Adams County Legal Journal

Vol. 41 October 1, 1999 No. 18, pp. 101-106

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-858 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, 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 tract of land situate on the Southerly side of Oxwood Circle in the Borough of New Oxford, County of Adams and Commonwealth of Pennsylvania known and numbered as Lot No. 16 on a final plan of Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58 page 41A, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Southerly right of way line of Oxwood Circle at a corner of Lot No. 15 on said Plan; thence extending along the right of way line North 66 degrees 19 minutes 12 seconds East 20 feet to a corner of Lot No. 17 on said Plan; thence extending along the said Lot No. 17 South 23 degrees 40 minutes 48 seconds East 125 feet to a point; thence South 66 degrees 19 minutes 12 seconds West 20 feet to a corner of Lot No. 15 on said Plan; thence extending along the said Lot No. 15 North 23 degrees 40 minutes 48 seconds West 125 feet to the point and place of beginning.

Tax Parcel #7-91

TITLE TO SAID PREMISES IS VESTED IN Aurelio DeJesus, Jr. by Deed from Philip R. Garland t/a Garland Construction, dated 8/26/97 and recorded 8/28/97 in Record Book 1431 page 223.

PREMISES BEING KNOWN AS 9 OXWOOD CIRCLE, NEW OXFORD, PA 17350

SEIZED and taken into execution as the property of **Aurelio Dejesus, Jr.** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/24, 10/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-275 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 29, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in the Borough of Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, (known as Lot NO. 50, Section B), bounded and described as follows:

BEGINNING at a point in the center of Robin Trail at Lot No. 49; thence by said lot, North 3 degrees 21 minutes 40 seconds West, 200 feet to Lot No. 17; thence by said lot, North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot NO. 51; thence by said Lot, South 3 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Robin Trail, South 86 degrees 38 minutes 20 seconds West, 100 feet to the place of beginning.

Having thereon erected a dwelling known as 30 Robin Trail, Carroll Valley, Pennsylvania, 17320.

BEING THE SAME PREMISES WHICH Cecil S. Stultz and Susan M. Stultz, by their Deed dated April 3, 1989 and recorded on April 4, 1989 in Adams County Recorder of Deeds Office in Deed Book 518, page 545, granted and conveyed unto Ralph E. Wessels and M. Jeanne Wessels.

SEIZED IN EXECUTION AS THE PROPERTY OF RALPH E. WESSELS AND M. JEANNE WESSELS UNDER ADAMS COUNTY JUDGMENT NO. 99-S-275.

Map & Parcel #29-70

SEIZED and taken into execution as the property of **Ralph E. Wessels & M. Jeanne Wessels** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 30, 1999.

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 22, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/1, 8 & 15

NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Fictitious Names Act, 54 Pa. C.S. §§311, et seq., and its amendments and supplements, of filing with the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania on September 1999 an application for conducting business under the assumed or fictitious name of COUNTRY CORNER ANTIQUES and COLLECTIBLES, with its principle place of business at 2811 Heidlersburg Road, Gettysburg, PA 17325. The Names and addresses of all persons owning or interested in said business are: Keith D. Weigle, Wendi S. Weigle, 2811 Heidlersburg Road, Gettysburg, PA 17325.

10/1

NOTICE

NOTICE IS HEREBY GIVEN that YELLOW BUTTERCUP FARM, INC., has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Miller, Poole & Lord, LLP
John D. Miller, Jr., Attorney

10/1

NOTICE

NOTICE IS HEREBY GIVEN that YELLOW BUTTERCUP FARM MARKET, INC., has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Miller, Poole & Lord, LLP
John D. Miller, Jr., Attorney

10/1

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336

Periodicals postage paid at Gettysburg, PA 17325.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-98 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE TWO TRACTS of land Situate, lying and being in Butler Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1:

BEGINNING at a point for a corner in the center of the state highway leading from Route 234 to Route 15; thence running by land now or formerly of Melvin Miller, South 55 degrees West 210 feet to an iron pin; thence running by land now or formerly of Ivan Huff, North 23 degrees West, 154.2 feet to an iron pin; thence running by land of the same North 59 degrees East, 210 feet to a point in the aforesaid highway, marked by an iron pin set on the West side of said highway; thence running in the center of said highway, South 23 degrees East, 141 feet to a point in the center of the aforesaid highway the place of beginning. Containing 110 perches and 48 square feet.

TRACT NO. 2:

BEGINNING at a point for a corner in the center of the state highway leading from Route 234 to Route 15; thence running by land now or formerly of Melvin Miller, and in the center of said highway, South 23 degrees East, 75 feet to a point in the center of said highway; thence running by land now or formerly of Raymond W. and Alice I. Swartzbaugh, South 59 degrees West 210 feet to an iron pin for a corner; thence running by land now or formerly of Ivan Huff North 23 degrees West 75 feet to an iron pin; thence running by land of the same, North 59 degrees East, 210 feet to a point in the center of the state highway the place of beginning. Containing 57 perches and 217 square feet.

Map # G-8, Parcel # 42

TITLE TO SAID PREMISES IS VESTED IN David Allen Arentz and Barbara Ann Arentz, his wife by Deed from Mina E. Newberry, widow dated 8/10/84, recorded 8/13/84, in Deed Book 384, Page 1066.

PREMISES BEING KNOWN AS 870 RENTZEL ROAD, TOWNSHIP OF BUTLER ADAMS COUNTY, PENNSYLVANIA

SEIZED and taken into execution as the property of **David Allen & Barbara Ann Arentz** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 31, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/24, 10/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-154 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN parcel of land lying and situate in Carroll Valley Borough, formerly Liberty Township, Adams County, Pennsylvania, being Lot No. 30 in Section K, more particularly bounded and described as follows:

BEGINNING at a point in the center of Ski Run Trail at Lot No. 31; thence by said lot, North 35 degrees 13 minutes 47 seconds East, 228.44 feet to Lot No. 35; thence by said lot South 64 degrees 43 minutes 12 seconds East, 83.20 feet to Lot No. 29; thence by said lot South 25 degrees 16 minutes 48 seconds West 225 feet to a point in the center of said Ski Run Trail; thence in said Ski Run Trail North 64 degrees 43 minutes 12 seconds West, 122.67 feet to the place of beginning.

THE above description was taken from a plan of lots labeled "Section K, Charnita" dated March 3, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at page 42.

Tax Parcel #6-18

TITLE TO SAID PREMISES IS VESTED IN Patrick N. Warner and Diane L. Warner, his wife by Deed from Edward E. Hartin and Margaret F. Hartin, his wife, dated 6/27/93 and recorded 7/12/93 in Record Book 751 Page 209.

PREMISES BEING KNOWN AS 1 SKI RUN TRAIL, BOROUGH OF CARROLL VALLEY, ADAMS COUNTY PENNSYLVANIA.

SEIZED and taken into execution as the property of **Patrick N. & Diane L. Warner** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/1, 8 & 15

FICTITIOUS NAME NOTICE

NOTICE is hereby given that on September 15, 1999 an Application for registration was filed under the Fictitious Names Act Approved May 24, 1995 in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Harold D. Bair, Jr., 291 Race Horse Road, Hanover, PA 17331 is the only person owning or interested in a business, the character of which is computer generated graphics, and that the name, style and designation under which said business is and will be conducted is PIXEL PERFECT CONCEPTS. The location of said business is 291 Race Horse Road, Hanover, PA 17331.

Daniel M. Frey, Esquire
Daniel M. Frey & Associates,
a division of Barley, Snyder, Senft & Cohen, LLC
Solicitor

10/1

COMMONWEALTH VS. GREEN

1. In appeals from operating privilege revocations imposed pursuant to Section 1532(a)(1) (of the Vehicle Code), the Department has the burden of proving that (1) the motorist was convicted of a crime falling within one of the enumerated classes of offenses, and (2) the judge presiding over the criminal proceeding which resulted in the driver's conviction had determined that a vehicle was "essentially involved" in the commission of that offense.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 98-S-641. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION VS. BETTY JEAN GREEN.

Matthew Haeckler, Esq., for Plaintiff
Robert Chester, Esq., for Defendant

MEMORANDUM OPINION

Kuhn, J., August 7, 1998.

This matter involves an appeal from a license suspension. The essential background is as follows:

By letter dated June 5, 1998, Petitioner, Betty Jean Green, was notified by the Department of Transportation (DOT) that her driving privileges would be suspended for one year effective July 10, 1998, as a result of her conviction on May 5, 1998, of a violation of Section 3742 of the Vehicle Code on August 8, 1997.

On June 24, 1998, Petitioner filed the instant appeal. Therein she averred that on January 16, 1998, an Information was filed in CC-15-98 charging her with violation of Sections 1543(A) and 3742.1 of the Vehicle Code. On March 2, 1998, Petitioner pled guilty to violating Section 3742.1 and was sentenced on May 5, 1998.

At hearing held on August 3, 1998, DOT introduced Petitioner's certified driving record (CX 1) which contained 1) a copy of DOT's June 5, 1998, notice to Petitioner, 2) form DL-21 entitled Report of Clerk of Courts Showing The Conviction Or Acquittal of Any Violation of the Vehicle Code which set forth that Petitioner was convicted of violating Section 3742.1 and 3) Petitioner's driving record showing that her privileges had been revoked for five years effective November 25, 1993. DOT rested. Petitioner then introduced a copy of the Information (DX 1) in CC-15-98, which set forth as Count One a violation of 75 Pa. C.S.A. §3742.1, 2) the Order of March 2, 1998, (DX 2) wherein Petitioner entered a plea of guilty to Count One, a felony of the third degree, and 3) a copy of the sentencing order dated May 5, 1998 (DX 3). Petitioner rested.

DOT's June 5, 1998, notice provided that action was being taken pursuant to Section 1532A of the Vehicle Code. That section provides:

> §1532 Revocation or suspension of operating privilege
> (a) Revocation – The department shall revoke the operating privileges of any driver for one year upon receiving a certified record of the driver's conviction of . . . any of the following offenses:
>
> (1) Any felony in the commission of which a court determines that a vehicle was essentially involved.

In ***Commonwealth, Department of Transportation* v. *Kappas***, 153 Pa. Comlth. Ct. 584, 621 A.2d 1204 (1993) that Court stated,

> In appeals from operating privilege revocations imposed pursuant to Section 1532(a)(1), the Department has the burden of proving that (1) the motorist was convicted of a crime falling within one of the enumerated classes of offenses, and (2) the judge presiding over the criminal proceeding which resulted in the driver's conviction had determined that a vehicle was "essentially involved" in the commission of that offense. 153 Pa. Comlth Ct. at ___, 621 a.2d at 1206.

As noted on March 2, 1998, Petitioner entered a plea of guilty to a violation of Section 3742.1. That section provides,

> (a) Offense defined. – A person commits an offense under this section if the person was the <u>driver of any vehicle and caused an accident resulting in injury or death</u> of any person and whose <u>operating privileges</u> <u>at the time of the accident is</u> cancelled, recalled, <u>revoked</u> or suspended pursuant to Section 1532 (relating to revocation or suspension of operating privileges) <u>and not restored</u> or who at the time of the accident had not been issued a valid driver's license. (emphasis added).

Where serious bodily injury or death results from the accident a violation is graded as a felony of the third degree. §3742.1(b)(2).

This Court finds that DOT has sustained its burden.

There is no disagreement that Petitioner was convicted of a felony. She contends, however, that the record fails to establish that the criminal trial court made a specific determination that a vehicle was "essentially involved" in the underlying conviction. She relies on ***Kappas, supra.***, however, that reliance is misplaced.

In ***Kappas*** the licensee pled guilty to a charge of receiving stolen

property (an automobile). The certification from the Clerk of Courts specifically stated that it was a "Report Of The Clerk Of Courts Showing The Conviction Of Any Act In Which A Judge Determines That A Motor Vehicle Was Essentially Involved". That certification was held to be prima facie evidence of the criminal trial court's finding that a vehicle was "essentially involved". There the licensee was unable to contradict that evidence. Here, Petitioner argues that a similar certification is required. We disagree.

In ***Kappas*** the certification was critical because conviction for a theft by receiving charge, standing alone, gives no indication that a vehicle was "essentially involved". Thus, DOT was required to present more than simply the record of a felony conviction in order to sustain its burden. In the matter sub judice certification of the conviction of Section 3742.1 as a felony of the third degree is sufficient by itself to establish the requisite nexus. Essential elements of Section 3742.1 are that the defendant was driving a vehicle and caused an accident resulting in serious bodily injury or death. By pleading guilty Petitioner admitted she was the driver and, by accepting the plea, the criminal trial judge, of necessity, had to find that she was the driver of a vehicle which caused an accident. That a vehicle was "essentially involved" logically follows the plea and requires no further proof.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 7th day of August 1998, the Petition For License Suspension Appeal filed by Petitioner, Betty Jean Green, on June 23, 1998, is denied. The action of the Department of Transportation revoking Petitioner's driving privileges for a period of one year is sustained. The effective date of the revocation is 30 days after the date of this Order.

TERHORST VS. KIESSLING VS. SHORB

1. A motion *in limine* is a procedure for obtaining a ruling on the admissibility of evidence prior to or during trial, but before the evidence has been offered. The purpose of a motion *in limine* is two fold: 1) to provide the trial court with a pre-trial opportunity to weigh carefully and consider potentially prejudicial and harmful evidence; and 2) to preclude evidence from ever reaching a jury that may prove to be so prejudicial that no instruction could cure the harm to the defendant, thus reducing the possibility that prejudicial error could occur at trial which would force the trial court to either declare a mistrial in the middle of a case or grant a new trial at its conclusion.

2. The tort option elected by a *named insured* shall apply to all *insureds* under the private

passenger motor vehicle policy who are not named insureds under another private passenger motor vehicle policy.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 96-S-220. KELLY A. TERHORST AND BRIAN L. TERHORST VS. WALTER KIESSLING, DEFENDANT, VS. JOLENE SHORB, ADDITIONAL DEFENDANT.

Thomas R. Campbell, Esq., for Plaintiffs
B. Craig Black, Esq., for Defendant
Robert L. McQuaide, Esq., for Additional Defendant

OPINION ON PLAINTIFFS' MOTION *IN LIMINE*

Kuhn, J., August 14, 1998.

On March 13, 1996, Plaintiffs, Kelly A. and Brian L. Terhorst, filed a complaint in negligence against Defendant, Walter Kiessling. On May 17, 1996, Defendant filed a complaint against Additional Defendant, Jolene Shorb. A trial in this matter is scheduled for the term beginning September 14, 1998. Both Plaintiffs and Defendant have filed motions *in limine*.

STATEMENT OF FACTS

The relevant facts are alleged as follows: On April 17, 1995, Kelly Terhorst ("Plaintiff"), was driving westbound on U.S. Route 30. The car in front of Plaintiff was stopped waiting to make a left hand turn. Defendant was driving in the same direction as Plaintiff but failed to stop behind her thereby hitting the rear of Plaintiff's car. Additional Defendant was also traveling westbound on U.S. Route 30 and failed to stop behind Defendant causing Defendant's vehicle to again strike Plaintiff's car. Plaintiff suffered injuries as a result of these impacts.

LEGAL DISCUSSION

"A motion *in limine* is a procedure for obtaining a ruling on the admissibility of evidence prior to or during trial, but before the evidence has been offered." ***Meridian Oil and Gas Enterprises, Inc. v. Penn Central Corp.***, 418 Pa. Super. 231, 239, 614 A.2d 246, 250 (1992), alloc. den., 627 A.2d 180. "The purpose of a motion *in limine* is two fold: 1) to provide the trial court with a pre-trial opportunity to weigh carefully and consider potentially prejudicial and harmful evidence; and 2) to preclude evidence from ever reaching a jury that may prove to be so prejudicial that no instruction could cure the harm to the defendant, thus reducing the possibility that prejudicial error could occur at trial which would force the trial court to either declare

a mistrial in the middle of a case or grant a new trial at its conclusion." ***Commonwealth* v. *Noll***, 443 Pa. Super. 602, 605, 662 A.2d 1123, 1125 (1995), alloc. den., 673 A.2d 333 (citations omitted). The admissibility of evidence is a matter addressed to the sound discretion of the trial court and should not be overturned absent an abuse of discretion. ***Whyte* v. *Robinson***, 421 Pa. Super. 33, 38, 617 A.2d 380, 383 (1992).

Plaintiff argues in her motion *in limine* that a limited tort election form, executed by Plaintiff Brian L. Terhorst, should not be admitted into evidence as proof that Plaintiff may not pursue non-economic damages. Plaintiff claims she was not a signatory to this limited tort release and as "first named insured" cannot be bound by her husband's release.[1] This argument is not supported by the statute. Section 1705 specifically states:

> **(b) Application of tort options.-**
>
> ...
>
> (2) The tort option elected by a *named insured* shall apply to all *insureds* under the private passenger motor vehicle policy who are not named insureds under another private passenger motor vehicle policy....[2]

75 Pa.C.S.A. § 1705(b)(2)(emphasis added).

The term "insured" is defined in subsection (f) as follows:

> **(f) Definitions.**— As used in this section, the following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:
>
> **"Insured."** Any individual residing in the household of the named insured who is:
>
> (1) a spouse or other relative of the named insured; or
>
> (2) a minor in the custody of either the named insured or relative of the named insured.
>
> **"Named insured."** Any individual identified by name as an insured in a policy of private passenger motor vehicle insurance.

---

[1] The factual background presented in Plaintiff's brief suggests that the form signed by Plaintiff Brian Terhorst did not contain proper notice under the Motor Vehicle Financial Responsibility Law ("MVFRL"). However, there is no further discussion of this issue and it is not a part of Plaintiff's motion *in limine*. Therefore, this Court will not address it.

[2] There is no evidence that there is any other private passenger motor vehicle policy in effect.

75 Pa.C.S.A. § 1705(f).

The statute makes no distinction between "first named insured," as used by Plaintiff, and "named insured" and Plaintiff cites to no case law supporting such a distinction. The statutory language clearly sets forth that any "named insured" in the policy may elect the tort option. The statute goes on to state that such an election is applicable to all insureds, including, as in the case at hand, the named insured's spouse. Thus, the election of limited tort options is applicable to Plaintiff and is admissible into evidence.

Defendant has also filed a motion *in limine* arguing that evidence of Plaintiff's medical expenses is inadmissible under 75 Pa.C.S.A. § 1722. The record does not presently contain sufficient facts to allow this Court to determine if the evidence in the case at hand is admissible. Thus, this issue will await disposal until after the parties have attended a second pre-trail conference.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 14th day of August 1998, Plaintiffs' Motion *in Limine* is denied. Disposition of Defendants's Motion *in Limine* is deferred until after the parties attend a second pre-trial conference.

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 DAVID J. HELWIG, DEC'D
Late of Highland Township, Adams County, Pennsylvania
Executrix: Linda Diane Ayers, 1127 Barlow-Two Taverns Road, Gettysburg, PA 17325
Attorney: Clayton R. Wilcox, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ETHEL M. MORAN, DEC'D
Late of the Borough of Carroll Valley, Adams County, Pennsylvania
Executrix: Kathleen James, 6 Tree Top Trail, Fairfield, PA 17320
Attorney: Tracy M. Sheffer, Esq., P.O. Box 215, Fairfield, PA 17320

ESTATE OF ALICE K. REICHERT, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Isabel S. Burchell, 215 Ballentine Drive, North Haledon, NJ 07508
Attorney: Teeter, Teeter & Teeter, Esq., 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF RUTH A. SCHUMAN, a/k/a, RUTH E. SCHUMAN, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executrices: Mary Ellen Kohler & Lucy R. Pryor, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331
Attorney: William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

ESTATE OF MILDRED A. WILLIAMS, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Clyde E. Williams, Jr., 35 Hanover Street, Gettysburg, PA 17325
Attorney: Robert E. Campbell, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF NELSON L. WILSON, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Vesta W. Statler, 2917 Sunset Drive, Dallastown, PA 17313
Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF MINNIE L. FLINCHBAUGH, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Kenneth E. Flinchbaugh, 28 Oak Lane, Stevens, PA 17578
Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF DOLORES L. GRIMM, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Keith M. Grimm and Kathy M. Julius, c/o 29 North Duke Street, York, PA 17401
Attorney: Sharon E. Myers, Esq., 29 North Duke Street, York, PA 17401

ESTATE OF KATHRYN GITT SCHULTZ, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executors: Chester Gitt Schultz, 1037 Black Horse Tavern Road, Gettysburg, PA 17325; Granville Radcliffe Schultz, Jr., 928 Sunset Avenue, Gettysburg, PA 17325
Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

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 11, 1999, 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 J.N.J., INC., and the purpose for which it is being organized is to operate the retail sale of food and beverage 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 55 East Hanover Street, Gettysburg, Pennsylvania, 17325.

Wilcox & James
Attorneys at Law
234 Batlimore Street
Gettysburg, PA 17325

10/1

THIRD PUBLICATION

ESTATE OF JESSE E. BERKHEIMER, DEC'D
Late of Conewago Township, Adams County, Pennsylvania
Co-Executrices: Carolyn S. Lightner, 101 Sherry Drive, McSherrystown, PA 17344; Helen C. Slaybaugh, 324 Main Street, McSherrystown, PA 17344
Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

ESTATE OF PATRICIA J. WONDER, DEC'D
Late of Hamilton Township, Adams County, Pennsylvania
Executrix: Melissa M. Sneeringer, 285 South Street, Hanover, PA 17331
Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Guthrie, & Yingst, 40 York Street, Hanover, PA 17331

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY COMMONWEALTH
OF PENNSYLVANIA
ORPHANS' COURT DIVISION
RT-8-99(B)

NOTICE

To: Charlotte Ann Post

TAKE NOTICE that all parental rights or claims which you have in or to your child have been terminated as a result of a hearing held on August 5, 1999, by an Order of Court and Decree Nisi of August 5, 1999. The Order of termination of your parental rights will become permanent if you do not file exceptions with the Court within ten (10) days from the date of the publication of this Notice of Decree Nisi.

Chester G. Schultz, Esq.
Solicitor for Adams County Children and Youth Services

10/1

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY COMMONWEALTH
OF PENNSYLVANIA
ORPHANS' COURT DIVISION
RT-8-99(A)

NOTICE

To: Timothy N. Hinchman

TAKE NOTICE that all parental rights or claims which you have in or to your child have been terminated as a result of a hearing held on August 5, 1999, by an Order of Court and Decree Nisi of August 5, 1999. The Order of termination of your parental rights will become permanent if you do not file exceptions with the Court within ten (10) days from the date of the publication of this Notice of Decree Nisi.

Chester G. Schultz, Esq.
Solicitor for Adams County Children and Youth Services

10/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-423 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 8, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the northeastern edge of Bonnie Field Circle and Lot No. 61 of the hereinafter referenced subdivision plan; thence along said northeastern edge of Bonnie Field Circle the following two (2) courses and distances:

(1) North forty-eight (48) degrees forty-five (45) minutes zero (00) seconds west, fifty (50) feet to a point;

(2) By a curve to the right whose radius is one hundred ninety and nineteen hundredths (190.19) feet and whose long chord bearing is north forty-one (41) degrees fifty-eight (58) minutes eighteen (18) seconds west, forty-four and ninety hundredths (44.90) feet for an arc distance of forty-five (45) feet to a point at Lot No. 59 of said plan;

Thence along same, north fifty-four (54) degrees forty-eight (48) minutes twenty-three (23) seconds east, one hundred ten (110.0) feet to a point at lands now or formerly of John E. Biemiller; thence along same, south thirty-eight (38) degrees forty (40) minutes zero (00) seconds east, sixty-nine and eighty-eight hundredths (69.88) feet to a point at Lot No. 61 of said plan; thence along same, south forty-one (41) degrees fifteen (15) minutes (00) seconds west, one hundred (100) feet to a point on the northeastern edge of Bonnie Field Circle, the point and place of beginning.

Containing 8,737.5 square feet, and identified as Lot No. 60 on a plan of lots known as Bonnie Field, prepared by Edward H. Richardson Associates, Consulting Engineers, on February 26, 1976. Said plan is recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Plat Book 9 at page 24.

Under and subject, nevertheless, to all those restrictions recorded in Adams County Miscellaneous Book 27 at page 302.

BEING known as 31 Bonniefield Court, Gettysburg, PA.

Tax Parcel No. 9-74

SEIZED and taken into execution as the property of **Westley A. Hayes** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 11, 1999.

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 1, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/17, 24 & 10/1

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 July 21, 1999 of an application to conduct a business in Adams County, Pennsylvania under the registered fictitious name of AERO ENERGY. The address of the principal office or place of such business to be carried on under or through such fictitious name is 1338 Biglerville Road, Gettysburg, PA 17325. The entity interested in such business which is party to such registration is Adams Utility Services Company of the same address.

Teeter, Teeter& Teeter
Samuel E. Teeter

10/1

United States Postal Service

Statement of Ownership, Management, and Circulation

1. Publication Title	2. Publication Number	3. Filing Date
ADAMS COUNTY LEGAL JOURNAL	5 4 2 6 - 0 0	9/24/99
4. Issue Frequency	5. Number of Issues Published Annually	6. Annual Subscription Price
weekly	52	$30.00

7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4)
111-117 Baltimore Street Room 305
Gettysburg, Adams County, PA 17325-2313

Contact Person: Cecelia Brown
Telephone: 334-6781,x336

8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer)
111-117 Baltimore Street Room 305
Gettysburg, Adams County, PA 17325-2313

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank)

Publisher (Name and complete mailing address)
Adams County Bar Association, Gettysburg, PA

Editor (Name and complete mailing address)
John W. Phillips, Esq.
101 West Middle Street, Gettysburg, PA 17325

Managing Editor (Name and complete mailing address)
John W. Phillips, Esq.
101 West Middle Street, Gettysburg, PA 17325

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

Full Name	Complete Mailing Address
Adams County Bar Association	Gettysburg, PA

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box ☒ None

Full Name	Complete Mailing Address
None	

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)
☒ The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:
☐ Has Not Changed During Preceding 12 Months
☐ Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

PS Form 3526, September 1998 (See Instructions on Reverse)

13. Publication Title: Adams County Legal Journal		14. Issue Date for Circulation Data Below: 9/1/99	
15. Extent and Nature of Circulation		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Net press run)		150	150
b. Paid and/or Requested Circulation	(1) Paid/Requested Outside-County Mail Subscriptions Stated on Form 3541. (Include advertiser's proof and exchange copies)	46	46
	(2) Paid In-County Subscriptions (Include advertiser's proof and exchange copies)	28	28
	(3) Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Non-USPS Paid Distribution	40	40
	(4) Other Classes Mailed Through the USPS	0	0
c. Total Paid and/or Requested Circulation (Sum of 15b. (1), (2),(3),and (4))		114	114
d. Free Distribution by Mail (Samples, complimentary, and other free)	(1) Outside-County as Stated on Form 3541		
	(2) In-County as Stated on Form 3541		
	(3) Other Classes Mailed Through the USPS	0	0
e. Free Distribution Outside the Mail (Carriers or other means)		0	0
f. Total Free Distribution (Sum of 15d. and 15e.)		0	0
g. Total Distribution (Sum of 15c. and 15f)		114	114
h. Copies not Distributed		36	36
i. Total (Sum of 15g. and h.)		150	150
j. Percent Paid and/or Requested Circulation (15c. divided by 15g. times 100)		76%	76%

16. Publication of Statement of Ownership
☒ Publication required. Will be printed in the 10/01/99 issue of this publication. ☐ Publication not required.

17. Signature and Title of Editor, Publisher, Business Manager, or Owner: Editor — Date: 9-20-99

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

Instructions to Publishers

1. Complete and file one copy of this form with your postmaster annually on or before October 1. Keep a copy of the completed form for your records.
2. In cases where the stockholder or security holder is a trustee, include in items 10 and 11 the name of the person or corporation for whom the trustee is acting. Also include the names and addresses of individuals who are stockholders who own or hold 1 percent or more of the total amount of bonds, mortgages, or other securities of the publishing corporation. In item 11, if none, check the box. Use blank sheets if more space is required.
3. Be sure to furnish all circulation information called for in item 15. Free circulation must be shown in items 15d, e, and f.
4. Item 15h., Copies not Distributed, must include (1) newsstand copies originally stated on Form 3541, and returned to the publisher, (2) estimated returns from news agents, and (3), copies for office use, leftovers, spoiled, and all other copies not distributed.
5. If the publication had Periodicals authorization as a general or requester publication, this Statement of Ownership, Management, and Circulation must be published; it must be printed in any issue in October or, if the publication is not published during October, the first issue printed after October.
6. In item 16, indicate the date of the issue in which this Statement of Ownership will be published.
7. Item 17 must be signed.

Failure to file or publish a statement of ownership may lead to suspension of Periodicals authorization.

PS Form 3526, September 1998 (Reverse)

Adams County Legal Journal

Vol. 41 October 8, 1999 No. 19, pp. 107-114

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-858 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, 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 tract of land situate on the Southerly side of Oxwood Circle in the Borough of New Oxford, County of Adams and Commonwealth of Pennsylvania known and numbered as Lot No. 16 on a final plan of Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58 page 41A, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Southerly right of way line of Oxwood Circle at a corner of Lot No. 15 on said Plan; thence extending along the right of way line North 66 degrees 19 minutes 12 seconds East 20 feet to a corner of Lot No. 17 on said Plan; thence extending along the said Lot No. 17 South 23 degrees 40 minutes 48 seconds East 125 feet to a point; thence South 66 degrees 19 minutes 12 seconds West 20 feet to a corner of Lot No. 15 on said Plan; thence extending along the said Lot No. 15 North 23 degrees 40 minutes 48 seconds West 125 feet to the point and place of beginning.

Tax Parcel #7-91

TITLE TO SAID PREMISES IS VESTED IN Aurelio DeJesus, Jr. by Deed from Philip R. Garland t/a Garland Construction, dated 8/26/97 and recorded 8/28/97 in Record Book 1431 page 223.

PREMISES BEING KNOWN AS 9 OXWOOD CIRCLE, NEW OXFORD, PA 17350

SEIZED and taken into execution as the property of **Aurelio Dejesus, Jr.** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/24, 10/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-275 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 29, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in the Borough of Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, (known as Lot NO. 50, Section B), bounded and described as follows:

BEGINNING at a point in the center of Robin Trail at Lot No. 49; thence by said lot, North 3 degrees 21 minutes 40 seconds West, 200 feet to Lot No. 17; thence by said lot, North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot NO. 51; thence by said Lot, South 3 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Robin Trail, South 86 degrees 38 minutes 20 seconds West, 100 feet to the place of beginning.

Having thereon erected a dwelling known as 30 Robin Trail, Carroll Valley, Pennsylvania, 17320.

BEING THE SAME PREMISES WHICH Cecil S. Stultz and Susan M. Stultz, by their Deed dated April 3, 1989 and recorded on April 4, 1989 in Adams County Recorder of Deeds Office in Deed Book 518, page 545, granted and conveyed unto Ralph E. Wessels and M. Jeanne Wessels.

SEIZED IN EXECUTION AS THE PROPERTY OF RALPH E. WESSELS AND M. JEANNE WESSELS UNDER ADAMS COUNTY JUDGMENT NO. 99-S-275.

Map & Parcel #29-70

SEIZED and taken into execution as the property of **Ralph E. Wessels & M. Jeanne Wessels** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 30, 1999.

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 22, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/1, 8 & 15

NOTICE

NOTICE IS HEREBY GIVEN that BUTTERCUP FARM MARKET, INC., has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Miller, Poole & Lord, LLP
John D. Miller, Jr., Attorney

10/8

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about September 3, 1999 for the incorporation of JUST JENNIFER INCORPORATED, under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of the retail sale of art, crafts and associated merchandise, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 33 York Street, Gettysburg, PA 17325.

Bernard A. Yannetti, Jr.
Hartman & Yannetti
Solicitor

10/8

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336

Periodicals postage paid at Gettysburg, PA 17325.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-98 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE TWO TRACTS of land Situate, lying and being in Butler Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1:

BEGINNING at a point for a corner in the center of the state highway leading from Route 234 to Route 15; thence running by land now or formerly of Melvin Miller, South 55 degrees West 210 feet to an iron pin; thence running by land now or formerly of Ivan Huff, North 23 degrees West, 154.2 feet to an iron pin; thence running by land of the same North 59 degrees East, 210 feet to a point in the aforesaid highway, marked by an iron pin set on the West side of said highway; thence running in the center of said highway, South 23 degrees East, 141 feet to a point in the center of the aforesaid highway the place of beginning. Containing 110 perches and 48 square feet.

TRACT NO. 2:

BEGINNING at a point for a corner in the center of the state highway leading from Route 234 to Route 15; thence running by land now or formerly of Melvin Miller, and in the center of said highway, South 23 degrees East, 75 feet to a point in the center of said highway; thence running by land now or formerly of Raymond W. and Alice I. Swartzbaugh, South 59 degrees West 210 feet to an iron pin for a corner; thence running by land now or formerly of Ivan Huff North 23 degrees West 75 feet to an iron pin; thence running by land of the same, North 59 degrees East, 210 feet to a point in the center of the state highway the place of beginning. Containing 57 perches and 217 square feet.

Map # G-8, Parcel # 42

TITLE TO SAID PREMISES IS VESTED IN David Allen Arentz and Barbara Ann Arentz, his wife by Deed from Mina E. Newberry, widow dated 8/10/84, recorded 8/13/84, in Deed Book 384, Page 1066.

PREMISES BEING KNOWN AS 870 RENTZEL ROAD, TOWNSHIP OF BUTLER ADAMS COUNTY, PENNSYLVANIA

SEIZED and taken into execution as the property of **David Allen & Barbara Ann Arentz** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 31, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

9/24, 10/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-154 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN parcel of land lying and situate in Carroll Valley Borough, formerly Liberty Township, Adams County, Pennsylvania, being Lot No. 30 in Section K, more particularly bounded and described as follows:

BEGINNING at a point in the center of Ski Run Trail at Lot No. 31; thence by said lot, North 35 degrees 13 minutes 47 seconds East, 228.44 feet to Lot No. 35; thence by said lot South 64 degrees 43 minutes 12 seconds East, 83.20 feet to Lot No. 29; thence by said lot South 25 degrees 16 minutes 48 seconds West 225 feet to a point in the center of said Ski Run Trail; thence in said Ski Run Trail North 64 degrees 43 minutes 12 seconds West, 122.67 feet to the place of beginning.

THE above description was taken from a plan of lots labeled "Section K, Charnita" dated March 3, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at page 42.

Tax Parcel #6-18

TITLE TO SAID PREMISES IS VESTED IN Patrick N. Warner and Diane L. Warner, his wife by Deed from Edward E. Hartin and Margaret F. Hartin, his wife, dated 6/27/93 and recorded 7/12/93 in Record Book 751 Page 209.

PREMISES BEING KNOWN AS 1 SKI RUN TRAIL, BOROUGH OF CARROLL VALLEY, ADAMS COUNTY PENNSYLVANIA.

SEIZED and taken into execution as the property of **Patrick N. & Diane L. Warner** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/1, 8 & 15

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S.A. §311, that an Application to conduct business in Pennsylvania under the assumed or fictitious name, style or designation of GATHERING REFLECTIONS was filed with the Department of State, Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania. The business is located at 40 Baltimore Street, Gettysburg, PA, 17325. The name and address of the person who is party to the registration is Yvonne Bloss, 213 West Main Street, Fairfield, PA, 17320.

Robert L. McQuade
Solicitor
Suite 204
18 Carlisle Street
Gettysburg, PA 17325

10/8

GETTYSBURG CONSTRUCTION VS. GRIFFO

1. Arbitration agreements are contractual in nature and therefore are interpreted by referring to contract principles.
2. The plain and ordinary meaning of the language in the contract should control when possible.
3. In Pennsylvania, if the language of an arbitration clause does not specifically refer to the Uniform Arbitration Act, 42 Pa.C.S.A.§7301, et seq., it is conclusively presumed that the parties agreed to common law arbitration. Common law arbitration is binding and can be disputed only for the reasons set forth in 42 Pa.C.S.A.§7341.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 98-S-302. GETTYSBURG CONSTRUCTION COMPANY VS. MARK D. GRIFFO AND TRUDI E. GRIFFO.

Robert G. Teeter, Esq., for Plaintiff
David R. Dearden, Esq., for Defendants

OPINION ON PETITIONER'S PETITION TO CONFIRM ARBITRATION AWARD AND ENTER JUDGMENT

Kuhn, J.,August 11, 1998.

On September 22, 1994, Petitioner, Gettysburg Construction Company, and Respondents, Mark D. and Trudi E. Griffo, entered into an agreement for the construction of a residential home. The parties entered into a limited warranty agreement with Quality Builders Warranty Corporation ("QBW"). Respondents allegedly noticed problems with the walls and floors and proceeded under the terms of the warranty agreement. That process led to arbitration. On October 30, 1997, an arbitration award was issued in favor of Petitioner. Pursuant to terms of the warranty agreement, Respondents appealed this award to an appellate arbitrator who denied the appeal. On March 26, 1998, Petitioner filed a Petition to Confirm Arbitration Award and Enter Judgment. On April 27, 1998, Respondents filed a response to this petition. A hearing was held by this Court on May 11, 1998, at which time Respondents made an oral motion to amend their initial response raising the argument that the arbitration is not binding common law arbitration and, in the alternative, that the limited warranty agreement at issue violates Pennsylvania's Unfair Trade Practices and Consumer Protection Law.[1]

---

[1] The Court notes Petitioner's objection to the filing of Respondents' amended response. However, Respondents' oral motion to amend was granted and the amended response will be taken as an exhibit to this oral motion.

LEGAL DISCUSSION

Respondents first argue that the arbitration was not binding common law arbitration under the terms of the warranty. The relevant terms of the warranty agreement, for purposes of Respondents' first argument, are as follows:

> **NOTE: This Limited Warranty Agreement includes a procedure for informal settlement of disputes. Homeowners should read this entire Agreement carefully in order to understand the protection which it provides, the exclusions which are applicable to it, and the Warranty Standards according to which the Builder's compliance will be measured.** For additional information, contact QBW at (717) 737-2522.
>
> **IV. General Terms and Conditions/Rights and Responsibilities**
>
> ...
>
> **E. General Terms Governing Interpretation and Operation.**
>
> Certain generally applicable terms and conditions will govern the interpretation and operation of this Agreement. These terms and conditions are:
>
> ...
>
> 8. This Agreement is deemed to be binding on the Builder, QBW and the purchaser, his heirs, executors, administrators, successors and assigns.
>
> **VI. Complaint and Claim Procedure**
>
> A. **Step One**. Upon discovery of some fault or defect which you believe is covered by this agreement, you should first send a clear and specific **written** notice to your Builder. You must make your home available for inspections and repairs during normal working hours. **Notice to your Builder does *not* constitute notice to QBW**.
>
> B. **Step Two**. If, after receiving notice, your Builder does not respond within a reasonable time,

you should then give written notice of your complaint to QBW by certified mail, return receipt requested. QBW must receive written notice of your complaint no more than thirty (30) days after the expiration of the applicable warranty period. If your complaint is received by QBW after 30 days from the expiration of the warranty on the item, it will ***not*** be honored. **Notice to your Builder *does not* constitute notice to QBW**. The notice to QBW must include: your warranty number and effective date, your name, address and telephone number, Builder name and address, as well as a description of the defect and the warranty standard which applies specifying the page and section of the warranty, as well as all previous written correspondence to the Builder pertaining to the defect. Telephone complaints will not be honored as notice. Photographs are **not** necessary, but if supplied will not be returned.

C. **Step Three**. QBW will review your complaint and, if necessary, QBW will cause an investigator, who may be an employee of QBW, to view the defect and to report to both you and your Builder. The investigator's report will be completed within twenty (20) days of receipt of your request. The report will state the Builder's obligations. Upon receipt of this report, you have thirty (30) days to accept the report.

Where a claimed defect is filed that cannot be observed or determined under normal conditions, it is the homeowner's responsibility to substantiate that the condition does exist. Any cost involved shall be paid by the owner, and if properly substantiated, reimbursement shall be made by your Builder or QBW, whichever is liable for the claim.

D. Step Four. If you disagree with the investigator's report, you have (30) days to notify QBW and the Builder in writing, that you

disagree. In such event, disputes on covered items shall be submitted for arbitration to the American Arbitration Association (AAA) or such other independent arbitration service as may be designated by QBW, for resolution in accordance with the rules and regulations of the AAA or such other service. You must pay the cost of arbitration when filing a claim. Such arbitration shall be a condition precedent to the commencement of any litigation by the homeowner or builder arising out of or connected with the rights and obligations created by this Agreement. Upon delivery of an arbitration award ("Award") to the parties, any party may, within twenty (20) days, request an appeal of the Award. A request for appeal must be sent, together with the appropriate administrative fee, to QBW, with copies of the request simultaneously being sent to all other parties. Upon receipt of the request for appeal and the appropriate administrative fee, QBW will forward the application to the AAA, or other service, for administration. The AAA, or other service, will appoint an appellate arbitrator, in accordance with its procedures, to review the matter, and visit the home and view the subject matter of the Purchaser's complaint. Within ten (10) days of receipt of notice of appeal from the AAA, or other service, the other parties must deliver a written reply to the appeal to the AAA, or other service, and simultaneously send it to all other parties. The AAA, or other service, will transmit copies of the appeal and the reply to the Appellate Arbitrator. The Appellate Arbitrator will schedule an additional hearing at the home. The Appellate Arbitrator shall render a decision regarding the application for appeal and reply, if no party wishes a site hearing, or within twenty (20) days after the site hearing. The Appellate Arbitrator may not review any new or different complaints, but may modify or change the Award if he or she finds that

the Award exceeds or does not meet the scope of the Warranty or its coverage. The AAA, or other such party, will notify all parties of the decision of the Appellate Arbitrator, which will be final. The Builder and QBW have agreed to be bound by the final award of arbitration or appellate arbitration, as applicable, in all states. Judgment upon the final award rendered in arbitration may be entered in any court having jurisdiction in those states where such arbitration is binding upon all parties thereto.

This request for Arbitration shall occur only after the investigation process has been completed. In states where this arbitration can be legally binding on all parties to the arbitration, then this arbitration is binding. In states where this arbitration is not binding on one or more parties to the arbitration, then arbitration in accordance with this contract shall be a condition precedent to the commencement of any litigation by the home-owner or builder to compel compliance with the warranty documents or to seek relief for any dispute arising out of this program.

1. Acceptance. If you accept the decision, you must sign a copy of that decision which will be provided for this purpose and you must then return the singed copy to QBW within thirty (30) days of its date. Your Builder will then perform as required by the decisions, but neither QBW nor the Builder will be responsible for damages caused or made worse by your delay in accepting the decision. If the decision places a time period on your Builder's performance, the time allowed will be measured from the date QBW receives your acceptance of the decision. Sixty (60) days will be the standard time for compliance, weather conditions permitting.

2. Rejection. If you decide to reject the decision, your Builder is under no obligation to perform.

> **3. Right of Access**. You must provide the Builder, or if applicable, QBW, with reasonable weekday access during normal business hours in order to perform its obligations under this Agreement. Failure by you to provide such access to the Builder or QBW may relieve the Builder or QBW of its obligations under this Agreement.

(Petition to Confirm Arbitration Award and Enter Judgment, Exhibit 2).

Respondents argue that the language of the warranty agreement fails to inform the purchaser that the "informal arbitration" (as they describe the process) will be considered binding common law arbitration. In particular, Respondents argue that the language indicating that arbitration is a condition precedent to litigation leads one to the conclusion that litigation is permitted. This Court does not agree.

Arbitration agreements are contractual in nature and therefore are interpreted by referring to contract principles. ***Smith* v. *Cumberland Group Ltd.***, 455 Pa. Super. 276, 284, 687 A.2d 1167, 1171 (1997) (citations omitted). "We note initially that the task of interpreting a contract is generally performed by the court with the primary objective being the effectuation of the intent of the parties as is reasonably manifested by the language of the written instrument." ***Standard Venetian Blind Co.* v. *American Empire Insurance Co.***, 503 Pa. 300, 305, 469 A.2d 563, 566 (1983). Additionally, the plain and ordinary meaning of the language in the contract should control when possible. ***Toombs N.J. Inc.* v. *Aetna Casualty & Surety Co.***, 404 Pa. Super. 471, 477, 591 A.2d 304, 477 (1991).

In the matter sub judice, this warranty agreement clearly attempts to cover all possible purchasers. In furtherance of that goal, QBW has attempted to make the law of the state in which the contract is entered applicable. The terms of the warranty clearly state that if the agreement is entered into in a state in which arbitration may be binding upon all parties, it will be. This language could not be clearer. Thus, it is up to the purchaser at that point to discover if the arbitration would be binding upon them in their state. The language is not misleading. The reference to possible litigation after arbitration is clearly meant to apply only to purchasers in those states in which arbitration is not legally binding.

In Pennsylvania, if the language of an arbitration clause does not specifically refer to the Uniform Arbitration Act, 42 Pa.C.S.A. § 7301, et seq., it is conclusively presumed that the parties agreed to common law arbitration. ***Pennsylvania Social Services Union Local 668 SEIU* v. *Pennsylvania Department of Labor and Industry***, 105 Pa. Commw. 264, 272, 524 A.2d 1005, 1009 (1987). Common law arbitration is binding and can be disputed only for the reasons set forth in 42 Pa.C.S.A. § 7341. None of those reasons are raised presently. Thus, the parties contracted for binding arbitration and are bound by those terms.

Respondents argue, in the alternative, that the warranty violates Pennsylvania's Unfair Trade Practices and Consumer Protection Law. 73 Pa.C.S.A. § 201-1, et seq. In particular, Respondents claim that Petitioner engaged in "fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding." 73 Pa.C.S.A. § 201-2 (4)(xxi). Respondents argue that the warranty is "illusory and does not provide the homeowner with a reasonable bargained for consideration." (Respondents' Brief in Support of Amended Response to Petition to Confirm Arbitration Award and Enter Judgment at 6). Additionally, Respondents allege that the warranty is an attempt by the builder to deprive the homeowner of any remedy for what are allegedly serious structural defects.

Respondents' first argument is without merit. The warranty provides protection for what is defined as "major structural defects" with the home. The language clearly sets forth what is and what is not covered. It is not deceptive or fraudulent and provides protection for those defects set forth in detail in Section V (Warranty Standards) of the warranty.

Respondents' second argument is that Petitioner is attempting to deprive them of any remedy for serious defects with their home. This is incorrect. The arbitration dealt with the issue of whether the alleged defects were covered under the express warranty contracted for by the parties. The determination that the alleged defects are not covered under the warranty is conclusive as to the parties' responsibilities under that warranty only. However, it is not conclusive as to the Respondents' ability to bring an action against the builder under the construction contract and/or implied warranties. These are claims separate from the parties' responsibilities under the express warranty agreement. There is no language in the warranty

agreement precluding Respondents from bringing such actions. As a matter of fact, the warranty language specifically states that it is separate and apart from the contract between purchasers and their builder. Thus, the warranty does not shelter Petitioner from all responsibility in relation to the construction of the home.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 11th day of August 1998, Petitioner's Petition to Confirm Arbitration Award and Enter Judgment is herby granted.

OPINION PURSUANT TO Pa. R.App.P.1925(a)

All matters have been previously addressed in the Opinion and Order of Court dated August 11, 1998.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-260 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the Eastern edge of Drummer Drive at Lot No. 81 of the hereinafter referenced subdivision plan; thence along said Eastern edge of Drummer Drive by a curve to the right whose radius is two hundred thirty-two and sixteen hundredths (232.16) feet and whose long chord bearing is North thirty (30) degrees twenty-six (26) minutes fifty-six (56) seconds East, two hundred twenty-four and thirty-two hundredths (224.32) feet for an arc distance of two hundred thirty-four and eleven hundredths (234. 11) feet to a point at Lot No. 83 of said plan; thence along same South thirty (30) degrees thirty-nine (39) minutes forty-five (45) seconds East, one hundred twenty-eight and thirty-six hundredths (128.36) feet to a point at Lot No. 80 of said plan; thence along same and Lot No. 81 South sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds West, one hundred ninety-seven and forty-two hundredths (197.42) feet to a point at on the Eastern edge of Drummer Drive, the point and place of beginning. Containing 16,982 square feet.

THE above described lot being designated as Lot No. 82 on the Subdivision Plan of "South Branch Estates", dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

TITLE TO SAID PREMISES IS VESTED IN Jody Livingston by Deed from J. A. Myers Building and Development, Inc., William Bast and William Prin, Co-Partners in a Joint Venture known as MPR Associates, dated 4/23/96 recorded 6/4/96 in Record Book 1204 Page 188.

PREMISES BEING KNOWN AS 225 DRUMMER DRIVE, TOWNSHIP OF OXFORD, ADAMS COUNTY, PENNSYLVANIA

SEIZED and taken into execution as the property of **Jody Livingston** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 31, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/8, 15 & 22

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

NOTICE

To: VICKIE EILEEN EICHELBERGER

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for October 29, 1999, at 8:30 a.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

YOU SHOULD CONTACT 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
111- 117 Baltimore Street
Gettysburg, PA 17325
Telephone number: 717-337-9846, or
1-888-337-9846

Chester G. Schultz,
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

10/8, 15 & 22

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on August 30, 1999, for the purpose of obtaining a Certificate of Incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

The name of the corporation is GARDNER ASSOCIATE ENTERPRISE, INC.

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

Gardner Associate Enterprise, Inc.
2776 Oxford Road
New Oxford, PA 17350

10/8

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S.A. §§301, et seq., that an Application to conduct business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of GETTYSBURG POND VIEW FARM was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania, on September 16, 1999. The business is located at 530 Carr Hill Road, Gettysburg, Pennsylvania.. The name and address of the person who is party to the registration is Karen E. Samuels, 530 Carr Hill Road, Gettysburg, Pennsylvania.

Robert E. Campbell
Campbell & White
122 Baltimore Street
Gettysburg, PA 17325
Attorneys for Applicant

10/8

ATTENTION: John Palmer

STEPHEN J. HOGG, ESQUIRE
EXECUTOR OF THE ESTATE OF
DELORES M. BOWRING, DECEASED,
Plaintiff,

vs.

SEARS, SEARS WINDOWS,
SEARS SIDING,
AMERICAN HOME IMPROVEMENT
PRODUCTS, INC., CHRIS WINEY,
JOHN PALMER AND STAN NORRIS,
Defendants.

Please consider this notice to be service of the Complaint in the above matter. For further information please contact the following:

Stephen J. Hogg, Esquire
19 S. Hanover Street, Suite 101
Carlisle, PA 17013
(717) 245-2698

If you have any questions, please contact my office.

10/8

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF JOHN WASHINGTON BOLLINGER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executrix: Mary Jane Bollinger, 1075 Old Harrisburg Road, Cottage 156, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF FRANCIS L. HARTLAUB, SR., DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Executor: Francis L. Hartlaub, Jr., 2356 Baltimore Pike, Littlestown, PA 17340
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF EDITH M. WOERNER, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executors: M. Catherine Strasbaugh, 456 West Middle Street, Gettysburg, PA 17325; Ralph C. Woerner, 1380 Black Horse Tavern Rd., Gettysburg, PA 17325; Paul J. Woerner, Box 413, Biglerville, PA 17307
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF FRIEDA S. WOLFF, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Sandra L. Dixon, 115 Redding Lane, Gettysburg, PA 17325
Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF DAVID J. HELWIG, DEC'D
Late of Highland Township, Adams County, Pennsylvania
Executrix: Linda Diane Ayers, 1127 Barlow-Two Taverns Road, Gettysburg, PA 17325
Attorney: Clayton R. Wilcox, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ETHEL M. MORAN, DEC'D
Late of the Borough of Carroll Valley, Adams County, Pennsylvania
Executrix: Kathleen James, 6 Tree Top Trail, Fairfield, PA 17320
Attorney: Tracy M. Sheffer, Esq., P.O. Box 215, Fairfield, PA 17320

ESTATE OF ALICE K. REICHERT, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Isabel S. Burchell, 215 Ballentine Drive, North Haledon, NJ 07508
Attorney: Teeter, Teeter & Teeter, Esq., 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF RUTH A. SCHUMAN, a/k/a, RUTH E. SCHUMAN, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executrices: Mary Ellen Kohler & Lucy R. Pryor, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331
Attorney: William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

ESTATE OF MILDRED A. WILLIAMS, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Clyde E. Williams, Jr., 35 Hanover Street, Gettysburg, PA 17325
Attorney: Robert E. Campbell, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF NELSON L. WILSON, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Vesta W. Statler, 2917 Sunset Drive, Dallastown, PA 17313
Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF MINNIE L. FLINCHBAUGH, DEC'D
Late of Oxford Township, Adams County. Pennsylvania
Executor: Kenneth E. Flinchbaugh, 28 Oak Lane, Stevens, PA 17578
Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF DOLORES L. GRIMM, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Keith M. Grimm and Kathy M. Julius, c/o 29 North Duke Street, York, PA 17401
Attorney: Sharon E. Myers, Esq., 29 North Duke Street, York, PA 17401

ESTATE OF KATHRYN GITT SCHULTZ, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executors: Chester Gitt Schultz, 1037 Black Horse Tavern Road, Gettysburg, PA 17325; Granville Radcliffe Schultz, Jr., 928 Sunset Avenue, Gettysburg, PA 17325
Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-122 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE three (3) tracts of land situate in the Borough of Carroll Valley, Adams County, Pennsylvania, bounded and described as follows, to wit:

LOT NO. 138 IN SECTION RC:

BEGINNING at a point in the center of Brown Trail at Lot No. 140; thence by said lot South eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds East three hundred fifteen and fifteen hundredths (315.15) feet to Lot No. 139; thence by said lot South one (01) degree twenty (20) minutes twenty (20) seconds West one hundred (100) feet to Lot No. 136; thence by said lot North eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds West two hundred twenty-three and twenty hundredths (223.20) feet to a point in said Brown Trail; thence in said Brown Trail North forty-one (41) degrees fifteen (15) minutes forty (40) seconds West one hundred thirty-five and eighty-five hundredths (135.85) feet to the point and place of beginning.

LOT NO. 140 IN SECTION RC:

BEGINNING at a point in the center of Brown Trail at Lot No. 142; thence by said lot South eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds East four hundred seven and ten hundredths (407. 10) feet to Lot No. 141; thence by said lot South one (01) degrees twenty (20) minutes twenty (20) seconds West one hundred (100) feet to Lot No. 138; thence by said lot North eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds West three hundred fifteen and fifteen hundredths (315.15) feet to a point in the center of said Brown Trail; thence in said Brown Trail, North forty-one (41) degrees fifteen (15) minutes forty (40) seconds West one hundred thirty five and eighty-five hundredths (135.85) feet to the point and place of BEGINNING.

LOT NO. 142 IN SECTION RC:

BEGINNING at a point in the center of Brown Trail at Lot No. 9; thence by said lot and by lots 8, 7, 6 and 144 South eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds East five hundred thirteen and twenty-four hundredths (513.24) feet to Lot No. 143; thence by said lot South six (06) degrees thirty-three (33) minutes forty (40) seconds West one hundred five and forty-three hundredths (105.43) feet to Lot No. 140; thence by said lot North eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds West four hundred seven and ten hundredths (407.10) feet to a point in the center of said Brown Trail; thence in said Brown Trail North forty-one (41) degrees fifteen (15) minutes forty (40) seconds West one hundred forty-two and sixty-three hundredths (142.63) feet to the point and place of BEGINNING.

The above three (3) descriptions were taken from a plan of lots labeled "Section RC of Charnita, Inc.", dated October 1, 1968, prepared by Gordon L. Brown, R.S., and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book No. 1 at page 35.

TITLE TO SAID PREMISES IS VESTED IN ROBERT L. WHITE by reason of the following:

BEING THE SAME premises which Kenneth A. Lebherz by Deed dated 12/9/96 and recorded 12/10/96 in the County of Adams in Record Book 1301, page 220 conveyed unto Robert L. White.

AND BEING THE SAME premises which Robert L. White by Deed dated 5/6/97 and recorded 5/6/97 in the County of Adams in Record Book 1368, page 143 conveyed unto Michael Denyse Moran.

AND BEING THE SAME premises Robert L. White by Deed dated 12/15/97 and recorded 1/5/98 in the County of Adams in Record book 1500, page 113 conveyed unto Michael Denyse Moran.

AND ALSO BEING THE SAME premises which Michael Denyse Moran by Deed dated 3/3/98 and recorded 3/13/98 in the County of Adams in Record Book 1536, page 256 conveyed unto Robert L. White. PREMISES BEING KNOWN AS 5 BROWN TRAIL, BOROUGH OF CARROLL VALLEY ADAMS COUNTY, PENNSYLVANIA BEING Tax Parcel # 46-89.

SEIZED and taken into execution as the property of **Robert L. White** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 31, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/8, 15 & 22

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

NOTICE

To: DAVID TROUP

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for October 29, 1999, at 8:30 a.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

YOU SHOULD CONTACT 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
111- 117 Baltimore Street
Gettysburg, PA 17325
Telephone number: 717-337-9846, or
1-888-337-9846

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

10/8, 15 & 22

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about August 19, 1999 for the incorporation of BATTLEFIELD MOTORCYCLES, INC., under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of the retail and wholesale sale of motor vehicles, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 126 Baltimore Street, Gettysburg, PA 17325.

Bernard A. Yannetti, Jr.
Hartman & Yannetti
Solicitor

10/8

Adams County
Legal Journal

Vol. 41 October 15, 1999 No. 20, pp. 115-118

CONTINUING LEGAL EDUCATION PROGRAM

Killer Cross-Examination
Wednesday, October 20, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 6, Ethics - 0

Current Issues Involving Fee Agreements
Wednesday, November 10, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 0, Ethics - 1

Boundary Law in Pennsylvania
Friday, November 12, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 4, Ethics - 0

Registration through P.B.I. 800-247-4724

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336

Periodicals postage paid at Gettysburg, PA 17325.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-154 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN parcel of land lying and situate in Carroll Valley Borough, formerly Liberty Township, Adams County, Pennsylvania, being Lot No. 30 in Section K, more particularly bounded and described as follows:

BEGINNING at a point in the center of Ski Run Trail at Lot No. 31; thence by said lot, North 35 degrees 13 minutes 47 seconds East, 228.44 feet to Lot No. 35; thence by said lot South 64 degrees 43 minutes 12 seconds East, 83.20 feet to Lot No. 29; thence by said lot South 25 degrees 16 minutes 48 seconds West 225 feet to a point in the center of said Ski Run Trail; thence in said Ski Run Trail North 64 degrees 43 minutes 12 seconds West, 122.67 feet to the place of beginning.

THE above description was taken from a plan of lots labeled "Section K, Charnita" dated March 3, 1969, prepared by Evans, Hagan & Holdefer, and recorded in Adams County Plat Book No. 1 at page 42.

Tax Parcel #6-18

TITLE TO SAID PREMISES IS VESTED IN Patrick N. Warner and Diane L. Warner, his wife by Deed from Edward E. Hartin and Margaret F. Hartin, his wife, dated 6/27/93 and recorded 7/12/93 in Record Book 751 Page 209.

PREMISES BEING KNOWN AS 1 SKI RUN TRAIL, BOROUGH OF CARROLL VALLEY, ADAMS COUNTY PENNSYLVANIA.

SEIZED and taken into execution as the property of **Patrick N. & Diane L. Warner** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-373 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act. 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, of a Land Development Plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69, page 23 (together with all amendments and supplements thereto recorded on or before the date hereto) being all designated in such plan as Unit No. 9 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds. in and for York County, Pa. in Record Book 1271, page 34.

UNDER AND SUBJECT to any and all covenants, conditions, restrictions, rights of way, easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in Record Book 69, page 23.

TOGETHER with the limited common elements appurtenants as more fully shown on Plan 1271, page 34.

BEING Tax Parcel # (35) 1-52.

TITLE TO SAID PREMISES IS VESTED IN Geraldine L. Lackey by Deed from Philip R. Garland, t/b/d/a Garland Construction dated 2/27/98, recorded 3/13/98, in record book 1536, page 292.

BEING PROPERTY KNOWN AS 24 FIDDLER DRIVE, TOWNSHIP OF OXFORD, ADAMS COUNTY PENNSYLVANIA, 17350.

SEIZED and taken into execution as the property of **Geraldine L. Lackey** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

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 12, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/15, 22 & 29

ADMINISTRATRIX NOTICE

Estate of IRVIN S. RICKER late of Cumberland Township, Adams County, Pennsylvania, Deceased.

Letters Testamentary on said estate having been granted to the undersigned, all persons indebted thereto are requested to make immediate payment, and those having claims or demands against the same will present them without delay for settlement to the undersigned, at the following address: Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, Pennsylvania 17331

Virginia Ricker
Administratrix

Douglas H. Gent, Esquire
Attorney for Estate

10/15, 22 & 29

1. The Pennsylvania Supreme Court has stated that "[a] demurrer admits every well-placed material fact set forth in the pleadings to which it is addressed as well as all inferences reasonable deducible therefrom, but not conclusions of law." A demurrer is properly sustained where the complaint indicates on its face that the plaintiff's claim cannot be sustained, and the law will not permit recover.
2. Generally, in the law of torts, remedies "attempt[]primarily to put an injured person in a position as nearly as possible equivalent to his position prior to the tort." Compensatory damages are "meant to compensate an innocent party for the injury suffered; the loss sustained should be compensated with the least burden to the wrongdoer consistent with the idea of fair compensation to the injured." Attempting to compensate an injured individual for property damage caused by the negligence of another does not necessarily include damages for all inconveniences experienced.
3. This Court does not believe the term"inconvenience" as used in connection with damages for pain and suffering for physical injuries is meant to apply to those general"inconveniences" related to property damage.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 97-S-1098. BRADLEY C. SANDERS AND KELLY J. SANDERS AND ASHLEY SANDERS, A MINOR, VS. JAMES LAWRENCE LINEBAUGH.

Rosemary A. McDermott, Esq., for Plaintiffs
Michele J. Thorpe, Esq., for Defendant

OPINION ON DEFENDANT'S PRELIMINARY OBJECTIONS

Kuhn, J., August 20, 1998.

On November 20, 1997, Plaintiffs, Bradley, Kelly and Ashley Sanders, filed a Complaint against Defendant, James Linebaugh. Plaintiffs proceeded to file an Amended Complaint on February 13, 1998. On May 12, 1998, Defendant filed preliminary objections which are now before this Court for disposition.

STATEMENT OF FACTS

Plaintiffs allege that on June 15, 1996, Kelly was the owner and operator of a vehicle proceeding in a northerly direction on State Route 16. Ashley was a passenger in the vehicle. Defendant was allegedly driving in a southerly direction on State Route 16 and was attempting to make an easterly turn onto a private road when the parties were involved in an accident.[1] It is alleged that Defendant's blood alcohol

[1]The Court assumes certain facts only because they appear to be conceded by Defendant. Plaintiff's Amended Complaint avers that Defendant was "preparing" to make a turn, that he was negligent and that injuries resulted. There is no averment that an accident occurred or in which lane of traffic.

level was twice the legal limit at the time of the accident. Kelly and Ashley suffered serious injuries as a result of the accident.

LEGAL DISCUSSION

Defendant has raised three preliminary objections. First, he claims that Count III of Plaintiffs' Amended Complaint fails to state a claim upon which relief may be granted. Second, Defendant argues that Plaintiffs' Amended Complaint was not properly verified as required under Pa.R.C.P. 1024.[2] Third, Defendant argues that Count VI of Plaintiffs' Amended Complaint fails to state a claim upon which relief may be granted.

In deciding on an objection in the nature of a demurrer, the Pennsylvania Supreme Court has stated that "[a] demurrer admits every well-pleaded material fact set forth in the pleadings to which it is addressed as well as all inferences reasonably deducible therefrom, but not conclusions of law." *Gekas* v. *Shap*, 469 Pa. 1, 5, 364 A.2d 691, 693 (1976). A demurrer is properly sustained where the complaint indicates on its face that the plaintiff's claim cannot be sustained, and the law will not permit recovery. *Lobdell* v. *Leichtenberger*, 442 Pa. Super. 21, 24, 658 A.2d 399, 401 (1995) (citations omitted).

Count III of Plaintiffs' Amended Complaint is filed on behalf of Barry Sanders, Kelly Sanders' husband, alleging damages due to Defendant's negligence. Specifically, Plaintiffs allege that Barry "sustained inconvenience and out-of-pocket expenses." (Plts.' Amended Complaint ¶ 15). The pleadings cite to "transportation and car expenses occasioned by trips to and from the doctor's office" as factual support for this general claim for "inconvenience" damages. (Plts.' Amended Complaint ¶ 12). Defendant argues that there is no claim for general "inconvenience" damages under Pennsylvania law.

Plaintiffs rely on general case law for compensatory damages for support that Barry is entitled to "inconvenience" damages. Generally, in the law of torts, remedies "attempt[ ] primarily to put an injured person in a position as nearly as possible equivalent to his position prior to the tort." *Trosky* v. *Civil Service Commission of Pittsburgh*, 539 Pa. 356, 364, 652 A.2d 813, 817 (1995). More particularly, compensatory damages are "meant to compensate an innocent party for the injury suffered; 'the loss sustained should be compensated with the least burden to the wrongdoer consistent with the idea of fair compensation

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[2]Defendant failed to brief this issue and upon review of the record it is clear that Plaintiffs' Amended Complaint is properly verified. Therefore, this Court will not address this issue any further.

to the injured.'" *Refuse Management System* v. *Consolidated Recycling and Transfer Systems Inc.*, 448 Pa. Super. 402, 671 A.2d 1140 (1996) (*quoting Feingold* v. *Southeastern Pennsylvania Transportation Authority*, 339 Pa. Super. 15, 28, 488 A.2d 284, 291 (1985)). However, attempting to compensate an injured individual for property damage caused by the negligence of another does not necessarily include damages for all inconveniences experienced and Plaintiff cites no case law making this claim viable.

After extensive research, this Court finds that in cases which reference damages for general "inconvenience," the term is used within a list of damages related to pain and suffering for physical injuries. *See, e.g.*, *Ciarrocca* v. *Campbell*, 282 Pa. Super. 60, 422 A.2d 675 (1980) (where in a negligence action which caused physical injuries to the plaintiff the Court held that the jury may consider all factors when awarding damages for pain and suffering; including inconvenience); Pa. Trial Guide §4.1 (where it was stated that "[i]ncluded in the broad category of pain and suffering, a plaintiff can recover for a wide variety of general damages including physical pain, mental anguish, suffering...humiliation, inconvenience, discomfort...and the inability to care for one's family and children"). This Court does not believe the term "inconvenience" as used in connection with damages for pain and suffering for physical injuries is meant to apply to those general "inconveniences" related to property damage.[3]

In Count VI of the Amended Complaint, Plaintiffs allege gross negligence by Defendant and seek punitive damages to compensate Barry. Defendant argues in his brief that there are no degrees of negligence in Pennsylvania citing *Ferrick Excavating* v. *Senger Trucking Co.*, 506 Pa. 181, 484 A.2d 744, (1984). This Court agrees. However, this Court will disregard the improper naming of Count VI as gross negligence and will instead discuss its validity as a claim for negligence.

In order to state a cause of action for negligence a plaintiff must allege (1) a duty on the part of the defendant to conform to a certain standard of conduct with respect to the plaintiff; (2) a breach of that duty by the defendant; (3) a causal connection between the defendant's conduct and the injury suffered by plaintiff; and (4) actual loss or damages suffered by the plaintiff. *Schmoyer* v. *Mexico Forge, Inc.*,

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[3] The Court notes that damages to a vehicle as a result of another's negligence do include loss of use of the vehicle. *See*, *Kitner* v. *Claverack Rural Electric Co-Operative, Inc.*, 329 Pa. Super. 417, 478 A.2d 858 (1984) (where the Superior Court held that damages are recoverable for loss of use of personal property). However, Barry has made no allegation in the pleadings that he is or was an owner of the vehicle involved in the case *sub judice*.

437 Pa. Super. 159, 162-63, 649 A.2d 705, 707 (1994) (citations omitted). As discussed previously, Barry has no claim for general "inconvenience" damages. Additionally, there is no indication in the pleadings that Barry has a property interest in the vehicle in question. Thus, it is unclear what actual loss or damages were sustained by Barry as a result of Defendant's negligence.[4] Therefore, Barry has failed to set forth a cognizable claim for negligence against Defendant.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 20th day of August 1998, Defendant's preliminary objections are hereby sustained in part and denied in part as follows: Counts III and VI of Plaintiffs' Amended Complaint are dismissed. Plaintiffs are given thirty (30) days from the date of this Order to file an amended pleading.

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[4] The Court notes that this determination in no way effects Barry's claim for loss of consortium as that claim is set forth separately in Count VII of Plaintiffs' Amended Complaint.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-260 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the Eastern edge of Drummer Drive at Lot No. 81 of the hereinafter referenced subdivision plan; thence along said Eastern edge of Drummer Drive by a curve to the right whose radius is two hundred thirty-two and sixteen hundredths (232.16) feet and whose long chord bearing is North thirty (30) degrees twenty-six (26) minutes fifty-six (56) seconds East, two hundred twenty-four and thirty-two hundredths (224.32) feet for an arc distance of two hundred thirty-four and eleven hundredths (234. 11) feet to a point at Lot No. 83 of said plan; thence along same South thirty (30) degrees thirty-nine (39) minutes forty-five (45) seconds East, one hundred twenty-eight and thirty-six hundredths (128.36) feet to a point at Lot No. 80 of said plan; thence along same and Lot No. 81 South sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds West, one hundred ninety-seven and forty-two hundredths (197.42) feet to a point at on the Eastern edge of Drummer Drive, the point and place of beginning. Containing 16,982 square feet.

THE above described lot being designated as Lot No. 82 on the Subdivision Plan of "South Branch Estates", dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

TITLE TO SAID PREMISES IS VESTED IN Jody Livingston by Deed from J. A. Myers Building and Development, Inc., William Bast and William Prin, Co-Partners in a Joint Venture known as MPR Associates, dated 4/23/96 recorded 6/4/96 in Record Book 1204 Page 188.

PREMISES BEING KNOWN AS 225 DRUMMER DRIVE, TOWNSHIP OF OXFORD, ADAMS COUNTY, PENNSYLVANIA

SEIZED and taken into execution as the property of **Jody Livingston** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 31, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-301 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, 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 lot of ground situate, lying and being in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin on the southern property line of a public road or street in the development known as Woodcrest Estates herebelow further identified, said point being at the northwest corner of Lot No. 28 on the Plan of Lots below identified (now or formerly of Richard Sanders and wife); thence by said Lot No. 28, South 31 degrees 37 minutes West, 110 feet to an iron pin on line of land of the U.S. Government; thence by said last-mentioned land, North 58 degrees 23 minutes West, 145 feet to the southernmost corner of Lot No. 30 (now or formerly of Thomas J. Muenzenmeyer); thence by said Lot No. 30, North 69 degrees 37 minutes East, 139.5 feet to an iron pin at curve in said public road or street; thence by the southern property line of said public road or street, South 58 degrees 23 minutes East, 58.2 feet to the place of BEGINNING.

The above description was taken from a draft of survey by LeRoy H. Winebrenner, C.S., dated August 18, 1971, designating the above as Lot No. 29, which is the same lot shown on said Plan of Lots of Woodcrest Estates, recorded in Miscellaneous Book EE at page 315.

TAX PARCEL NUMBER: W3-35

BEING known as 200 Confederate Drive, Gettysburg, PA 17325

TITLE TO SAID PREMISES IS VESTED IN Judith Lanyon Lewis, single by deed from Alice Kerr Laird, single, dated 4/24/92, recorded 4/27/92, in Record Book 624, page 78.

SEIZED and taken into execution as the property of **Judith Lanyon Lewis** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
July 21, 1999.

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 December 6, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/15,22 & 29

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, October 25, 1999, at 9:00 o'clock a.m.

JONES–Orphans' Court Action Number OC-90-99. The First and Final Account of Marian D. Carey, Executrix of the Estate of Melba E. Jones, deceased, late of Abbottstown Borough, Adams County, Pennsylvania.

TEW–Orphans' Court Action Number OC-36-99. The First and Final Account of Sara J. Yahner, Administratrix of the Estate of Jean E. Tew, deceased, late of Franklin Township, Adams County, Pennsylvania.

MINNICH–Orphans' Court Action Number OC-95-99. The First and Final Account of Lois Morningred, Executrix of the Last Will and Testament of Louella M. Minnich a/k/a Louella L. Minnich, deceased, late of Straban Township, Adams County, Pennsylvania.

HESS–Orphans' Court Action Number OC-98-99. The First and Final Account of John Fuss, Jr. and Leona Wingerd, Executors of the Last Will and Testament of Walter L. Hess, deceased, last of Straban Township, Adams County, Pennsylvania.

SEASE–Orphans' Court Action Number OC-99-99. The First and Final Account of Kathleen S. Benner, Executrix of the Estate of Ethel Mae Sease a/k/a Ethel May Sease, deceased, late of Berwick Township, Adams County, Pennsylvania.

(continued on next page)

(continued from previous page)

EVANS–Orphans' Court Action Number OC-101-99. The First and Final Account of James VanCleve Lott and William McIlhenny Lott, Executors of the Last Will and Testament of Elizabeth C. Evans, deceased, late of Borough of Gettysburg, Adams County, Pennsylvania.

REICHART–Orphans' Court Action Number OC-105-99. The First and Final Account of Dorothy Reichart Mummert, Executrix of the Estate of Blanche E. Reichart, deceased, late of Oxford Township, Adams County, Pennsylvania.

MUSSELMAN–Orphans' Court Action Number OC-106-99. The First and Final Account of Joyce M. Shutt and Adams County National Bank, Executors of the Last Will and Testament of Ruth M. Musselman, deceased, late of Franklin Township, Adams County, Pennsylvania.

Peggy J. Bregihner
Clerk of Courts

10/15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-485 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Docket No. 99–S–485
Judgment Amt: $83,183.17
Executing Creditor's Attorney:
Jeffrey N. Yoffe, Esq.,
214 Senate Avenue, Suite 203,
Camp Hill, Pennsylvania, 17011.
717-975-1838

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

BEGINNING at a stake at a 20 feet wide driveway at land now or formerly of Curvin 0. Albright; thence by said land in a northwesterly direction 299 feet, more or less to a stake at Conewago Creek; thence along said Creek north 15 1/4 degrees east, 10 feet to a stake; thence along said Creek 71 degrees east, 250 feet to a stake at Lot No. 11; thence by Lot No. 11 south 20 degrees east, 172 feet to a stake at the driveway first mentioned; thence along said driveway south 23 1/4 degrees west, 46 feet to a stake, the place of BEGINNING. Property is commonly known as 92 Cottage Drive.

To be sold as the property of Karen Sue George, formerly Karen Sue Wickline and Douglas Q. George under Adams County Judgment No. 99-S-485.

SEIZED and taken into execution as the property of **Douglas Q. & Karen Sue George** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 2, 1999.

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 December 6, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/15, 22, & 29

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

NOTICE

To: VICKIE EILEEN EICHELBERGER

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for October 29, 1999, at 8:30 a.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

YOU SHOULD CONTACT 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
111- 117 Baltimore Street
Gettysburg, PA 17325
Telephone number: 717-337-9846, or
1-888-337-9846

Chester G. Schultz,
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-275 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, October 29, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in the Borough of Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, (known as Lot NO. 50, Section B), bounded and described as follows:

BEGINNING at a point in the center of Robin Trail at Lot No. 49; thence by said lot, North 3 degrees 21 minutes 40 seconds West, 200 feet to Lot No. 17; thence by said lot, North 86 degrees 38 minutes 20 seconds East, 100 feet to Lot NO. 51; thence by said Lot, South 3 degrees 21 minutes 40 seconds East, 200 feet to a point in the center of said Robin Trail, South 86 degrees 38 minutes 20 seconds West, 100 feet to the place of beginning.

Having thereon erected a dwelling known as 30 Robin Trail, Carroll Valley, Pennsylvania, 17320.

BEING THE SAME PREMISES WHICH Cecil S. Stultz and Susan M. Stultz, by their Deed dated April 3, 1989 and recorded on April 4, 1989 in Adams County Recorder of Deeds Office in Deed Book 518, page 545, granted and conveyed unto Ralph E. Wessels and M. Jeanne Wessels.

SEIZED IN EXECUTION AS THE PROPERTY OF RALPH E. WESSELS AND M. JEANNE WESSELS UNDER ADAMS COUNTY JUDGMENT NO. 99-S-275.

Map & Parcel #29-70

SEIZED and taken into execution as the property of **Ralph E. Wessels & M. Jeanne Wessels** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 30, 1999.

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 22, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/1, 8 & 15

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 MARGARET M. BOWERS, DEC'D
Late of Butler Township, Adams County, Pennsylvania
Executrix: Rae D, Harman, 304 West Guernsey Road, Biglerville, PA 17307
Attorney: John R. White, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MILDRED V. DUBS, DEC'D
Late of Highland Township, Adams County, Pennsylvania
Executor: Robert Paul Dubs, Jr., 180 Camp Gettysburg Road, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELVIN NEWTON HARNER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Co-Executors: Norma Jean Little, 763 Coleman Road, Gettysburg, PA 17325; Travis Jackson Harner, 3125 Chambersburg Road, Biglerville, PA 17307
Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF IRVIN S. RICKER, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Administratix: Virginia Ricker, c/o Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, Pennsylvania 17331
Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, Pennsylvania 17331

ESTATE OF RODNEY D. JUN TAYLOR A/K/A/ RODNEY D. TAYLOR, JR., DEC'D
Late of Menallen Township, Adams County, Pennsylvania
Administrator C.T.A.: Deborah R. Taylor, 314 Nawakwa Road, Biglerville, PA 17307
Attorney: John R. White, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF JOHN WASHINGTON BOLLINGER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executrix: Mary Jane Bollinger, 1075 Old Harrisburg Road, Cottage 156, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF FRANCIS L. HARTLAUB, SR., DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Executor: Francis L. Hartlaub, Jr., 2356 Baltimore Pike, Littlestown, PA 17340
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF EDITH M. WOERNER, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executors: M. Catherine Strasbaugh, 456 West Middle Street, Gettysburg, PA 17325; Ralph C. Woerner, 1380 Black Horse Tavern Rd., Gettysburg, PA 17325; Paul J. Woerner, Box 413, Biglerville, PA 17307
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF FRIEDA S. WOLFF, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Sandra L. Dixon, 115 Redding Lane, Gettysburg, PA 17325
Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF DAVID J. HELWIG, DEC'D
Late of Highland Township, Adams County, Pennsylvania
Executrix: Linda Diane Ayers, 1127 Barlow-Two Taverns Road, Gettysburg, PA 17325
Attorney: Clayton R. Wilcox, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ETHEL M. MORAN, DEC'D
Late of the Borough of Carroll Valley, Adams County, Pennsylvania
Executrix: Kathleen James, 6 Tree Top Trail, Fairfield, PA 17320
Attorney: Tracy M. Sheffer, Esq., P.O. Box 215, Fairfield, PA 17320

ESTATE OF ALICE K. REICHERT, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Isabel S. Burchell, 215 Ballentine Drive, North Haledon, NJ 07508
Attorney: Teeter, Teeter & Teeter, Esq., 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF RUTH A. SCHUMAN, a/k/a, RUTH E. SCHUMAN, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executrices: Mary Ellen Kohler & Lucy R. Pryor, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331
Attorney: William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

ESTATE OF MILDRED A. WILLIAMS, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Clyde E. Williams, Jr., 35 Hanover Street, Gettysburg, PA 17325
Attorney: Robert E. Campbell, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF NELSON L. WILSON, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Vesta W. Statler, 2917 Sunset Drive, Dallastown, PA 17313
Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-122 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE three (3) tracts of land situate in the Borough of Carroll Valley, Adams County, Pennsylvania, bounded and described as follows, to wit:

LOT NO. 138 IN SECTION RC:

BEGINNING at a point in the center of Brown Trail at Lot No. 140; thence by said lot South eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds East three hundred fifteen and fifteen hundredths (315.15) feet to Lot No. 139; thence by said lot South one (01) degree twenty (20) minutes twenty (20) seconds West one hundred (100) feet to Lot No. 136; thence by said lot North eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds West two hundred twenty-three and twenty hundredths (223.20) feet to a point in said Brown Trail; thence in said Brown Trail North forty-one (41) degrees fifteen (15) minutes forty (40) seconds West one hundred thirty-five and eighty-five hundredths (135.85) feet to the point and place of beginning.

LOT NO. 140 IN SECTION RC:

BEGINNING at a point in the center of Brown Trail at Lot No. 142; thence by said lot South eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds East four hundred seven and ten hundredths (407. 10) feet to Lot No. 141; thence by said lot South one (01) degrees twenty (20) minutes twenty (20) seconds West one hundred (100) feet to Lot No. 138; thence by said lot North eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds West three hundred fifteen and fifteen hundredths (315.15) feet to a point in the center of said Brown Trail; thence in said Brown Trail, North forty-one (41) degrees fifteen (15) minutes forty (40) seconds West one hundred thirty five and eighty-five hundredths (135.85) feet to the point and place of BEGINNING.

LOT NO. 142 IN SECTION RC:

BEGINNING at a point in the center of Brown Trail at Lot No. 9; thence by said lot and by lots 8, 7, 6 and 144 South eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds East five hundred thirteen and twenty-four hundredths (513.24) feet to Lot No. 143; thence by said lot South six (06) degrees thirty-three (33) minutes forty (40) seconds West one hundred five and forty-three hundredths (105.43) feet to Lot No. 140; thence by said lot North eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds West four hundred seven and ten hundredths (407.10) feet to a point in the center of said Brown Trail; thence in said Brown Trail North forty-one (41) degrees fifteen (15) minutes forty (40) seconds West one hundred forty-two and sixty-three hundredths (142.63) feet to the point and place of BEGINNING.

The above three (3) descriptions were taken from a plan of lots labeled "Section RC of Charnita, Inc.", dated October 1, 1968, prepared by Gordon L. Brown, R.S., and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book No. 1 at page 35.

TITLE TO SAID PREMISES IS VESTED IN ROBERT L. WHITE by reason of the following:

BEING THE SAME premises which Kenneth A. Lebherz by Deed dated 12/9/96 and recorded 12/10/96 in the County of Adams in Record Book 1301, page 220 conveyed unto Robert L. White.

AND BEING THE SAME premises which Robert L. White by Deed dated 5/6/97 and recorded 5/6/97 in the County of Adams in Record Book 1368, page 143 conveyed unto Michael Denyse Moran.

AND BEING THE SAME premises Robert L. White by Deed dated 12/15/97 and recorded 1/5/98 in the County of Adams in Record book 1500, page 113 conveyed unto Michael Denyse Moran.

AND ALSO BEING THE SAME premises which Michael Denyse Moran by Deed dated 3/3/98 and recorded 3/13/98 in the County of Adams in Record Book 1536, page 256 conveyed unto Robert L. White. PREMISES BEING KNOWN AS 5 BROWN TRAIL, BOROUGH OF CARROLL VALLEY ADAMS COUNTY, PENNSYLVANIA BEING Tax Parcel # 46-89.

SEIZED and taken into execution as the property of **Robert L. White** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 31, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/8, 15 & 22

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

NOTICE

To: DAVID TROUP

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for October 29, 1999, at 8:30 a.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

YOU SHOULD CONTACT 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
111- 117 Baltimore Street
Gettysburg, PA 17325
Telephone number: 717-337-9846, or
1-888-337-9846

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

10/8, 15 & 22

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at 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 CREATION CONTINUES EDUCATION SERVICES, INC.

10/15

Adams County
Legal Journal

Vol. 41 October 22, 1999 No. 21, pp. 119-124

CONTINUING LEGAL EDUCATION PROGRAM

Current Issues Involving Fee Agreements
Wednesday, November 10, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 0, Ethics - 1

Boundary Law in Pennsylvania
Friday, November 12, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 4, Ethics - 0

Registration through P.B.I. 800-247-4724

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336

Periodicals postage paid at Gettysburg, PA 17325.

NOTICE

NOTICE IS HEREBY GIVEN, that Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania, at Harrisburg Pennsylvania on the 20th day of September, 1999, to incorporate the **GETTYSBURG CIVIL WAR WOMEN 'S MEMORIAL ASSOCIATION** under the Pennsylvania Nonprofit Corporation Law of 1988. The purposes of such corporation are to raise funds to erect a monument in Evergreen Cemetery with a bronze statue of a woman mounted thereon, to preserve and maintain such monument , to promote the public visitation thereof and to take such other actions consistent with the foregoing as are permitted under Section 501 (c)(3) of the Internal Revenue Code of 1986, as amended

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its directors, officers or any other private persons except that the corporation may pay reasonable compensation for services rendered and may make payments and distributions in furtherance of its purposes. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. The corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Upon dissolution of the corporation, its assets shall be distributed to the cemetery endowment fund of Evergreen Cemetery, a Section 501(c)(3) tax exempt organization, for the perpetual care of the monument and statue erected thereon, or for such other purpose recognized as exempt within the meaning of the Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government or to a state or local government, for a public purpose. Any corporation assets not so distributed shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such corporation or organizations as said court shall determine, which are organized and operated exclusively for such purposes.

Samuel E.Teeter, Esq.
Teeter, Teeter & Teeter

10/22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1243 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 19, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Fawn Avenue and Lot No. 32; thence along Lot No. 32, North sixty-six (66) degrees fifty-nine (59) minutes twenty-eight (28) seconds East, one hundred eighty-seven and seven hundredths (187.07) feet to a point at lands now or formerly of Michael M. Shemon; thence along said lands, South twenty-four (24) degrees seventeen (17) minutes eight (8) seconds East, seventy-four and eighty-five hundredths (74.85) feet to a point at lands now or formerly of Donald E. Kauffman; thence along said lands and lands now or formerly of Victor S. Klinefelter, South seventy-four (74) degrees nineteen (19) minutes twenty-nine (29) seconds West, two hundred two and eighteen hundredths (202.18) feet to a point at Fawn Avenue; thence along Fawn Avenue, by a curve to the right whose radius is one hundred (100. 00) feet and whose chord bearing is North nine (9) degrees twenty-nine (29) minutes fifty-three (53) seconds West, fifty and forty-four hundredths (50.44) feet for an arc distance of fifty and ninety-nine hundredths (50.99) feet to the point and place of BEGINNING. CONTAINING 12,179 square feet and identified as Lot No. 33 on a plan of lots entitled Phase II, Deer Park Estates, recorded in the O ffice of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 41, page 109.

BEING KNOWN AS 70 FAWN AVENUE

PROPERTY TAX MAP ID 2-33

TITLE TO SAID PREMISES IS VESTED IN Deboraha E. Baugher by deed from Deboraha E. Beck, now Deboraha E. Baugher and Dennis W. Grove, dated 4/12/1996 and recorded 4/16/1996 in deed book 1176 page 97

SEIZED and taken into execution as the property of **Dennis W. Grove & Deboraha E. Beck a/k/a Deboraha E. Baugher** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 20, 1999.

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 December 13, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/22, 29 & 11/15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-373 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

(continued on next page)

(continued from previous page)

plan as Unit No. 9 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for York County, Pa. in Record Book 1271, page 34.

UNDER AND SUBJECT to any and all covenants, conditions, restrictions, rights of way, easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in Record Book 69, page 23.

TOGETHER with the limited common elements appurtenants as more fully shown on Plan 1271, page 34.

BEING Tax Parcel # (35) 1-52.

TITLE TO SAID PREMISES IS VESTED IN Geraldine L. Lackey by Deed from Philip R. Garland, t/b/d/a Garland Construction dated 2/27/98, recorded 3/13/98, in record book 1536, page 292.

BEING PROPERTY KNOWN AS 24 FIDDLER DRIVE, TOWNSHIP OF OXFORD, ADAMS COUNTY PENNSYLVANIA, 17350.

SEIZED and taken into execution as the property of **Geraldine L. Lackey** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

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 12, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-485 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Docket No. 99–S–485
Judgment Amt: $83,183.17
Executing Creditor's Attorney:
Jeffrey N. Yoffe, Esq.,
214 Senate Avenue, Suite 203,
Camp Hill, Pennsylvania, 17011.
717-975-1838

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

BEGINNING at a stake at a 20 feet wide driveway at land now or formerly of Curvin O. Albright; thence by said land in a northwesterly direction 299 feet, more or less to a stake at Conewago Creek; thence along said Creek north 15 1/4 degrees east, 10 feet to a stake; thence along said Creek 71 degrees east, 250 feet to a stake at Lot No. 11; thence by Lot No. 11 south 20 degrees east, 172 feet to a stake at the driveway first mentioned; thence along said driveway south 23 1/4 degrees west, 46 feet to a stake, the place of BEGINNING. Property is commonly known as 92 Cottage Drive.

To be sold as the property of Karen Sue George, formerly Karen Sue Wickline and Douglas Q. George under Adams County Judgment No. 99-S-485.

SEIZED and taken into execution as the property of **Douglas Q. & Karen Sue George** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 2, 1999.

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 December 6, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/15, 22, & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-260 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point on the Eastern edge of Drummer Drive at Lot No. 81 of the hereinafter referenced subdivision plan; thence along said Eastern edge of Drummer Drive by a curve to the right whose radius is two hundred thirty-two and sixteen hundredths (232.16) feet and whose long chord bearing is North thirty (30) degrees twenty-six (26) minutes fifty-six (56) seconds East, two hundred twenty-four and thirty-two hundredths (224.32) feet for an arc distance of two hundred thirty-four and eleven hundredths (234. 11) feet to a point at Lot No. 83 of said plan; thence along same South thirty (30) degrees thirty-nine (39) minutes forty-five (45) seconds East, one hundred twenty-eight and thirty-six hundredths (128.36) feet to a point at Lot No. 80 of said plan; thence along same and Lot No. 81 South sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds West, one hundred ninety-seven and forty-two hundredths (197.42) feet to a point at on the Eastern edge of Drummer Drive, the point and place of beginning. Containing 16,982 square feet.

THE above described lot being designated as Lot No. 82 on the Subdivision Plan of "South Branch Estates", dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

TITLE TO SAID PREMISES IS VESTED IN Jody Livingston by Deed from J. A. Myers Building and Development, Inc., William Bast and William Prin, Co-Partners in a Joint Venture known as MPR Associates, dated 4/23/96 recorded 6/4/96 in Record Book 1204 Page 188.

PREMISES BEING KNOWN AS 225 DRUMMER DRIVE, TOWNSHIP OF OXFORD, ADAMS COUNTY, PENNSYLVANIA

SEIZED and taken into execution as the property of **Jody Livingston** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 31, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-301 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, 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 lot of ground situate, lying and being in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin on the southern property line of a public road or street in the development known as Woodcrest Estates herebelow further identified, said point being at the northwest corner of Lot No. 28 on the Plan of Lots below identified (now or formerly of Richard Sanders and wife); thence by said Lot No. 28, South 31 degrees 37 minutes West, 110 feet to an iron pin on line of land of the U.S. Government; thence by said last-mentioned land, North 58 degrees 23 minutes West, 145 feet to the southernmost corner of Lot No. 30 (now or formerly of Thomas J. Muenzenmeyer); thence by said Lot No. 30, North 69 degrees 37 minutes East, 139.5 feet to an iron pin at curve in said public road or street; thence by the southern property line of said public road or street, South 58 degrees 23 minutes East, 58.2 feet to the place of BEGINNING.

The above description was taken from a draft of survey by LeRoy H. Winebrenner, C.S., dated August 18, 1971, designating the above as Lot No. 29, which is the same lot shown on said Plan of Lots of Woodcrest Estates, recorded in Miscellaneous Book EE at page 315.

TAX PARCEL NUMBER: W3-35

BEING known as 200 Confederate Drive, Gettysburg, PA 17325

TITLE TO SAID PREMISES IS VESTED IN Judith Lanyon Lewis, single by deed from Alice Kerr Laird, single, dated 4/24/92, recorded 4/27/92, in Record Book 624, page 78.

SEIZED and taken into execution as the property of **Judith Lanyon Lewis** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
July 21, 1999.

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 December 6, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/15,22 & 29

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, October 25,1999, at 9:00 o'clock a.m.

JONES–Orphans' Court Action Number OC-90-99. The First and Final Account of Marian D. Carey, Executrix of the Estate of Melba E. Jones, deceased, late of Abbottstown Borough, Adams County, Pennsylvania.

TEW–Orphans' Court Action Number OC-36-99. The First and Final Account of Sara J. Yahner, Administratrix of the Estate of Jean E. Tew, deceased, late of Franklin Township, Adams County, Pennsylvania.

MINNICH–Orphans' Court Action Number OC-95-99. The First and Final Account of Lois Morningred, Executrix of the Last Will and Testament of Louella M. Minnich a/k/a Louella L. Minnich, deceased, late of Straban Township, Adams County, Pennsylvania.

HESS–Orphans' Court Action Number OC-98-99. The First and Final Account of John Fuss, Jr. and Leona Wingerd, Executors of the Last Will and Testament of Walter L. Hess, deceased, last of Straban Township, Adams County, Pennsylvania.

SEASE–Orphans' Court Action Number OC-99-99. The First and Final Account of Kathleen S. Benner, Executrix of the Estate of Ethel Mea Sease a/k/a Ethel May Sease, deceased, late of Berwick Township, Adams County, Pennsylvania.

EVANS–Orphans' Court Action Number OC-101-99. The First and Final Account of James VanCleve Lott and William McIlhenny Lott, Executors of the Last Will and Testament of Elizabeth C. Evans, deceased, late of Borough of Gettysburg, Adams County, Pennsylvania.

REICHART–Orphans' Court Action Number OC-105-99. The First and Final Account of Dorothy Reichart Mummert, Executrix of the Estate of Blanche E. Reichart, deceased, late of Oxford Township, Adams County, Pennsylvania.

MUSSELMAN–Orphans' Court Action Number OC-106-99. The First and Final Account of Joyce M. Shutt and Adams County National Bank, Executors of the Last Will and Testament of Ruth M. Musselman, deceased, late of Franklin Township, Adams County, Pennsylvania.

Peggy J. Bregihner
Clerk of Courts

10/15 & 22

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

NOTICE

To: VICKIE EILEEN EICHELBERGER

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for October 29, 1999, at 8:30 a.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

YOU SHOULD CONTACT 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
111- 117 Baltimore Street
Gettysburg, PA 17325
Telephone number: 717-337-9846, or
1-888-337-9846

Chester G. Schultz,
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-122 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 5, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE three (3) tracts of land situate in the Borough of Carroll Valley, Adams County, Pennsylvania, bounded and described as follows, to wit:

LOT NO. 138 IN SECTION RC:

BEGINNING at a point in the center of Brown Trail at Lot No. 140; thence by said lot South eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds East three hundred fifteen and fifteen hundredths (315.15) feet to Lot No. 139; thence by said lot South one (01) degree twenty (20) minutes twenty (20) seconds West one hundred (100) feet to Lot No. 136; thence by said lot North eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds West two hundred twenty-three and twenty hundredths (223.20) feet to a point in said Brown Trail; thence in said Brown Trail

(continued on next page)

1. To prove adverse possession, a party must show "actual, continuous, exclusive visible, notorious, distinct and hostile possession of the land for twenty-one years."
2. It is abundantly established that where the entry has not been adverse, where he who sets up the statute of limitations came in expressly or legally in subservience to the title of the owner, he cannot be permitted to treat his subsequent continued possession as adverse. Before the statute commences to run in favor of such an occupant, the privity between him and the owner must have been disowned, severed by some unequivocal act.
3. Between the grantees...of a life tenant and the remaindermen, it is clear that the statute of limitations cannot run against the remaindermen until after the death of the life tenant, for not until then does the latter's right of action accrue.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 96-S-578. ROBERT L. KUHN, SR. VS. BETTY RICKRODE, SOLE HEIR OF MARY J. KROFT, THE ESTATE OF MERRILL N. PITTMAN, DECEASED, CORESTATES BANK, N.A., EXECUTOR, SHIRLEY BROOKS, JOHN PITTMAN AND JAMES PITTMAN (AS HEIRS OF ALTIA M. PITTMAN AND MERRILL PITTMAN), THE ESTATE OF GLENN G. PITTMAN, DECEASED, AND ROSELLA M. CHRONISTER AS EXECUTOR OF THE ESTATE OF GLENN PITTMAN, AND ROSELLA CHRONISTER, INDIVIDUALLY, AS HEIRS OF BLANCHE PITTMAN.

Larry W. Wolf, Esq., for Plaintiff
Tracy M. Sheffer, Esq., for Defendant, Betty Rickrode

OPINION

Bigham, J., August 26, 1998.

In 1917, Joseph O. Crushong acquired two tracts of land, approximately nine acres, in Germany Township, Adams County ("land"). He owned this land outright, with the exception of welfare liens [1], until his death in 1970. This land is now the subject of a lawsuit between two of Mr. Crushong's grandchildren, Plaintiff Robert Kuhn ("Kuhn"), and Defendant Betty Rickrode ("Rickrode"). In 1996, Kuhn filed a complaint in equity against all the grandchildren seeking an order to sell the land. Rickrode filed a responsive pleading, and claimed that she owned the property by adverse possession. This case now comes before this court on Kuhn's

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[1] Rickrode explains in her deposition that it was because of these liens that she did not make improvements to the land earlier; in 1995, she received communications from "the state" explaining that the liens no longer existed.

Motion for Summary Judgment to dismiss Rickrode's claim of adverse possession; parties have presented both written briefs and oral argument.

STATEMENT OF FACTS

Joseph Crushong had three daughters and six grandchildren: Altia (Crushong) Pittman, who married Merrill Pittman and had three children, Shirley Brooks, John Pittman, and James Pittman; Mary (Crushong) (Baumgardner) Kroft, who had one child, Defendant Rickrode; and Blanche (Crushong) Pittman, who married Glenn Pittman and had two children, Plaintiff Kuhn and Roselia Chronister. Crushong, Altia and Merrill Pittman, Mary Kroft, Blanche and Glenn Pittman are now deceased.

In 1964, Rickrode, her husband and children, moved into the farmhouse on the land at Altia's request; also living there were Crushong, Kroft, and for a short time, Altia Pittman and Kroft's husband. Rickrode testified that they painted the interior and made repairs to damaged walls around this time, and that the interior walls and carpets have been refurbished periodically. Rickrode and her husband, and at times her children, have occupied the farmhouse and the land continuously since 1964.

In 1967, Crushong moved out of the farmhouse, and moved in with Altia, and later with Kuhn, because of the lack of conveniences of the farmhouse, and apparent arguments between himself and other occupants.

In 1968 or 1969, Kroft was crippled in an accident, and moved out of the farmhouse and into a nursing home. Kroft had a stroke there, and was moved to a hospital; Kroft never returned to the farmhouse.

In 1970, Crushong died, and his will was evidently read to the family in April 1970, although not probated. The terms of this will gave a life estate to Kroft, and distributed the remainder to his three daughters or their heirs, in equal shares. The will was in Merrill Pittman's possession, as co-executor with Altia of Crushong's estate. Rickrode continued to live on the land after Crushong's death. Kuhn testified that at the time of Crushong's death, the farmhouse was "run down," with a barn, chicken house, hog pens, a small shed and an outhouse. (Kuhn deposition at p.7, lines 19-22.) The house had no indoor plumbing.

Rickrode referred to a quit claim deed made by Altia and Merrill Pittman, before Altia's death, signing over Altia's one-third interest in the land, but no document or other evidence has been presented at this time.

On March 2, 1978, after Altia Pittman's death, Merrill Pittman and Shirley Brooks executed a quit claim deed, relinquishing any claim on the land that they had to Rickrode.

On December 1978, Kroft passed away. Rickrode and her husband continued to live on the land.

In 1983, a new well was drilled to serve the farmhouse.

In 1989, Merrill Pittman gave the original Crushong will to Rickrode. Rickrode testified that Merrill Pittman told her that he wanted Rickrode to have the land, and John Pittman told Rickrode that his father, Merrill, had explained this to his children, and that they agreed with him.

In 1990, Rickrode paid for stone to be delivered to the land to improve the lane.

In 1991, Rickrode moved into a mobile home, purchased by her daughter Sandy, and lived there with Sandy. Sandy paid for a septic tank to be installed for the mobile home in 1991. Water from the 1983 well was extended to the mobile home. At some time, daughter Linda replaced Sandy, and now Rickrode and Linda occupy the mobile home and pay the bills and loans.

Rickrode's husband presently occupies the farmhouse, and in 1991, made efforts to shelter the barn, which he was using to store farm animals and equipment. "I gave [Husband] permission to live [in the farmhouse]." (Rickrode deposition at p.20, line 11.) The barn blew over in poor weather around 1991. Mr. Rickrode repainted the interior and installed a new tin roof on the farmhouse in early 1997. Mr. Rickrode had farmed the land, but since 1995, has kept only a large vegetable garden.

Rickrode testified that Kuhn approached her once, after her mother's death, in an effort to settle on the real estate; Rickrode said that Kuhn wanted to take all of the land from her, and not divide the house with her. Kuhn testified that he approached Rickrode several times regarding splitting the house evenly, and asked her to sell the property.

Kuhn testified that, after his father died (date unknown), his father's will was read to the family; it left "any proceedings and whatever belonging from his wife with her father's estate would go to [Kuhn]." (Kuhn deposition at p.6, lines 18-20.) Neither Kuhn nor his parents have contributed to paying taxes, maintaining or improving the property since Crushong's death.

Rickrode and her husband have paid all the taxes on the land since they were the sole occupants. Other cousins have visited over the years; Rickrode testified that Plaintiff's last visit was in approximately 1986 or 1987. John Pittman also visited, and at one time, expressed an interest in putting his own trailer on the land; Rickrode considered allowing the trailer, but changed her mind because "it might not be a good idea because things wasn't [sic] straightened out." (Rickrode deposition at p.36, lines 6-7.) The situation referred to was Rickrode's interest in the property and the quit claim deeds. Rickrode testified that she never prohibited cousins from visiting, and the No Trespassing signs placed were directed towards hunters and trespassers. At some time, a neighbor approached Rickrode regarding allowing a granddaughter to have a right of way across the land, which Rickrode allowed.

In support of her defense, Rickrode alleges that she ousted Crushong when he left in 1967. Rickrode claims adverse possession on the basis of living on the land for over 30 years, of maintaining the property and paying all taxes, and generally acting as the sole owner of the property. In opposition to the defense, Kuhn argues that Rickrode's occupancy has not been exclusive for 21 years, and that the occupancy has been consensual from the beginning.

LEGAL DISCUSSION

Rule 1035(b) of the Pennsylvania Rules of Civil Procedure states that a motion for summary judgment shall be granted where the motions and supporting evidence show that "there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law."

To prove adverse possession, a party must show "actual, continuous, exclusive visible, notorious, distinct and hostile possession of the land for twenty-one years." *Baylor* v. *Soska*, 540 Pa. 435, 438 (1995). This court looks only to the statute of limitations require-

ment of 21 years, and does not address other elements of adverse possession. In the case at bar, this Court finds that no issue of material fact exists, and that Kuhn is entitled to judgment as a matter of law regarding Rickrode's defense of adverse possession. Rickrode has only adversely possessed the land since 1978, and therefore fails to meet the required twenty-one years.

In *Ontelaunee Orchards* v. *Rothermel*, 139 Pa. Super. 44, 49 (1939), the court said

> "It is abundantly established that where the entry has not been adverse, where he who sets up the statute of limitations came in expressly or legally in subservience to the title of the owner, he cannot be permitted to treat his subsequent continued possession as adverse. Before the statute commences to run in favor of such an occupant, the privity between him and the owner must have been disowned, severed by some unequivocal act."

Crushong owned the land in his own name until his death in 1970. In 1964, at Crushong's invitation, Rickrode moved onto the land. Testimony revealed that Crushong left the property in 1967 for both health reasons and due to arguments with other co-habitants. Rickrode presents no evidence of an unequivocal act, by Crushong or Rickrode, that severed this consensual occupancy. Accordingly, the adversity of Rickrode's possession could not begin before 1970.

In *Graham & Co., Inc.,* v. *Pa. Tpk. Comm.*, 347 Pa. 622, (1943) the Supreme Court found no adverse possession where the claimant held-over after occupying the land pursuant to a conveyance from a life-estate holder. The Court said that possession, with the consent of the life-estate holder, "could not become adverse until after the termination of her life estate." Id. at 642. Kroft's life estate began in 1970, on Crushong's death, and ended on her death in 1978. Rickrode testified that she even attempted to bring Kroft back to the farmhouse after Kroft's nursing home stay. Accordingly, the adversity of Rickrode's possession could not begin before 1978.

In Ontelaunee, the Superior Court said that "between the grantees . . . of a life tenant and the remaindermen, it is clear that the statute of limitations cannot run against the remaindermen until after the death of the life tenant, for not until then does the latter's right of action accrue." Id. at 47-48. Rickrode's possession lasted

from 1978 until 1996, with the filing of Kuhn's suit, and therefore does not amount to 21 years of adverse possession.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 26th day of August, 1998, Plaintiff's Motion for Summary Judgment as to Defendant's Counterclaim by adverse possession is granted.

ERRATA SHEET

AND NOW, this 27th day of August, 1998, the Memorandum Opinion dated August 26, 1998, is corrected as follows:

1. Page 1, line 4 – "Plaintiff Robert Kuhn ("Kuhn")..."

(continued from previous page)

North forty-one (41) degrees fifteen (15) minutes forty (40) seconds West one hundred thirty-five and eighty-five hundredths (135 85) feet to the point and place of beginning.

LOT NO. 140 IN SECTION RC:

BEGINNING at a point in the center of Brown Trail at Lot No. 142; thence by said lot South eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds East four hundred seven and ten hundredths (407. 10) feet to Lot No. 14 1; thence by said lot South one (01) degrees twenty (20) minutes twenty (20) seconds West one hundred (100) feet to Lot No. 138; thence by said lot North eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds West three hundred fifteen and fifteen hundredths (315.15) feet to a point in the center of said Brown Trail; thence in said Brown Trail, North forty-one (41) degrees fifteen (15) minutes forty (40) seconds West one hundred thirty five and eighty-five hundredths (135.85) feet to the point and place of BEGINNING.

LOT NO. 142 IN SECTION RC:

BEGINNING at a point in the center of Brown Trail at Lot No. 9; thence by said lot and by lots 8, 7, 6 and 144 South eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds East five hundred thirteen and twenty-four hundredths (513.24) feet to Lot No. 143; thence by said lot South six (06) degrees thirty-three (33) minutes forty (40) seconds West one hundred five and forty-three hundredths (105.43) feet to Lot No. 140; thence by said lot North eighty-eight (88) degrees thirty-nine (39) minutes forty (40) seconds West four hundred seven and ten hundredths (407.10) feet to a point in the center of said Brown Trail; thence in said Brown Trail North forty-one (41) degrees fifteen (15) minutes forty (40) seconds West one hundred forty-two and sixty-three hundredths (142.63) feet to the point and place of BEGINNING.

The above three (3) descriptions were taken from a plan of lots labeled "Section RC of Charnita, Inc.", dated October 1, 1968, prepared by Gordon L. Brown, R.S., and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book No. 1 at page 35.

TITLE TO SAID PREMISES IS VESTED IN ROBERT L. WHITE by reason of the following:

BEING THE SAME premises which Kenneth A. Lebherz by Deed dated 12/9/96 and recorded 12/10/96 in the County of Adams in Record Book 1301, page 220 conveyed unto Robert L. White.

AND BEING THE SAME premises which Robert L. White by Deed dated 5/6/97 and recorded 5/6/97 in the County of Adams in Record Book 1368, page 143 conveyed unto Michael Denyse Moran.

AND BEING THE SAME premises Robert L. White by Deed dated 12/15/97 and recorded 1/5/98 in the County of Adams in Record book 1500, page 113 conveyed unto Michael Denyse Moran.

AND ALSO BEING THE SAME premises which Michael Denyse Moran by Deed dated 3/3/98 and recorded 3/13/98 in the County of Adams in Record Book 1536, page 256 conveyed unto Robert L. White. PREMISES BEING KNOWN AS 5 BROWN TRAIL, BOROUGH OF CARROLL VALLEY ADAMS COUNTY, PENNSYLVANIA BEING Tax Parcel # 46-89.

SEIZED and taken into execution as the property of **Robert L. White** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
August 31, 1999.

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 29, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-641 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a post along the South side of an alley at corner of land now or formerly of Arch Reed; thence by the South side of said alley North 891/2 degrees East, 242.5 feet to an iron pin at the Southwest corner of the intersection of said alley and a 20-foot public alley; thence along the West side of the said last mentioned public alley South 241/2 degrees East, 61 feet to an iron pin along the West side of said last mentioned 20-foot public alley; thence along the West side of land now or formerly of Romayne Blocher South 3 degrees West, 329.5 feet to an iron pin at land now or formerly of Arch Reed North 89 1/2 degrees West, 275 feet to an iron pin; thence by land now or formerly of Arch Reed North 3 degrees East, 386 feet to a post, the place of BEGINNING. CONTAINING 2 Acres, 66 perches, and 14 square feet.

The above description was taken from a draft of survey made August 27, 1942, by P.S. Orner, Registered Surveyor.

BEING THE SAME tract of land which Wilmer R Shreve, Sr. and Louise A. Shreve, husband and wife, by their deed dated the 14th day of July, 1995, and intended to be recorded herewith in the Office of the Recorder of Deeds of Adams County, Pennsylvania, granted and conveyed unto William L. Cullison, Jr. and Tammy L. Cullison, husband and wife, Mortgagors herein.

BEING known as 102 Apple Lane, Bendersville, PA 17325

TAX PARCEL NO. 1-2

TITLE to said premises is vested in William L. Cullison, Jr. and Tammy L. Cullison, his wife, by Deed from Wilmer R. Shreve, Sr. and Louise A. Shreve, his wife, dated 7/14/95, recorded 7/17/95, in Record Book 1055, Page 145.

SEIZED and taken into execution as the property of **William L. Cullison Jr. & Tammy L. Cullison** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

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 December 6, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/22, 29 & 11/15

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 BETTY V. GROUP, DEC'D
Late of the Borough of Biglerville, Adams County, Pennsylvania
Executrix: Beverly A. Cella, 669 Barclay Lane, Broomall, PA 19008
Attorney: John R. White, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF DELORIS J. LILLER, A/K/A DELORES J. LILLER, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executrix: Kimberly Ann Mitterling, 775 Mansfield City Road, Storrs, CT 06268
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ERWIN A. REBERT, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executors: Earl A. Rebert, 31 Columbus Avenue, Littlestown, PA 17340; Clay A. Rebert, 1150 Baltimore Pike, Gettysburg, PA 17325
Attorney: James T. Yingst, Esq., 515 Carlisle Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF MARGARET M. BOWERS, DEC'D
Late of Butler Township, Adams County, Pennsylvania
Executrix: Rae D. Harman, 304 West Guernsey Road, Biglerville, PA 17307
Attorney: John R. White, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MILDRED V. DUBS, DEC'D
Late of Highland Township, Adams County, Pennsylvania
Executor: Robert Paul Dubs, Jr., 180 Camp Gettysburg Road, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELVIN NEWTON HARNER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Co-Executors: Norma Jean Little, 763 Coleman Road, Gettysburg, PA 17325; Travis Jackson Harner, 3125 Chambersburg Road, Biglerville, PA 17307
Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF IRVIN S. RICKER, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Administratix: Virginia Ricker, c/o Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, Pennsylvania 17331
Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, Pennsylvania 17331

ESTATE OF RODNEY D. JUN TAYLOR A/K/A/ RODNEY D. TAYLOR, JR., DEC'D
Late of Menallen Township, Adams County, Pennsylvania
Administrator C.T.A.: Deborah R. Taylor, 314 Nawakwa Road, Biglerville, PA 17307
Attorney: John R. White, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF JOHN WASHINGTON BOLLINGER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executrix: Mary Jane Bollinger, 1075 Old Harrisburg Road, Cottage 156, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF FRANCIS L. HARTLAUB, SR., DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Executor: Francis L. Hartlaub, Jr., 2356 Baltimore Pike, Littlestown, PA 17340
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF EDITH M. WOERNER, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executors: M. Catherine Strasbaugh, 456 West Middle Street, Gettysburg, PA 17325; Ralph C. Woerner, 1380 Black Horse Tavern Rd., Gettysburg, PA 17325; Paul J. Woerner, Box 413, Biglerville, PA 17307
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF FRIEDA S. WOLFF, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: Sandra L. Dixon, 115 Redding Lane, Gettysburg, PA 17325
Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

LEGAL NOTICE
ADAMS COUNTY TAX CLAIM BUREAU

Pursuant to Court Orders 99-S-453 through 99-S-468, the following real property will be offered for sale Monday, November 29, 1999 at 9:00 a.m. E.D.S.T., at the Adams County Courthouse, 111-117 Baltimore Street, 4th floor, Gettysburg, Pennsylvania. The purpose of this sale is to dispose at public sale the following parcels of real estate:

SALE NO.	OWNER(S) OR REPUTED OWNER(S)	TOWNSHIP/ BOROUGH	MAP NO. OR PROPERTY DECRIPTION	PARCEL NO.	LOT NO.
191	Douth Mountain Dev. Com. Inc.	Franklin	A 10	1	
307	Wahoo Mountain Enterprises Inc.	Liberty	A17	84	
312	Kristy L. Gladhill	Liberty	B17	2	
462	Charnita, Inc.	Liberty			00-147
463	Charnita, Inc.	Liberty			00-148
623	Fred G. Widdowson	Mt. Pleasant	2	33	
701	Oxford Estates	Oxford	J11	169	
722	Richard C. Grace Sr.	Reading	J11	45	107
			1979 Hillcrest Mobile Home		
758	Donald W. & Marcia A. Cook	Reading	J8	45	40
			1983 Pineview Mobile Home		
830	Judy Carbajol	Straban	G1O	13	6
			Ayr-way Mobile Home		
840	Woodrow W. Betts	Tyrone	2	54	

TERMS OF SALE: Cash in the form of currency of the United States if the purchase price is $50.00 or less. For properties selling for more than $50.00, $50.00 in the form of currency of the United States and a check or other satisfactory payment of the balance. All properties shall be paid for at the time the property is struck down. The purchaser(s) shall be required to pay, in addition to the bid price, the fees for preparing and recording a deed, and any applicable transfer taxes due (the assessed value x 2.53%).

The above properties were previously advertised for sale in the *Adams County Legal Journal* and *The Gettysburg Times* and in *The Hanover Evening Sun* on July 31, 1998.

10/22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-440 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to PublicSale on Friday, November 19, 1999, 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 located in Mt. Joy Township, Adams County, Pennsylvania, as described in a survey by Group Hanover, Inc., dated August 18, 1994, known as No. 942140, more particularly bounded and described as follows, to-wit:

BEGINNING at a point marked by an existing steel pin in stone at corner of lands now or formerly of David O. Erb and corner of lands now or formerly of David E. Reed; thence along last mentioned lands now or formerly of David O. Erb, North 37° 03' 07" West, 874.50 feet to a point marked by an existing iron pipe; thence along last mentioned lands North 47° 05' 00" East, 722.41 feet to a point marked by an existing iron pipe at corner of other lands of the Grantor herein; thence along last mentioned other lands of the Grantor herein South 54° 21' 12" East, 378.17 feet to a point in an existing driveway; thence along other lands of the Grantor herein, South 44° 17' 14" East, 445.94 feet to a point at an existing iron pipe at corner of other lands of the Grantor herein and at lands now or formerly of David E. Reed; thence along last mentioned lands now or formerly of David E. Reed South 43° 46' 57" West, 500.07 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 39' 07" West, 134.11 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 42' 07" West, 132.83 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 15' 47" West, 132.00 feet to a point marked by an existing steel pin in stone, being the point and place of BEGINNING.

CONTAINING 16.002 acres, more or less.

The said Grantor also grants unto the Grantees, their heirs, successors and assigns a perpetual right-of-way running with the land for ingress, egress and regress from Two Taverns Road (S.R.) 2001) to the property described above as also shown on the survey by Group Hanover, Inc., No. 942140, dated August 18, 1994, described as follows:

BEGINNING at Two Taverns Road (S.R. 2001) thence North 55° 17' 57" West, 625.60 feet to a point, thence South 45° 18' 03" West, 394.17 feet to a steel pin set at a point at the property conveyed to the Grantees as described above. Having a uniform width throughout of 16.5 feet along the entire length from Two Taverns Road to the lands of the Grantees.

BEING the same premises which Green Hill Structures, Inc., by its deed dated September 6, 1994, and recorded in Adams County Deed Book 935, Page 258, granted and conveyed to Ronald F. Downing and Ruth B. Stevenson, as joint tenants with rights of survivorship.

SEIZED and taken into execution as the property of **Ronald F. Downing & Ruth B. Stevenson** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 14, 1999

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 December 13, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/22, 29 & 11/15

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

NOTICE

To: DAVID TROUP

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for October 29, 1999, at 8:30 a.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

YOU SHOULD CONTACT 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
111- 117 Baltimore Street
Gettysburg, PA 17325
Telephone number: 717-337-9846, or
1-888-337-9846

Chester G. Schultz
Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

10/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-480 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 19, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALLTHOSE TWO tracts of land situate, lying and being in Mt. Pleasent Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

TRACT NO. 1:

BEGINNING at a pipe along land now or formerly of Cletus Hull, Jr., which pipe is located South 34 degrees 56 minutes 20 seconds East, 228.89 feet from a pipe at a post at an original corner of the larger tract of land conveyed by the deed recorded in Deed Book 330 at page 710; thence by other land now or formerly of Richard Z. Group, North 86 degrees 11 minutes 25 seconds East, 324.57 feet to a pipe; thence by land now or formerly of Harold E. Rife, South 23 degrees 8 minutes 10 seconds West, 250 feet to a pipe; thence by land conveyed by Richard Z. Group to Harold E. Rife, South 55 degrees 3 minutes 40 seconds West, 65.65 feet to a pipe; thence by land now or formerly of Cletus Hull, Jr., North 34 degrees 56 minutes 20 seconds West, 300 feet to a pipe, the place of beginning.

CONTAINING 1.056 acres.

THE foregoing description for Tract No. 1 was obtained from a draft of a survey made by J. Riley Redding, Registered Surveyor, trading as Adams County Surveyors, dated April 16, 1980, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 34 at page 55. The lot of ground hereby conveyed being designated as Lot No. 1 on said draft.

Tract No. 1 is together with the right to use a strip of land 50 ft. in width as more fully described in the deed recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 355 at page 375.

TRACT NO. 2:

BEGINNING at a point in the center line of U.S. Route 30, known as York Road, at corner of land now or formerly of Harold Rife; thence by land of the same Harold Rife and running through a steel rod located 12 feet from the place of beginning, and running through a pipe located 30 feet from the place of beginning, South 23 degrees 14 minutes 20 seconds West, 850.73 feet to an existing pipe at land now or formerly of James Shank; thence by land now or formerly of James Shank, South 86 degrees 17 minutes 20 seconds West, 324.58 feet to an existing pipe at land now or formerly of Cletus L. Hull, Sr.; thence by land now or formerly of Cletus L. Hull, Sr., North 34 degrees 52 minutes 45 seconds West, 53.21 feet to an existing steel rod at corner of land now or formerly of Thomas Hufnagle, Sr.; thence by land now or formerly of Thomas Hufnagle, Sr.. North 2 degrees 53 minutes 30 seconds East 472.15 feet to an existing pipe; thence by land now or formerly of Diamond Developers, Inc., South 74 degrees 30 minutes East, 139.77 feet to an existing pipe; thence by the same and running through a steel rod located 30.74 feet from the end of this line and running through a railroad spike located 12.41 feet from the end of this line, North 2 degrees 53 minutes 30 seconds East, 466.34 feet to a point in the center of U.S. Route 30; thence in the center of U.S. Route 30, South 74 degrees 30 minutes East, 527.13 feet to another point in the center of U.S. Route 30 at corner of land now or formerly of Harold Rife, the place of beginning.

CONTAINING 8.987 acres.

THE foregoing description for Tract No. 2 was obtained from a draft of a survey made by J. Riley Redding, Professional Land Surveyor, trading as Adams County Surveyors, dated February 26, 1985.

Tract No. 2 herein is subject, however, to the right on the part of James Shank, his heirs and assigns, to use in common with the Grantees, their heirs and assigns, the strip of land 50 feet in width located along the Eastern boundary line of the tract of land hereby conveyed for the purposes or furnishing a means of ingress, egress and regress from land of the same James Shank to U.S. Route 30.

Tax Parcel #MAPI-11, Parcel 60

SEIZED and taken into execution as the property of **Steven M. Woodall & Darren R. Andrews** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 14, 1999.

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 December 13, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/22, 29 & 11/5

NOTICE

Adams County Tax Claim Bureau hereby gives notice that it presented a Consolidated Return of Sale to the Court of Common Pleas of Adams County, Pennsylvania on October 7, 1999,of the Sale of Real Estate for delinquent taxes made September 16, 1999. The consolidated Return of Sale was confirmed nisi on October 7, 1999. Objections or exceptions thereto may be filed by any owner or lien creditor within thirty (30) days after the Court has made a confirmation nisi of the consolidated Return or the Return will be confirmed absolutely.

Adams County Tax Claim Bureau
By: Danielle Asper, Director

10/22

Adams County
Legal Journal

Vol. 41 October 29, 1999 No. 22, pp. 125-128

CONTINUING LEGAL EDUCATION PROGRAM

Current Issues Involving Fee Agreements
Wednesday, November 10, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 0, Ethics - 1

Boundary Law in Pennsylvania
Friday, November 12, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 4, Ethics - 0

Registration through P.B.I. 800-247-4724

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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

Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336

Periodicals postage paid at Gettysburg, PA 17325.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1243 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 19, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point at Fawn Avenue and Lot No. 32; thence along Lot No. 32, North sixty-six (66) degrees fifty-nine (59) minutes twenty-eight (28) seconds East, one hundred eighty-seven and seven hundredths (187.07) feet to a point at lands now or formerly of Michael M. Shemon; thence along said lands, South twenty-four (24) degrees seventeen (17) minutes eight (8) seconds East, seventy-four and eighty-five hundredths (74.85) feet to a point at lands now or formerly of Donald E. Kauffman; thence along said lands and lands now or formerly of Victor S. Klinefelter, South seventy-four (74) degrees nineteen (19) minutes twenty-nine (29) seconds West, two hundred two and eighteen hundredths (202.18) feet to a point at Fawn Avenue; thence along Fawn Avenue, by a curve to the right whose radius is one hundred (100. 00) feet and whose chord bearing is North nine (9) degrees twenty-nine (29) minutes fifty-three (53) seconds West, fifty and forty-four hundredths (50.44) feet for an arc distance of fifty and ninety-nine hundredths (50.99) feet to the point and place of BEGINNING. CONTAINING 12,179 square feet and identified as Lot No. 33 on a plan of lots entitled Phase II, Deer Park Estates, recorded in the O ffice of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 41, page 109.

BEING KNOWN AS 70 FAWN AVENUE

PROPERTY TAX MAP ID 2-33

TITLE TO SAID PREMISES IS VESTED IN Deborah E. Baugher by deed from Deborah E. Beck, now Deborah E. Baugher and Dennis W. Grove, dated 4/12/1996 and recorded 4/16/1996 in deed book 1176 page 97

SEIZED and taken into execution as the property of **Dennis W. Grove & Deborah E. Beck a/k/a Deborah E. Baugher** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 20, 1999.

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 December 13, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-373 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

plan as Unit No. 9 as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for York County, Pa. in Record Book 1271, page 34.

UNDER AND SUBJECT to any and all covenants, conditions, restrictions, rights of way, easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in Record Book 69, page 23.

TOGETHER with the limited common elements appurtenants as more fully shown on Plan 1271, page 34.

BEING Tax Parcel # (35) 1-52.

TITLE TO SAID PREMISES IS VESTED IN Geraldine L. Lackey by Deed from Philip R. Garland, t/b/d/a Garland Construction dated 2/27/98, recorded 3/13/98, in record book 1536, page 292.

BEING PROPERTY KNOWN AS 24 FIDDLER DRIVE, TOWNSHIP OF OXFORD, ADAMS COUNTY PENNSYLVANIA, 17350.

SEIZED and taken into execution as the property of **Geraldine L. Lackey** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

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 12, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/15, 22 & 29

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on August 30, 1999, for the purpose of obtaining a Certificate of Incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

The name of the corporation is FRED D. HULL GENERAL CONTRACTORS, INC.

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

Fred D. Hull Gen. Contractors, Inc.
910 Dicks Dam Road
New Oxford, PA 17350

10/29

GENERAL MOTORS VS. KELLER

1. Personal jurisdiction is properly raised by preliminary objection. When preliminary objections, if sustained, would result in the dismissal of an action, such objections should be sustained only in the clearest of cases. Once the movant has supported its jurisdictional objection the burden shifts to the party asserting jurisdiction to prove that there is statutory and constitutional support for the court's exercise of *in personam* jurisdiction.

2. Pennsylvania courts may exercise two types of jurisdiction over out-of-state defendants. The first type of jurisdiction is general personal jurisdiction which deals only with the general contacts the defendant has with the state. The second type is specific jurisdiction which is "based upon the specific acts of the defendant which gave rise to the cause of action." Regardless of whether general or specific personal jurisdiction is asserted, the propriety of such an exercise must be tested against *both the Pennsylvania longarm statute, and the due process clause of the fourteenth amendment.*

3. The Pennsylvania Supreme Court has held that the flexible approach set forth by the U. S. Supreme Court be used when determining if due process has been satisfied. This approach requires that (1) there be sufficient "minimum contacts" and that (2) the assertion of personal jurisdiction not offend "traditional notions of fair play and substantial justice."

4. In order to establish sufficient "minimum contacts" the defendant must have been able to "reasonably anticipate" being haled into court in the forum state. Critical to the analysis of whether a defendant should reasonably anticipate being haled into court in the forum state is the determination that the defendant purposefully directed his activities at residents of the forum and purposefully availed himself of the privilege of conducting activities within the forum state, thus invoking the benefits and protection of its laws. In determining if one can reasonably anticipate being haled into court, courts have placed emphasis on the communications between the parties and on who initiated contact.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil. No. 94-S-541. GENERAL MOTORS ACCEPTANCE CORPORATION VS. EUGENE KELLER.

Richard E. Thrasher, Esq., for Plaintiff
John C. Sullivan, Esq., for Defendant

OPINION ON DEFENDANT'S PRELIMINARY OBJECTION

Kuhn, J., August 28, 1998.

Plaintiff, General Motors Acceptance Corporation ("GMAC"), filed a complaint on June 11, 1994, alleging a breach of a retail installment sales contract by Defendant, Eugene Keller. Defendant has filed preliminary objections arguing that this Court lacks personal jurisdiction. Argument on the motion was heard on July 31, 1998, and the matter is now before this Court for disposition.

STATEMENT OF FACTS

This action arises out of a retail installment sales contract entered into by the parties on February 11, 1993. Defendant, a resident of New Port Richey, Florida, purchased a 1993 Cadillac Seville from Krystal Cadillac. (Affidavit of Eugene Keller at ¶ 1). The President of Krystal Cadillac, Harry Pappas, negotiated the sale of the car with Defendant in New Port Richey, Florida. All negotiations and transactions relating to the sale of the car took place in Florida, as well as the signing of the contracts. (Affidavit of Harry Pappas at ¶ 4; Affidavit of Eugene Keller at ¶ 3). The car was delivered to Defendant in New Port Richey, Florida. (Affidavit of Eugene Keller at ¶ 4; Affidavit of Harry Pappas at ¶ 4). Defendant is not a resident or domiciliary of Pennsylvania and has never physically brought the vehicle in question into the Commonwealth. (Affidavit of Eugene Keller at ¶¶ 2,5).

Upon application of Defendant, GMAC provided the financing for the purchase of the car. The GMAC branch which provided the financing was located in Harrisburg, Pennsylvania. The GMAC branch in Harrisburg also financed two separate vehicles purchased by Defendant from Pappas. However, these transactions were all consummated in New Port Richey, Florida under similar conditions as the transaction in question. (Affidavit of Harry Pappas at ¶ 5; Affidavit of Eugene Keller at ¶ 8;). There was no indication on the retail installment sales contract designating with which branch of GMAC Defendant was dealing. (Affidavit of James R. Weigand, Exhibit 3).

LEGAL DISCUSSION

Personal jurisdiction is properly raised by preliminary objection. Pa.R.C.P. 1028(a)(1), 42 Pa.C.S.A. Additionally, "when preliminary objections, if sustained, would result in the dismissal of an action, such objections should be sustained only in the clearest of cases." *Hall-Woolford Tank Co.* v. *R.F.Kilns, Inc.*, ___ Pa. Super. ___, 698 A.2d 80, 82 (1997) (citations omitted). Once the movant has supported its jurisdictional objection the burden shifts to the party asserting jurisdiction to prove that there is statutory and constitutional support for the court's exercise of *in personam* jurisdiction. *Id.* at 82 (citations omitted).

Pennsylvania courts may exercise two types of jurisdiction over out-of-state defendants. The first type of jurisdiction is general personal jurisdiction which deals only with the general contacts the defendant has with the state. 42 Pa.C.S.A. §5301. The second type is

specific jurisdiction which is "based upon the specific acts of the defendant which gave rise to the cause of action." *McCall* v. *Formu-3 International, Inc.*, 437 Pa. Super. 575, 578, 650 A.2d 903, 904 (1994); alloc. den. 663 A.2d 692. "Regardless of whether general or specific personal jurisdiction is asserted, the propriety of such an exercise must be tested against *both the Pennsylvania longarm statute, 42 Pa.C.S.A. § 5322, and the due process clause of the fourteenth amendment." Hall-Woolford Tank Co.* v. *R.F.Kilns, Inc.*, 698 A.2d at 82 (emphasis added). This Court does not believe that the due process requirement has been satisfied in the case at hand and will therefore not discuss the state longarm statute requirements.

The Pennsylvania Supreme Court has held that the flexible approach set forth by the U.S. Supreme Court in *Burger King Corp.* v. *Rudzewica,* 471 U.S. 462 (1985), be used when determining if due process has been satisfied. *Kubik* v. *Lettri*, 532 Pa. 10, 16, 614 A.2d 1110, 1114 (1992). This approach requires that (1) there be sufficient "minimum contacts" and that (2) the assertion of personal jurisdiction not offend "traditional notions of fair play and substantial justice." *Id.* at 1114 (*citing Burger King Corp.* v. *Rudzewica*, 471 U.S. 462). Furthermore, the "facts of each case must always be weighed in determining whether jurisdiction is proper." *Id.* at 1114.

In order to establish sufficient "minimum contacts" the defendant must have been able to "reasonably anticipate" being haled into court in the forum state. *Burger King Corp.*, 471 U.S. at 474. "Critical to the analysis of whether a defendant should reasonably anticipate being haled into court in the forum state is the determination that the defendant purposefully directed his activities at residents of the forum and purposefully availed himself of the privilege of conducting activities within the forum state, thus invoking the benefits and protection of its laws." *Kubik,* 614 A.2d at 1114. In determining if one can reasonably anticipate being haled into court, courts have placed emphasis on the communications between the parties and on who initiated contact. *Eastern Continuous Forms, Inc.* v. *Island Business Forms, Inc.*, 355 Pa. Super. 352, 357, 513 A.2d 466, 469 (1986).

This Court does not believe that Defendant could have reasonably anticipated being haled into court in Pennsylvania. Defendant purchased a car from a salesman who initiated contact in Florida. Pappas negotiated with Defendant in Florida and the parties signed all contracts in Florida. Furthermore, the vehicle in question was delivered to Defendant in Florida and was never brought into Pennsylvania by Defendant. The financing agreement entered into between Defendant and GMAC did not indicate that Defendant was

dealing with the Harrisburg branch of GMAC. Therefore, in Defendant's attempt to obtain financing from GMAC generally, it is not clear that he knew his contacts would be with a Pennsylvania company. Thus, "minimum contacts" are not satisfied.

In addition, this Court does not believe that exercising personal jurisdiction over Defendant would comport with traditional notions of "fair play and substantial justice." This analysis depends on "(1) the burden on the defendant, (2) the forum state's interest in adjudicating the dispute, (3) the plaintiff's interest in obtaining convenient and effective relief, (4) the interstate judicial system's interest in obtaining the most efficient resolution of controversies, and (5) the shared interests of the several states in furthering fundamental substantive social policies." *Kubik*, 614 A.2d at 1114.

The burden that would be placed on Defendant to adjudicate this issue in Pennsylvania is significant. Defendant resides in Florida and has never brought the car in question into Pennsylvania. In fact, Defendant has not been present in Pennsylvania since 1950 and Plaintiff has not been able to establish otherwise. (Affidavit of Eugene Keller at ¶ 5; Affidavit of Harry Pappas at ¶ 6). On the other hand, Plaintiff's interest in obtaining convenient and effective relief is not hindered by denying jurisdiction in a Pennsylvania forum. GMAC is a large company with the resources and means to adjudicate this action in Florida. Additionally, Pennsylvania's interest in adjudicating this issue is minimal. As attested to by both the Defendant and the seller of the car all transactions related to the sale of the car took place in Florida. Thus, requiring Defendant to defend this action in Pennsylvania would offend "traditional notions of fair play and substantial justice."

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 28th day of August 1998, Defendant's preliminary objections arguing lack of personal jurisdiction are sustained.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-301 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, 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 lot of ground situate, lying and being in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin on the southern property line of a public road or street in the development known as Woodcrest Estates herebelow further identified, said point being at the northwest corner of Lot No. 28 on the Plan of Lots below identified (now or formerly of Richard Sanders and wife); thence by said Lot No. 28, South 31 degrees 37 minutes West, 110 feet to an iron pin on line of land of the U.S. Government; thence by said last-mentioned land, North 58 degrees 23 minutes West, 145 feet to the southernmost corner of Lot No. 30 (now or formerly of Thomas J. Muenzenmeyer); thence by said Lot No. 30, North 69 degrees 37 minutes East, 139.5 feet to an iron pin at curve in said public road or street; thence by the southern property line of said public road or street, South 58 degrees 23 minutes East, 58.2 feet to the place of BEGINNING.

The above description was taken from a draft of survey by LeRoy H. Winebrenner, C.S., dated August 18, 1971, designating the above as Lot No. 29, which is the same lot shown on said Plan of Lots of Woodcrest Estates, recorded in Miscellaneous Book EE at page 315.

TAX PARCEL NUMBER: W3-35

BEING known as 200 Confederate Drive, Gettysburg, PA 17325

TITLE TO SAID PREMISES IS VESTED IN Judith Lanyon Lewis, single by deed from Alice Kerr Laird, single, dated 4/24/92, recorded 4/27/92, in Record Book 624, page 78.

SEIZED and taken into execution as the property of **Judith Lanyon Lewis** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
July 21, 1999.

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 December 6, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/15,22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-641 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a post along the South side of an alley at corner of land now or formerly of Arch Reed; thence by the South side of said alley North 891/2 degrees East, 242.5 feet to an iron pin at the Southwest corner of the intersection of said alley and a 20-foot public alley; thence along the West side of the said last mentioned public alley South 241/2 degrees East, 61 feet to an iron pin along the West side of said last mentioned 20-foot public alley; thence along the West side of land now or formerly of Romayne Blocher South 3 degrees West, 329.5 feet to an iron pin at land now or formerly of Arch Reed North 89 1/2 degrees West, 275 feet to an iron pin; thence by land now or formerly of Arch Reed North 3 degrees East, 386 feet to a post, the place of BEGINNING. CONTAINING 2 Acres, 66 perches, and 14 square feet.

The above description was taken from a draft of survey made August 27, 1942, by P.S. Orner, Registered Surveyor.

BEING THE SAME tract of land which Wilmer R Shreve, Sr. and Louise A. Shreve, husband and wife, by their deed dated the 14th day of July, 1995, and intended to be recorded herewith in the Office of the Recorder of Deeds of Adams County, Pennsylvania, granted and conveyed unto William L. Cullison, Jr. and Tammy L. Cullison, husband and wife, Mortgagors herein.

BEING known as 102 Apple Lane, Bendersville, PA 17325

TAX PARCEL NO. 1-2

TITLE to said premises is vested in William L. Cullison, Jr. and Tammy L. Cullison, his wife, by Deed from Wilmer R. Shreve, Sr. and Louise A. Shreve, his wife, dated 7/14/95, recorded 7/17/95, in Record Book 1055, Page 145.

SEIZED and taken into execution as the property of **William L. Cullison Jr. & Tammy L. Cullison** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 1, 1999.

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 December 6, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/22, 29 & 11/5

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, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is RIDGAWAY ROSE INTERNATIONAL, INC.

Puhl, Eastman &, Thrasher
16 Lincoln Square
Gettysburg, PA 17325

10/29

NOTICE

NOTICE IS HEREBY GIVEN that a fictitious name has been registered with the Pennsylvania Department of State on August 11, 1999 pursuant to the fictitious name act of 1988 by SKIDMORE CABINETRY with the principal place of business at 1995 Mummasburg Road, Gettysburg , PA 17325.

The name and address of the person owning or interested in said is: James Weaver, 1995 Mummasburg Road, Gettysburg, PA 17325.

10/29

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed by WOERNER AND EIKER FARMS, Inc. with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania. The corporation is incorporated under the Pennsylvania Business Corporation Law of 1988.

Teeter, Teeter & Teeter,
Solicitor
108 West Middle Street
Gettysburg, PA 17325

10/29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-86 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, December 10, 1999, 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 lot of ground situate in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the Northern property line of Highland Avenue, which point is North 87 degrees 15 minutes West, 120 feet from the Northwestern intersection of Johns Street with said Highland Avenue; thence along the Northern property line of said Highland Avenue 87 degrees 15 minutes West, 50 feet to Lot No. 26; thence along said Lot No. 26 North 2 degrees 45 minutes East, 120 feet to the Southern side of a 12-foot alley; thence along the Southern side of said alley South 87 degrees 15 minutes East, 50 feet to Lot No. 28; thence along said Lot No. 28 South 2 degrees 45 minutes West, 120 feet to the point, the place of beginning

The lot herein conveyed being designated as Lot No. 27 of "Highland Park" development, the plot of which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Misc. Book S at Page 373.

Tax Parcel #13-93

TITLE TO SAID PREMISES IS VESTED IN Richard A. Cullison and Patricia J. Cullison, his wife by Deed from Paul C. Callahan dated 5/28/96, recorded 8/29/96, in Record Book 1201, Page 147.

PREMISES BEING KNOWN AS 227 HIGHLAND AVENUE, BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA.

SEIZED and taken into execution as the property of **RICHARD A. & PATRICIA J. CULLISON** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
October 4, 1999.

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 January 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/29, 11/5 & 12

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about September 28, 1999 for the incorporation of U. S. EXOTICS, LTD., under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the manufacture, production and retail sale of specialized automobiles, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 310 Country Club Lane, Gettysburg, PA 17325.

Bernard A. Yannetti, Jr.
Hartman & Yannetti
Solicitor

10/29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-440 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 19, 1999, 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 located in Mt. Joy Township, Adams County, Pennsylvania, as described in a survey by Group Hanover, Inc., dated August 18, 1994, known as No. 942140, more particularly bounded and described as follows, to-wit:

BEGINNING at a point marked by an existing steel pin in stone at corner of lands now or formerly of David O. Erb and corner of lands now or formerly of David E. Reed; thence along last mentioned lands now or formerly of David O. Erb, North 37° 03' 07" West, 874.50 feet to a point marked by an existing iron pipe; thence along last mentioned lands North 47° 05' 00" East, 722.41 feet to a point marked by an existing iron pipe at corner of other lands of the Grantor herein; thence along last mentioned other lands of the Grantor herein South 54° 21' 12" East, 378.17 feet to a point in an existing driveway; thence along other lands of the Grantor herein, South 44° 17' 14" East, 445.94 feet to a point at an existing iron pipe at corner of other lands of the Grantor herein and at lands now or formerly of David E. Reed; thence along last mentioned lands now or formerly of David E. Reed South 43° 46' 57" West, 500.07 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 39' 07" West, 134.11 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 42' 07" West, 132.83 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 15' 47" West, 132.00 feet to a point marked by an existing steel pin in stone, being the point and place of BEGINNING.

CONTAINING 16.002 acres, more or less.

The said Grantor also grants unto the Grantees, their heirs, successors and assigns a perpetual right-of-way running with the land for ingress, egress and regress from Two Taverns Road (S.R.) 2001) to the property described above as also shown on the survey by Group Hanover, Inc., No. 942140, dated August 18, 1994, described as follows:

BEGINNING at Two Taverns Road (S.R. 2001) thence North 55° 17' 57" West, 625.60 feet to a point, thence South 45° 18' 03" West, 394.17 feet to a steel pin set at a point at the property conveyed to the Grantees as described above. Having a uniform width throughout of 16.5 feet along the entire length from Two Taverns Road to the lands of the Grantees.

BEING the same premises which Green Hill Structures, Inc., by its deed dated September 6, 1994, and recorded in Adams County Deed Book 935, Page 258, granted and conveyed to Ronald F. Downing and Ruth B. Stevenson, as joint tenants with rights of survivorship.

SEIZED and taken into execution as the property of **Ronald F. Downing & Ruth B. Stevenson** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 14, 1999.

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 December 13, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/22, 29 & 11/5

NOTICE

NOTICE IS GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on October 1, 1999, pursuant to the Fictitious Name Act, setting forth that Anthony J. Lardarello and Jill L. Lardarello, of 106 Lodge Lane, East Berlin, PA 17316, are the only persons owning or interested in a business, the character of which is real estate investment and management and that the name, style and designation under which said business is and will be conducted is CELA PROPERTIES and the location where said business is and will be conducted is 106 Lodge Lane, East Berlin, PA 17316.

Guthrie, Nonemaker,
Guthrie & Yingst
Solicitor

10/29

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 LARUE H. HOFFMAN, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executor: Bank of Hanover & Trust Company, 25 Carlisle Street, Gettysburg, PA 17325
Attorney: Harold A. Eastman, Jr., Esq., Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF BETTY V. GROUP, DEC'D
Late of the Borough of Biglerville, Adams County, Pennsylvania
Executrix: Beverly A. Cella, 669 Barclay Lane, Broomall, PA 19008
Attorney: John R. White, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF DELORIS J. LILLER, A/K/A DELORES J. LILLER, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executrix: Kimberly Ann Mitterling, 775 Mansfield City Road, Storrs, CT 06268
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ERWIN A. REBERT, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executors: Earl A. Rebert, 31 Columbus Avenue, Littlestown, PA 17340; Clay A. Rebert, 1150 Baltimore Pike, Gettysburg, PA 17325
Attorney: James T. Yingst, Esq., 515 Carlisle Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF MARGARET M. BOWERS, DEC'D
Late of Butler Township, Adams County, Pennsylvania
Executrix: Rae D, Harman, 304 West Guernsey Road, Biglerville, PA 17307
Attorney: John R. White, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MILDRED V. DUBS, DEC'D
Late of Highland Township, Adams County, Pennsylvania
Executor: Robert Paul Dubs, Jr., 180 Camp Gettysburg Road, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELVIN NEWTON HARNER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Co-Executors: Norma Jean Little, 763 Coleman Road, Gettysburg, PA 17325; Travis Jackson Harner, 3125 Chambersburg Road, Biglerville, PA 17307
Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF IRVIN S. RICKER, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Administratix: Virginia Ricker, c/o Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, Pennsylvania 17331
Attorney: Douglas H. Gent, Esq., Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, Pennsylvania 17331

ESTATE OF RODNEY D. JUN TAYLOR A/K/A/ RODNEY D. TAYLOR, JR., DEC'D
Late of Menallen Township, Adams County, Pennsylvania
Administrator C.T.A.: Deborah R. Taylor, 314 Nawakwa Road, Biglerville, PA 17307
Attorney: John R. White, Esq., Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-480 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 19, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALLTHOSE TWO tracts of land situate, lying and being in Mt. Pleasent Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

TRACT NO. 1:

BEGINNING at a pipe along land now or formerly of Cletus Hull, Jr., which pipe is located South 34 degrees 56 minutes 20 seconds East, 228.89 feet from a pipe at a post at an original corner of the larger tract of land conveyed by the deed recorded in Deed Book 330 at page 710; thence by other land now or formerly of Richard Z. Group, North 86 degrees 11 minutes 25 seconds East, 324.57 feet to a pipe; thence by land now or formerly of Harold E. Rife, South 23 degrees 8 minutes 10 seconds West, 250 feet to a pipe; thence by land conveyed by Richard Z. Group to Harold E. Rife, South 55 degrees 3 minutes 40 seconds West, 65.65 feet to a pipe; thence by land now or formerly of Cletus Hull, Jr., North 34 degrees 56 minutes 20 seconds West, 300 feet to a pipe, the place of beginning.

CONTAINING 1.056 acres.

THE foregoing description for Tract No. 1 was obtained from a draft of a survey made by J. Riley Redding, Registered Surveyor, trading as Adams County Surveyors, dated April 16, 1980, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 34 at page 55. The lot of ground hereby conveyed being designated as Lot No. 1 on said draft.

Tract No. 1 is together with the right to use a strip of land 50 ft. in width as more fully described in the deed recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 355 at page 375.

TRACT NO. 2:

BEGINNING at a point in the center line of U.S. Route 30, known as York Road, at corner of land now or formerly of Harold Rife; thence by land of the same Harold Rife and running through a steel rod located 12 feet from the place of beginning, and running through a pipe located 30 feet from the place of beginning, South 23 degrees 14 minutes 20 seconds West, 850.73 feet to an existing pipe at land now or formerly of James Shank; thence by land now or formerly of James Shank, South 86 degrees 17 minutes 20 seconds West, 324.58 feet to an existing pipe at land now or formerly of Cletus L. Hull, Sr.; thence by land now or formerly of Cletus L. Hull, Sr., North 34 degrees 52 minutes 45 seconds West, 53.21 feet to an existing steel rod at corner of land now or formerly of Thomas Hufnagle, Sr.; thence by land now or formerly of Thomas Hufnagle, Sr.. North 2 degrees 53 minutes 30 seconds East 472.15 feet to an existing pipe; thence by land now or formerly of Diamond Developers, Inc., South 74 degrees 30 minutes East, 139.77 feet to an existing pipe; thence by the same and running through a steel rod located 30.74 feet from the end of this line and running through a railroad spike located 12.41 feet from the end of this line, North 2 degrees 53 minutes 30 seconds East, 466.34 feet to a point in the center of U.S. Route 30; thence in the center of U.S. Route 30, South 74 degrees 30 minutes East, 527.13 feet to another point in the center of U.S. Route 30 at corner of land now or formerly of Harold Rife, the place of beginning.

CONTAINING 8.987 acres.

THE foregoing description for Tract No. 2 was obtained from a draft of a survey made by J. Riley Redding, Professional Land Surveyor, trading as Adams County Surveyors, dated February 26, 1985.

Tract No. 2 herein is subject, however, to the right on the part of James Shank, his heirs and assigns, to use in common with the Grantees, their heirs and assigns, the strip of land 50 feet in width located along the Eastern boundary line of the tract of land hereby conveyed for the purposes or furnishing a means of ingress, egress and regress from land of the same James Shank to U.S. Route 30.

Tax Parcel #MAPI-11, Parcel 60

SEIZED and taken into execution as the property of **Steven M. Woodall & Darren R. Andrews** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 14, 1999.

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 December 13, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-485 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, November 12, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Docket No. 99–S–485
Judgment Amt: $83,183.17
Executing Creditor's Attorney:
Jeffrey N. Yoffe, Esq.,
214 Senate Avenue, Suite 203,
Camp Hill, Pennsylvania, 17011.
717-975-1838

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

BEGINNING at a stake at a 20 feet wide driveway at land now or formerly of Curvin 0. Albright; thence by said land in a northwesterly direction 299 feet, more or less to a stake at Conewago Creek; thence along said Creek north 15 1/4 degrees east, 10 feet to a stake; thence along said Creek 71 degrees east, 250 feet to a stake at Lot No. 11; thence by Lot No. 11 south 20 degrees east, 172 feet to a stake at the driveway first mentioned; thence along said driveway south 23 1/4 degrees west, 46 feet to a stake, the place of BEGINNING. Property is commonly known as 92 Cottage Drive.

To be sold as the property of Karen Sue George, formerly Karen Sue Wickline and Douglas Q. George under Adams County Judgment No. 99-S-485.

SEIZED and taken into execution as the property of **Douglas Q. & Karen Sue George** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
September 2, 1999.

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 December 6, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

10/15, 22, & 29