc., individually and jointly t/d/b/a JDCS Enterprises, and Franchise Realty Interstate Corporation, Nicholas Demetri Miller and McDonald's Corporation – 01-S-449

Carlos Fernandez and Drusilla Fernandez v. Robert J. Dayhoff Jr. – 01-S-466

Tammy Jo O'Malley v. Charles Leo O'Malley – 01-S-475

Christine E. DeGroft v. Kirk Douglas DeGroft – 01-S-491

Mary Mildred Krohnfeldt, Michael S. Jones and Gail N. Jones v. Harry E. Koch and Dynalectron Employees Federal Credit Union – 01-S-496

Chase Manhattan Mortgage Corporation v. Thomas R. Carrick – 01-S-501

David Haines v. Frank Walls Jr. – 01-S-523
Edward Wagaman v. Robert D. Griffin and Dawn M. Piker – 01-S-527

Mortgage Electronic Registration Systems Inc. v. Douglas R. Dahlen and Linda L. Dahlen – 01-S-534

D. & S Electrical Service Inc. v. Raymond Kline – 01-S-541

Sherry A. Miller v. Roger L. Miller – 01-S-544

Lincoln Estates v. Christina Rodrigues – 01-S-560

First Select Corporation v. William Hinrichs – 01-S-582

Todd M. Leishear v. Gena M. Leishear and Brent Hannon – 01-S-618

Samuel O. Smith v. Jennifer G. Smith – 01-S-654

In RE: Adams County Tax Claim Bureau Sale No. 643 Guy and Lori Brown – 01-S-675

In RE: Condemnation by the Commonwealth of Pennsylvania Department of Transportation of the Right-of-Way for the State Route 0097, Section 002 in the Township of Mount Joy – 01-S-686

Countrywide Home Loans Inc. v. James D. Bennett – 01-S-689

Terry R. Sites v. Margaret A. Sites – 01-S-699

Shepherd's Choice of Gettysburg v. David N. Sellers – 01-S-702

OSI Funding Corp. v. Thomas C. Via – 01-S-745

Allfirst Bank v. M and N Partnership – 01-S-770

Ralph M. Myers v. R. Flickinger d/b/a Flickinger Auction – 01-S-784

Thelma Yingling and Daniel Yingling d/b/a Yingling's Agricultural Implements v. Mount Joy Township Zoning Hearing Board and Mount Joy Township – 01-S-794

Timothy E. Brown and Renita Brown v. Catherine Mundorff – 01-S-798

Albert Myers v. Domingo Tomas and Maria Domingo – 01-S-807

Lori Jean Hoff v. Frederick Joseph Hoff – 01-S-848

Patrick Kevin Stambaugh v. Michelle Renee Warehime – 01-S-873

Jennifer L. Sanders v. Randall M. McKinstry and G. Memmi & Sons A Bakery Inc. – 01-S-945

Jason L. Yeingst v. Tonya Yeingst – 01-S-957

Anne E. Hunsicker v. Richard A. Hunsicker Jr. – 01-S-984

C N Robinson Lighting Supply Co. v. Mace Electric Company – 01-S-1004

Lasalle National Bank v. Ronnie Reed and Sharon K. Reed – 01-S-1107

Chase Manhattan Mortgage Corporation v. Mark Justice – 01-S-1114

Alpha Consulting Engineers Inc. v. Daniel N. Abruzzo, Richard Kalin and The Meadows Limited Partnership – 01-S-1123

Shonna M. Carbaugh v. Mark L. Carbaugh – 01-S-1178

TBF Financial LLC, Waterview Resolution Corporation and Colonial Pacific Leasing v. Pump Services Inc. and Royce Jefferson – 01-S-1210

Zachary Paul Eckert, a minor, by Brian L. Eckert and Sharon E. Eckert, his parents and natural guardians, and Brian L. Eckert and Sharon E. Eckert – 01-S-1263

Ronald L. Franklin v. John C. Zepp III – 01-S-1304

7/16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-440 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 234 on a Plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Platt Book 1, Page 1, and subject to all legal highways, easements, right of way and restrictions of record.

HAVING thereon erected a ranch house known as 90 Schofield Drive.

SEIZED and taken into execution as the property of **Jennifer L. Landaeta & Lyndon R. Landaeta** 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 13, 2004, 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.

7/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-425 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin on the right-of-way line of Oak Drive at corner of Lot No. 25 as shown on the hereinafter referred to subdivision plan, thence along said Lot No. 25 and passing through a reference iron pin set 25 feet back from the beginning of this course North 33 degrees 00 minutes 30 seconds West 244.13 feet to an iron pin at corner of lands now or formerly of Gilbert B. Hartzell and Francis L. Miller, thence along said Miller lands North 48 degrees 3 minutes 40 seconds East 159.00 feet to an iron pin at corner of Lot No. 27; thence along the same South 41 degrees 56 minutes 20 seconds East 250.00 feet to an iron pin on the right-of-way line of Oak Drive, thence along said right-of-way line of Oak Drive South 48 degrees 3 minutes 40 seconds West 96.58 feet to an iron pin; thence along same by a curve to the right having the radius of which is 575 feet an arc length of 100.83 feet and having a long chord bearing and distance of South 53 degrees 5 minutes 5 seconds West 100.70 feet to an iron pin on said right-of-way line of Oak Drive at corner of Lot No. 25 the point and place of BEGINNING.

The above description was taken from a draft of survey entitled "Recreations Real Estate Company," prepared by Boyer-Price Surveys, Inc. on March 19, 1974, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book No. 4 at Page 50 and designated as Lot No. 26.

TOGETHER WITH the right of ingress, egress and regress over the roadways shown on the aforesaid subdivision plan to and from U.S. Route No. 30.

TITLE TO SAID PREMISES IS VESTED IN Emory K. Clapsaddle, as to an undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest; Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent by reason of the following:

BEING THE SAME PREMISES which Emory K. Clapsaddle, Beverly J. Couchman and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded

on 3/18/2003 in the County of Adams in Record Book 3019, Page 155 conveyed unto Emory K. Clapsaddle and Glen Ronald Couchman.

AND ALSO BEING THE SAME PREMISES which Emory K. Clapsaddle and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded on 3/18/2003 in the County of Adams in Record Book 3019, page 178 conveyed unto Emory K. Clapsaddle, as to an undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest; Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent.

Premises being: 359 Oak Drive, Orrtanna, PA 17353

Tax Parcel No. B9-203

SEIZED and taken into execution as the property of **Emory K. Clapsaddle, Lee Michael Clapsaddle, Julie Marie Clapsaddle & Glen Ronald Couchman** 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 13, 2004, 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.

7/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-341 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in Menallen Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a lietz spike in the center line of Township Road T-385, known as Middle Road, at corner of land now or formerly of Roger L. Galloway, thence by land now or formerly of Roger L. Galloway and running through a steel rod located

20.15 feet from the place of beginning, South 12 degrees 49 minutes 15 seconds East, 594.47 feet to a steel rod; thence by land now or formerly of Larry Heller, South 34 degrees 46 minutes 35 seconds West, 148.68 feet to an existing pipe at corner of land now or formerly of Robert Heller; thence by land now or formerly of Junior E. Taylor, North 58 degrees 15 minutes 30 seconds West, 113.04 feet to an existing pipe; thence by the same, and running through an existing reference pipe located 25.48 feet from the end of this line, North 12 degrees 49 minutes 15 seconds West, 600 feet to a lietz spike in the center of Middle Road, thence in said Middle Road and by other land now or formerly of William C. Gonce and wife, North 72 degrees 33 minutes East, 190.95 feet to a lietz spike in the center of said road, the place of BEGINNING.

CONTAINING 2.802 Acres.

The foregoing description was obtained from a draft of a survey made by J. Riley Redding, Registered Land Surveyor, trading as Adams County Surveyors, dated December 13, 1984, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 41 at page 26; the lot hereby conveyed being designated as Lot No. 2 on said draft.

BEING the same premises which Michael L. Byers and Lisa A. (Smith) Byers, by Deed dated December 20, 1990, and recorded December 31, 1990, in Adams County in Record Book Volume 0576, Page 0789, granted and conveyed unto Michael L. Byers and Lisa A. Byers.

BEING known as 695 Middle Road, Aspers, PA 17304.

BEING Adams County Control #29-0-008276, Tax Parcel No. E04-0028B-000

SEIZED and taken into execution as the property of **Michael L. Byers & Lisa A. Byers** 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-356 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All those two certain tracts of land situate in Huntington Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT 1:

BEGINNING at an existing railroad spike in Pennsylvania L.R. No. 01047 known as Idaville and York Springs Road at land now or late of Dan Pakyz; thence in and through said L.R. 01047 North 56 degrees West 335 feet to a point in said L.R. 01047 at lands now or late of Paul C. and A. Shirley Barney; thence along said Barney lands North 33 degrees 15 minutes East, passing through a set rebar 25.64 feet to a set rebar; thence along said Barney lands South 77 degrees 47 minutes 10 seconds East 167.15 feet to a point; thence continuing along lands now or late of Lisa Y. Metzger South 56 degrees 45 minutes East 157.9 feet to a set rebar at lands now or late of Dan Pakyz; thence by the same South 29 degrees 30 minutes West, passing through a set rebar 30.09 feet from the end of this course 320.71 feet to an existing railroad spike, the place of BEGINNING.

The above description was taken from a survey prepared by John R. Williams, R.S. recorded in Adams County Recorder's Office in Plat Book 36, page 138.

TRACT 2:

BEGINNING at a rebar at corner of land now or late of Lisa Y. Metzger on line of land now or late of Dan Pakyz, which point of beginning is North 29 degrees 30 minutes East 380.1 feet from an existing railroad spike in L.R. Route 01047 running between Idaville and York Springs; thence along said Metzger land North 56 degrees 45 minutes West 157.98 feet to a point; thence through the tract of lands now or late of Paul C. Barney South 77 degrees 47 minutes 10 seconds East 165.1 feet to a rebar set on line of land of Pakyz; thence along said Pakyz land South 29 degrees 30 minutes West 59.39 feet to the place of BEGINNING. CONTAINING 4680 square feet.

The above description was taken from a final subdivision plan recorded in Plat Book 36, Page 138.

UNDER AND SUBJECT, NEVERTHELESS, to easements, conditions and restrictions of prior record pertaining to said premises.

BEING the same premises which Dale R. Bailor and Debra A. Bailor, single persons, by deed dated October 13, 1990, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 572, at Page 94, granted and conveyed unto Dale R. Bailor, single man.

Tax Map H-3, Parcel 25

Seized in Execution as the property of Dale R. Bailor on Judgment No. 356 of 2004

SEIZED and taken into execution as the property of **Dale R. Bailor** 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1235 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of Harney Road at lands now or formerly of Esh; thence in the center of said Harney Road, South seventy-seven (77) degrees eight (08) minutes fifty-four (54) seconds East, one hundred sixty-three and forty-four hundredths (163.44) feet to a point at other lands now or formerly of Lake Weant; thence by said lands and through a steel pin set thirty (30) feet back on the line, South seventeen (17) degrees forty-one (41) minutes thirty-two (32) seconds West, two hundred seventy-three and sixty-seven hundredths (273.67) feet to a flange axle; thence continuing by lands, North seventy-

seven (77) degrees sixteen (16) minutes eighteen (18) seconds West, one hundred eighteen and eighty-four hundredths (118.84) feet to a flange axle; thence continuing by said lands, South twenty-one (21) degrees eleven (11) minutes twenty-eight (28) seconds West, two hundred sixty-six and sixteen hundredths (266.16) feet to a flange axle; thence continuing by said lands, North seventy-four (74) degrees fifty-five (55) minutes twenty-two (22) seconds West, twenty-seven and ninety-two hundredths (27.92) feet to a flange axle at lands now or formerly of Esh; thence by said land, North seventeen (17) degrees thirty-nine (39) minutes twenty-five (25) seconds East, five hundred thirty-seven and ten hundredths (537.10) feet to the place of BEGINNING.

CONTAINING 1.2419 acres, neat measure.

THE above description was taken from a draft of survey, dated December 16, 1974, prepared by J.H. Rife, R.E.

TITLE TO SAID PREMISES IS VESTED IN Brian Scott Boese by Deed from Tony R. Forbes and Bonnie S. Forbes, his wife dated 10/29/1999 and recorded 11/4/1999 in Record Book 1947 Page 126.

Tax Parcel: H-18-13A

Premises Being: 1655 Harney Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Brian Scott Boese** 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-403 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE CERTAIN lots, parcels or tracts of land situate in Tyrone Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1:

BEGINNING at a point for a corner in the center of the State Highway leading from Gettysburg to Carlisle (known as Route No. 34); thence running in the center of said Highway North forty-five and one-quarter (45-1/4) degrees East one hundred (100) feet to a point in the center of said Highway; thence running by land formerly of C.B. Gardner South forty-four and three-quarters (44-3/4) degrees East two hundred sixty-seven and seven-tenths (267.7) feet to a stake; thence running by land of the same and lands now or formerly of Jacob Lobaugh and William Bream South fifty-eight (58) degrees West two hundred twenty-three and five-tenths (223.5) feet to a point in a stone fence; thence running by land formerly of Charley Group North seventeen and one-half (17-1/2) degrees West two hundred forty-six (246) feet to a point in the center of the aforesaid Highway, the point and place of BEGINNING.

TRACT NO. 2:

BEGINNING at an iron pin for a corner; thence running by Tract No. 1 North forty-four and three-quarters (44-3/4) degrees West two hundred sixty-seven and seven-tenths (267.7) feet to a point in the center of the State Highway leading from Gettysburg to Carlisle; thence running in the center of the State Highway North forty-five and one-quarter (45-1/4) degrees East fifteen (15) feet to a point in the center of the State Highway; thence running by lands formerly of C.B. Gardner South forty-four and three-quarters (44-3/4) degrees East two hundred sixty-six (266) feet to an iron pin; thence running by land of the same South fifty-eight (58) degrees West fifteen and three-tenths (15.3) feet to an iron pin, the point and place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Thomas Alberts and Barbara Alberts, husband and wife by Deed from Danny E. Taylor, single man and Shelly R. Taylor a/k/a Shelley R. Taylor, single woman dated 2/21/2002 and recorded 9/13/2002 in Record Book 2802 Page 203.

Premises being: 3103 Carlisle Pike a/k/a 3103 Carlisle Road, Gardners, PA 17324

Tax Parcel No. 33 Map G4

SEIZED and taken into execution as the property of **Thomas Alberts & Barbara Alberts** 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 3, 2004, 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.

7/2, 9 & 16

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-948 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Eastern right-of-way line of South Lincoln Drive, a sixty (60) feet wide right-of-way, at corner of Lot No. 75 on the Subdivision plan hereinafter referred to; thence along Lot No. 75, South seventy-two (72) degrees fifty (50) minutes fifty-six (56) seconds East, one hundred eighty and forty-nine hundredths (180.49) feet to a point at Lot No. 73 on the subdivision plan hereinafter referred to; thence along Lot No. 73, South thirty (30) degrees twenty-eight (28) minutes thirty-nine (39) seconds West ninety and seventy-seven hundredths (90.77) feet to a point in the Northern right-of-way line of Poplar Street a sixty (60) feet wide right-of-way; thence along the Northern right-of-way line of Poplar Street North fifty-nine (59) degrees thirty-one (31) minutes twenty-two (22) seconds West eighty-four and sixty-four hundredths (84.64) feet to a point at the intersection of Poplar Street and South Lincoln Drive; thence along the Eastern right-of-way of South Lincoln Drive, the following two (2) courses and distances: (1) North fourteen (14) degrees

thirty-one (31) minutes twenty-one (21) seconds West, twenty-one and twenty-one hundredths (21.21) feet to a point; and (2) by a curve to the left, having a radius of two hundred twenty and twenty-six hundredths (220.26) feet, the long chord bearing and distance of which is North twenty-three (23) degrees forty-eight (48) minutes fifty-two (52) seconds East, fifty-one and twelve-hundredths (51.12) feet for an arc distance of fifty-one and twenty-three hundredths (51.23) feet to a point on the Eastern right-of-way line of South Lincoln Drive, the point and place of BEGINNING.

CONTAINING 7,860 square feet and being Lot No. 74 on plan prepared for Diller's Village, Phase II, by Donald E. Worley, Registered Surveyor, dated April 29, 1987 designated as File No. G-93 which said subdivision plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 47 page 22.

UNDER AND SUBJECT nevertheless to easements and setbacks as more particularly set forth on the hereinabove referenced subdivision plan recorded in Plan Book 47, page 22 including ten (10) feet wide utility and drainage easements to the rear and sides of the hereinabove described premises.

TITLE TO SAID PREMISES IS VESTED IN Connie L. Strausbaugh and Scott A. Strausbaugh, her husband by Deed from Connie L. Strausbaugh f/k/a Connie L. Warehime, joined by her husband Scott A. Strausbaugh dated 10/27/1998 and recorded 11/23/1998 in Record Book 1708 page 59.

Premises being: 2132 South Lincoln Drive, Hanover, PA 17331

Tax Parcel No. 9-306

SEIZED and taken into execution as the property of **Scott A. Strausbaugh & Connie L. Strausbaugh a/k/a Connie L. Warehime** 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 3, 2004, 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.

7/2, 9 & 16

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 JOHN L. GRAY, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executors: Steven H. Gray, 7010 Bristol Place, Sykesville, MD 21784; Nancy E. Newnam, 8529 Manor Drive, Woodbine, MD 21797

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

ESTATE OF G. BERNARD LAUGHMAN a/k/a GEORGE BERNARD LAUGHMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Barbara J. Keen, 155 New Chester Road, Gettysburg, PA 17325; Bernard E. Laughman, Sr., 805 Oxford Road, New Oxford, PA 17350

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

ESTATE OF BYRLE D. WETZEL, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administrator: Lois F. Wetzel, 2 Cherry Court, New Oxford, PA 17350

Attorney: Fred E. Kilgore, Esq., 2550 Kingston Road, Suite 323, York, PA 17402

SECOND PUBLICATION

ESTATE OF EVELYN G. GUSS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Alethea J. Snyder, 2763 New Scotland Road, Voorheesville, NY 12186

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

ESTATE OF WILLIAM HAGERMAN a/k/a WILLIAM L. HAGERMAN, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Co-Executrices: Patricia M. McMaster, 12 North Pine Street, Gettysburg, PA 17325; Barbara A. Clabaugh, 376 Bon-Ox Road, Gettysburg, PA 17325

Attorney: Scott J. Strausbaugh, Esq., Arthur J. Becker, Jr., P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF SARAH J. KAEHLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Joan L. Hartlaub, 16 Wappler Dr., Hanover, PA 17331

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

ESTATE OF GLADYS R. METZ, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Gloria V. Eline, 210 Maple Avenue, Clarks Green, PA 18411

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

ESTATE OF JOHN J. STOCK, DEC'D

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

Executors: Donald L. Stock, 315B Maple Avenue, Hanover, PA 17331; Meg E. Fullerton, 3145 East Berlin Road, York, PA 17404

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

ESTATE OF JAMES D. TIMMINS, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Administratrix: Christina A. Garcia, 178 Center Street, Hanover, PA 17331

Attorney: Snelbaker, Brennehan & Spare, P.C., 44 West Main Street, P.O. Box 318, Mechanicsburg, PA 17055-0318

THIRD PUBLICATION

ESTATE OF WILLIAM H. LEREW, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Gary A. Lerew and Ronald E. Lerew, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

ESTATE OF JEAN E. SHERWOOD, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Douglas A. Sherwood, 1345 Buchanan Valley Road, Orrtanna, PA 17353; Donald E. Sherwood, 116 Seneca Avenue, Dover, PA 17315

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

ESTATE OF RAYMOND JOHN SMITH, DEC'D

Late of Union Township, Adams County, Pennsylvania

Donald R. Smith, 350 Ocker Avenue, Littletown, PA 17340; Randolph E. Smith, 65 Flickinger Rd., Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-426 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground situate in the Borough of Littlestown, Adams County, Pennsylvania, as shown on the Subdivision Plan for "Lakeview Village - Phase Two" prepared by Donald E. Worley, Registered Surveyor, of Worley Surveying, dated April 21, 1989, revised September 11, 1989 recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 54, Page 65 (2 pages) and designated as Lot No. 49 thereon, more particularly bounded and described as follows:

BEGINNING at a steel pin on the Northern Right-of-Way line of Starlite Drive at corner of Lot No. 50 on the Plan of Lots hereinabove identified; thence by said Lot No. 50, North forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, one hundred twenty-six and fifty-one hundredths (126.51) feet to a steel pin on line of land of Pennsylvania Classics, Inc.; thence by said land of Pennsylvania Classics, Inc., North fifty-five (55) degrees forty-three (43) minutes thirty-six (36) seconds East, thirty-five and fifty-five hundredths (35.55) feet to a steel pin at corner of Lot No. 48; thence by said Lot No. 48, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, one hundred twenty and twenty-seven hundredths (120.27) feet to a steel pin on the Northern Right-of-Way line of Starlite Drive, thence by said Northern Right-of-Way line of Starlite Drive, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, thirty-five (35.00) feet to the above described place of BEGINNING.

CONTAINING 4,319 square feet.

TOGETHER with and subject to a fifty (50) feet Right-of-Way in, through along the streets known as Crescent Lane and Starlite Drive to be used in common with other owners of lots in "Lakeview Village - Phase Two," as shown on the Subdivision Plan above referenced.

Tax Parcel #11-129

SEIZED and taken into execution as the property of **Ryan M. Glover** 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 13, 2004, 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.

7/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-242 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of the State Highway leading from Fairfield to Cashtown, Pennsylvania Legislative Route No. 01001, at corner of land now or formerly of Frank A. Newell; thence by said land now or formerly of Frank A. Newell and lands now or formerly of Ornan Rebert and through a reference iron pin located 60 feet from the beginning of this course, North 12 degrees 15 minutes 00 seconds East 299.28 feet to an iron pin at line of land now or formerly of Ornan Rebert; thence by land now or formerly of I. Z. Musselman Orchards, Inc., South 77 degrees 45 minutes 00 seconds East, 113.84 feet to an iron pin; thence by lands of same, South 00 degrees 12 minutes 10 seconds East, 189.56 feet through a reference iron pin located 32.74 feet from the end of this course to a point in the center line of said State Highway leading from Fairfield to Cashtown, thence in and along the center line of said State Highway and by a curve to the left with a radius of 1,910.08 feet, an arc distance of 192.41 feet (long chord, South 65 degrees 49 minutes 20 seconds West, 192.28 feet) to the point in the center of said State Highway, the place of BEGINNING.

CONTAINING 33,378 square feet, or 0.766 acre.

BEING THE SAME PREMISES WHICH Kelly W. Rollyson and Valerie A. Rollyson, his wife, by deed dated December 30, 1999 and recorded

December 30, 1999, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 1980, Page 120, granted and conveyed unto Kelly W. Rollyson and Valerie A. Rollyson, husband and wife, as tenants of an estate by the entireties.

Reidenbach, Henderson & Pecht
Herbert P. Henderson, II, Esq.
Attorney for Plaintiff
Attorney I.D. # 56304
36 East King Street
Lancaster, PA 17602
(717) 295-9159

SEIZED and taken into execution as the property of **Kelly W. Rollyson & Valerie A. Rollyson** 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 13, 2004, 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.

7/9, 16 & 23

HARRISBURG BASED
PERSONAL INJURY & WORKERS'
COMPENSATION LAW FIRM
SEEKING OFFICE SHARING
ARRANGEMENT IN GETTYSBURG

Harrisburg based Personal Injury & Workers' Compensation law firm is going to be opening an office in Gettysburg and needs to obtain location for the same. Interest is in entering into an office sharing arrangement with a general practice law firm, to be able to meet clients a few days per month at office, have a small sign with our law firm's name in the front of the office, and benefit from mutual referrals; no support staff or access to any office equipment necessary; no telephone answering necessary.

Contact Robert D. Hamilton, Esq.,
Freeburn & Hamilton, Personal Injury
& Workers' Compensation Attorney,
Harrisburg, PA, Tel: (717) 671-1955
Ext. 4, Fax: (717) 671-1960, e-mail:
robhamilton@pa-injurylawyer.com.

7/16

Adams County Legal Journal

Vol. 46

July 23, 2004

No. 9, pp. 49-57

IN THIS ISSUE

RICKERT ET AL VS. LATIMORE TWP.

This opinion continues to next issue (7/30/2004)

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Pennsylvania Department of State on July 7, 2004, to incorporate the proposed business domestic nonprofit corporation, SAVE OUR LIBERTY under the provisions of the Domestic Nonprofit Corporation Law, 15 Pa. C.S. Section 5306. The corporation is being incorporated for the following purpose: To provide information on and participate in the review and consideration of development proposals, land use ordinances and land use issues and to promote responsible development in and affecting Liberty Township, Adams County. To continue the activities of its predecessor, Save Our Liberty, an unincorporated association, not otherwise inconsistent with the foregoing purposes. And, to engage in any other activities which an incorporated association may pursue under the laws of the Commonwealth of Pennsylvania.

Susan J. Smith, Esq.
Reager & Adler, PC
2331 Market Street
Camp Hill, PA 17011
(717) 763-1383

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-440 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situated in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 234 on a Plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Platt Book 1, Page 1, and subject to all legal highways, easements, right of way and restrictions of record.

HAVING thereon erected a ranch house known as 90 Schofield Drive.

SEIZED and taken into execution as the property of **Jennifer L. Landaeta & Lyndon R. Landaeta** 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 13, 2004, 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.

7/9, 16 & 23

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325, Telephone: (717) 337-9812
Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-870 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in Latimore Township, Adams County, Pennsylvania being more particularly described as Lot No. 1467 on a Plan of lots of Lake Meade subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1, Page 23 and subject to all legal highways, easements, rights-of-way and restrictions of record.

SUBJECT, nevertheless to the covenants, restrictions and reservations which run with the land and are binding upon and inure to the benefit of the Grantees, their heirs and assigns, and which covenants, restrictions and reservations are set forth of record.

HAVING THEREON ERECTED A DWELLING HOUSE KNOWN AS: 1 Howard Drive, East Berlin, PA 17316

BEING THE SAME PREMISES WHICH John C. Berwager and Yvonne V. Berwager, by Deed dated 4/28/00 and recorded 5/12/00 in Adams County Deed Book 2048, Pge 247, granted and conveyed unto Michael M. Krull and Vanessa C. Kelly-Krull.

SEIZED IN EXECUTION AS THE PROPERTY OF VANESSA C. KELLY-KRULL AND MICHAEL M. KRULL UNDER ADAMS COUNTY JUDGMENT NO. 03-S-870

Map & Parcel 24-1-13A

SEIZED and taken into execution as the property of **Vanessa C. Kelly-Krull & Michael M. Krull** 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 20, 2004, 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.

7/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1107 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described piece, parcel or lot of ground situate, lying and being in the Borough of East Berlin, in the County of Adams, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING from a corner at a fifteen feet wide alley and Lot No. 3 now or formerly of Myrl R. Crawford; thence along said alley South one-half (1/2) degree West, sixty (60) feet to a corner at Lot No. 5, now or formerly of Leo T. Martz; thence along said last mentioned lot South, eighty-one and one-half (81 1/2) degrees West, two hundred fifty-eight and five-tenth (258.5) feet to a corner at or near the Conewago Creek; thence along said Creek North, seventeen (17) degrees, twenty-five (25) minutes West, fifty-two (52) feet to a corner at Lot No. 3 aforesaid, and thence along said Lot No. 3 North, seventy-nine and one-half (79 1/2) degrees East, two hundred seventy-five and five-tenth (275.5) feet to a corner, the place of BEGINNING. Being known on a plot of a series of lots laid out by Leo T. Martz, as Lot No. 4.

Having thereon erected a dwelling house known as: 207 Kuhn Drive, East Berlin, Pennsylvania 17316.

BEING THE SAME PREMISES WHICH Robert C. Reigle, by Deed dated 10/29/97 and recorded 10/31/97 in

Adams County Deed Book 1465, Page 350, granted and conveyed unto William G. Kennedy and JoAnn L. Kennedy.

SEIZED IN EXECUTION AS THE PROPERTY OF WILLIAM G. KENNEDY AND JOANN L. KENNEDY UNDER ADAMS COUNTY JUDGMENT NO. 03-S-1107.

Map & Parcel 10-6-2

SEIZED and taken into execution as the property of **William G. Kennedy, JoAnn L. Kennedy & The United States of America** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 20, 2004, 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.

7/23, 30 & 8/6

RICKERT ET AL VS. LATIMORE TWP.

1. When a trial court does not hear any additional evidence in deciding a land use appeal, the scope of review is whether the board committed an abuse of discretion or an error of law.
2. An abuse of discretion will only be found where the board's findings are not supported by substantial evidence.
3. Our appellate courts have defined "substantial evidence" to mean such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.
4. The right of the public to participate in the enactment of municipal ordinances is so sacred that the courts have been consistent in holding that statutory publication requirements are mandatory and that ordinances adopted without strict compliance are void.
5. Appellate courts have consistently interpreted ambiguous notices in favor of property owners.
6. Notice of a pending ordinance is insufficient when it incorrectly characterizes the nature of the pending legislation.
7. An ordinance which fails to comply with the mandated requirement of the Municipal Planning Code is invalid.
8. Procedures for notice in the enactment of ordinances must be strictly followed in order to be valid.
9. If a published notice fails to satisfy the statutory requirements, the fact that members of the public, or even the appellants themselves, appeared at the hearing does not breathe life into an otherwise void ordinance.
10. Where the Township drafts the public notices and significant property rights are affected, substantial compliance with the notice requirements is insufficient. Any ambiguity in the notice must be construed against the Township.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 02-S-946, TERRY R. RICKERT, ROBERT L. JUNKINS,
M. EVERETT WEISER AND OLIVE L. WEISER VS. LATIMORE
TOWNSHIP ZONING HEARING BOARD.

Charles M. Suhr, Esq., for Plaintiffs
Guy P. Beneventano, Esq., for Defendants
George, J., August 1, 2003

OPINION

This matter comes before the Court on a procedural challenge to the legislative action taken by the Latimore Township Board of Supervisors (hereinafter referred to as "Supervisors") on March 4, 2002. A number of property owners argue that the legislative action adopting the Township's Zoning Ordinance was procedurally defective and, therefore, invalid. Although the factual background in this matter is not in dispute, there is substantial argument concerning the meaning and significance of certain actions taken by the Supervisors.

Accordingly, resolution of the legal issues requires a detailed examination of the factual background.

On March 5, 1987, the Supervisors enacted the Latimore Township Zoning Ordinance. The 1987 Ordinance provided a comprehensive zoning scheme throughout Latimore Township and included zoning districts specifically identified on a zoning map. Included among the districts was a commercial-industrial zoning district (C-1) which affected the property bordering Old U.S. Route 15 (Harrisburg Road). The Appellants, Terry R. Rickert, Robert L. Junkins, M. Everett Weiser and Olive L. Weiser (hereinafter collectively referred to as "Appellants"), own property along Old U.S. Route 15 which was included within the C-1 district.

On May 6, 1988 the Supervisors amended the Ordinance. The amendments, however, were relatively minor and are immaterial to the current litigation. Other than this legislative action in 1988, the Ordinance remained in its original form until the Supervisors' recent actions, which are the subject of this dispute.

Although there is an indication that changes to the Ordinance were discussed as early as 2000, *see* March 4, 2002 Correspondence from the Adams County Office of Planning and Development to the Supervisors, Exhibit Number One, Zoning Hearing Board Transcript (hereinafter referred to as "Tr."), the first evidence in the record of public consideration of the proposed changes to the Ordinance is found in the February 12, 2001 Minutes of the Supervisors' meeting, Tr. Exhibit 1. At that time, the Supervisors indicated that the Ordinance would be considered at their March 2001 meeting. The March 2001 Minutes reflect the approval of a Supervisors' motion to consider changes to the Ordinance at a meeting to be scheduled for April 2, 2001. Inexplicably, the record fails to include any evidence of the April 2, 2001 meeting ever taking place. Moreover, minutes from the April 9, 2001 regular meeting lack any indication of the Supervisors' consideration of the proposed Ordinance. However, the May 14, 2001 Minutes reflect that the Supervisors considered the Ordinance and that Supervisor Worley moved to approve the zoning map. That motion apparently died for lack of a second and the Supervisors sent the Ordinance back to the Planning Commission. At the June 11, 2001 regular meeting, Supervisor Worley renewed his motion to adopt the zoning map, however, this motion once again

died for lack of a second. The Supervisors, thereafter, approved a motion for a public hearing to consider the Zoning Ordinance on June 27, 2001. Once again, inexplicably, there is no indication in the record as to what occurred on June 27, 2001 nor whether the planned public hearing ever took place.

The Latimore Township Planning Commission Minutes during this relevant period reflect that on August 28, 2001 the Latimore Township Planning Commission (hereinafter referred to as “Planning Commission”) discussed potential changes to the Ordinance. Additionally, the Minutes of the September 25, 2001 Planning Commission meeting indicate the Planning Commission considered the Ordinance and recommended changes within it to the Supervisors.

The December 10, 2001¹ Supervisors’ Meeting Minutes reflect their action in scheduling a hearing for consideration of the proposed Ordinance and map on January 14, 2002. At the January 7, 2002 public meeting, the Supervisors cancelled the January 14, 2002 public hearing. The Supervisors also approved a motion sending the Ordinance to the Planning Commission for comment. On January 22, 2002 the Planning Commission voted to approve the proposed Ordinance, however, voted to disapprove the proposed zoning map.

On January 28, 2002 the Supervisors held a special meeting for the “sole purpose of setting a date for the zoning hearing”. Supervisors’ Meeting Minutes, Jan. 28, 2002. At that meeting, Supervisor Worley made a motion to set a zoning hearing meeting for March 4, 2002 at the York Springs Fire Hall at 7:00 p.m. to allow the public to give comment on the proposed zoning map and ordinance. *Id.* The motion was seconded and the Supervisors duly approved it. On February 15, 2002, the Supervisors published an advertisement in the *Gettysburg Times* providing notice of the March

¹ Minutes for the Supervisors’ meetings held in July through November 2001 lack any reference to significant consideration of the Ordinance by the Supervisors. For instance, the August 13, 2001 and September 10, 2001 Minutes reflect a citizen’s question to the Supervisors as to the status of the Ordinance. Unfortunately, the Minutes fail to reflect whether the Supervisors ever answered that citizen’s inquiry. Additionally, during the September 10, 2001 meeting, the Planning Commission asked, “what they were to review on the Zoning Ordinance, the whole Ordinance or just County comments”. Once again, the minutes do not reflect an answer to the question.

4, 2002 meeting.² Thereafter, on February 22, 2002 the Supervisors published three additional advertisements in the *Gettysburg Times* concerning the March 4, 2002 public hearing.³ On February 25,

²The February 15, 2002 advertisement in the *Gettysburg Times* read as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of Latimore Township, Adams County, Pennsylvania will hold a Public Hearing to consider a proposed amendment, and the adoption thereof, to the Latimore Township Zoning Ordinance on Monday, March 4, 2002 at 7:00 PM. The Public Hearing will be held at the York Springs Fire Company located at 312 Main Street, York Springs, PA. A copy of the proposed Zoning Ordinance Amendment may be examined at the Latimore Township Municipal Building located at 559 Old U.S. Route 15, York Springs, PA. The proposed amendment may be examined without charge at said Municipal Building or obtained for the cost thereof from the municipality.

Board of Supervisors
Latimore Township
Adams County,
Pennsylvania
By: Ron Turo, Esquire
Township Solicitor

³The February 22, 2002 *Gettysburg Times* contained three advertisements. The first one read as follows:

NOTICE

NOTICE IS HEREBY GIVEN THAT THE BOARD OF SUPERVISORS OF LATIMORE TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA WILL HOLD A SPECIAL MEETING FOR THE PURPOSE OF CONSIDERING AND/OR ADOPTING A ZONING ORDINANCE AMENDMENT ON MONDAY, MARCH 4, 2002 AT 7:00 PM AT THE YORK SPRINGS FIRE COMPANY, 312 MAIN STREET, YORK SPRINGS, PENNSYLVANIA.

BOARD OF SUPERVISORS
LATIMORE TOWNSHIP
ADAMS COUNTY,
PENNSYLVANIA
By: Ron Turo, Esquire
Township Solicitor
28 South Pitt Street
Carlisle, PA 17013
(717) 245-9688

The second advertisement read as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of Latimore Township, Adams County,
(footnote 3 continued to next page)

2002 the Supervisors once again published an advertisement in the *Gettysburg Times*.⁴

Signs advertising the March 4, 2002 hearing were posted at approximately thirty locations in Latimore Township on February 24, 2002. The exact locations of the postings are set forth on an exhibit which was made part of the record. All parties agree that at least one property of Appellants, Everett and Olive Weiser, was not posted.

(footnote 3 continued from previous page)

Pennsylvania will consider a proposed Amendment, and the adoption thereof, to the Latimore Township Zoning Ordinance on Monday, March 4, 2002 at 7:00 PM, at the York Springs Fire Company located at 312 Main Street, York Springs, PA. A copy of the proposed Zoning Ordinance Amendment may be examined at the Latimore Township Municipal Building located at 559 Old U.S. Route 15, York Springs, PA. The proposed Amendment may be examined without charge at said Municipal Building or obtained for the cost thereof from the municipality.

A summary of the proposed Amendment and its provisions are as follows:

An Ordinance permitting, prohibiting, regulating, restricting and determining the uses of land and water courses; the size, height, bulk, location erection, construction, repair, maintenance, alteration, raising, removal and use of structures; the areas and dimensions of land to be occupied by uses and structures; the density of population and intensity of uses; and providing for the administration and enforcement thereof within the Township of Latimore.

Article I provides for the purpose of the Ordinance, a Zoning Officer, and a Zoning Hearing Board.

Article II provides the definitions of terms used throughout the Ordinance.

Article III lists the seven (7) Zoning Districts and boundaries thereof throughout the Township.

Article IV contains the District Regulations for all Districts to include the Basic Use Regulations and Basic Spatial Regulations for each District.

Article V includes General Regulations applicable to all Districts, to include among other regulations, buffering, parking, noise and signs.

Article VI contains Use Regulations applicable to the entire Township and for each of the Specific Uses set forth in the various Zoning Districts.

Article VII contains Specific Regulations for mobile home parks to include use, spatial requirements and site improvements.

(footnote 3 continued to next page)

On February 26, 2002 the Planning Commission, at its regularly scheduled meeting, approved a motion stating: “that it is a sense of the Planning Commission that the Zoning Ordinance we adopted in January 2002 is consistent with the Comprehensive Plan for Latimore Township” Planning Commission Meeting Minutes, Feb. 26,

(footnote 3 continued from previous page)

Article VIII contains Regulations for Planned Residential Development to include review and approval procedures, use and spatial requirements.

Article IX provides for the creation of a Zoning Hearing Board, appointment of Board Members, procedures and other relevant information.

Article X provides for the administration of the Ordinance by appointment of a Zoning Officer setting forth the powers and duties thereof.

Article XI provides for the enforcement of the Zoning Ordinance to include, the requirement for zoning permits, application procedures, penalties for violation, and enforcement remedies.

Article XII provides procedures for Amendments to this Ordinance and the validity and severability thereof.

Board of Supervisors
Latimore Township
Adams County, PA
By: Ron Turo, Esquire
Township Solicitor

The third advertisement read as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of Latimore Township, Adams County, Pennsylvania will hold a Public Hearing to consider a proposed amendment, and the adoption thereof, to the Latimore Township Zoning Ordinance on Monday, March 4, 2002 at 7:00 PM. The Public Hearing will be held at the York Springs Fire Company located at 312 Main Street, York Springs, PA. A copy of the proposed Zoning Ordinance Amendment may be examined at the Latimore Township Municipal Building located at 559 Old U.S. Route 15, York Springs, PA. The proposed amendment may be examined without charge at said Municipal Building or obtained for the cost thereof from the municipality.

Board of Supervisors
Latimore Township
Adams County, PA
By: Ron Turo, Esquire
Township Solicitor

⁴This February 25, 2002 advertisement contains identical language to the second advertisement set forth in footnote 3, supra.

2002. On March 4, 2002 the Adams County Office of Planning and Development submitted correspondence to the Supervisors indicating its comment on the Ordinance. On March 4, 2002 the Supervisors conducted the public hearing at the York Springs Fire Hall. That same date, they voted to adopt the legislation.⁵

On April 1, 2002 the Appellants filed a procedural challenge to the enactment of the March 2002 Ordinance pursuant to Section 909.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter referred to as “MPC”), PA. STAT. ANN. tit. 53, § 10101 (West 1997). The Latimore Township Zoning Hearing Board (hereinafter referred to as “Board”) conducted an evidentiary hearing on May 23, 2002. After testimony at the hearing, the hearing was continued until June 27, 2002 for the purpose of the introduction of additional evidence. On August 9, 2002 the Board issued its written decision denying the appeal.

The Appellants have now filed a timely appeal to this Court. In their appeal, they raise a number of procedural challenges to the adoption of the Ordinance. They further argue that the Board erred, as a matter of law, in treating the Ordinance as an amendment to the 1987 Ordinance rather than as an adoption of a new ordinance.⁶

⁵Interestingly, although all public notices indicated the hearing was scheduled for 7:00 p.m., the transcript from the meeting reflects that it commenced at 9:50 p.m. That transcript is noticeably absent of any public comment. The transcript reflects that the Chairman convened the “special meeting that we had advertised to consider the adoption of the Proposed Zoning Amendment and Amendment Map”. Tr., p. 2, Mar. 4, 2002. The transcript then immediately reflects a motion by Supervisor Dost “that we adopt the Proposed Amended Zoning Ordinance as submitted by the Latimore Township Planning Committee [sic] and the Proposed Amended Zoning Map as submitted by the Latimore Township Supervisors . . .” *Id.* After brief comment by Supervisor Dost and Chairman Worley, the motion passed 2-0. The third supervisor, Randall Fishel, was absent from the meeting. The record is completely absent of any indication that public comment occurred at the March 4, 2002 public hearing.

⁶Following argument in this matter, the Appellants filed a motion requesting the Court to consider additional evidence. The Appellants requested the Court to open the record and consider the Latimore Township zoning map which the Supervisors filed with the Adams County Law Library. The zoning map filed with the Law Library appears to be significantly different from the zoning map Latimore Township adopted. The Appellants argued the significance of this evidence in light of Section 610 of the MPC which provides that where the full text of an ordinance or amendment is not set forth in the public notice (as is currently the case) then an attested copy of the proposed ordinance shall be filed in the County Law Library. See PA.

(footnote 6 continued to next page)

In analyzing the issues before the Court, we must be mindful that when a trial court does not hear any additional evidence in deciding a land use appeal, the scope of review is whether the board committed an abuse of discretion or an error of law. *Hertzberg v. Zoning Bd. of Adjustment of City of Pittsburgh*, 721 A.2d 43, 46 (Pa. 1998). An abuse of discretion will only be found where the board's findings are not supported by substantial evidence. *Larsen v. Zoning Bd. of Adjustment of City of Pittsburgh*, 672 A.2d 286, 288 (Pa. 1996). Our appellate courts have defined "substantial evidence" to mean such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Valley View Civic Ass'n v. Zoning Bd. of Adjustment*, 462 A.2d 637, 640 (Pa. 1983) (citations omitted).

Before addressing the Appellants' procedural challenge, it is necessary to address the Appellants' second issue and make a determination as to which procedure the municipality was required to follow in adopting the Ordinance. The landowners argue that the Board committed an error of law in treating the Ordinance as an amendment to the existing 1987 Ordinance rather than as an adoption of a new ordinance. This determination is critical since the MPC distinguishes the procedures between adoption of a new ordinance and amendment of an existing ordinance. *Compare* PA. STAT. ANN. tit. 53, §§ 10607, 10608 (West 1997, 2003) *with* PA. STAT. ANN. tit. 53,

(footnote 6 continued from previous page)

STAT. ANN. tit. 53 § 10610 (West 1997). Essentially, the Appellants argue that the zoning map available for public inspection at the Adams County Law Library was different than the zoning map the Supervisors adopted. Both the Board and the Supervisors objected to the presentation of additional evidence arguing that Section 610 requires only a copy of the ordinance and not a copy of the zoning map. Thus, they allege to have been in compliance with the Ordinance. They further argue that the Appellants' argument raises a new ground for appeal which has not previously been raised and, therefore, waived. *See generally Perin v. Bd. of Supervisors of Washington Township*, 563 A.2d 576 (Pa. Commw. Ct. 1989).

I find the initial argument to be frivolous in light of the clear language of the Latimore Township Zoning Ordinance which makes the zoning map a part of that Ordinance. *See* 2002 Ordinance § 302. Additionally, although it is somewhat distressing that public officials would disseminate for public consumption a zoning map containing designations different than that which was adopted, in light of my opinion in this matter it is unnecessary to consider the Appellants' proposed additional evidence nor address the Appellee's issue of waiver. Since the current record is sufficient to determine that both errors of law and an abuse of discretion has occurred, it is unnecessary to consider the Appellants' additional evidence. Therefore, the Appellants' Motion to Supplement the record is denied.

§ 10609 (West 2003). This issue appears to be one of first impression in this Commonwealth.

The Board determined that the Supervisors' legislative action was an amendment to the existing ordinance. In this regard, the Board found that "the evidence is simply overwhelming." Bd. Conclusion of Law, ¶ 2, Aug. 9, 2002. The Board's determination was largely based on the Supervisors' and the Adams County Planning Department's description of the legislation as an amendment. *See generally id.* The Board also concluded, as a matter of fact, that the legislation "change[d] no more than five percent of the Zoning Ordinance". Bd. Finding of Fact, ¶ 5, Aug. 9, 2002.⁷

Although the Board concluded that the evidence was overwhelming that the legislation was an amendment to the current Ordinance, my review of the record leads to the opposite conclusion. The record is unequivocally clear that the first indication that the legislation was being treated as an amendment is found at the January 28, 2002 Supervisors' Meeting. Prior to that date, both the Minutes of the Planning Commission and the Supervisors consistently reference the legislation as a "Zoning Ordinance". However, on January 28, 2002, just thirty-five days prior to the Supervisors' adoption of the legislation, the document begins to be described as an amendment.⁸ Language in the subsequent correspondence from the Adams County Office of Planning and Development reinforces the designation of the legislation as an amended Ordinance. Based upon this mysterious semantical transformation of January 28, 2002 the Board concluded that the legislation was an amendment.

Continued to next issue (7/30/2004)

⁷ Although the Board's decision references support in the zoning hearing transcript for this proposition, a review of the transcript at the locations cited by the Board reflect argument of counsel and not sworn testimony. Both ordinances, however, have been made part of the record and will serve as the basis for my analysis.

⁸ The January 28, 2002 Minutes reflect that in response to a question as to whether the Ordinance was a new ordinance, Supervisor Worley stated that it was not a new ordinance but rather an amendment.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-311 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the center of the Biglerville-Gettysburg State Highway, Route 34, at the Southwest corner of land of Charles G. Naylor, formerly Fred C. Black; thence by land of Charles G. Naylor, South 81 degrees East, 207.5 feet to an iron pin; thence by land of same, North 7 degrees East, 100 feet to an iron pin; thence by land of Green Tomato Corporation (formerly Pierce Mellott), South 81 degrees 15 minutes East, 213.2 feet to an iron pin; thence by land of Coffman Shank, South 5 degrees 24 minutes West, 321 feet to an iron pin; thence by land of John A. Hauser, North 81 degrees West, 422 feet to a spike in the center of the aforesaid state highway; thence in the center of said state highway, North 5 degrees East, 220 feet to a spike, the place of BEGINNING. CONTAINING 2 acres and 100.3 perches, more or less.

The description of the foregoing tract of land was obtained from draft of survey made by Leroy H. Winebrenner, County Surveyor, on April 15, 1971. Being further identified in the Adams County Tax Assessors Office as Tax Map F9-Parcel 37A.

Being the same which John A. Hauser and Helen S. Hauser, his wife, by deed dated May 5, 1971, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 291 at page 1139, granted and conveyed unto Osborn Printing Co., a Pennsylvania corporation, the Defendant herein.

SUBJECT, HOWEVER, to the reservation by John A. Hauser, his heirs and assigns, in perpetuity, of the easement and uninterrupted right and privilege, as more fully described in the above recited deed.

Improved with an 11,656 square foot block and brick single-story, commercial building and macadam and gravel parking lot.

SEIZED and taken into execution as the property of **Osborn Printing Company, A Pennsylvania Corporation** 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 13, 2004, 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.

7/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-401 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 13th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground situate in Franklin Township, County of Adams, Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point at Lot No. 4 and lands now or formerly of George Cole; thence by lands of Cole North 37 degrees 17 minutes 40 seconds West 280.45 feet to a point; thence by lands of same North 28 degrees 57 minutes 00 seconds East 93.55 feet to a point; thence along lands of same and into Buchanan Valley Road (PA-234) North 61 degrees 03 minutes 00 seconds West 20 feet to a point; thence crossing said road North 28 degrees 57 minutes 00 seconds East 206.90 feet to an existing iron pin 18 feet West of the centerline of Buchanan Valley Road; thence back across Buchanan Valley Road and lands now or formerly of Ferdinand Tauscher through a reference pin set back 40 feet from the start of this course South 65 degrees 45 minutes 00 seconds East 451.49 feet to a street rod at Lot No. 4; thence by Lot No. 4 South 49 degrees 59 minutes 30 seconds West 482.60 feet to a steel rod at lands now or formerly of George Cole, the place of BEGINNING.

THE above description is taken from a final plan dated May 7, 1984, by Adams County Surveyors and recorded July 6, 1984 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Plan Book 40 at Page 49 and designated as Lot No. 2. Reference is made to a final plan dated May 8, 1978 by Adams County Surveyors and recorded December 27, 1978 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Plan Book 25 at Page

30 for the metes and bounds of the courses not set forth in Plan Book 40 at Page 49.

TITLE TO SAID PREMISES IS VESTED IN Joseph A. Kime and Tessa J. Kime, husband and wife, by Deed from Tracey S. Snider, joined by her husband Richard R. Snider, dated 4/19/2002 and recorded 4/23/2002 in Record Book 2634, Page 17.

Premises being: 3049 Buchanan Valley Road, Orrtanna, PA 17353

Tax Parcel No. 31 Map D7

SEIZED and taken into execution as the property of **Joseph A. Kime & Tessa J. Kime a/k/a Tessa Adams** 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 3, 2004, 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.

7/9, 16 & 23

NONPROFIT ARTICLES
OF INCORPORATION

NOTICE IS HEREBY GIVEN that Nonprofit Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on June 01, 2004, for the purpose of obtaining a Certificate of Incorporation under the provisions of the Nonprofit Corporation Law of 1988. The name of the proposed nonprofit corporation is: **MT. CALVARY UNITED METHODIST CHURCH**. The purpose for which it will be organized is: Church services within United Methodist Church denomination and the teachings of the Holy Bible and Evangelism.

Law Office Forest N. Myers
137 Park Pl. W.
Shippensburg, PA 17257
717.532.9046

7/23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-426 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground situate in the Borough of Littlestown, Adams County, Pennsylvania, as shown on the Subdivision Plan for "Lakeview Village - Phase Two" prepared by Donald E. Worley, Registered Surveyor, of Worley Surveying, dated April 21, 1989, revised September 11, 1989 recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 54, Page 65 (2 pages) and designated as Lot No. 49 thereon, more particularly bounded and described as follows:

BEGINNING at a steel pin on the Northern Right-of-Way line of Starlite Drive at corner of Lot No. 50 on the Plan of Lots hereinabove identified; thence by said Lot No. 50, North forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, one hundred twenty-six and fifty-one hundredths (126.51) feet to a steel pin on line of land of Pennsylvania Classics, Inc.; thence by said land of Pennsylvania Classics, Inc., North fifty-five (55) degrees forty-three (43) minutes thirty-six (36) seconds East, thirty-five and fifty-five hundredths (35.55) feet to a steel pin at corner of Lot No. 48; thence by said Lot No. 48, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, one hundred twenty and twenty-seven hundredths (120.27) feet to a steel pin on the Northern Right-of-Way line of Starlite Drive, thence by said Northern Right-of-Way line of Starlite Drive, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, thirty-five (35.00) feet to the above described place of BEGINNING.

CONTAINING 4,319 square feet.

TOGETHER with and subject to a fifty (50) feet Right-of-Way in, through along the streets known as Crescent Lane and Starlite Drive to be used in common with other owners of lots in "Lakeview Village - Phase Two," as shown on the Subdivision Plan above referenced.

Tax Parcel #11-129

SEIZED and taken into execution as the property of **Ryan M. Glover** 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 13, 2004, 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.

7/9, 16 & 23

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-242 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of the State Highway leading from Fairfield to Cashtown, Pennsylvania Legislative Route No. 01001, at corner of land now or formerly of Frank A. Newell; thence by said land now or formerly of Frank A. Newell and lands now or formerly of Oman Rebert and through a reference iron pin located 60 feet from the beginning of this course, North 12 degrees 15 minutes 00 seconds East 299.28 feet to an iron pin at line of land now or formerly of Oman Rebert; thence by land now or formerly of I. Z. Musselman Orchards, Inc., South 77 degrees 45 minutes 00 seconds East, 113.84 feet to an iron pin; thence by lands of same, South 00 degrees 12 minutes 10 seconds East, 189.56 feet through a reference iron pin located 32.74 feet from the end of this course to a point in the center line of said State Highway leading from Fairfield to Cashtown, thence in and along the center line of said State Highway and by a curve to the left with a radius of 1,910.08 feet, an arc distance of 192.41 feet (long chord, South 65 degrees 49 minutes 20 seconds West, 192.28 feet) to the point in the center of said State Highway, the place of BEGINNING.

CONTAINING 33,378 square feet, or 0.766 acre.

BEING THE SAME PREMISES WHICH Kelly W. Rollyson and Valerie A. Rollyson, his wife, by deed dated December 30, 1999 and recorded

December 30, 1999, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 1980, Page 120, granted and conveyed unto Kelly W. Rollyson and Valerie A. Rollyson, husband and wife, as tenants of an estate by the entireties.

Reidenbach, Henderson & Pecht
Herbert P. Henderson, II, Esq.
Attorney for Plaintiff
Attorney I.D. # 56304
36 East King Street
Lancaster, PA 17602
(717) 295-9159

SEIZED and taken into execution as the property of **Kelly W. Rollyson & Valerie A. Rollyson** 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 13, 2004, 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.

7/9, 16 & 23

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on June 17, 2004, for the purpose of obtaining a Certificate of Incorporation organized under the provisions of the Pennsylvania Business Corporation Law, approved December 21, 1988, P.L. 1444, as amended. The name of the corporation is EDENCO, 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

7/23

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF WALTER ROBERT KELLY, JR., a/k/a WALTER R. KELLY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Daniel A. Kelly and Mary M. Butt, c/o Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

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

ESTATE OF MILDRED C. LEVAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: David M. LeVan, 1094 Baltimore Pike, Gettysburg, PA 17325; Hannah L. Owens, 1065 Baltimore Pike, Gettysburg, PA 17325

Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELIZABETH B. MAURER, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Hershey Trust Company, 100 Mansion Road East, P.O. Box 445, Hershey, PA 17033-0445 or to: Richard W. Stevenson, Esq., McNees Wallace & Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108

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

ESTATE OF HAROLD E. RAF-FENSPERGER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Karen B. Arthur, 105 Hoke Drive, Gettysburg, PA 17325

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

ESTATE OF VIRGINIA A. SWEIGART, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Mark E. Sweigart, 5 Violet Drive, Hanover, PA 17331

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

ESTATE OF S. ELIZABETH WEIKERT, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Co-Executors: James J. Weikert, P.O. Box 57, 441 Tract Road, Fairfield, PA 17320; Elizabeth A. Cornwell, 115 Franklin Street, Fairfield, PA 17320

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

SECOND PUBLICATION

ESTATE OF JOHN L. GRAY, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executors: Steven H. Gray, 7010 Bristol Place, Sykesville, MD 21784; Nancy E. Newnam, 8529 Manor Drive, Woodbine, MD 21797

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

ESTATE OF G. BERNARD LAUGHMAN a/k/a GEORGE BERNARD LAUGHMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Barbara J. Keen, 155 New Chester Road, Gettysburg, PA 17325; Bernard E. Laughman, Sr., 805 Oxford Road, New Oxford, PA 17350

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

ESTATE OF BYRLE D. WETZEL, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administrator: Lois F. Wetzel, 2 Cherry Court, New Oxford, PA 17350

Attorney: Fred E. Kilgore, Esq., 2550 Kingston Road, Suite 323, York, PA 17402

THIRD PUBLICATION

ESTATE OF EVELYN G. GUSS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Alethea J. Snyder, 2763 New Scotland Road, Voorheesville, NY 12186

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

ESTATE OF WILLIAM HAGERMAN a/k/a WILLIAM L. HAGERMAN, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Co-Executrices: Patricia M. McMaster, 12 North Pine Street, Gettysburg, PA 17325; Barbara A. Clabaugh, 376 Bon-Ox Road, Gettysburg, PA 17325

Attorney: Scott J. Strausbaugh, Esq., Arthur J. Becker, Jr., P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF SARAH J. KAEHLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Joan L. Harlaub, 16 Wappler Dr., Hanover, PA 17331

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

ESTATE OF GLADYS R. METZ, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Gloria V. Eline, 210 Maple Avenue, Clarks Green, PA 18411

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

ESTATE OF JOHN J. STOCK, DEC'D

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

Executors: Donald L. Stock, 315B Maple Avenue, Hanover, PA 17331; Meg E. Fullerton, 3145 East Berlin Road, York, PA 17404

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

ESTATE OF JAMES D. TIMMINS, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Administratrix: Christina A. Garcia, 178 Center Street, Hanover, PA 17331

Attorney: Snelbaker, Brenneeman & Spare, P.C., 44 West Main Street, P.O. Box 318, Mechanicsburg, PA 17055-0318

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-425 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin on the right-of-way line of Oak Drive at corner of Lot No. 25 as shown on the hereinafter referred to subdivision plan, thence along said Lot No. 25 and passing through a reference iron pin set 25 feet back from the beginning of this course North 33 degrees 00 minutes 30 seconds West 244.13 feet to an iron pin at corner of lands now or formerly of Gilbert B. Hartzell and Francis L. Miller, thence along said Miller lands North 48 degrees 3 minutes 40 seconds East 159.00 feet to an iron pin at corner of Lot No. 27, thence along the same South 41 degrees 56 minutes 20 seconds East 250.00 feet to an iron pin on the right-of-way line of Oak Drive, thence along said right-of-way line of Oak Drive South 48 degrees 3 minutes 40 seconds West 96.58 feet to an iron pin; thence along same by a curve to the right having the radius of which is 575 feet an arc length of 100.83 feet and having a long chord bearing and distance of South 53 degrees 5 minutes 5 seconds West 100.70 feet to an iron pin on said right-of-way line of Oak Drive at corner of Lot No. 25 the point and place of BEGINNING.

The above description was taken from a draft of survey entitled "Recreations Real Estate Company," prepared by Boyer-Price Surveys, Inc. on March 19, 1974, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book No. 4 at Page 50 and designated as Lot No. 26.

TOGETHER WITH the right of ingress, egress and regress over the roadways shown on the aforesaid subdivision plan to and from U.S. Route No. 30.

TITLE TO SAID PREMISES IS VESTED IN Emory K. Clapsaddle, as to an undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest, Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent by reason of the following:

BEING THE SAME PREMISES which Emory K. Clapsaddle, Beverly J.

Couchman and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded on 3/18/2003 in the County of Adams in Record Book 3019, Page 155 conveyed unto Emory K. Clapsaddle and Glen Ronald Couchman.

AND ALSO BEING THE SAME PREMISES which Emory K. Clapsaddle and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded on 3/18/2003 in the County of Adams in Record Book 3019, page 178 conveyed unto Emory K. Clapsaddle, as to an undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest; Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent.

Premises being: 359 Oak Drive, Orrtanna, PA 17353

Tax Parcel No. B9-203

SEIZED and taken into execution as the property of **Emory K. Clapsaddle, Lee Michael Clapsaddle, Julie Marie Clapsaddle & Glen Ronald Couchman** 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 13, 2004, 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.

7/16, 23 & 30

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 04-S-637

IN RE: Change of Name of Alexis Michael Rinehart, to be known as: Alex Michael Rehm

NOTICE OF HEARING ON PETITION
FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on the 18th day of June, 2004, the Petition of Alexis Michael Rinehart was filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a decree to change his name from Alexis Michael Rinehart to Alex Michael Rehm. The Court has fixed August 24, 2004, at 9:00 a.m. in Courtroom No. 1 or 2 of the Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania 17325, as the date, time and place for the hearing on said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petition should not be granted.

John R. White
Campbell & White, P.C.
112 Baltimore Street
Gettysburg, PA 17325
Supreme Court I.D. #21506
Attorney for Petitioner

7/23

Adams County Legal Journal

Vol. 46

July 30, 2004

No. 10, pp. 58-66

IN THIS ISSUE

RICKERT ET AL VS. LATIMORE TWP.

*This opinion continued from last issue (7/23/2004)
and continues to next issue (8/6/2004)*

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-141 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Known as 495 Weikert Road, Gettysburg, PA 17325

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

BEGINNING at a point in the center of Township Road No. T-320, which point of beginning is North 13-3/4 degrees East, 1,078 feet from the stone corner in the center of a bend of said road on line of land now or formerly of Harry Sillik; thence by lands now or formerly of Charles M. Coffelt, North 77 degrees West, 130 feet to a steel pin; thence by same, North 13 degrees 45 minutes East, 110 feet to a steel pin; thence by same, South 77 degrees East, 133 feet

to a point in the center of said Township Road No. T-320; thence in and along the center of said Township Road No. T-320, South 15 degrees 19 minutes West, 110.04 feet to a point in the center of said Township Road No. T-320, the place of BEGINNING. CONTAINING 14,465 square feet.

The above description is taken from a draft of survey dated November 22, 1968, and revised December 9, 1968, by Donald E. Worley, Registered Surveyor; the location of the point of beginning is derived from the description of the "LESS HOWEVER" tract in the deed dated December 30, 1968, from Charles M. Coffelt, widower, to Theron S. Dayhoff and Glenda H. Dayhoff, husband and wife, recorded in Deed Book 271 at Page 1138.

BEING the same tract of land which Matthew G. McLaughlin and Sheryl L. McLaughlin, husband and wife, by their Deed dated January 30, 1998, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 1513, at page 151, sold and conveyed unto Terry J. Humphrey and Christine L. Humphrey, husband and wife, Mortgagors herein.

SEIZED and taken into execution as the property of **Terry J. Humphrey & Christine L. Humphrey** 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 20, 2004, 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.

7/30, 8/6 & 13

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 337-9812

Periodicals postage paid at Gettysburg, PA 17325.

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-870 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in Latimore Township, Adams County, Pennsylvania being more particularly described as Lot No. 1467 on a Plan of lots of Lake Meade subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1, Page 23 and subject to all legal highways, easements, rights-of-way and restrictions of record.

SUBJECT, nevertheless to the covenants, restrictions and reservations which run with the land and are binding upon and inure to the benefit of the Grantees, their heirs and assigns, and which covenants, restrictions and reservations are set forth of record.

HAVING THEREON ERECTED A DWELLING HOUSE KNOWN AS: 1 Howard Drive, East Berlin, PA 17316

BEING THE SAME PREMISES WHICH John C. Berwager and Yvonne V. Berwager, by Deed dated 4/28/00 and recorded 5/12/00 in Adams County Deed Book 2048, Page 247, granted and conveyed unto Michael M. Krull and Vanessa C. Kelly-Krull.

SEIZED IN EXECUTION AS THE PROPERTY OF VANESSA C. KELLY-KRULL AND MICHAEL M. KRULL UNDER ADAMS COUNTY JUDGMENT NO. 03-S-870

Map & Parcel 24-1-13A

SEIZED and taken into execution as the property of **Vanessa C. Kelly-Krull & Michael M. Krull** 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 20, 2004, 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.

7/16, 23 & 30

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1107 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described piece, parcel or lot of ground situate, lying and being in the Borough of East Berlin, in the County of Adams, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING from a corner at a fifteen feet wide alley and Lot No. 3 now or formerly of Myrl R. Crawford; thence along said alley South one-half (1/2) degree West, sixty (60) feet to a corner at Lot No. 5, now or formerly of Leo T. Martz; thence along said last mentioned lot South, eighty-one and one-half (81 1/2) degrees West, two hundred fifty-eight and five-tenth (258.5) feet to a corner at or near the Conewago Creek; thence along said Creek North, seventeen (17) degrees, twenty-five (25) minutes West, fifty-two (52) feet to a corner at Lot No. 3 aforesaid, and thence along said Lot No. 3 North, seventy-nine and one-half (79 1/2) degrees East, two hundred seventy-five and five-tenth (275.5) feet to a corner, the place of BEGINNING. Being known on a plot of a series of lots laid out by Leo T. Martz, as Lot No. 4.

Having thereon erected a dwelling house known as: 207 Kuhn Drive, East Berlin, Pennsylvania 17316.

BEING THE SAME PREMISES WHICH Robert C. Reigle, by Deed dated 10/29/97 and recorded 10/31/97 in

Adams County Deed Book 1465, Page 350, granted and conveyed unto William G. Kennedy and JoAnn L. Kennedy.

SEIZED IN EXECUTION AS THE PROPERTY OF WILLIAM G. KENNEDY AND JOANN L. KENNEDY UNDER ADAMS COUNTY JUDGMENT NO. 03-S-1107.

Map & Parcel 10-6-2

SEIZED and taken into execution as the property of **William G. Kennedy, JoAnn L. Kennedy & The United States of America** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 20, 2004, 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.

7/23, 30 & 8/6

Initially, I note that while the particular designation of a piece of legislation is a relevant consideration, I cannot find that such designation, standing alone, constitutes substantial evidence of the legal meaning of the legislation. This point is illustrated by the reality that no matter how many times we call an “apple” an “orange”, the fruit will forever remain an apple. To find otherwise would allow municipal agencies to easily avoid the mandates of our State legislature through semantic gamesmanship. Therefore, while a particular piece of legislation’s designation is a consideration, it is not the controlling consideration. Rather, the Ordinance must be examined both as to its legislative history and as to its effect. Indeed, both parties recognize the importance of reviewing that actual language of the legislative action. For instance, the Township urges that “the proper focus for this Court is on the magnitude of similarities between the 1987 and 2002 Ordinances.” Township Br., p. 5. While I concur with the Township that a comparison of the two legislative acts is important, I do not concur with its conclusion that the differences between the two versions is “minimal”. Comparison of the 1987 Ordinance and the new legislation reveals substantial indications that the legislation is, in fact, a new ordinance.

The 2002 Ordinance is comprised of approximately 175 sections while its predecessor, the 1987 Ordinance, consisted of approximately 160 sections. This difference is insignificant in and of itself. However, a detailed review of the two ordinances reveals that only fifty-eight sections, or approximately thirty-three percent of the sections, are identical between the ordinances. An additional twenty-six sections are virtually identical, however, the section number has been changed. The remaining ninety-one sections, or fifty-two percent of the sections, reflect some change to the language of the related section in the 1987 Ordinance. Although I recognize that a number of these changes appear insignificant,⁹ they constitute, nonetheless, distinctions between the two ordinances. In fact, variances with clear

⁹For instance, Section 602 of the 1987 Ordinance reads as follows:

Section 602. Antique sales.

- A. Any outdoor display of articles for sale shall be at least fifty (50) feet from any property or street line.
- B. Adequate off-street parking must be provided.
- C. A sign no larger than fifty (50) square feet may be permitted; and shall be set back at least forty (40) feet from any street line.

(footnote 9 continued to next page)

substantive ramifications are prevalent throughout a comparison of the two ordinances.¹⁰

While a comparison of the less than obvious distinctions between the Ordinances is instructive, the true nature of the 2002 legislative action becomes apparent when considering the obvious differences between the two documents. The 2002 Ordinance consists of seven

(footnote 9 continued from previous page)

The comparable section in the 2002 Ordinance, Section 604, reads as follows:

Section 604. Antique sales.

- A. Any outdoor display of articles for sale shall be at least fifty (50) feet from any property or street line.
- B. Adequate off-street parking must be provided **as required in Section 513 of this Ordinance.**
- C. A sign no larger than fifty (50) square feet may be permitted and shall be set back at least forty (40) feet from any street line.

2002 Ordinance, § 604 (emphasis added).

While these sections are arguably substantially similar, it is equally clear that these sections contain different language. In light of the pronouncements from our appellate courts that every word in an ordinance has meaning, *see generally Borough of Pleasant Hills v. Zoning Bd. of Adjustment of the Borough of Pleasant Hills*, 669 A.2d 428, 430 (Pa. Commw. Ct. 1995), one might argue that the distinction between the two ordinances, while semantically insignificant, has meaningful legal repercussions. For similar distinctions in form between the two ordinances review and compare, among others, the following sections: 1987 Ordinance, §§ 605, 606 and 612 with 2002 Ordinance, §§ 607, 608 and 616. In addition, there is a significant amount of clearly substantive variances between the ordinances. Examples of this may be found in Sections 802 and 803 of the 2002 Ordinance (relating to applicable time periods for review and approval of planned residential development submissions). The 1987 Ordinance, § 802(A) provides: “The Board of Supervisors, within **thirty (30)** days following the conclusion of the public hearing, shall, by official written communication, to the developed, [sic] either:” 1987 Ordinance, § 802(A) (emphasis added). The comparable section in the 2002 Ordinance reads as follows: “The Board of Supervisors, within **60** days following the conclusion of the public hearing, shall, by official written communication to the developer:” 2002 Ordinance, § 802(A) (emphasis added). Both sections contain a number of other time periods which are different between the two ordinances.

¹⁰Compare Section 514(A)(2) of the 1987 Ordinance (no off-street parking, loading or unloading facilities shall be located less than **3** feet from any property line) with Section 513(A)(2) of the 2002 Ordinance, (no off-street parking, loading or unloading facility shall be located less than **10** feet from any property line); Section 508 of the 1987 Ordinance with Section 507 of the 2002 Ordinance (substantial differences in the organization of the content of these sections); Section 433(B)(3) of the 1987 Ordinance (providing for rear yard in a commercial-industrial district of at least **10** feet) with Section 453(B)(3) of the 2002 Ordinance (providing rear yard requirements in a commercial-industrial district of at least **50** feet). A side-by-side comparison of the ordinances reflects a number of similar distinctions which are too abundant to list in this Opinion.

distinct zoning districts compared to just five districts in the 1987 Ordinance. Specifically, the zoning districts in the 2002 Ordinance for agricultural conservation-2 and Lake Meade district do not have a similar counterpart in the 1987 Ordinance. Although four of the districts in either Ordinance share common titles, an in-depth review of the basic use regulations for each of those districts indicates substantive variances in the respective ordinances. For instance, the residential agricultural district in the 1987 Ordinance allowed for ten permitted uses and ten supplemental uses. However, the residential-agricultural district under the 2002 Ordinance allows for twelve permitted uses and seven supplemental uses.¹¹ The same distinction is apparent in the agricultural conservation districts;¹² the residential-suburban districts;¹³ the commercial-industrial district;¹⁴ and the flood plain district.¹⁵ Accordingly, in addition to the two districts in the 2002 Ordinance which have no counterpart in the 1987 Ordinance, the five other districts which share similar titles have different substantive provisions.

Similarly, there is substantial difference to the definition section included in the respective ordinances. *See* 1987 Ordinance, § 202; 2002 Ordinance, § 202. The number of words defined in the 2002 Ordinance is more than double the number of definitions included in the 1987 Ordinance.¹⁶ In addition to the increase in the number of

¹¹ The 2002 Zoning Ordinance omits, *inter alia*, public museums, cemeteries and planned residential developments as supplemental uses compared to the 1987 Ordinance which permitted such supplemental uses.

¹² The 1987 Ordinance allows seven permitted uses and eight supplemental uses in the agricultural conservation district compared to the 2002 Ordinance which allows ten permitted uses and six supplemental uses.

¹³ The 1987 Ordinance allows six permitted uses and nine supplemental uses in the residential-suburban districts compared to the 2002 Ordinance which allows seven permitted uses and seven supplemental uses in the similar district.

¹⁴ The 1987 Ordinance provides for twenty-four permitted uses and thirteen supplemental uses in a commercial-industrial district compared to the 2002 Ordinance which provides for twenty-seven permitted uses and eighteen supplemental uses in a similar district.

¹⁵ Section 442(A)(5)(d) of the 1987 Ordinance allows accessory industrial and commercial uses as a permitted use in the flood plain district compared to Section 462 of the 2002 Ordinance which does not include such a permitted use.

¹⁶ The Appellants' brief indicates that 126 out of 230 definitions in the 2002 Ordinance either do not exist or contain different definitions from the 1987 Ordinance. My own count reflects that approximately 113 of the 215 definitions included in the 2002 Ordinance were not included in the 1987 Ordinance.

defined terms, the 2002 Ordinance contains a substantial number of provisions which do not have a mate in the 1987 Ordinance. These provisions are most apparent in Article Six of the 2002 Ordinance (relating to use regulations),¹⁷ however, exist in other sections scattered throughout the 2002 Ordinance.¹⁸

Finally, the zoning map attached to the 2002 Ordinance provides for a commercial-industrial district significantly less than the commercial-industrial district provided in the 1987 Ordinance. The 2002 map also differs from the 1987 map in the northeast corner of the Township, the southeast corner of the Township and the area near Latimore Village (located in the western portion of the Township). Under these circumstances, the Board's finding that "[t]he Amendments change no more than five percent of the Zoning Ordinance", Bd. Finding of Fact, ¶ 5, is not supported by the record. Thus, if this decision was based on the magnitude of similarities or dissimilarities between the 1987 and the 2002 ordinances, as is suggested by the Township, the Appellants' position has merit.

While I agree that the similarities and dissimilarities between the ordinances are a proper consideration in determining whether the legislation is an amendment or a new ordinance, I do not believe that determination alone to be controlling. Rather, I also look to the express language of the Ordinance.

The introductory paragraph to the 2002 Ordinance reads as follows:

The Board of Supervisors of the Township of Latimore, County of Adams, Commonwealth of Pennsylvania, by authority of and pursuant to the provisions of the . . . MPC, and any amendments and supplements thereto, **do hereby ordain as follows**

2002 Ordinance, p. 1 (emphasis added).

Similarly, in the general provisions of the 2002 Ordinance, the following language is found: "[t]his Ordinance is **enacted** for the

¹⁷The 2002 Ordinance contains 44 separate sections under Article Six (use regulations) compared to the 35 sections contained in Article Six of the 1987 Ordinance (relating to use regulations).

¹⁸See generally 2002 Ordinance, §§ 513(C)(3); 513(F) through (Q); 518(C) (relating to commercial advertising signs) and 518(D)(2) (placing 100 square foot limit on all signs in Latimore Township).

following purposes” 2002 Ordinance, § 102 (emphasis added). Other sections in the Ordinance provide for its amendment, *see* Section 1201, and its interpretation, *see* Section 1203. Importantly, Section 1202 of the 2002 Ordinance repeals all inconsistent ordinances. Finally, there is no confusion in the meaning of Section 1205 of the 2002 Ordinance which provides: “[t]his Ordinance shall become effective on the 4th day of March, 2002. ENACTMENT. Ordained and enacted this 4[th] day of March, 2002.” Thereafter, the signature of two out of three Supervisors follow and are attested by the Township Secretary.

Other than the word amended on the front cover of the Ordinance, there is not a single reference in the 2002 Ordinance that would indicate, or even imply, that the Board’s March 4, 2002 action was an amendment to the 1987 Ordinance. Moreover, the record is absolutely void of any indication in the legislative history prior to January 28, 2002 that the legislation was being treated as an amendment. Rather, it was consistently referred to as a self-supporting ordinance.¹⁹ It was not until less than two months prior to the adoption of the legislation that the word “amendment” appeared in public notices concerning the legislation.²⁰

Under these circumstances, I cannot agree with the Township’s position. Other than what the Appellants have described as the “self-serving statements” of the Supervisors, *see* Appellants’ Br., p. 7, every other indication in the record is that the March 4, 2002 actions of the Supervisors constituted the enactment of a new ordinance. Thus, I find that the Board erred in treating this legislation as an amendment.

¹⁹The Supervisors’ brief contains an attachment consisting of a transcript of proceedings from an October 16, 2000 proposed zoning map and proposed zoning ordinance public hearing. In doing so, the Supervisors urge the Court to recognize the transcript by judicial notice since they claim it is a matter of public record. Indeed, in considering the intent of legislation, the legislative history is an appropriate consideration when the words of legislation are not explicit. 1 PA. CONS. STAT. ANN. § 1921(c)(7) (West 1995). Interestingly, at that public hearing, the Township Solicitor made the following representation to the citizens: “The Planning Commission I’m sure is open to your suggestions. When they prepare a final document and forward it to us with a final map, then we will advertise an Ordinance which would be this **new Ordinance** and we would have another not a public hearing [sic] but there would be a regular meeting in order to decide if they wanted to pass the **new Zoning Ordinance**.” Tr. p. 16, lines 9-15, Oct. 16, 2000 (emphasis added).

²⁰Incidentally, the makeup of the Supervisors changed effective January 7, 2002.

This interpretation is consistent with the limited statutory authority in this area. For instance, 1 PA. CONS. STAT. ANN. § 1951 (West 1995) provides guidance on the interpretation of amendatory statutes.²¹ This Section interprets the meaning of italics or underscored material which is commonly associated with amendatory legislation. The 2002 Ordinance is absent of any indications commonly associated with amendments.

The Supervisors argue that their failure to follow typical legislative format in drafting this legislation is immaterial. Standing alone, I agree. For this Court to adopt a “bright-line” rule that legislation will always be construed as a new ordinance where “typical” legislative format is not followed would ignore the reality of the abundance of Pennsylvania municipality amendatory legislation which ignores such a format. However, despite my rejection of such a “bright-line” test, the Township’s lack of conformity with the statutorily recognized practice is one of many factors indicating the true nature of this legislation. Interestingly, despite its non-compliance with general legislative format, the Township has, in the recent past, enacted amendatory legislation which is quite distinct in form from the legislative actions taken on March 4, 2002. Latimore Township Ordinance Number 2000-01 (an ordinance amending the zoning ordinance) does not recite the entire ordinance which is being amended but rather references only the amendatory language. Notably, Ordinance Number 2000-01 specifies both in its title and its body that it is an amendment to a pending ordinance.²²

It is apparent that the Supervisors’ legislative action of March 4, 2002 was the enactment of a new ordinance notwithstanding the Township’s last-minute attempts to designate the same as an amendment. Thus, the Board committed an error of law in considering procedural issues concerning the adoption of the Ordinance under the

²¹The rules of statutory construction are applicable to municipal ordinances. *In re Earned Income Tax Ordinance of City of Wilkes-Barre*, 222 A.2d 499, 502 n.2 (Pa. Super. Ct. 1966).

²²On May 8, 2000 the Supervisors enacted Ordinance Number 2000-01. Two of the three Supervisors in office at that time were in office at the time of the March 4, 2002 legislation. The Court takes judicial notice of this Ordinance. 42 PA. CONS. STAT. ANN. § 6107 (West 2000); *Dream Mile Club Inc. v. Tobyhanna Township Bd. of Supervisors*, 615 A.2d 931, 933-34 (Pa. Commw. Ct. 1992). A copy of Ordinance Number 2000-01 is attached to this Opinion.

procedures set forth in PA. STAT. ANN. tit. 53, § 10609 (West 2003) (relating to the enactment of zoning ordinance amendments).

While this matter might normally be remanded to the Board for its consideration of the legislation under PA. STAT. ANN. tit. 53, § 10608 (West 2003) (enactment of zoning ordinances), the same is unnecessary since, as set forth below, I find the Supervisors' actions procedurally defective regardless of whether their actions are treated as an amendment or a new ordinance.

Sections 607 and 608²³ of the MPC sets forth the procedures for the preparation and enactment of a zoning ordinance. Generally, this legislation requires that the text and map of a proposed zoning ordinance be prepared by the planning agency of each municipality during the course of which the planning agency shall hold at least one public meeting pursuant to public notice. Thereafter, the planning agency shall forward the proposed zoning ordinance to the governing body. Before voting on the enactment of the zoning ordinance, the governing body is required to hold a public hearing pursuant to public notice. The vote on enactment shall be within ninety days after the last public hearing. Section 607 specifically provides that satisfaction of the requirements on the planning agency are "a condition precedent to the validity of a zoning ordinance. . . ." PA. STAT. ANN. tit. 53, § 10607(d) (West 1997).

The MPC includes a specific definition for public notice. It reads:

"Public Notice," notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PA. STAT. ANN. tit. 53, § 10107 (West 2003).

The MPC places additional public notice requirements prior to the enactment of legislation affecting zoning. Specifically, Section 610²⁴ provides:

²³PA. STAT. ANN. tit. 53, §§ 10607, 10608 (West 1997, 2003).

²⁴PA. STAT. ANN. tit. 53, § 10610 (West 1997).

(a) Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The governing body shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- (1) a copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
- (2) An attested copy of the proposed ordinance shall be filed in the county law library²⁵ or the county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual cost of storing said ordinances.

PA. STAT. ANN. tit. 53, § 10610 (West 1997).

Perhaps most noteworthy about these notice requirements is the intent of these provisions to provide notice and the opportunity to be heard to the landowners whose property rights may be affected by the proposed legislation. Additionally, notice requirements have the purpose of protecting the interest of the public in the legislative process. *Lower Gwynedd Township v. Gwynedd Properties, Inc.*, 591

²⁵ The Adams County Law Library contains a document entitled, "Latimore Township, Adams County, Pennsylvania, Proposed Zoning Ordinance, December, 2001". Enclosed within the Ordinance is a zoning map. The zoning map included with the December 2001 Ordinance is different than the zoning map included with the Ordinance the Supervisors adopted on March 4, 2002.

A.2d 285, 287-88 (Pa. 1991). The right of the public to participate in the enactment of municipal ordinances is so sacred that the courts have been consistent in holding that statutory publication requirements are mandatory and that ordinances adopted without strict compliance are void. *Id.* at 288. Implicit in this maxim is the core concept that in order for public interests to be protected, the public must be fairly alerted as to the subject matter of the pending legislation. Applying this principle to the current circumstances, I find that the notice was inadequate.

Although the Board properly found that public notice had been published in a newspaper of general circulation in compliance with the time period set forth in the MPC, they erred in finding this notice sufficient. More specifically stated, although notice was timely given, the public was misled in regard to the nature of the pending legislation. Each of the notices described the pending legislation as a proposed amendment when, in fact, as discussed above, the legislation was an entirely new ordinance. The notice at issue is, at least, ambiguous if not intentionally misleading. Our appellate courts have consistently interpreted ambiguous notices in favor of property owners. *Valianatos v. Zoning Hearing Bd. of Richmond Township*, 766 A.2d 903 (Pa. Commw. Ct. 2001) (determining notice that the Township would “consider proposed amendments” insufficient when purpose of hearing was to “enact” ordinance); *Appeal of Kurren*, 208 A.2d 853 (Pa. 1965); *Tinicum Township v. Tinicum Township Zoning Hearing Bd.*, 624 A.2d 232 (Pa. Commw. Ct. 1993). I find, therefore, as a matter of law, that notice of a pending ordinance is insufficient when it incorrectly characterizes the nature of the pending legislation.

Continued to next issue (8/6/2004)

**LEGAL NOTICE
ADAMS COUNTY TAX CLAIM BUREAU**

Pursuant to Court Orders 04-S-496 through 04-S-501 and 04-S-503 through 04-S-506, the following real property will be offered for sale Friday, September 17, 2004 at 1:00 p.m. E.D.S.T., at the Adams County Courthouse, 111-117 Baltimore Street, 4th floor, Gettysburg, Pennsylvania. The purpose of this sale is to dispose at public sale the following parcels of real estate:

OWNERS OR REPUTED OWNERS	TOWNSHIP/ BOROUGH	MAP NO., PARCEL NO., LOT NO. OR PROPERTY DESCRIPTION
Divittorio, Joseph J.	Carroll Valley	34-174-P-125
Jester, Robert S. & Mary Ellen	Carroll Valley	3-55-K-307
Deavers, Gerald D. & Carol J.	Freedom	E17-35
Mort, Charles & Agnes	Hamiltonban	BB-41
Mort, Charles & Agnes	Hamiltonban	BB-1A-bb1-1
Conner, Randall K. & Brown, Susan M.	Huntington	H4-12-7, 1975 Skyline MH
Constantino, Mariano C.	Reading	J8-45-17, 1977 Mayfair MH
Crowl, Dawn	Reading	L7-5-10, Hallmark, Galaxy MH
McKenna, Edward J. & Patricia E.	Straban	G10-13
Rudolph, Patrick J. & Sara A.	Tyrone	I9-16A-13, 1970 Mobile Home

TERMS OF SALE: CASH IN THE FORM OF CURRENCY OF THE UNITED STATES IF THE PURCHASE PRICE IS \$50.00 OR LESS. For properties selling for more than \$50.00, \$50.00 in the form of currency of the United States and a check or other satisfactory payment of the balance. All properties shall be paid for at the time the property is struck down. The purchaser(s) shall be required to pay, in addition to the bid price, the fees for preparing and recording a deed, and any applicable transfer taxes due (the assessed value x 2.89 x 2).

The above properties were previously advertised for sale in the *Adams County Legal Journal*, *The Gettysburg Times* and in *The Hanover Evening Sun* on August 1, 2003.

**ADAMS COUNTY TAX CLAIM BUREAU
NOTICE OF PUBLIC TAX SALE**

TO OWNERS OF PROPERTIES DESCRIBED IN THIS NOTICE AND TO ALL PERSONS HAVING LIENS, JUDGMENTS OR MUNICIPAL OR OTHER CLAIMS AGAINST SUCH PROPERTIES.

Notice is hereby given by the Tax Claim Bureau in and for the County of Adams under the Act of 1947, P.L. 1368, as amended, that the Bureau will expose at public sale in the Adams County Courthouse, fourth floor, Jury Assembly Room, 111-117 Baltimore Street, in the Borough of Gettysburg, Pennsylvania at 9:00 a.m. E.D.S.T. on September 17, 2004 or any date to which the sale may be adjourned, re-adjourned or continued, for the purpose of collecting unpaid 2002 and any prior real estate taxes, prior liens, municipal, and all costs thereto, the following described set forth.

The sale of the property may, at the option of the Bureau, be stayed if the owner thereof or any lien creditor of the owner, on or before the date of the sale enters into an agreement with the Bureau to pay the taxes, claims, and all costs in installments in the manner provided by said Act, and the agreement be entered into.

There will be no Redemption Period after the date of the sale, but these taxes and costs can be paid up to the date of the sale, September 17, 2004.

It is strongly urged that the prospective purchasers have an examination made of the title of any property in which they may be interested. Every reasonable effort has been made to keep the proceedings free from error. However, in every case the Tax Claim Bureau is selling the taxable interest and the property is offered for sale by the Tax Claim Bureau without guarantee or warranty whatsoever.

The property so struck down will be settled for before the next property is offered for sale. Deeds for the premises will be prepared by the Tax Claim Bureau and recorded. Buyer(s) will be required to pay, in addition to their bid, at the time the property is struck down to them, the basic sum for preparing and recording the deed, and the costs of such realty transfer stamps as required (assessed value x 2.89 % X 2). The Tax Claim Bureau will mail the deeds to the address given by the purchaser.

A property will not be sold if the delinquent taxes and all costs are paid prior to the sale and it is suggested that this be done as soon as possible before the sale, as the earlier this is done, the more saving there will be in the amount of costs etc.

It is repeated that there is no redemption after the property is sold and all sales will be final. No adjustments will be made after the property is struck down.

TERMS OF SALE: In the case of all properties selling for one hundred dollars (\$100.00) or less, cash in the form of currency of the United States must be paid in full at the time the property is struck down. In the case of properties for which more than one hundred dollars (\$100.00) has been bid, the sum of one hundred dollars (\$100.00) cash in the form of currency of the United States must be paid with the balance being paid by a check on a bank or other satisfactory payment when the property is struck down. If the balance of the purchase price is not paid for any reason (for example, if a check is not paid), the one hundred dollars (\$100.00) cash paid shall be forfeited as liquidated damages.

NOTICE TO PROSPECTIVE TAX SALE BIDDERS

IN ACCORDANCE WITH ACT NO. 133 P.L. 1368, NO. 542, PROSPECTIVE PURCHASERS AT ALL TAX SALES ARE NOW REQUIRED TO CERTIFY TO THE TAX CLAIM BUREAU AS FOLLOWS:

1. A SUCCESSFUL BIDDER SHALL BE REQUIRED TO PROVIDE CERTIFICATION TO THE BUREAU THAT, WITHIN THE MUNICIPAL JURISDICTION, SUCH PERSON IS NOT DELINQUENT IN PAYING REAL ESTATE TAXES OWED TO TAXING BODIES WITHIN ADAMS COUNTY, AND
2. A SUCCESSFUL BIDDER SHALL BE REQUIRED TO PROVIDE CERTIFICATION TO THE BUREAU THAT, WITHIN THE MUNICIPAL JURISDICTION, SUCH PERSON IS NOT DELINQUENT IN PAYING MUNICIPAL UTILITY BILLS OWED TO MUNICIPALITIES WITHIN ADAMS COUNTY.

David K. James, III
Solicitor, Tax Claim Bureau
Danielle Asper
Director, Tax Claim Bureau

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
ARENDSVILLE BOROUGH		
Hays, Lawrence Walter & Bessie D.	4-8-0	\$4,100
BERWICK TOWNSHIP		
Bigelow, James Jr.; Wallis, Teresa & LaSalle Bank, N.A.	L12-57	\$2,700
Luckenbaugh, Albert Lee & Vivian	L12-94-0	\$7,000
Miller, Jeffrey P. & Shirley A.	L10-40-230	\$1,500
Townsley, Jim	L10-40-275, 1994 Claremont	\$1,700
Kennedy, David A. & Brenda E.	K11-48E-0	\$5,900
Schmidt, David	K11-150	\$9,400
Schmidt, David W. & Sandra F.	K11-152	\$23,000
Burrows, James & Lisa	L10-40-219, 1994 Skyline	\$2,200
Parsley, Herb & Diana	L10-40-227, 1979 Suncrest	\$610
Pittinger, Brenda S.	L10-40-427, 1988 Fleetwood	\$2,500
E.U.B. Green Springs Church	L12-54	\$3,900
BIGLERVILLE BOROUGH		
Petrosky, David & Angela K.	3-97	\$3,100
Hartman, James M.	3-70	\$6,900
BONNEAUVILLE BOROUGH		
Morris, John F. & Scythia V.	5-102	\$14,700
Blake, Holly A.	9-66-0	\$4,400
BUTLER TOWNSHIP		
Stull, Bradley & Christine	F10-38-78, 1996 Liberty	\$1,400
Darrell, Jeffrey & Kuhn, Patricia	F10-38-83, 1991 Colony	\$1,800
Gorse, George E. & Carol	E8-26B	\$6,805
Kuhn, Toni L.	F10-38-81, 1998 Summerset	\$3,281
Irwin, Cynthia M.	F10-38-10, 1982 Derosé	\$440
Stapleton, Shaun	F10-38-48, 1989 Windgate	\$2,221
Griffie, Larry	F10-38-85, 1990 Fleetwood	\$1,240
Kump, Cindy	F10-38-79, 1993 Redman	\$1,210
Taylor, Woodrow III & Tammy	F10-38-62, 1994 Redman	\$1,013
Jeffcoat, Barry L. & Brenda	F10-38-28, 1997 Castle	\$1,947
Cameron, Shirley & Brown, Jerry	F10-38-5, 1995 Skyline	\$2,000
Swift, Julie & Thomas, Jay Jr.	E8-36-2, Liberty	\$500
Leake, Josh & Fowler, Jessica	F10-39-49, Wingate	\$900
CONEWAGO TOWNSHIP		
Tavares, Cynthia R.	9-243	\$4,100
Potter, Chris L.	9-49	\$3,500
Rutter, Charles R. & Andrea W. I.	6-132	\$5,500

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Host, Nancy A. & Volk, Helen M.	21-4-0	\$4,200
Leppo, Denton E.	4-21	\$3,400
Harkelroad, Bill	10-72	\$3,700
CUMBERLAND TOWNSHIP		
Delaney, James H. Jr.	E13-56	\$17,500
Oak Lawn Memorial Gardens, Inc.	E12-79	\$12,700
Heckendom, James & Christine	E17-66H	\$2,900
Delaney, James H. Jr.	E12-79A	\$2,100
Sanders, Deborah	F15-65-39, 1994 Fleetwood	\$3,500
Jersild, Sandra Sue	E17-663	\$1,600
Rebello, Geraldine	F15-65-20, 77 Starcraft	\$700
Grumbine, Paul C.	F11-17A	\$9,300
Patterson, Keith & Barbara	F15-65-19	\$450
Coscia, Mark C. & Nanci C.	F11-19A	\$1,900
Laramy, Edwin & Tina	F15-65-31	\$1,400
EAST BERLIN BOROUGH		
Hull, Donald A.	4-129-0	\$3,900
Larose, Kevin	4-115	\$1,500
Kennedy, John & Melissa L.	2-10-1	\$2,100
FRANKLIN TOWNSHIP		
Gough, Nat L. & Lori E.	2-1	\$300
King, Robert Jr. & Marnel	D12-14A	\$600
Schindel, Philip B.	C12-7D-0	\$6,100
Strausbaugh, Charles W. & Alverta	B09-38G-0	\$900
Tracey, Charles E. & Helen A.	D10-20A-0	\$96,000
Schindel, Philip B.	B11-34-0	\$1,900
Schindel, Philip B.	B11-1A-0	\$2,400
Bank of New York	2-24	\$400
Shelleman, John	C10-13-1, 1992 Redman	\$600
Grimes, Carroll	B8-13-13, 1980 Mobile Home	\$800
Howery, Pamela J.	D10-2	\$6,000
Quigley, Dennis L. & Sharon A.	A9-79	\$11,400
Monn, Richard	C11-31-7, Liberty	\$1,000
Haws, Robert W. Sr.	C10-189-0	\$2,900
Caskey, Jaime D.	C10-189-0	\$2,900
Carey, Jeffrey S. & Tricia A.	C7-13-1, Windsor	\$1,600
Six, David S. & Ida Beth	B9-95	\$1,600
Wright, Mary M. & Rutkowski, Richard	2-3	\$900
Forsythe, Mollie R. & Barbara E.	C10-54B-1	\$200
GERMANY TOWNSHIP		
Wilson, Nancy W.	I18-85-0	\$2,600
Laughlin, John Russell	I18-26G	\$500
Edwards, Gary J. & Nancy A.	I18-75-0	\$6,100
GETTYSBURG BOROUGH		
Ivey, Katherine E. & Eric A.	10-325	\$1,000
Jones, William H. & Cindy R.	10-346-0	\$2,600
Costley, Valerie Lynn	10-228	\$2,500
Mauslon, James W. & Catherine	10-257	\$3,100
Roser, Anthony W. & Geanine J.	10-269-0	\$7,400
Roser, Anthony W. & Geanine J.	7-6-0	\$6,700
Altman, Daniel R.	7-315	\$3,700

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
	HAMILTON TOWNSHIP	
Brewbaker, Charles & Shorb, Susan	K10-58	\$3,900
Pisula, V. Paul III	L9-29	\$1,200
Deutsche Bank Nat'l Trust Co	K10-19D	\$2,300
Fischer, F. Patrick & Kimberly	K8-151	\$7,200
	HAMILTONBAN TOWNSHIP	
Brown, Thomas A. & Henrietta M.	C14-30	\$2,100
Nicholas, George W. & Mary A.	B16-61A	\$440
Nicholas, George W. & Mary A.	B16-61	\$5,600
Gladhill, Richard	B17-1-1, 1983 Brigadier	\$550
Harlacher, Mark A.	A12-14A	\$3,600
Naugle, David M.	B13-35A	\$500
Baker, Leona M.	A17-50	\$2,700
Robinson, Richard Jr.; David, Richard D. & Melinda	A16-21	\$8,300
Knepper, Charles H. & Leslie E.	A12-9B-0, Mobile	\$1,400
Richardson, Robert W. & Mary Jo	B16-71	\$700
Gladhill, Kristy	B17-2	\$120
	HIGHLAND TOWNSHIP	
Humphrey, Terry & Christine	D14-78	\$3,000
	HUNTINGTON TOWNSHIP	
Bailor, Dale R.	H03-25-0	\$1,000
Gross, Effie E. Estate & Decker, Ronald	I7-11	\$500
Hermansen & Sons; Hermansen, Knud A.	J6-15	\$5,400
Arnolt, Gary L. & Theresa L.	G3-107-1, 1981 Halmark	\$700
Strudwick, Stephen A. & Ann M.	J05-35A-0	\$3,000
Kuhn, Michael E.	H2-29B, Brigadier	\$900
Decosmo, Raymond & Kristen	J05-23A-998	\$5,300
Melhorn, Michael	H5-42	\$2,000
Chronister, Kenneth E.	I05-13B-0	\$1,400
Chronister, Kenneth E.	I05-24A-0	\$4,000
Englehardt, Linda M. & Altice, Linda M.	G3-122-14	\$1,000
Clouse, Linda L. a/k/a Speelman	G3-16	\$750
Shatto, Joseph M. & Pamela L.	I5-70	\$1,000
	LATIMORE TOWNSHIP	
Kress, Michelle R.	I2-4-1, 1985 Shultz	\$1,100
Yohn, Arthur C. & Jeannette Marie	K3-6	\$2,500
Myers, Dennis A. & Kimberly D.	H2-2	\$3,200
Stouffer, Jeff	I1-82	\$1,500
	LIBERTY TOWNSHIP	
Sheldon, William Robert & Cherylann	OO-64-0	\$450
Sheldon, William Robert & Cherylann	OO-61-0	\$490
Donnelly, Kevin B.	D18-16A	\$12,100
Zimmerman, Thomas W. & Deborah	AB-48	\$8,200
Zimmerman, Thomas W. & Deborah	AB-47	\$420
Roser, Anthony W. & Geanine J.	D16-14-0	\$12,300
Singh, Nirmal & Surjit K.	OO-22	\$300
Baumgardner, Dorothy, Linda & Lloyd	C18-34	\$300
Burgess, Philip & Leslie D.	0-124	\$1,800
Waters, Michael A. & Carmen J.	D18-70	\$7,500
Wydenmeir On Lake Myton	C18-68	\$10,100
Macadam, Wesley J.	QQ-64	\$450

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
	LITTLESTOWN BOROUGH	
Hartman, James M. Jr.	8-85	\$9,400
Morgan, Suzanne E.	11-70	\$5,200
Kluge, Kenneth	8-333-0	\$14,200
	McSHERRYSTOWN BOROUGH	
Lawrence, Tamara A. & David J.	2-26	\$2,500
St. Josephs Academy	2-134-2	\$260,000
Studzinski, Robert J. Jr.	5-98-0	\$4,600
	MENALLEN TOWNSHIP	
Austin, Arthur S. & Laura L.	C05-62-0	\$5,200
Beamer, Donald E. & Nellie M.	D5-30	\$2,300
Weller, Martin L.	F5-4	\$2,100
Musgrave, Robert S. & Susan G.	B05-3-0, Kenwood	\$1,000
Bollinger, Amidee E.	B5-1-2	\$300
Auchey, Nevin D.	B5-1-2	\$300
Reese, Deana L.	F5-82	\$750
Stoltzfus, Jacob F.	B05-51-0	\$1,800
Keystone Country Furniture	2-6	\$8,500
Crum, Martin c/o Julia A. Eyles; Eyles, Julia A.; Redding, Betty Eyles & Crum, Harry c/o Julia A. Eyles	E07-15-0	\$1,900
Laughman, Lee & Smith, Melody	F6-12A-1, 1981 Oakwood	\$1,200
Wetzel, Paul Wendell & Judith	F5-58B	\$400
Armstrong, Oswald L. & Janice	1-4	\$3,300
Morgan, Thomas A. & Bixler, Donald A.	F4-24A	\$400
	MT JOY TOWNSHIP	
Delaney, James H. Jr.	11-2-0	\$16,700
Pannick, John P. & Betty Jane	G15-7	\$11,800
	MT PLEASANT TOWNSHIP	
Madrigal, Juan Carlos Figuero	J11-52-77, Liberty	\$500
Laughman, David R. Sr.	J12-61-146, 1981 Liberty	\$800
Mullin, Richard P. & Michael S.	J11-6A-0	\$3,200
Parsley, Kathleen M. & Carnes, Elven Lee	I12-25-0	\$7,000
Williams, Kevin L. & Ladonna J.	J12-61-173, 1990 Holly Park	\$3,100
Smith, Roger & Jane	J12-61-60, 1985 Liberty	\$900
Stoner, Cleason L.	I11-42	\$3,400
Myers, Jason M. & Pamela Louise	J12-61-65, 1977 Liberty	\$2,400
Beach, Carl L.	J12-61-141, 1981 Derose	\$850
Narvett, Louis P. & Gradek, Jilletha	J12-61-99, 1999 Heritage	\$1,800
Coffelt, Keith S. & Jacqueline	H13-29-4, 1978 Skyline	\$500
Vasquez, Miguel & Beatriz	J11-52-30, 1987 Commodore	\$1,400
Degroft, Derrick	J12-61-40, 1996 Fleetwood	\$700
Agularo, Jose & Ana	J11-52-58, 1981 Derose	\$300
Ramsey, Linda	H14-32-31, 1992 Redman	\$1,200
Wagaman, Jeffrey & Agnes	J12-61-66, 1987 Liberty	\$900
Keplinger, Victor	J12-61-129, 1987 Skyline	\$1,100
McIntyre, Helen G.	I13-29-1	\$300
Stoner, Cleason L. Sr.	I11-42A	\$900
Messer, Mary A.	J11-114-0	\$4,100
Smith, David & Lockard, Beth	J11-52-5, Commodore Richland	\$800
Colon, Edgardo	J12-61-127, Liberty	\$1,000
Slusser, Cathy A. a/k/a Gebhart	J11-52--99, South Energy	\$1,300

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
	NEW OXFORD BOROUGH	
Brock, Roy L. & Sandra L.	5-172-0	\$2,900
Garland Construction	5-184A-0	\$1,300
Weikert, Jean M.	5-161	\$3,300
	OXFORD TOWNSHIP	
Frock, Tony D. & Christina L.	K12-36B	\$1,300
Rice, Nadine D.	J12-22-1, 1982 Liberty	\$800
Wonder, Grace M.	K12-99B	\$4,000
Brough, Charles W. Jr.	J13-71	\$800
Becker, Timothy L.	J10-82	\$2,800
Ketterman, Barry & Barbara	K11-26C-13, 1997 Liberty	\$1,800
Ward, Sheryl	K11-26C-35, 1998 Fleetwood	\$4,400
Orndorff, Shawn	K11-105F-23, Skyline	\$1,200
Schmidt, Walter; Wayne, David; Ariel, David & Eagle, David	K12-125-0	\$1,600
Shaw, James	L13-7-0	\$900
	READING TOWNSHIP	
Hudson United Bank	L7-5-36	\$1,400
Jarrett, Edward & Diane	J8-45-117, 1976 Metamora	\$400
Miller, Charles M. & Belinda L.	1-38	\$1,700
Reese, Steven; Lawrence, Samuel Jr. & Stephanie	J8-45-108, 1992 Skyline	\$1,500
Meckley, Thomas & Armstrong, Robin	L07-5-16, 1999 Claremont	\$1,200
Perkoski, Michael & Barbara	L7-5-30, 1985 Liberty	\$900
Bortner, Marlin C. & Georgine	L7-20	\$300
Glatfelder, David & Lori	J8-45-113, Fleetwood	\$900
Funt, John	L7-5-21, Hillcrest	\$300
Sponseller, Michael E. & Dorothy	L6-16A-0	\$600
Saylor, Adam	L7-5-61, Fleetwood	\$1,800
Sponseller, Michael & Dorothy	L7-5-3, Holly Park	\$700
Orndorff, Bruce & Patricia	J8-48-19	\$2,000
	STRABAN TOWNSHIP	
Behre, Jennifer & Knouse, Jay F.	I10-10-0	\$3,700
Dubbs, Donald L. Sr.	H12-95B	\$1,700
Grumbine, Paul C. A.	G12-89-0	\$9,800
Grumbine, Paul C. A.	G12-137	\$1,100
Grumbine, Paul C. A.	G12-140-0	\$2,600
Junkins, Timothy	G12-124-124, 1974 Kirkwood	\$300
Oberlin, Kathy P.	I11-18	\$9,000
Rosensteel, Catherine	G12-124-26, 1984 Skyline	\$1,400
T-Wings Farms	G10-18-0	\$14,800
Group, Nancy	H10-17-130, 1986 Skyline	\$1,100
Bolen, Donald L. Jr. & Marcey J.	H10-17-147, 1988 Sunliner	\$1,100
Brashears, June	G12-124-121, 1976 Burlington	\$450
Herbs, Dave & Carrie	H10-17-152, 1995 Skyline	\$3,900
Bevard, David L. & Bertha A.	H10-17-149, 1993 Sunliner	\$1,000
Lawver, Tammy	G12-124-42, 1977 Liberty	\$350
Slothour, Stacey	G12-124-38, Redman Plaza Series	\$700
Scott, Karen	H10-17-141, 1986 Sunliner	\$1,100
Weverink, Heinz J. & Debra R.	G9-16-0	\$500
Garman, Patricia S.	H10-17-148, 1997 Redman	\$500
Deckert, Jennifer	F10-106-1, Mobile Home	\$2,700
Weaver, James K. & Tracy L.	I10-68-0, Holly Park	\$1,200

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Simpson, Edward W. & Patricia A.	G10-28C-0	\$6,500
Keeney, Betty a/k/a Bryant	G10-16B-19, Astro	\$300
Harris, Richard A. & Ronda L.	21-79-0	\$1,300
Moreno, Armando & Esperonzo	H10-17-125, Fleetwood	\$1,900
Ash, Ronald K. & Michelle S.	G10-16B-29, Clayton White Pine	\$1,900
Lebaron, Matthew C.	G12-124-123, Fairmont Kingsley	\$550
Ryan, Michael	H10-17-182, Claremont	\$1,500
Routson, Marlin	G10-13-3	\$300
Talavera, Silvia & Lupian, Hilario	H10-17-162, Redman	\$3,100
TYRONE TOWNSHIP		
Goff, Randal R.	I09-6-0	\$6,100
Mummert, John G.	I07-46-1, Gleneagle	\$1,200
Murray, Michael Scott	H5-21	\$1,600
Staub, Clifford K.	H7-13A	\$4,800
All American Housing	H7-75-15, Liberty	\$2,300
McDannell, Brian & Kamela	H07-75-62, 1996 Fleetwood	\$2,400
All American Housing	H7-75-997, Richland Commodore	\$3,100
Torres, John A.	H7-75-12, Fleetwood	\$3,000
Woodson, William & Wanda	H07-75-93, 1996 Imperial	\$3,300
Chesney, Brian R. & Sherry E.	H07-75-155, /Kernington	\$3,000
Lowe, Kevin E. & Heather M.	H07-75-109, Southern Energy	\$3,400
Stambaugh, Denise a/k/a Urbany	H07-75-148, Suncrest	\$4,500
All American Housing	H7-75-996, Claremont	\$1,400
All American Housing	H7-75-169, Entertainer	\$3,000
McIntyre, Patricia M.	H07-75-159, Nova	\$3,200
Miller, Jeremy D.	H07-75-156, Fleetwood	\$3,100
Furhman, Rudolph A. & Tracey A.	H07-75-162, Champion	\$2,200
Reisen, Eric & Barb	H07-75-166, Fleetwood	\$2,800
All American Housing	H7-75-995, Liberty	\$2,600
Mummert, John G. & Barbara L.	I7-46	\$1,200
UNION TOWNSHIP		
Berwager, Darin L. & McMaster, Catherine M.	K16-25-0	\$2,400
Serner, Eric J.	K17-81	\$1,800
Storm, Wayne A.	L17-6	\$6,800
YORK SPRINGS BOROUGH		
Bothe, Frederick A. & Tinamarie	5-51	\$4,300
CARROLL VALLEY BOROUGH		
Mort, Dwayne E.	21-2	\$5,000
Mort, Dwayne E.	21-3-0	\$4,000
Mort, Charles & Agnes	45-67-0	\$4,100
Mort, Charles & Agnes	41-139-0	\$2,100
Mort, Charles & Agnes	3-57-0	\$3,000
Mort, Dwayne & Sharon K.	40-89-0	\$2,300
Mort, Dwayne E. & Sharon K.	43-42-0	\$3,300
Mort, Charles & Agnes	42-2	\$4,700
Mort, Dwayne E.	41-34-0	\$600
Mort, Dwayne E. & Sharon K.	43-54-0	\$8,500
Sharrer, Paul D., Sharrer, Scott & Sharrer, Ed	6-77-0	\$900
McClellan, John B.	19-63-0, D-0032	\$500
Sedr, William W. & Dolores C.	18-49-0, C-0023	\$300
Virostek, Geraldine A.	18-17-0, A-0081CR	\$700
Gillespie, Alan V. & Sherry	34-172-0, P-0150	\$6,100

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
McWilliams, Joseph & Catherine	22-78	\$700
L. P. G. Limited	29-207	\$300
Horn, Paul F.	43-50, RD-0015	\$700
Adams, Doris M.	34-22-0	\$600
Six, David & Ida	35-170	\$200
Hart, Gary	47-49-0, R-0091	\$450
Gillespie, Alan V. & Sherry K.	34-171-0, P-0149	\$600
Stevens, Gerald M. & Gladys	43-44, RD 0035	\$700
Stevens, Gerald M. & Gladys	43-45, RD0034	\$700
Mort, Charles	27-2-0	\$300
Mort, Agnes	27-2-0	\$300
Brodniak, Edward E.	23-73	\$800
Brown, James H.	41-55	\$300
Brown, Katherine R.	41-55	\$300
L. P. G. Limited	25-48, D-0086	\$300
Morrill, James I.	33-24	\$150
Reynolds, George E., Edythe M. & Richard R.	41-113	\$700
Paul J. Sapourn Ins. Assoc. Inc.	18-50	\$900
Hughes, Florence E.	17-69	\$300
Tomazin, Frank E. & Betty J.	12-55	\$400

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 FREIDA A. GOUKER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Allen F. Gouker, 5 Dogwood Court, New Oxford, PA 17350

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

ESTATE OF STEWART L. MUMMERT, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Joyce Ann Hamm, 65 Boy Scout Road, New Oxford, PA 17350

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

ESTATE OF HENRY W. RAFFENBERGER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Philip D. Raffensberger, 2256 Pleasant View Drive, York, PA 17402; Stewart W. Bowers, 140 N. 4th Street, Mt. Wolf, PA 17347

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

SECOND PUBLICATION

ESTATE OF WALTER ROBERT KELLY, JR., a/k/a WALTER R. KELLY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Daniel A. Kelly and Mary M. Butt, c/o Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

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

ESTATE OF MILDRED C. LEVAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: David M. LeVan, 1094 Baltimore Pike, Gettysburg, PA 17325; Hannah L. Owens, 1065 Baltimore Pike, Gettysburg, PA 17325

Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELIZABETH B. MAURER, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Hershey Trust Company, 100 Mansion Road East, P.O. Box 445, Hershey, PA 17033-0445 or to: Richard W. Stevenson, Esq., McNees Wallace & Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108

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

ESTATE OF HAROLD E. RAFFENSPERGER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Karen B. Arthur, 105 Hoke Drive, Gettysburg, PA 17325

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

ESTATE OF VIRGINIA A. SWEIGART, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Mark E. Sweigart, 5 Violet Drive, Hanover, PA 17331

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

ESTATE OF S. ELIZABETH WEIKERT, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Co-Executors: James J. Weikert, P.O. Box 57, 441 Tract Road, Fairfield, PA 17320; Elizabeth A. Cornwell, 115 Franklin Street, Fairfield, PA 17320

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

THIRD PUBLICATION

ESTATE OF JOHN L. GRAY, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executors: Steven H. Gray, 7010 Bristol Place, Sykesville, MD 21784; Nancy E. Newnam, 8529 Manor Drive, Woodbine, MD 21797

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

ESTATE OF G. BERNARD LAUGHMAN a/k/a GEORGE BERNARD LAUGHMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Barbara J. Keen, 155 New Chester Road, Gettysburg, PA 17325; Bernard E. Laughman, Sr., 805 Oxford Road, New Oxford, PA 17350

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

ESTATE OF BYRLE D. WETZEL, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administrator: Lois F. Wetzel, 2 Cherry Court, New Oxford, PA 17350

Attorney: Fred E. Kilgore, Esq., 2550 Kingston Road, Suite 323, York, PA 17402

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-425 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of August, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin on the right-of-way line of Oak Drive at corner of Lot No. 25 as shown on the hereinafter referred to subdivision plan, thence along said Lot No. 25 and passing through a reference iron pin set 25 feet back from the beginning of this course North 33 degrees 00 minutes 30 seconds West 244.13 feet to an iron pin at corner of lands now or formerly of Gilbert B. Hartzell and Francis L. Miller, thence along said Miller lands North 48 degrees 3 minutes 40 seconds East 159.00 feet to an iron pin at corner of Lot No. 27; thence along the same South 41 degrees 56 minutes 20 seconds East 250.00 feet to an iron pin on the right-of-way line of Oak Drive, thence along said right-of-way line of Oak Drive South 48 degrees 3 minutes 40 seconds West 96.58 feet to an iron pin; thence along same by a curve to the right having the radius of which is 575 feet an arc length of 100.83 feet and having a long chord bearing and distance of South 53 degrees 5 minutes 5 seconds West 100.70 feet to an iron pin on said right-of-way line of Oak Drive at corner of Lot No. 25 the point and place of BEGINNING.

The above description was taken from a draft of survey entitled "Recreations Real Estate Company," prepared by Boyer-Price Surveys, Inc. on March 19, 1974, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book No. 4 at Page 50 and designated as Lot No. 26.

TOGETHER WITH the right of ingress, egress and regress over the roadways shown on the aforesaid subdivision plan to and from U.S. Route No. 30.

TITLE TO SAID PREMISES IS VESTED IN Emory K. Clapsaddle, as to an undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest, Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent by reason of the following:

BEING THE SAME PREMISES which Emory K. Clapsaddle, Beverly J. Couchman and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded

on 3/18/2003 in the County of Adams in Record Book 3019, Page 155 conveyed unto Emory K. Clapsaddle and Glen Ronald Couchman.

AND ALSO BEING THE SAME PREMISES which Emory K. Clapsaddle and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded on 3/18/2003 in the County of Adams in Record Book 3019, page 178 conveyed unto Emory K. Clapsaddle, as to an undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest; Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent.

Premises being: 359 Oak Drive, Oртanna, PA 17353

Tax Parcel No. B9-203

SEIZED and taken into execution as the property of **Emory K. Clapsaddle, Lee Michael Clapsaddle, Julie Marie Clapsaddle & Glen Ronald Couchman** 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 13, 2004, 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.

7/16, 23 & 30

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that registration of a fictitious name pursuant to the Act of Assembly of December 16, 1982, Act 295 as amended, has been filed on June 8, 2004 for DOLCI D'ITALIA, INC. Also, filed on July 2, 2004 for CAFÉ DOLCI. The current principal place of business is 1650 Pine Run Rd., East Berlin, PA 17316. The name of the party for this registration is Justin Aiello of 1650 Pine Run Rd., East Berlin, PA 17316.

7/30

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—DIVORCE
NO. 04-S-24

PENNY L. HARTWELL, Plaintiff
vs.
ROBERT M. HARTWELL, Defendant
TO: Robert M. Hartwell, Defendant

Penny L. Hartwell, Plaintiff, has filed suit against Robert M. Hartwell seeking a divorce under Section 3301 (d) of the Pennsylvania Divorce Code.

NOTICE

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

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

Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
(717) 337-9846 or 1-888-337-9846

By: *John A. Wolfe, Esq.*
Wolfe & Rice, LLC
Attorneys for Plaintiff
47 West High Street
Gettysburg, PA 17325
(717) 337-3754
(717) 337-9211

7/30