

# *Adams County* **Legal Journal**

Vol. 38

September 6, 1996

No. 15, pp. 99-104

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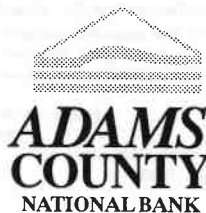
**BRENT, ET AL. VS. TOWNSHIP OF LIBERTY**

and

**DOST VS. CARTER, ET AL.**

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



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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, Donald G. Oyler, 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, 112 Baltimore Street, Gettysburg, PA 17325.

Business Office - 112 Baltimore Street, Gettysburg, PA 17325. Telephone: (717) 334-1193

Second-class postage paid at Gettysburg, PA 17325.

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-531 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of October, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that following described tract of land situate, lying and being in Union Township, Adams County, Pennsylvania, on The Final Plan of Piney Woods prepared by Wilbur L. Plank, Reg. Engineer, dated September 4, 1978, which said plan as approved by the appropriate municipal authorities, is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 24, at page 14, and described as follows, to wit:

BEGINNING for a point in a public road identified as Pennsylvania Legislative Route No. 01030 known as Pine Town Road, and at Lot No. 6; thence through and along said Pine Town Road South twenty (20) degrees seventeen (17) minutes eleven (11) seconds East one hundred thirty-five (135) feet to a point in said Pine Town Road at Lot No. 11; thence through an across a portion of Pine Town Road and along Lot No. 11, South sixty-nine (69) degrees forty-two (42) minutes forty-nine (49) seconds West one hundred ninety-five and fifty-eight hundredths (195.58) feet to a point at Lot No. 5; thence along a portion of Lot No. 5, North fifteen (15) degrees thirty-seven (37) minutes sixteen (16) seconds West one hundred twenty-six and forty-seven hundredths (126.47) feet to a point at Lot No. 6 and through the middle of a twenty (20) feet wide drainage easement; thence along Lot No. 6 and through the middle of the aforementioned twenty (20) feet wide drainage easement and through and across a portion of Pine Town Road North sixty-six (66) degrees fifty-six (56) minutes fifty-four (54) seconds East one hundred eighty-five and fifty-one hundredths (185.51) feet to a point in Pine Town Road, the place of BEGINNING. CONTAINING 24,834 square feet.

SEIZED and taken into execution as the property of **Robert A. Petenbrink and Judy A. Petenbrink** and to be sold by me

Bernard V. Miller  
Sheriff

Sheriff's Office, Gettysburg, PA  
August 22, 1996.

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

schedule of distribution will be filed by the Sheriff in his office on November 4, 1996, 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.

9/6, 13 & 20

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-629 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of October, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or land SITUATE in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 260-A on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the recorder of Deeds of Adams County, Pennsylvania, in Misc. Deed Book 4, Page 427.

SUBJECT to all legal highways, easements, rights of way and restrictions of record.

TOGETHER with the rights and privileges, and subject to the restrictions, conditions and agreements contained in the prior Deeds of conveyance.

BEING Map 4, Parcel 71.

HAVING thereon erected a dwelling house known as 260 Thomas Drive, Gettysburg, PA 17325.

TITLE to said premises is vested in George R. Cathcart, Jr. and Linda D. Cathcart, husband and wife, by Deed from Robert J. McGeehan and Carol A. McGeehan, dated 6/18/92 and recorded 6/19/92 in Record Book 631, Page 622.

SEIZED and taken into execution as the property of **George R. Cathcart, Jr. and Linda D. Cathcart** and to be sold by me

Bernard V. Miller  
Sheriff

Sheriff's Office, Gettysburg, PA  
August 28, 1996.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 4, 1996, 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.

9/6, 13 & 20

## NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, September 16, 1996, at 9:00 o'clock a.m.

**KLEINGINNA**—Orphans' Court Action Number OC-85-96. The First and Final Account of Scott L. Kelley, Esquire, Executor of the Estate of Effie M. Kleinginna, deceased, late of Oxford Township, Adams County, Pennsylvania.

**SLAGLE**—Orphans' Court Action Number OC-89-96. The First and Final Account of Thomas J. Slagle, Executor of the Estate of Gertrude A. Slagle a/k/a Gertrude M. Slagle, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

**HULL**—Orphans' Court Action Number OC-90-96. The First and Final Account of Elizabeth W. Hull, Executrix of the Last Will and Testament of Kenneth P. Hull, Sr., deceased, late of Cumberland Township, Adams County, Pennsylvania.

**MCDANIEL**—Orphans' Court Action Number OC-95-96. The First and Final Account of Carol Stambach, Executrix under the Last Will and Testament of Linda S. McDaniel, deceased, late of Mt. Joy Township, Adams County, Pennsylvania.

Peggy J. Breighner  
Clerk of Courts

9/6, 13

## BRENT, ET AL. VS. TOWNSHIP OF LIBERTY

1. A zoning officer is appointed by a township for the purpose of administering the zoning ordinance in accordance with its literal terms, and shall not have the power to permit any construction which does not conform to the zoning ordinance.

2. Mandamus is designed to compel the official performance of a ministerial act or a mandatory duty where there exists a clear right in the plaintiff, a corresponding duty in the defendant and want of any other adequate remedy at law and is an extra ordinary remedy to be used only sparingly.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil 95-S-339, WILLIAM BILLY BRENT AND HOMER C. HEK, JR. VS. TOWNSHIP OF LIBERTY, COUNTY OF ADAMS, COMMONWEALTH OF PENNSYLVANIA.

Clayton R. Wilcox, Esq., for Plaintiffs

David R. Getz, Esq., for Defendant

### OPINION ON DEFENDANT'S PRELIMINARY OBJECTIONS

Kuhn, J., January 5, 1996.

Plaintiffs, William Brent and Homer Hek, Jr., are residents of Liberty Township, Adams County, who on April 7, 1995, filed a two count Complaint in equity for injunctive relief and in mandamus. According to the Complaint, on August 21, 1993, Leonard Sites, who owns property adjacent to property owned by Brent, filed an application for a building permit with the Township Zoning Officer to covert an existing garage into two single bedroom apartments. On September 15, 1993, the application was denied because of lot size and set back requirements.

On October 13, 1993, Mr. and Mrs. Sites filed an application for a variance with the Zoning Hearing Board wherein they sought relief from the set back requirements of the Township's Zoning Ordinance. After a hearing the Zoning Hearing Board denied the request on January 3, 1994. No appeal was filed.

On March 7, 1995, Mr. Sites, who was a township supervisor, brought a proposed subdivision plan before the Board of Supervisors which resulted in the passage of a motion which overruled the September 15, 1993, decision of the zoning officer and required that officer to issue the building permit.

Plaintiffs contend that the Board of Supervisors had no authority to adopt or enforce their motion and that Mr. Sites was trying to improperly circumvent the Zoning Hearing Board's decision to deny the variance. In both counts Plaintiffs seek an order which would prohibit

the Township from issuing the building permit.

The Township has filed preliminary objections averring that Plaintiffs have an adequate remedy at law and that the Complaint fails to state a cause of action.

Initially, we note that the Township's brief makes reference to documentation and factual background which were not properly a part of the record which cannot be considered when disposing of the preliminary objections.

The Township argues that Plaintiffs have an adequate remedy at law thereby foreclosing the right to equitable relief. Township contends that it was executing the function of a zoning hearing officer and that if Plaintiffs are aggrieved by that decision they must file an appeal to the Zoning Hearing Board under provisions of 53 P.S. §10909.1 (a)(3).

The Court is somewhat confused by the averments of the Complaint because the verbiage of the Supervisor's motion has not been set forth. Therefore, we can only assume, from a fair reading of the Complaint that the Supervisors directed the Zoning Officer to issue a building permit to Mr. Sites, however, there is no indication that the Zoning Officer has actually issued the permit.

The Court views this case somewhat differently than the parties. All that has happened to date is a directive from the Supervisors to the Zoning Officer to issue the building permit. It is up to the Zoning Officer whether she wishes to comply with that directive. A zoning officer is appointed by a township for the purpose of administering the zoning ordinance "in accordance with its literal terms, and shall not have the power to permit any construction . . . which does not conform to the zoning ordinance." 53 P.S. §10614. Perhaps the Zoning Officer for Liberty Township will choose to ignore the directive of the Supervisors.<sup>1</sup> In that circumstance the entire controversy is moot. If the Zoning Officer decides to issue the permit Plaintiffs certainly have the right to appeal that decision to the Zoning Hearing Board if they are aggrieved persons. 53 P.S. §10913.3.

Thus, it would appear that Plaintiffs do have an adequate remedy at law when, and if, a building permit is issued.

We likewise conclude that mandamus is not proper in this case. Superior Court recently observed in *Commonwealth v. Blystone*, 421 Pa. Super. 167, 617 A.2d 778 (1992) that

Mandamus is an extraordinary remedy which is to be used only sparingly. It is designed to compel the official

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<sup>1</sup>As recognized by the trial court in *Township of Bensalem v. Press*, 93 Pa. Comlth. Ct. 235, 501 A.2d 331 (1985) a zoning officer who does not follow the direction of the Board of Supervisors would likely be replaced.

performance of a ministerial act or a mandatory duty where there exists a clear right in the plaintiff, a corresponding duty in the defendant and want of any other adequate remedy at law.

421 Pa. Super. at 178, 617 A.2d at 783.

Here Plaintiffs do not seek to compel the Township to issue a permit but rather to compel them not to issue one. It is not entirely clear at this point that Plaintiffs have a "clear right" to the relief sought, however, as noted above, they are not wanting for an administrative remedy if, and when, the permit is issued.

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 5th day of January, 1996, Defendant's preliminary objections are granted. Plaintiffs' Complaint is dismissed, however, they are granted twenty (20) days from the date of mailing of this Order to file an amended complaint.

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#### DOST VS. CARTER, ET AL.

1. Generally, a trial court may grant a new trial on the basis of an inadequate award of damages when the jury's verdict is so contrary to the evidence that it shocks one's sense of justice.

2. So long as the verdict is reasonably related to the loss suffered by the Plaintiff as demonstrated by uncontroverted evidence presented at trial, and is not the product of passion, prejudice, partiality or corruption and is not so disproportionate to the uncontested evidence as to defy common sense and logic it will not be overturned.

In the Court of Common Pleas, Adams County, Pennsylvania, No. 93-S-113, LARRY DOST AND CAROL DOST VS. RAY CARTER T/A CARTER'S HEATING & COOLING, VAN WERT MANUFACTURING CO., INC., DENCON PRODUCTS, INC., H & S SUPPLY, INC., AND R. W. BECKETT CORPORATION.

Howard D. Kauffman, Esq., for Plaintiffs

William P. Douglas, Esq., for Defendant Ray Carter

John Flounlacker, Esq., for Defendant H & S Supply, Inc.

William Addams, Esq., for Defendant R. W. Beckett Corporation

#### OPINION ON PLAINTIFFS' MOTION FOR NEW TRIAL ON DAMAGES

Kuhn, J., January 18, 1996.

This action was initiated by a 16 count Complaint filed on March 22, 1993, against various defendants, including separate counts of negligence, strict liability and breach of warranty against Ray Carter, t/a Carter's Heating & Cooling (hereinafter "Carter"), Van Wert Manufacturing Co., Inc., Dencon Products, Inc., H & S Supply, Inc., and R.W. Beckett Corporation, as well as a single count of breach of contract against Carter. Default judgment was entered against Van Wert. The negligence count against Carter was withdrawn.

Trial was held May 22-4, 1995. Testimony revealed that in 1990 Plaintiffs were interested in replacing their existing heating unit with one that would burn oil, wood and coal. On September 10, 1990, Carter contracted with Plaintiffs to supply and install a Van Wert Multitherm Boiler Model #120 heating unit in Plaintiffs' home. The unit was fully installed by late December, 1990. On or about February 18, 1991, Plaintiffs noticed soot in their home. Carter was called to Plaintiffs' home and noticed that the blast tube to the unit had almost melted off and the combustion chamber had been ruined by excessive heat. He replaced the defective parts through H & S from whom he had acquired the unit. Later in March, 1991, the same melting problem developed again.

At trial Plaintiffs' expert opined that the problem occurred because there was a mismatch between the boiler and the oil burner (AFG). He stated that when the air tube melted it interfered with the oil spray causing more carbon burning than normal and thus more soot. He found that the unit was installed properly.

Beckett was the manufacturer of the AFG oil burner. Van Wert produced the boilers and put the Beckett AFG oil burner in their units. Dencon was the marketing agent for Van Wert. H & S bought the unit from Van Wert and sold it to Carter. Neither Van Wert nor Dencon appeared at trial.

At the conclusion of Plaintiffs' testimony negligence counts against Carter (I) and H & S (XI) were dismissed.

In response to specific interrogatories, the jury found:

1. That Carter did not breach his contract with Plaintiffs.
2. That Dencon and Van Wert breached the implied warranty that the boiler and oil burner unit was fit for the purpose for which it was intended and that the breach was a substantial factor in causing Plaintiffs' damages;
3. That Plaintiffs suffered damages in the amount of \$5,000.00;
4. That Dencon and Van Wert were equally negligent and that their negligence was a substantial factor in causing Plaintiffs' damages;

5. That Van Wert, Dencon, H & S and Carter sold a defective product which was a substantial factor in causing Plaintiffs' damages.

The only issue presently before the Court related to the jury's assessment of damages. Plaintiffs sought damages of \$28,503.71 broken down as \$12,119.78 damages to their dwelling, \$9,778.93 damages to their personal property, and \$6,605.00 for the heating system. Attached together as an exhibit were various statements or estimates for fabric replacement, silk arrangements, curtain replacements, upholstering, carpet, wallpaper, replacement of "fire damaged" insulation in the attic, cleaning, and dry cleaning.

Generally, a trial court may grant a new trial on the basis of an inadequate award of damages when the jury's verdict is so contrary to the evidence that it shocks one's sense of justice. *Neison v. Hines*, 539 Pa. 516, 520, 653 A.2d 634, 636 (1995). The courts have also used the image of "injustice shining forth like a beacon" to describe what could justify a court's decision to overturn a jury's verdict and award a new trial. *Matherny v. West Short Country Club*, 436 Pa. Super. 406, 408, 648 A.2d 24, 24 (1994), Alloc. den. 655 A.2d 990 (1994). As is well known, the jury, as fact finder, is free to accept or reject evidence presented by any witness. So long as the verdict is reasonably related to the loss suffered by the plaintiff as demonstrated by uncontroverted evidence presented at trial, and is not the product of passion, prejudice, partiality or corruption and is not so disproportionate to the uncontested evidence as to defy common sense and logic it will not be overturned. *Neison v. Hines*, supra., 539 Pa. at 520-1, 653 A.2d at 637.

Just because Plaintiffs submitted an exhibit which they claim sets forth expenses incurred as a result of soot damage does not mean that the jury had to accept those figures. The jury may well have felt that Plaintiffs were exaggerating their claim and seeking to replace items not damaged by soot. Several items within the exhibit were duplicates which the jury may have concluded were placed therein to pad the total claim. The jury may have found some of the itemizations in the exhibit to be illegible and/or confusing. Perhaps based on its collective experiences, the jury felt that cleaning was adequate and wallpaper and carpet did not need to be replaced. There was testimony that Plaintiffs had used a kerosene heater in their family room for several years. Carter testified to being in Plaintiffs' home shortly after the February, 1991, incident and disputed the extent of the soot damage. There was testimony from Plaintiffs' expert that the defective oil burner could be replaced for approximately \$700.00. As stated by our Supreme Court in *Catalano v. Bujak*, 537 Pa. 155, 161, 642 A.2d 448, 451 (1994), "It

would appear that the jury simply disbelieved evidence of damages in excess of what it awarded.”

Whether a trial court may have awarded a greater sum or whether the verdict is relatively low begs the question. This Court does not find that the damages awarded shocks one’s conscience.

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 18th day of January, 1996, Plaintiffs’ Motion For New Trial On Damages is denied.



## 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 JOSEPH E. CROWL A/K/A JOSEPH EDWARD CROWL, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Melvin Crowl, 240 St. Bartholomew Drive, Hanover, PA 17331; Clarence Crowl, 71 Pinewood Circle, Hanover, PA 17331

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

## ESTATE OF LAURA G. CULLISON, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executor: John Cullison, 124 Stultz Road, Fairfield, PA 17320

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

## ESTATE OF ELMER W. M. DUTTERA, DEC'D

Late of Littlestown Borough, Adams County, Pennsylvania

Executrices: Malva A. Duttera, 524 South Queen Street, Littlestown, PA 17340; Louise C. Duttera, 524 South Queen Street, Littlestown, PA 17340

Attorney: Pyle and Entwistle, 33 West Middle Street, Gettysburg, PA 17325

## ESTATE OF MARY ELIZABETH GROSS, A/K/A MARY E. GROSS, DEC'D

Late of McSherrystown Borough, Adams County, Pennsylvania

Attorney: Michael E. Dows, 515 Carlisle Street, Hanover, Pennsylvania 17331

## ESTATE OF GLADYS M. RAFFENSBERGER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Melody Brough, 409 Little John Drive, Dillsburg, PA 17019

Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

## ESTATE OF ALICE L. REDDING, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Faith A. Redding, 145 West Myrtle Street, Littlestown, PA 17340

Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF HENRY N. REDDING, SR., DEC'D

## Late of the Borough of Littlestown, Adams County, Pennsylvania

Administrator D.B.N.C.T.A.: Faith A. Redding, 145 West Myrtle Street, Littlestown, PA 17340

Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF ORPHA K. SHEELY, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Co-Executors: William D. Sheely, 513 Prince Street, Littlestown, PA 17340; Robert Clarence Sheely, 55 Carson Avenue, Hanover, PA 17331

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

## SECOND PUBLICATION

## ESTATE OF EDITH C. DULL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Shirley D. Seybolt, 2021 Grandview Road, Hanover, PA 17331

Attorney: James T. Yingst, Esquire, Rudisill, Guthrie, Nonemaker, Guthrie & Yingst, 40 York Street, Hanover, PA 17331, 717-632-5315

## ESTATE OF MARY A. FIDLER A/K/A MARY ANN FIDLER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Dorothy E. Fidler, 146 Gettys Street, Gettysburg, PA 17325

Attorney: Chester G. Schultz, Esquire, Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

## ESTATE OF GEORGE J. GARNER, SR., DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Linda E. Garner

Attorney: Angela N. Dobrinoff-Blake, Esquire, Anderson Converse and Fennick, P.C., 1423 East Market Street, York, PA 17403-1254

## THIRD PUBLICATION

## ESTATE OF ROBERT M. HELLER, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executors: Phillip W. Heller, P. O. Box 5, Biglerville, PA 17307; Edward R. Heller, 785 Bull Valley Road, Aspers, PA 17304

Attorney: Robert E. Campbell, Campbell and White, 122 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF GRACE M. HESS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Darlene B. Dayhoff, 714 Taneytown Road, Gettysburg, PA 17325

Attorney: Robert E. Campbell, Campbell and White, 122 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF JOSEPH A. HESS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Darlene B. Dayhoff, 714 Taneytown Road, Gettysburg, PA 17325

Attorney: Robert E. Campbell, Campbell and White, 122 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF DOROTHY J. NEWMAN, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executors: Linn E. Newman, P. O. Box 64, Indian Head, MD 20640; Douglas J. Newman, 476 Knorr Road, Gettysburg, PA 17325; Craig Howard Newman, 8 Tree Top Trail, Fairfield, PA 17320

Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

## NOTICE

**NOTICE IS HEREBY GIVEN that on June 6, 1996, Charlene Stratton of Littlestown, PA, filed suit for a Divorce in the Court of Common Pleas of Adams County, PA at 96-S-499 from Bobby R. Stratton, Jr., alleging that the parties have lived separate and apart in excess for two years.**

The whereabouts of Mr. Stratton, whose last known address was 575 Kohler School Road, Lot 28, New Oxford, PA, are unknown. This advertisement is in lieu of service of process upon Mr. Stratton, who must take prompt action if he wishes to defend against this claim. Mr. Stratton or anyone who knows of his whereabouts should contact:

Muriel Anne Crabbs  
202 Broadway  
Hanover, PA 17331  
(717) 637-9799

8/30, 9/6 & 13

## FICTITIOUS NAME NOTICE

**NOTICE IS HEREBY GIVEN pursuant to the Fictitious Names Act, Act 1982-295, as amended, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, on August 19, 1996 of an application to conduct a business in Adams County, Pennsylvania under the registered fictitious name of TRAIL-WAY SPEEDWAY. The address of the principal office or place of such business to be carried on under or through such fictitious name is 100 Speedway Lane, Hanover, PA 17331. The name of the entity interested in such business that is party to such registration is Trail-Way Sports Club, Inc. of the same address.**

Teeter, Teeter, & Teeter  
Solicitors

9/6

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, on July 29, 1996. The Corporation has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the Corporation is G. J. SEYMORE ELECTRIC, INC.

Donald G. Oyler  
112 Baltimore Street  
GETTYSBURG, PA 17325

9/6

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about August 8, 1996, 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 MULTIMEDIA INSTRUCTIONAL DESIGN, INC., and the purpose for which it is being organized is for the development and sales of training equipment and software and consulting services, 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 42 North Howard Avenue, Gettysburg, Pennsylvania 17325.

Wilcox, James and Cook  
Attorneys at Law  
234 Baltimore Street  
Gettysburg, PA 17325

9/6

## INCORPORATION NOTICE

Articles of Incorporation for PENNSYLVANIA FARMLAND PRESERVATION ASSOCIATION, a nonprofit corporation, were filed with the Department of State of the Commonwealth of Pennsylvania on August 23, 1996, under the provisions of the Nonprofit Corporation Law of 1988. The purpose of the corporation is for charitable, religious, educational and scientific purposes, including for such purposes, the making of distributions to organizations under Section 501(c)(3) of the Internal Revenue Code (or the corresponding section of any future Federal Tax Code).

Blakinger, Byler & Thomas, P.C.  
Attorneys

9/6

## INCORPORATION NOTICE

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

Swope, Heiser & McQuaide  
104 Baltimore Street  
Gettysburg, PA 17325

9/6

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Section 311 of Act 295 of 1982 (54 Pa. C.S. §311) of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of THE READER'S CAFE with its principal place of business at 409 Mehring Road, Littlestown, Pennsylvania 17340.

The name and address of the persons owning or interested in the said business is: Derf Maitland, 409 Mehring Road, Littlestown, PA 17340; Mary Ann Maitland, 409 Mehring Road, Littlestown, PA 17340.

The certificate was filed on August 22, 1996.

Derf Maitland  
409 Mehring Road  
Littlestown, Pennsylvania 17340  
(717) 359-7518

9/6

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the filing with the Department of State of the Commonwealth of Pennsylvania, on AUGUST 8, 1996, an application for a certificate for the conducting of a business under the assumed or fictitious name of ARTS & CRAFTS AMERICANA, with its principal place of Business at 48 Baltimore St., Gettysburg, PA 17325. The name(s) and address(es) or the person(s) owning or interested in said business is (are) Sharon L. Knudsen, 3354 White Church Rd., Chambersburg, PA 17201

Sharon L. Knudsen

9/6

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-446 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of October, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County PA, the following Real Estate, viz.:

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

KNOWN on the general plan of said borough as #79; fronting forty-eight (48) feet eight (08) inches, more or less, on King Street and extending back two hundred twenty (220) feet; bounded on the Southwest by the remainder of lot #79, on the North by a twenty (20) foot alley, and on the Northeast by a twenty (20) foot alley. Said lot having a uniform width throughout of forty-eight (48) feet eight (08) inches.

SEIZED and taken into execution as the property of **Rickey L. Nitchman and Lorinda A. Nitchman** and to be sold by me

Bernard V. Miller  
Sheriff

Sheriff's Office, Gettysburg, PA  
August 19, 1996.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 4, 1996, 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.

9/6, 13 &amp; 20

# *Adams County* Legal Journal

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## **IN THIS ISSUE**

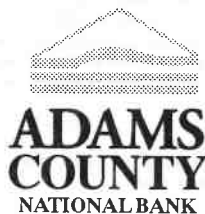
**SHEAHAN, ET AL.**

**VS.**

**STATE FARM INSURANCE COMPANY**

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



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, Donald G. Oyler, 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, 112 Baltimore Street, Gettysburg, PA 17325.

Business Office — 112 Baltimore Street, Gettysburg, PA 17325. Telephone: (717) 334-1193  
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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-531 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of October, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that following described tract of land situate, lying and being in Union Township, Adams County, Pennsylvania, on The Final Plan of Piney Woods prepared by Wilbur L. Plank, Reg. Engineer, dated September 4, 1978, which said plan as approved by the appropriate municipal authorities, is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 24, at page 14, and described as follows, to wit;

BEGINNING for a point in a public road identified as Pennsylvania Legislative Route No. 01030 known as Pine Town Road, and at Lot No. 6; thence through and along said Pine Town Road South twenty (20) degrees seventeen (17) minutes eleven (11) seconds East one hundred thirty-five (135) feet to a point in said Pine Town Road at Lot No. 11; thence through an across a portion of Pine Town Road and along Lot No. 11, South sixty-nine (69) degrees forty-two (42) minutes forty-nine (49) seconds West one hundred ninety-five and fifty-eight hundredths (195.58) feet to a point at Lot No. 5; thence along a portion of Lot No. 5, North fifteen (15) degrees thirty-seven (37) minutes sixteen (16) seconds West one hundred twenty-six and forty-seven hundredths (126.47) feet to a point at Lot No. 6 and through the middle of a twenty (20) feet wide drainage easement; thence along lot No. 6 and through the middle of the aforementioned twenty (20) feet wide drainage easement and through and across a portion of Pine Town Road North sixty-six (66) degrees fifty-six (56) minutes fifty-four (54) seconds East one hundred eighty-five and fifty-one hundredths (185.51) feet to a point in Pine Town Road, the place of BEGINNING. CONTAINING 24,834 square feet.

SEIZED and taken into execution as the property of **Robert A. Petenbrink and Judy A. Petenbrink** and to be sold by me

Bernard V. Miller  
Sheriff

Sheriff's Office, Gettysburg, PA  
August 22, 1996.

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

schedule of distribution will be filed by the Sheriff in his office on November 4, 1996, 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.

9/6, 13 & 20

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-629 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of October, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or land SITUATE in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 260-A on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the recorder of Deeds of Adams County, Pennsylvania, in Misc. Deed Book 4, Page 427.

SUBJECT to all legal highways, easements, rights of way and restrictions of record.

TOGETHER with the rights and privileges, and subject to the restrictions, conditions and agreements contained in the prior Deeds of conveyance.

BEING Map 4, Parcel 71.

HAVING thereon erected a dwelling house known as 260 Thomas Drive, Gettysburg, PA 17325.

TITLE to said premises is vested in George R. Cathcart, Jr. and Linda D. Cathcart, husband and wife, by Deed from Robert J. McGeehan and Carol A. McGeehan, dated 6/18/92 and recorded 6/19/92 in Record Book 631, Page 622.

SEIZED and taken into execution as the property of **George R. Cathcart, Jr. and Linda D. Cathcart** and to be sold by me

Bernard V. Miller  
Sheriff

Sheriff's Office, Gettysburg, PA  
August 28, 1996.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 4, 1996, 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.

9/6, 13 & 20

## NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, September 16, 1996, at 9:00 o'clock a.m.

**KLEINGINNA**—Orphans' Court Action Number OC-85-96. The First and Final Account of Scott L. Kelley, Esquire, Executor of the Estate of Effie M. Kleinginna, deceased, late of Oxford Township, Adams County, Pennsylvania.

**SLAGLE**—Orphans' Court Action Number OC-89-96. The First and Final Account of Thomas J. Slagle, Executor of the Estate of Gertrude A. Slagle a/k/a Gertrude M. Slagle, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

**HULL**—Orphans' Court Action Number OC-90-96. The First and Final Account of Elizabeth W. Hull, Executrix of the Last Will and Testament of Kenneth P. Hull, Sr., deceased, late of Cumberland Township, Adams County, Pennsylvania.

**MCDANIEL**—Orphans' Court Action Number OC-95-96. The First and Final Account of Carol Stambach, Executrix under the Last Will and Testament of Linda S. McDaniel, deceased, late of Mt. Joy Township, Adams County, Pennsylvania.

Peggy J. Breighner  
Clerk of Courts

9/6, 13

## SHEAHAN, ET AL. VS. STATE FARM INSURANCE COMPANY

Situations may arise where an insurer acts unreasonably in denying a claim even if supported by a favorable peer review organization report for which Sections 1716 and 1798 of the Motor Vehicle Financial Responsibility Law providing for payment of a reasonable attorney's fee would provide a remedy.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 95-S-447, TIMOTHY P. SHEAHAN, D.C. AND JENNIFER COX VS. STATE FARM INSURANCE COMPANY.

Ralph D. Oyler, Esq., for Plaintiffs

Rolf E. Kroll, Esq., for Defendants

### OPINION ON DEFENDANT'S PRELIMINARY OBJECTIONS

Kuhn, J., January 18, 1996.

On June 21, 1995, Plaintiff, Jennifer L. Cox, filed a Complaint against Defendant, State Farm Insurance Co., in which she averred having sustained personal injuries in a motor vehicle accident on December 15, 1993, at a time when she was insured by Defendant. Cox claims to have incurred \$2,039.00 in expenses for chiropractic treatment for those injuries from co-plaintiff, Timothy P. Sheahan, D.C., which have been unpaid by Defendant. The Complaint further avers that pursuant to Section 1797 of the Motor Vehicle Financial Responsibility Law, Defendant contracted with a peer review organization to determine whether the services rendered were medically necessary and that as a result thereof Defendant has refused to pay for Sheahan's services. Plaintiffs claim that Defendant's refusal to pay is unreasonable. Plaintiffs seek judgment for \$2,039.00, attorneys fees and 12% interest.

Defendant filed Preliminary Objections contending that Plaintiffs are not entitled to attorneys fees.

We deal here with the interplay of several sections of the PMVFR. Plaintiffs claim entitlement to attorneys fees pursuant to 75 Pa. C.S.A. §1716 and §1798, both effective October 1, 1984. These sections provide in pertinent part as follows:

#### §1716. Payment of benefits

. . . Overdue benefits shall bear interest at the rate of 12% per annum from the date the benefits become due. In the event the insurer is found to have acted in an unreasonable manner in refusing to pay the benefits when due, the insurer shall pay, in addition to the benefits owed and the

interest thereon, a reasonable attorney fee based upon actual time expended (emphasis added).

§1798. Attorney fees and costs.

(b). Unreasonable refusal to pay benefits.

In the event an insurer is found to have acted with no reasonable foundation in refusing to pay the benefits enumerated in subsection (a) when due, the insurer shall pay, in addition to the benefits owed and the interest thereon, a reasonable attorney fee based upon actual time expended (emphasis added).

Defendant counters that because it pursued peer review under 75 Pa. C.S.A. 1797, effective April 15, 1990, it is not responsible for attorney fees. Section 1797(b)(1) allows an insurer to submit a claim to a peer review organization (PRO) to determine whether the services claimed are medically necessary. If the insurer does not submit to a PRO, §1797(b)(4) and (6) may become relevant. These sections provide:

(b)(4) Appeal to court - A provider of medical treatment or rehabilitative services or merchandise or an insured may challenge before a court an insurer's refusal to pay for past or future medical treatment or rehabilitative services or merchandise, the reasonableness or necessity of which the insurer has not challenged before PRO. Conduct considered to be wanton shall be subject to a payment of treble damages to the injured party (emphasis added).

(b)(6) Court determination in favor of provider or insured. - If, pursuant to paragraph (4), a court determines that medical treatment or rehabilitative services or merchandise were medically necessary, the insurer must pay to the provider the outstanding amount plus interest at 12%, as well as the costs of the challenge and all attorney fees (emphasis added).

However, by their express language §1797(b)(4) and (6) do not apply to the instant matter because here Defendant did submit the claim to a PRO. Section 1797(b) nowhere expressly sets forth what happens if a PRO finds the claim to be unreasonable and the provider or the insured thereafter raises the insurer's refusal to pay in litigation before the court wherein the provider or insured, as here, seeks attorney fees under §1716 and 1798.

Defendant relies on Barnum v. State Farm Mutual Automobile Insurance Company, 430 Pa. Super. 488, 635 A.2d 155 (1993) as authority for its position that attorney fees are not collectible in this situation. There the Superior Court wrote that,

The peer review process provides a strong incentive for insurance carriers to route disputed claims through this alternative dispute resolution process. Where the insurer denies a claim without first obtaining a PRO evaluation, the claimant may immediately commence a court action. If the court finds in favor of the claimant, the insurer becomes liable, in addition to the amount of the claim, for counsel fees, costs, and interest at the rate of 12%. Moreover, if the court finds that the insurer acted wantonly in denying a claim, treble damages may be awarded. Conversely, if the insurer uses the peer review process, its potential liability is limited to the amount of the claim plus interest. 430 Pa. Super. at 493, 635 A.2d at 157 (emphasis added).

With all due respect, the value of this statement seems somewhat limited. First, the issue in Barnum did not involve attorney fees but rather whether the insured had to seek a reconsideration by the PRO before filing a court action and whether the provisions of 42 Pa. C.S. §8371 were applicable to the claim. The language set forth therefore appears to be dicta. Furthermore, this case was reversed and remanded on appeal by the Pennsylvania Supreme Court. 652 A.2d 1319. Finally, if the aforementioned dicta refers to those claimants who do not allege the insurer's unreasonable withholding or benefits, it logically follows the statutory scheme.

It is clear to this Court that §1797 does not expressly or by necessary implication repeal §1716 or §1798. It is logical to assume that situations may arise where an insurer acts unreasonably in denying a claim even if supported by a favorable PRO report. This is not to suggest that such unreasonableness exists in this case. However, in those instances where such unreasonableness could be established §1716 and §1798 would provide a remedy which has been consistent in the law since 1984.

This possibility was recognized by Hon. John H. Chronister in Moran v. State Farm Insurance Co., 94-SU-05150-01, Court of Common Pleas of York County in a slip opinion dated April 12, 1995. Nevertheless, Judge Chronister determined that bad faith had not been pled in that case, dismissed the claim for attorney fees but granted

plaintiff leave to recite specific averments of unreasonableness. The specificity of the Complaint has not been raised in our case and, as noted, Plaintiffs did generally aver that Defendant acted unreasonably in denying their claim.

We agree with the approach taken by Hon. Harold E. Sheely in *Birt v. State Farm Mutual Automobile Insurance Company*, 94-5693, Court of Common Pleas of Cumberland County, Slip Opinion dated March 17, 1995, wherein he felt it was premature at the preliminary objection stage to dismiss plaintiff's claim for counsel fees. Whether Plaintiffs can ultimately sustain their claim must await further development of the record.

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 18th day of January, 1996, Defendant's preliminary objections filed July 6, 1995, are denied and dismissed. Defendant is granted twenty (20) days from the date of mailing of this Order to file a responsible pleading.



## 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 OSCAR CARROLL BLACK a/k/a OSCAR C. BLACK a/k/a CARROLL O. BLACK, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania  
 Executrix: Helen L. Houser, 1002 Stafford Lane, Harpers Ferry, WV 25425  
 Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF DOUGLAS V. DAVIS, DEC'D

Late of Carroll Valley, Adams County, Pennsylvania  
 Executrix: Janet Lee Davis  
 Attorney: Alan K. Patrono, Esq., 30 West Middle Street, Gettysburg, PA 17325

ESTATE OF JAMES J. DRENT, JR., DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania  
 Executrix: Shirley Drent, 20 Echo Trail, Fairfield, PA 17320  
 Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ALICE E. HARMAN, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania  
 Executor: Charles M. Harman, 1701 Tisdale Street, Durham, NC 27705  
 Attorney: Bigham & Puhl, Esqs., Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF CAROLINE M. LAWRENCE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania  
 Executor: Fabian J. Lawrence, 917 Irishtown Road, New Oxford, PA 17350  
 Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARY OBERLY, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania  
 Executrix: Erma Karchnak, 307 Jacobs Street, East Berlin, PA 17316  
 Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, Pennsylvania 17331

ESTATE OF DONALD H. SWISHER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania  
 Executrix: Carlotta Strevig, 617 St. Johns Road, Littlestown, PA 17340  
 Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

## SECOND PUBLICATION

ESTATE OF JOSEPH E. CROWL A/K/A JOSEPH EDWARD CROWL, DEC'D

Late of Straban Township, Adams County, Pennsylvania  
 Executors: Melvin Crowl, 240 St. Bartholomew Drive, Hanover, PA 17331; Clarence Crowl, 71 Pinewood Circle, Hanover, PA 17331  
 Attorney: Matthew L. Guthrie, Esquire, Rudisill, Guthrie, Nonemaker, Guthrie & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF LAURA G. CULLISON, DEC'D

Late of Liberty Township, Adams County, Pennsylvania  
 Executor: John Cullison, 124 Stultz Road, Fairfield, PA 17320  
 Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF ELMER W. M. DUTTERA, DEC'D

Late of Littlestown Borough, Adams County, Pennsylvania  
 Executrices: Malva A. Duttera, 524 South Queen Street, Littlestown, PA 17340; Louise C. Duttera, 524 South Queen Street, Littlestown, PA 17340  
 Attorney: Pyle and Entwistle, 33 West Middle Street, Gettysburg, PA 17325

ESTATE OF MARY ELIZABETH GROSS, a/k/a MARY E. GROSS, DEC'D

Late of McSherrystown Borough, Adams County, Pennsylvania  
 Attorney: Michael E. Dows, 515 Carlisle Street, Hanover, Pennsylvania 17331

ESTATE OF GLADYS M. RAFFENBERGER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania  
 Executrix: Melody Brough, 409 Little John Drive, Dillsburg, PA 17019  
 Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF ALICE L. REDDING, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania  
 Executrix: Faith A. Redding, 145 West Myrtle Street, Littlestown, PA 17340  
 Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF HENRY N. REDDING, SR., DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania  
 Administrator D.B.N.C.T.A.: Faith A. Redding, 145 West Myrtle Street, Littlestown, PA 17340  
 Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ORPHA K. SHEELY, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania  
 Co-Executors: William D. Sheely, 513 Prince Street, Littlestown, PA 17340; Robert Clarence Sheely, 55 Carson Avenue, Hanover, PA 17331  
 Attorney: David K. James, III, Esquire, 234 Baltimore Street, Gettysburg, PA 17325

## THIRD PUBLICATION

ESTATE OF EDITH C. DULL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania  
 Executrix: Shirley D. Seybolt, 2021 Grandview Road, Hanover, PA 17331  
 Attorney: James T. Yingst, Esquire, Rudisill, Guthrie, Nonemaker, Guthrie & Yingst, 40 York Street, Hanover, PA 17331, 717-632-5315

ESTATE OF MARY A. FIDLER a/k/a MARY ANN FIDLER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania  
 Executrix: Dorothy E. Fidler, 146 Gettys Street, Gettysburg, PA 17325  
 Attorney: Chester G. Schultz, Esquire, Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF GEORGE J. GARNER, SR., DEC'D

Late of Reading Township, Adams County, Pennsylvania  
 Executrix: Linda E. Garner  
 Attorney: Angela N. Dobrinoff-Blake, Esquire, Anderson Converse and Fennick, P.C., 1423 East Market Street, York, PA 17403-1254

## NOTICE

NOTICE IS HEREBY GIVEN that on June 6, 1996, Charlene Stratton of Littlestown, PA, filed suit for a Divorce in the Court of Common Pleas of Adams County, PA at 96-S-499 from Bobby R. Stratton, Jr., alleging that the parties have lived separate and apart in excess for two years.

The whereabouts of Mr. Stratton, whose last known address was 575 Kohler School Road, Lot 28, New Oxford, PA, are unknown. This advertisement is in lieu of service of process upon Mr. Stratton, who must take prompt action if he wishes to defend against this claim. Mr. Stratton or anyone who knows of his whereabouts should contact:

Muriel Anne Crabbs  
 202 Broadway  
 Hanover, PA 17331  
 (717) 637-9799

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Upper Adams Midget Football Team, Inc. has been organized under the provisions of the Non-Profit Corporation Law of 1988 and filed Articles of Incorporation with the Pennsylvania Department of State on the 16th day of August 1996.

The purpose of the corporation is to organize football and cheerleading activities.

9/13

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1993, P.L. 1444, No. 177, as amended. The name of the Corporation is BIGLERVILLE VIDEO, INC.

Curtis W. Frock, III  
8 Jenna Lane  
New Oxford, PA 17350

9/13

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW  
NO. 96-S-762  
Action to Quiet Title

JAMIE M. ESPY, a/k/a JAMIE M. McGLAUGHLIN, Plaintiff

vs.

WILLIE JOYNER and MAMIE JOYNER, husband and wife, and BERTHA MAE GRISHAM, their heirs, administrators, successors and assigns, Defendants

TO: WILLIE JOYNER and MAMIE JOYNER, husband and wife, and BERTHA MAE GRISHAM, their heirs, administrators, successors and assigns

TAKE NOTICE that on August 27, 1996, Jamie M. Espy, a/k/a Jamie M. McGlaughlin, filed a Complaint in Action to Quiet Title, against Willie Joyner and Mamie Joyner, husband and wife, and BERTHA MAE GRISHAM, their heirs, administrators, successors and assigns, averring that Jamie M. Espy, a/k/a Jamie M. McGlaughlin, is the owner of the real property described herein. The Complaint requests the Court to extinguish any possible interest you may have in said real estate. The subject property is a tract of land situate in Liberty Township, Adams County, Pennsylvania, and described as follows:

ALL that certain tract of land situated in Liberty Township, Adams County, Pennsylvania, being more particularly described as Lot No. 30 in Section W, on a

plan of lots labeled "Section W of Charnita, Inc.," dated January 3, 1970, and duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 1 at Page 66, and subject to all legal highways, easements, rights of way and restrictions of record.

The Complaint requested the Court to enter a Decree and Order that the title of the property described above is in the Plaintiff, and that the Defendants be forever barred from asserting any right, lien, title or interest in the said land inconsistent with the interests of the Plaintiff as set forth in the Complaint.

WHEREFORE, by Order dated August 28, 1996, the Court of Common Pleas of Adams County, Pennsylvania, has ordered that service of the Complaint be made on the above Defendants, their respective heirs, personal representatives, successors and assigns, by publication. Plaintiff will request the Court to enter a final judgment ordering that any possible legal interest the Defendants might have had in the property be extinguished.

## NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the Complaint filed in the Adams County Court of Common Pleas at No. 96-S-762 and described hereinabove, you must take action within twenty (20) days after this publication by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for the relief requested by the Plaintiff. You may lose property or other rights important to you.

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

Court Administrator  
Adams County Courthouse  
Gettysburg, PA 17325  
(717) 334-6781

Hartman & Yannetti  
Gary E. Hartman, Esq.  
Attorney for Plaintiff  
126 Baltimore Street  
Gettysburg, PA 17325  
(717) 334-3105

9/13

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-446 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of October, 1996, at 10:00 o'clock the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

KNOWN on the general plan of said borough as #79; fronting forty-eight (48) feet eight (08) inches, more or less, on King Street and extending back two hundred twenty (220) feet; bounded on the Southwest by the remainder of lot #79, on the North by a twenty (20) foot alley, and on the Northeast by a twenty (20) foot alley. Said lot having a uniform width throughout of forty-eight (48) feet eight (08) inches.

SEIZED and taken into execution as the property of **Rickey L. Nitchman and Lorinda A. Nitchman** and to be sold by me

Bernard V. Miller  
Sheriff

Sheriff's Office, Gettysburg, PA  
August 19, 1996.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 4, 1996, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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9/6, 13 &amp; 20

# Adams County Legal Journal

Vol. 38

September 20, 1996

No. 17, pp. 109-112

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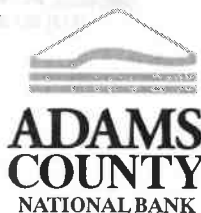
CORESTATES BANK, N.A. VS. MUMMERT, ET UX.

and

STULL VS. BLOOM

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Adams County National Bank's commitment to its communities is more than a fleeting promise. It is a tradition founded upon our more than 130 years of service to the individuals, businesses and organizations in these communities.



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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-531 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of October, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that following described tract of land situate, lying and being in Union Township, Adams County, Pennsylvania, on The Final Plan of Piney Woods prepared by Wilbur L. Plank, Reg. Engineer, dated September 4, 1978, which said plan as approved by the appropriate municipal authorities, is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 24, at page 14, and described as follows, to wit;

BEGINNING for a point in a public road identified as Pennsylvania Legislative Route No. 01030 known as Pine Town Road, and at Lot No. 6; thence through and along said Pine Town Road South twenty (20) degrees seventeen (17) minutes eleven (11) seconds East one hundred thirty-five (135) feet to a point in said Pine Town Road at Lot No. 11; thence through an across a portion of Pine Town Road and along Lot No. 11, South sixty-nine (69) degrees forty-two (42) minutes forty-nine (49) seconds West one hundred ninety-five and fifty-eight hundredths (195.58) feet to a point at Lot No. 5; thence along a portion of Lot No. 5, North fifteen (15) degrees thirty-seven (37) minutes sixteen (16) seconds West one hundred twenty-six and forty-seven hundredths (126.47) feet to a point at Lot No. 6 and through the middle of a twenty (20) feet wide drainage easement; thence along lot No. 6 and through the middle of the aforementioned twenty (20) feet wide drainage easement and through and across a portion of Pine Town Road North sixty-six (66) degrees fifty-six (56) minutes fifty-four (54) seconds East one hundred eighty-five and fifty-one hundredths (185.51) feet to a point in Pine Town Road, the place of BEGINNING. CONTAINING 24,834 square feet.

SEIZED and taken into execution as the property of **Robert A. Petenbrink and Judy A. Petenbrink** and to be sold by me

Bernard V. Miller  
Sheriff

Sheriff's Office, Gettysburg, PA  
August 22, 1996.

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

schedule of distribution will be filed by the Sheriff in his office on November 4, 1996, 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.

9/6, 13 & 20

CHANGE OF NAME  
IN THE COURT  
OF COMMON PLEAS  
OF ADAMS COUNTY  
PENNSYLVANIA

NOTICE IS HEREBY GIVEN that on the 6th day of August, 1996, the Petition of Allison Wansel was filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a decree to change the name of her minor son from Kameron Patrick Shoemaker to Kameron Patrick Wansel.

NOTICE IS HEREBY GIVEN that on the 13th day of August, 1996, an Amended Petition of Allison Wansel was filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a decree to change the name of her minor daughter from Kayla Lynn Shoemaker to Kayla Lynn Shoemaker-Wansel.

The Court has fixed the 21st day of October, 1996, at 9:00 o'clock A.M., in Courtroom No. 1, Adams County Courthouse, Gettysburg, Pennsylvania, 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 and Amended Petition should not be granted.

Wolfe & Rice  
Patrick W. Quinn, Esq.  
Attorneys for Petitioner  
47 West High Street  
Gettysburg, PA 17325  
(717) 337-3754

9/20

CORESTATES BANK, N.A. VS. MUMMERT, ET UX.

Mortgage foreclosures are subject to general rules applicable to civil actions.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 95-S-961, CORESTATES BANK, N.A., SUCCESSOR TO HAMILTON BANK FORMERLY KNOWN AS NATIONAL CENTRAL BANK VS. MERRILL A. MUMMERT AND BARBARA A. MUMMERT.

Thomas I. Puleo, Esq. for Plaintiff  
Matthew Battersby, Esq., for Defendants

OPINION ON PRELIMINARY OBJECTIONS

Spicer, P.J., January 18, 1996.

Plaintiff filed its complaint in mortgage foreclosure on October 16, 1995. It alleges that it is a corporation organized and existing under the laws of this Commonwealth, and that it is the successor to Hamilton Bank, formerly known as National Central Bank, which was the mortgagee in a mortgage executed by defendants on July 7, 1978. Default is alleged, as is notice required by 41 P.S. §403 and 35 P.S. § 1680.401c.

Defendants have demurred to the complaint, raising two discrete issues. The first relates to the manner in which notice of intention to foreclose was given, and the second concerns the factual issue of default. Defendants concede that the second issue is not appropriately raised through preliminary objections, and we limit our concern to the argument that a mortgage servicing agent is not authorized to give the notice mandated by law, *supra*.

Mortgage foreclosures are subject to general rules applicable to civil actions, Pa. R.C.P. 1141. Thus, defendants' demurrer is judged by the following standard:

A preliminary objection in the nature of a demurrer admits every well-pleaded fact and all inferences reasonably deducible therefrom; it tests the legal sufficiency of the challenged complaint and will be sustained only in those cases where the pleader has clearly failed to state a claim for which relief may be granted. If there is any doubt as to whether a claim for relief has been stated, the trial court should resolve it in favor of overruling the demurrer. (citations omitted)

Rutherford v. Presbyterian-University Hospital, 417 Pa.Super. 316, 321, 322, 612 A.2d 500, 502 (1992).

Both parties agree that statutory notice is jurisdictional, Bankers Trust Co. v. Foust, 424 Pa.Super 89, 621 A.2d 1054 (1993). Defen-

dants concede that, if the manner of giving notice was proper, it otherwise complies in every respect with legal requirements.

Examination of the complaint reveals that it complies with Rule 1147. The succession of legal identity from National Central Bank to Corestates Bank, N.A. is explained. Plaintiff alleges that the mortgage has not been assigned and alleges default. Paragraphs 10 and 11 allege that "plaintiff sent to defendants" required notices. Copies of the notices, attached as an exhibit, indicate that they were sent by GMAC Mortgage Corporation, described in the verification as "attorney in fact for Corestates Bank, N.A."

It is axiomatic that corporations may act only through their agents and officers. *Rutherford v. Presbyterian-University Hospital*, supra. Enough appears to indicate that GMAC acted as plaintiff's agent. As present holder of the mortgage, plaintiff is the entity required to give notice. See 41 P.S. §101, 403. We conclude the notice was properly served. Therefore, preliminary objections are found meritless.

The attached order is entered.

#### ORDER OF COURT

AND NOW, this 18th day of January, 1996, preliminary objections are denied. Defendants shall have twenty (20) days in which to file an answer.

---

#### STULL VS. BLOOM

1. A court may reinstate an appeal for good cause shown.
2. In determining whether to reinstate an appeal for good cause shown, a court may exercise its discretion where to do so the substantive rights of the opposing party are not prejudiced.
3. An individual who chooses to proceed pro se is not entitled to any particular advantage because of his/her lack of legal training.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 95-S-670 and 95-N-536, CLEAMETH H. STULL VS. JAMES BLOOM.

Gary E. Hartman, Esq., for Plaintiff

John M. Crabbs, Esq., for Defendant

#### OPINION ON DEFENDANT'S PETITION TO REINSTATE APPEAL AND MOTION TO OPEN OR STRIKE JUDGMENT

Kuhn, J., March 4, 1996.

This case arises out of the sale of a vehicle in December, 1994. Plaintiff filed a Civil Complaint with District Justice Samuel Frymyer on June 2, 1995, alleging that Defendant sold the vehicle to him with

a defective title. Judgment was entered in Plaintiff's favor on July 3, 1995, in the amount of \$889.00.

Defendant attempted to effectuate an appeal by filing a Notice of Appeal with the Prothonotary on July 24, 1995. Acting pro se Defendant mistakenly issued a rule upon himself to file a complaint within 20 days. The Notice of Appeal was received by Plaintiff and the district justice on July 26, 1995. Defendant filed a proof of service with the certified mail receipt cards on August 1, 1995, although he did not complete the affidavit associated therewith.

On August 4, 1995, Plaintiff filed a praecipe to strike the appeal for Defendant's failure to properly complete the Notice of Appeal by addressing the rule to file complaint to the wrong party. On August 23, 1995, Defendant filed a Petition to Reinstate the Appeal.

Meanwhile on August 18, 1995, Plaintiff filed his district justice judgment in the Prothonotary's Office at docket number 95-N-536. Defendant responded by filing a Motion To Open or Strike the Judgment on September 6, 1995.

The Court held a hearing on the aforementioned Petition and Motion. These matters are before the Court for disposition.

Pa. R.C.P.D.J. No. 1002 requires that an appeal be filed with the Prothonotary within 30 days after the date judgment was entered by this district justice. Pa. R.C.P.D.J. No. 1005 requires the appellant to serve his notice of appeal upon the appellee and the district justice personally or by certified or registered mail and file his proof of service within 10 days after filing the appeal. Because Defendant was the defendant at the district justice level, his notice of appeal must contain a praecipe requesting the Prothonotary to issue a rule upon Plaintiff to file a complaint within 20 days after service or suffer entry of judgment of non pros. Pa. R.C.P.D.J. 1004B. If the appellant fails to file his proof of service of the notice of appeal and the rule to file a complaint within the allowable 10 day period, the Prothonotary shall, upon praecipe from the appellee, strike the appeal from the record. The court may reinstate the appeal for good cause shown. Pa. R.C.P.D.J. 1006.

It is clear the Defendant filed a timely appeal, that he served the notice on Plaintiff and the district justice and that he filed timely evidence of that service. The only error was in having the rule to file a complaint issued upon himself instead of upon Plaintiff. Defendant explained at hearing that he proceeded pro se in filing his appeal and because he did not understand the legal procedure had his sister assist him in filling out the praecipe for the rule. Our research has revealed no case on point. General principles applicable in these matters will be examined for guidance.

As noted a court may reinstate an appeal for good cause shown. "Good cause" is not defined in the rules, however, it must be a

substantial or legally sufficient ground or reason based on the context and circumstances. *Anderson v. Centennial Homes, Inc.*, 406 Pa. Super. 513, 517, 594 A.2d 737, 739 (1991). A review of the cases indicate 1) whether good cause is shown is left to the sound discretion of the court, *Id.*, 2) rules of civil procedure are to be liberally construed in accordance with Pa. R.C.P. 126, *Delverme v. Pavlinsky*, 405 Pa. Super. 443, 447, 592 A.2d 746, 748 (1991), 3) Rule 126 permits, but does not require, the court to disregard procedural defects, *Slaughter v. Allied Heating*, 431 Pa. Super. 348, 355, 636 A.2d 1121, 1125 (1993), *Alloc. den.* 652 A.2d 839 (1994), 4) exercise of the court's discretion is permitted where to do so the substantive rights of the opposing party are not prejudiced, 5) substantive prejudice refers to a negative impact upon the opposing party's ability to present its case which is attributable to noncompliance with the rules, *Crouse v. Lippy*, 33 Ad. Co. L.J. 531 (1991), *Id.*, and 6) an individual who chooses to proceed pro se is not entitled to any particular advantage because of his/her lack of legal training, *Id.*

With these concepts in mind this court believes Defendant is entitled to reinstatement. Despite proceeding pro se he took all steps in a timely fashion. Plaintiff was notified of the appeal and has suffered no substantive prejudice. He certainly had an opportunity to file his complaint in an expedient manner. The factual background is not complicated. Plaintiff had engaged counsel early in the appeal process to file the praecipe to strike and was at that time presumably aware that the rule to file a complaint is customarily directed to the appellee who filed the action at the district justice level. In addition, Defendant acted promptly in obtaining counsel to file the Petition For Reinstatement which made clear his intention regarding the appeal process.

We note in passing that Plaintiff did address some of the merits of Defendant's case during our hearing. That may have some significance in considering the Motion to Open the judgment but it has no significance as to the request to reinstate the appeal.

Having decided that Defendant is entitled to have the appeal reinstated it seems logical to open the judgment in 95-N-536 which was entered only as a result of Defendant's appeal being stricken.

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 4th day of March, 1996, Defendant's Petition to Reinstatement Appeal in 95-S-670 and his Motion To Open Judgment in 95-N-536 are granted.

Plaintiff is granted twenty (20) days from the date of mailing of this Order to file a complaint or suffer judgment of non pros.



## 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 DOROTHY MAY FOULK, DEC'D

Late of Straban Township, Adams County, Pennsylvania  
 Administratrix c.t.a.: Alice Fiscel Halter, 817 York Street, Hanover, PA 17331  
 Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF MARIE K. HADLOCK, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania  
 Administrator: Thomas E. Hadlock, 42 North Stratton Street, Gettysburg, PA 17325  
 Attorney: Kevin G. Robinson, Esquire, 28 East High Street, Gettysburg, PA 17325

## ESTATE OF JOHN L. C. HOAK, DEC'D

Late of Straban Township, Adams County, Pennsylvania  
 Executrix: Betty M. (Colbert) Hoak, 225 Low Dutch Rd., Gettysburg, PA 17325  
 Attorney: John R. White, Campbell & White, 122 Baltimore St., Gettysburg, PA 17325

## ESTATE OF MILDRED R. HILDEBRAND, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania  
 Executrix: Clara Louise Yohe, R.R.#2, Box 905, McAlisterville, PA 17049-9792  
 Attorney: Douglas C. Yohe, Esquire, Latsha & Capozzi, P.C., P.O. Box 825, Harrisburg, PA 17108-0825

## ESTATE OF DAVID A. HUTCHISON, DEC'D

Late of Straban Township, Adams County, Pennsylvania  
 Administratrix: Elizabeth J. Hutchison, 171 Rocky Grove Road, Gettysburg, PA 17325  
 Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF VELMA K. RUPPERT, DEC'D

Late of Reading Township, Adams County, Pennsylvania  
 Co-Executors: Ray E. Ruppert, 361 Gooseville Road, New Oxford, PA 17350; Kathryn M. Myers, 2059 Lake Meade Road, York Springs, PA 17372  
 Attorney: Jane M. Alexander, Esquire

## ESTATE OF MARY B. WAGNER, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania  
 Administrator-Executor: Michael P. Wagner, 3443 Druck Valley Road, York, PA 17406  
 Attorney: Farley G. Holt, Esquire

## SECOND PUBLICATION

## ESTATE OF OSCAR CARROLL BLACK a/k/a OSCAR C. BLACK a/k/a CARROLL O. BLACK, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania  
 Executrix: Helen L. Houser, 1002 Stafford Lane, Harpers Ferry, WV 25425  
 Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF DOUGLAS V. DAVIS, DEC'D

Late of Carroll Valley, Adams County, Pennsylvania  
 Executrix: Janet Lee Davis  
 Attorney: Alan K. Patrono, Esq., 30 West Middle Street, Gettysburg, PA 17325

## ESTATE OF JAMES J. DRENT, JR., DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania  
 Executrix: Shirley Drent, 20 Echo Trail, Fairfield, PA 17320  
 Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF ALICE E. HARMAN, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania  
 Executor: Charles M. Harman, 1701 Tisdale Street, Durham, NC 27705  
 Attorney: Bigham & Puhl, Esqs., Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

## ESTATE OF CAROLINE M. LAWRENCE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania  
 Executor: Fabian J. Lawrence, 917 Irishtown Road, New Oxford, PA 17350  
 Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF MARY OBERLY, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania  
 Executrix: Erma Karchnak, 307 Jacobs Street, East Berlin, PA 17316  
 Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, Pennsylvania 17331

## ESTATE OF DONALD H. SWISHER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania  
 Executrix: Carlotta Strevig, 617 St. Johns Road, Littlestown, PA 17340  
 Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

## THIRD PUBLICATION

## ESTATE OF JOSEPH E. CROWL A/K/A JOSEPH EDWARD CROWL, DEC'D

Late of Straban Township, Adams County, Pennsylvania  
 Executors: Melvin Crowl, 240 St. Bartholomew Drive, Hanover, PA 17331; Clarence Crowl, 71 Pinewood Circle, Hanover, PA 17331  
 Attorney: Matthew L. Guthrie, Esquire, Rudisill, Guthrie, Nonemaker, Guthrie & Yingst, 40 York Street, Hanover, PA 17331

## ESTATE OF LAURA G. CULLISON, DEC'D

Late of Liberty Township, Adams County, Pennsylvania  
 Executor: John Cullison, 124 Stutz Road, Fairfield, PA 17320  
 Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

## ESTATE OF ELMER W. M. DUTTERA, DEC'D

Late of Littlestown Borough, Adams County, Pennsylvania  
 Executrices: Malva A. Duttera, 524 South Queen Street, Littlestown, PA 17340; Louise C. Duttera, 524 South Queen Street, Littlestown, PA 17340  
 Attorney: Pyle and Entwistle, 33 West Middle Street, Gettysburg, PA 17325

## ESTATE OF MARY ELIZABETH GROSS, a/k/a MARY E. GROSS, DEC'D

Late of McSherrystown Borough, Adams County, Pennsylvania  
 Attorney: Michael E. Dows, 515 Carlisle Street, Hanover, Pennsylvania 17331

## ESTATE OF GLADYS M. RAFFENSBERGER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania  
 Executrix: Melody Brough, 409 Little John Drive, Dillsburg, PA 17019  
 Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

## ESTATE OF ALICE L. REDDING, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania  
 Executrix: Faith A. Redding, 145 West Myrtle Street, Littlestown, PA 17340  
 Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF HENRY N. REDDING, SR., DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania  
 Administrator D.B.N.C.T.A.: Faith A. Redding, 145 West Myrtle Street, Littlestown, PA 17340  
 Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF ORPHA K. SHEELY, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania  
 Co-Executors: William D. Sheely, 513 Prince Street, Littlestown, PA 17340; Robert Clarence Sheely, 55 Carson Avenue, Hanover, PA 17331  
 Attorney: David K. James, III, Esquire, 234 Baltimore Street, Gettysburg, PA 17325

**ACTION TO QUIET TITLE  
NO. 96-S-779**

RITA A. LESCALLEET, a/k/a REITA ALIEN LESCALLEET, an incompetent, by LARRY W. WOLF, ESQUIRE, TRUSTE, AD LITEM,

vs.

EDWARD V. SHAFFER, his heirs, executors, administrators and assigns, and all persons claiming under them.

**NOTICE OF PUBLICATION**

TAKE NOTICE that on the 3rd of September, 1996, Rita A. Lescalleet, Plaintiff, filed a Complaint in an Action to Quiet Title against you as Defendant, averring that she is the owner of the real property described therein. The Complaint requests the Court to extinguish any possible interest you may have in the aforesaid real property. The subject real property is a tract of land, situate in Conewago Township, County of Adams, Commonwealth of Pennsylvania, more fully bounded, limited, and described as follows, to wit:

All that the following described piece parcel of lot of ground situate lying and being in Conewago Township, County of Adams and State of Pennsylvania bounded, limited and described as follows to wit:

BEGINNING for a corner at a stake at the intersection of a fourteen feet wide alley and the Hanover and Littlestown Turnpike thence along said alley north fifty and one fourth (50<sup>1</sup>/<sub>4</sub>) degrees West, one hundred and eighty (180) feet to an alley ten (10) feet wide, thence along said alley north thirty nine (39) degrees East, forty (40) feet to other lands of the grantor, thence along said other land and of which this was a part south fifty and one fourth (50<sup>1</sup>/<sub>4</sub>) degrees East, one hundred and eighty (180) feet to said turnpike; and thence along the same south thirty nine (39) degree West, forty (40) feet to the place of the Beginning.

It being a part of a larger tract of land which Sarah Keller and Elizabeth Keller by deed dated the 2nd day of April A.D. 1889 sold and conveyed unto William Minger (party hereto) his heirs and assigns said deed being recorded in the office for the Recording of Deeds in and for the County of Adams in Deed Book Vol. P.P. Folio 16 & 17 is by reference thereto it will more fully and at large appear.

Said Complaint requests the Court to enter a decree that plaintiff Rita A. Lescalleet is the owner in fee simple of the real property described herein, and that title to such real property now rests in the Plaintiffs in fee simple, free and clear of any and all claims whatsoever of the Defendant. Further, Plaintiff will request the Court to enter a final judgment

ordering that Defendant his heirs, executors, administrators and assigns be barred from asserting any right, lien, title, or interest in the real property which is the subject of this action.

WHEREFORE, the Court of Common Pleas of Adams County, Pennsylvania, has ordered that service of the Complaint be made on the above Defendant, Edward Shaffer, his heirs, administrators, executor, devisees, assigns, and all other persons claiming under them, by publication in the Adams County Legal Journal and The Hanover Evening Sun. The court has further directed that a final judgment will be entered in the event Defendant, his heirs, executors, administrators or assigns fail to file a responsive pleading within thirty (30) days after this notice last appears. In the absence of a responsive pleading a decree will be entered which shall forever extinguish the interest, if any, of Defendant and those claiming under him in the above real estate.

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by an attorney, and filing in writing with the Court your defenses or objections to the claim set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by Plaintiffs. 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 OR KNOW A LAWYER, 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  
Phone No. (717) 334-6781, ext. 213  
9/20

**SHERIFF'S SALE**

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-446 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of October, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

KNOWN on the general plan of said borough as #79; fronting forty-eight (48) feet eight (08) inches, more or less, on King Street and extending back two hundred twenty (220) feet; bounded on the Southwest by the remainder of lot #79, on the North by a twenty (20) foot alley, and on the Northeast by a twenty (20) foot alley. Said lot having a uniform width throughout of forty-eight (48) feet eight (08) inches.

SEIZED and taken into execution as the property of **Rickey L. Nitchman and Lorinda A. Nitchman** and to be sold by me

Bernard V. Miller  
Sheriff  
Sheriff's Office, Gettysburg, PA  
August 19, 1996.

**TO ALL PARTIES IN INTEREST AND CLAIMANTS:** You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 4, 1996, 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.

9/6, 13 & 20

# *Adams County* **Legal Journal**

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Vol. 38

September 27, 1996

No. 18, pp. 113-116

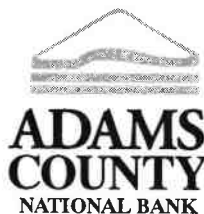
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## **IN THIS ISSUE**

**HUGHART VS.  
UPPER ADAMS SCHOOL DISTRICT, ET AL.**

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



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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, Donald G. Oyler, 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, 112 Baltimore Street, Gettysburg, PA 17325.

Business Office - 112 Baltimore Street, Gettysburg, PA 17325. Telephone: (717) 334-1193

Second-class postage paid at Gettysburg, PA 17325.

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FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN a certificate was or will be filed under the Fictitious Name Act approved May 24, 1945, in the office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Wesley G. Wolf and Fred S. Richstien, II, 6516 Leedy Road, Spring Grove, PA 17362, 123 Cedar Knoll Road, Coatesville, PA 19320, are the only person(s) owning or interested in a business, the character of which is analyzing water and wastewater, and that the name, style and designation under which said business is and will be conducted is Laboratory analysis of drinking water, wastewater and ground water, name of record is LABORATORY, ANALYTICAL AND BIOLOGICAL SERVICES, INC. (LABS), and the location where said business is and will be located is 405 North Avenue, East Berlin, PA 17316.

Wesley G. Wolf  
President

9/27

CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on the 10th day of September, 1996, the Petition of Gwynne Elza Ott, Sr., an adult individual, was filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a decree to change the name of petitioner to Glenn Elza Ott, Sr.

The Court has fixed the 25th day of November, 1996, at 9:00 a.m., in Courtroom No. 1, Fourth Floor, Adams County Courthouse, Gettysburg, Pennsylvania, as the time and place for the hearing of 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.

Gary E. Hartman, Esq.  
Hartman & Yannetti  
126 Baltimore Street  
Gettysburg, PA 17325  
(717) 334-3105  
Attorneys for Petitioner

9/27

## HUGHART VS. UPPER ADAMS SCHOOL DISTRICT, ET AL.

1. A school district is a local agency for purposes of governmental immunity and its employee is also immune if he was acting within the scope of his employment.
2. Liability can be imposed for acts of the employee of a local agency if it involves actual malice or willful misconduct.
3. Even when a local agency is protected from damages by the grant of immunity a claimant is not necessarily precluded from pursuing a request for injunctive relief.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 95-S-336, MATTHEW HUGHART VS. UPPER ADAMS SCHOOL DISTRICT AND RICHARD STERNER.

Wendy Weikal-Bauchat, Esq., for Plaintiff  
Ann F. DePaulis, Esq., for Defendants

### OPINION ON DEFENDANTS' PRELIMINARY OBJECTIONS

Kuhn, J., January 22, 1996.

At issue before the Court are preliminary objections filed by Defendants, Upper Adams School District and Richard Sterner, to Plaintiff's Amended Complaint filed May 24, 1995. Plaintiff avers that in October, 1994, while a junior at Biglerville High School, he was approached by the Assistant Principal, Robert Shuey, who was investigating reports of drug usage at the school. Plaintiff voluntarily escorted Shuey to his vehicle, located off school property, and relinquished a "bowl." Shuey did not contact Plaintiff's parents or the police but advised Plaintiff that if he voluntarily enrolled in a drug treatment program the matter would be dropped. Plaintiff enrolled in a program which required him to miss varsity football practices on Mondays. On October 3, 1994, Sterner, as the football coach, was advised of the reasons for Plaintiff's absences and consented to them. As a result of family difficulties, Plaintiff left his home on October 29, 1994, and was reported as a runaway. Two days later Plaintiff's parents and the Pennsylvania State Police were summoned to the school and at a private meeting Plaintiff advised them that he was enrolled in the drug program. On November 1, 1994, Plaintiff was advised that he had been removed from the football team for missing two practices. After Plaintiff disputed the alleged inexcusable absences Sterner advised that dismissal arose from the fact that Plaintiff had a drug problem. Plaintiff further alleges that on October 31, 1994, Sterner advised the football team that one of its members had a drug problem and was undergoing treatment and gave the team an opportunity to vote whether he should remain on the team. The team voted for removal. At the time

of his removal, Plaintiff claims to have accumulated enough playing time to merit a varsity letter but has been deprived of that honor.

Plaintiff's Amended Complaint sets forth in Count I a claim for Invasion of Privacy and in Count II a claim for Slander. Both counts focus on Sterner's alleged statements to the football team regarding Plaintiff's "drug problem" which Plaintiff claims was unjustified and caused him to suffer ridicule and emotional distress. He seeks compensatory damages and award of a varsity letter.

Defendants' preliminary objections in the nature of a demurrer raise the impact of governmental immunity upon Plaintiff's claim.

Initially, we note that Pa. R.C.P. 1030 requires that affirmative defenses, including immunity, be raised in new matter. Here, although the issue has been raised by preliminary objection, Plaintiff has waived that defect by not challenging the procedure used by filing preliminary objections to Defendants' preliminary objections. Because the immunity defense is apparent on the face of the pleadings it can be addressed. *Malia v. Monchak*, 116 Pa. Comlth. at 484, 489, 543 A.2d 184, 187 (1988).

Under Section 8541 of the Pennsylvania Political Subdivision Tort Claims Act, 42 Pa. C.S.A. §8541,

"no local agency shall be liable for any damages on account of any injury to a person . . . caused by any act of the local agency or an employee thereof . . ."

A school district such as Defendant, Upper Adams School District, is a local agency for purposes of governmental immunity. *Petula v. Melody*, 158 Pa. Comlth. Ct. 212, 217, 631 A.2d 762, 765 (1993). Similarly, Section 8545 of the PSTCA, 42 Pa. C.S.A. §8545, provides that

"An employee of a local agency is liable for civil damages on account of any injury to a person . . . caused by acts of the employee which are within the scope of his office or duties only to the same extent as his employing local agency . . ."

Therefore, if the school district is immune so is its employee if he was acting within the scope of his employment.

There are, however, exceptions to the general grant of immunity. Under 42 Pa. C.S.A. §8542 liability can be imposed for certain negligent conduct. No such conduct has been alleged in this case. Liability can also be imposed for acts of the employee of a local agency if it involves actual malice or willful misconduct. 42 Pa. C.S.A. §8550. This section lifts immunity as to the employee only. The local agency

retains its protection because §8542 permits imposition of liability on the local agency only if negligence is involved. For purposes of the PSTCA negligence does not include actual malice or willful misconduct. 42 Pa. C.S.A. §8542(a)(2).

It is very clear that Plaintiff has not averred a cause of action which would strip Defendant, Upper Adams School District, from the shield of governmental immunity, therefore, any claims against the school district for monetary relief will be dismissed. *Malia v. Monshak*, supra., *Kessler v. Monsour*, 865 F. Supp. 234 (M.D. Pa. 1994).

The claims against Defendant Sterner suggest a more thorough analysis. As observed above, Sterner loses his immunity in this case only if his actions involved willful misconduct. To prove "willful misconduct" one must show that the actor desired to bring about the result that followed, or at least, that the result was substantially certain to follow. *Verde v. City of Philadelphia*, 862 F. Supp. 1329, 1336 (E.D. Pa. 1994). The term "willful misconduct" is synonymous with the term "intentional tort." *Weinstern v. Bullick*, 827 F. Supp. 1193, 1206 (E.D. Pa. 1993).

Plaintiff's first count is for invasion of privacy. It appears that Plaintiff claims Sterner placed him in a "false light." Pennsylvania courts have adopted the "false light" invasion of privacy definition set forth in Restatement (Second) Torts §652E. *Weinstern v. Bullick*, supra., 827 F. Supp. at 1202. That section provides,

One who gives publicity to a matter concerning another that places the other before the public in a false light is subject to liability to the other for invasion of his privacy, if

(a) the false light in which the other was placed would be highly offensive to a reasonable person, and

(b) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.

Plaintiff's second count is for defamation. To recover he must prove that the publication of the defamatory statement was negligently or maliciously made. *Malia v. Monchak*, supra., 116 Pa. Comlth. Ct. 492, 543 A.2d at 188, 42 Pa. C.S.A. §8344. Plaintiff has not alleged that the statement was negligently made and even if he did his claim would be denied because it would not fit within one of the exceptions to the grant of immunity. If the statement was maliciously made it would constitute willful misconduct.

Reading Plaintiff's Amended Complaint in light of the standards set forth for determining a demurrer there are averments which sufficiently suggest or infer that Sterner either knew or recklessly disregarded the falsity of the statements he made to the football team and that he made those statements with the intent of placing Plaintiff in a false light or of damaging his reputation. If Plaintiff can prove these allegations Sterner would be stripped of immunity by §8550. That is, however, an issue for a jury to decide. *Acker v. Spangler*, 92 Pa. Comlth. Ct. 616, 618, 500 A.2d 206, 207 (1985).

The astute observer will note that the Court mentioned that only the claim for monetary relief will be dismissed against the school district. We reach this conclusion because Plaintiff is also seeking injunctive relief in the form of an order directing the school district not to deny him a varsity letter. Caselaw provides that even when a local agency is protected from damages by the grant of immunity a claimant is not necessarily precluded from pursuing a request for injunctive relief. *E-Z Parks, Inc. v. Larson*, 91 Pa. Comlth. Ct. 600, 609, 498 A.2d 1364, 1369 (1985).<sup>1</sup>

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 22nd day of January, 1996, Defendants' Preliminary Objections filed July 10, 1995, are denied except as to any claim for damages against Defendant, Upper Adams School District.

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<sup>1</sup>We have been careful to only address the issues raised in the preliminary objections. Defendants have not responded to the issue regarding injunctive relief. The Court, of course, is making no decision whether Plaintiff is entitled to the injunctive relief being sought. Defenses may or may not be raised concerning this issue in further pleadings. In addition, there may be practical problems associated with the claims against Sterner and his demand for a jury trial. Pa. R.C.P. 1513.



## 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 M. GENEVIEVE LEFEVER, DEC'D

Late of Green Acres Nursing Home, Biglerville Rd., Gettysburg, PA 17325

Personal Representative: Jane Ann LeFever, 58 York St., Gettysburg, PA 17325

Attorney: Tracy M. Sheffer, P.O. Box 215, 20 West Main Street, Gettysburg, PA 17325

## ESTATE OF PAULINE H. MUMMERT, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: Wayne H. Mummert, 693 Peepytown Road, East Berlin, PA 17316

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

## ESTATE OF CLAIR C. RICKRODE, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Sue Ann Miller, 134 W. Granger Street, Hanover, PA 17331

Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

## ESTATE OF MILDRED D. SHOVER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: William K. Grove, P.O. Box 324, Boiling Springs, PA 17007; Dale E. Deardorff, 216 East Lincoln Avenue, Gettysburg, PA 17325

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

## ESTATE OF RUTH C. UTZ, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Raymond A. Williams, P.O. Box 374, Hanover, PA 17331

Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

## SECOND PUBLICATION

## ESTATE OF DOROTHY MAY FOULK, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administratrix c.t.a.: Alice Fiscel Halter, 817 York Street, Hanover, PA 17331

Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF MARIE K. HADLOCK, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator: Thomas E. Hadlock, 42 North Stratton Street, Gettysburg, PA 17325

Attorney: Kevin G. Robinson, Esquire, 28 East High Street, Gettysburg, PA 17325

## ESTATE OF JOHN L. C. HOAK, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Betty M. (Colbert) Hoak, 225 Low Dutch Rd., Gettysburg, PA 17325

Attorney: John R. White, Campbell & White, 122 Baltimore St., Gettysburg, PA 17325

## ESTATE OF MILDRED R. HILDEBRAND, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: Clara Louise Yohe, R.R.#2, Box 905, McAlisterville, PA 17049-9792

Attorney: Douglas C. Yohe, Esquire, Latsha & Capozzi, P.C., P.O. Box 825, Harrisburg, PA 17108-0825

## ESTATE OF DAVID A. HUTCHISON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administratrix: Elizabeth J. Hutchison, 171 Rocky Grove Road, Gettysburg, PA 17325

Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF VELMA K. RUPPERT, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Ray E. Ruppert, 361 Gooseville Road, New Oxford, PA 17350; Kathryn M. Myers, 2059 Lake Meade Road, York Springs, PA 17372

Attorney: Jane M. Alexander, Esquire

## ESTATE OF MARY B. WAGNER, DEC'D

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

Administrator-Executor: Michael P. Wagner, 3443 Druck Valley Road, York, PA 17406

Attorney: Farley G. Holt, Esquire

## THIRD PUBLICATION

## ESTATE OF OSCAR CARROLL BLACK a/k/a OSCAR C. BLACK a/k/a CARROLL O. BLACK, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Helen L. Houser, 1002 Stafford Lane, Harpers Ferry, WV 25425

Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF DOUGLAS V. DAVIS, DEC'D

Late of Carroll Valley, Adams County, Pennsylvania

Executrix: Janet Lee Davis

Attorney: Alan K. Patrono, Esq., 30 West Middle Street, Gettysburg, PA 17325

## ESTATE OF JAMES J. DRENT, JR., DEC'D

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

Executrix: Shirley Drent, 20 Echo Trail, Fairfield, PA 17320

Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF ALICE E. HARMAN, DEC'D

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

Executor: Charles M. Harman, 1701 Tisdale Street, Durham, NC 27705

Attorney: Bigham & Puhl, Esqs., Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

## ESTATE OF CAROLINE M. LAWRENCE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Fabian J. Lawrence, 917 Irishtown Road, New Oxford, PA 17350

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

## ESTATE OF MARY OBERLY, DEC'D

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

Executrix: Erma Karchnak, 307 Jacobs Street, East Berlin, PA 17316

Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, Pennsylvania 17331

## ESTATE OF DONALD H. SWISHER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Carlotta Strevig, 617 St. Johns Road, Littlestown, PA 17340

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at the City of Adams, Colorado, this 27th day of September, 1996.

\_\_\_\_\_  
 County Clerk

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at the City of Adams, Colorado, this 27th day of September, 1996.

\_\_\_\_\_  
 County Clerk

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at the City of Adams, Colorado, this 27th day of September, 1996.

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 County Clerk