

Adams County Legal Journal

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1142 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

LOT 116: BEGINNING at a point of the only common corner of Lots 116, 158 and the southern edge of a 60 foot right-of-way known as Dakota Drive on the subdivision plan described below: thence along the southern and western edge of Dakota Drive and a 60 foot right-of-way known as Apache Pass, the following three courses and distances: (1) North 64 degrees 45 minutes 15 seconds East, 85.00 feet to a pin; (2) South 71 degrees 21 minutes 50 seconds East 20.80 feet to a pin; (3) South 27 degrees 28 minutes 55 seconds East, 73.00 feet to a point at the corner of Lot 117 of said plan; thence along the northern edge of Lot 117, South 62 degrees 31 minutes 05 seconds West 102.92 feet to a point on the eastern edge of Lot 158 of said plan; thence along the eastern edge of Lot 158, North 25 degrees 14 minutes 45 seconds West, 91.37 feet to a point on the southern edge of a 60 foot right-of-way known as Dakota Drive, the point and place of BEGINNING. CONTAINING 8,937.2328 square feet, .206 Ac.

The above description was taken from a plan of lots entitled "Final Plan, Phase Three-Indian Ridge", prepared by Worley Surveying, dated February 21, 1994, File number C-1350, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 66, Page 66 and designated thereon as Lot number 116.

BEING a part of a larger tract of land which Lewis J. Klunk and Nadine M. Klunk, his wife by deed dated January 7, 1993, and recorded January 8, 1993, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 676, Page 226, granted and conveyed unto J.C.P. Inc. a Pennsylvania corporation, Grantor herein.

AND BEING the same premises which J.C.P., Inc., by Deed dated the 30th day of January, 1996 and recorded on the 1st day of February, 1996 in Deed Book

1140, page 277, granted and conveyed unto Ray Kline and Norma J. Kline, in fee.

BEING tax parcel # M12 P70

BEING known as 78 Apache Pass, Hanover, PA 17331.

SEIZED and taken in execution as the property of Ray A. Kline and Norma J. Kline under Judgment No. 99-S-1142.

SEIZED and taken into execution as the property of **Ray A. Kline & Norma J. Kline** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-450 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a p.k. nail set in the centerline of Legislative Route 01030 (Sells Station Road) at corner of Lot No. 14 on the plan of lots herebelow identified; thence by said Lot No. 14, North 02 degrees 53 minutes 30 seconds East, 328.00 feet to a rebar set on line of other lands now or formerly of Armin H. Hostetter of which this lot was formerly a part; thence by said other lands of Hostetter, South 87 degrees 06 minutes 30 seconds East, 200.00 feet to a rebar

set at corner of Lot No. 12 on the plan of lots herebelow identified; thence by said Lot No. 12, South 02 degrees 53 minutes 30 seconds West, 328.00 feet to a p.k. nail set in the centerline of aforementioned Legislative Route 01030 (Sells Station Road); thence in the centerline of said road, North 87 degrees 06 minutes 30 seconds West, 200.00 feet to the above described place of BEGINNING. CONTAINING 1.505 acres.

SEIZED and taken into execution as the property of **Gary D. Livingston & Theresa M. Livingston** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/1, 8 & 15

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 EZNETSITES.COM was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania, on August 9, 2000. The business is located at 43 Towne Circle, Abbottstown, Pennsylvania. The name and address of the persons who are party to the registration is William J. Hickman, 43 Towne Circle, Abbottstown, Pennsylvania.

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

9/1

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-16 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

MAP 1 PARCEL #17
152 N. SECOND STREET
MCSHERRYSTOWN, PA

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

BEGINNING at a point on the East curb line of Church Street at lands now or formerly of William H. Krichen and Mary M. Krichen, his wife; thence along said curb line, North 14 degrees 15 minutes West, 17.35 feet to a spike at lands now or formerly of F. X. Colgan; thence by said lands, North 75 degrees 15 minutes East, 35.1 feet to a point; thence by the same, North 64 degrees 15 minutes East, 136 feet to a 16 feet wide alley; thence along said alley, South 14 degrees 15 minutes East, 17.85 feet to a point at other lands now or formerly of William H. Krichen and wife; thence by said lands, South 63 degrees 27 minutes West, 105.5 feet to a point at the rear of the partition wall of the dwelling house erected on said premises; thence further along the same and through the center of said partition wall, South 75 degrees 15 minutes West, 55.25 feet to a point on the East curb line of Church Street, the place of BEGINNING.

Being the same lot of ground which Loy L. King, by deed dated September 17, 1996 and recorded in the office of the Recorder of Deeds for Adams County, Pennsylvania in Deed Book 1264 Page 172 conveyed unto Loy L. King and Julia C. King.

SEIZED and taken into execution as the property of Loy L. King & Julia C. King and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000,

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

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

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

9/1, 8 & 15

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 9, 2000, for the purpose of obtaining a Certificate of Incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

The name of the corporation is SEWAK ENTERPRISES, INC.

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

SEWAK ENTERPRISES, INC.
310 Peepytown Road
East Berlin, PA 17316

9/1

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. 144, No. 177, as amended. The name of the corporation is CRUZ MANAGERIAL SERVICES, INC.

9/1

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. 144, No. 177, as amended. The name of the corporation is BEAR HOLLOW LODGE, INC.

9/1

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation for CANNON CLEANING SERVICE, INC., were filed with the Department of State of the Commonwealth of Pennsylvania on August 18, 2000, under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444.

Guthrie, Nonemaker,
Guthrie & Yingst
Solicitor

9/1

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. 144, No. 177, as amended. The name of the corporation is DYCAM, INC.

9/1

**BOUREXIS VS. ADAMS COUNTY TAX CLAIM
BUREAU ET AL**

1. Actual notice is such notice as is positively proved to have been given to a party directly and personally, or such as he is presumed to have received personally because the evidence within his knowledge was sufficient to put him upon inquiry.
2. Issues of actual notice are always fact specific.
3. The statute authorizes sale of a fractional interest, 72 P.S. §5860.305. Setting aside the entire sale would benefit an owner who had actual knowledge.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 98-S-1087. STEPHEN P. BOUREXIS AND BESSIE E. BOUREXIS VS. ADAMS COUNTY TAX CLAIM BUREAU AND ORTRUDE STEUCK AND HORST STEUCK.

Richard E. Thrasher, Esq., for Petitioners
David K. James, Esq., for Adams County Tax Claim Bureau
Ortrude and Horst Steuck, pro se
Spicer, P.J., April 27, 1999

OPINION ON PETITION TO SET ASIDE TAX SALE

Petitioners were owners as joint tenants with rights of survivorship of property sold for delinquent taxes on September 18, 1998. They seek to set aside that sale, contending they did not receive proper notice of sale. Counsel appeared at a hearing on December 21, 1998 and stipulated that the sole issue presented by the petition was whether an individual first identified as B. Miller, and later as Barbara Miller, was authorized to sign return receipts on behalf of either or both petitioners. Counsel agreed that advertising and posting were correctly done. Following the hearing, formal argument was scheduled, then later continued, and finally occurred April 23, 1999.

Petitioners are mother and son. Mr. Bourexis appeared at the hearing and presented testimony, but his mother did not. He said that she would be 85 on Christmas, 1998 and had been in a nursing home since September, 1998. Apparently she enjoyed good health in August but suffered a precipitous decline in September. He said he had been acting for her through a living will and power of attorney, since September 1998. According to him, his mother took an active interest in the property prior to that time.

Mr. Bourexis testified that long periods of time transpired between visits to the parcel. Planning on selling, he conducted an auction on the property September 25th, or 26th, 1997, "to test the market." He

rejected all bids. He said he learned of the sale on October 22, 1998 when he inquired about a septic system for the property, which is located in Carroll Valley.

Petitioners reside in Westminster, Maryland. Up until December, 1997, both resided at 233 East Main Street, and moved at that time to 219 East Main, a half a block away. Mr. Bourexis, who has been practicing law since 1972, maintains his office on the first floor of 219. Barbara Miller is his legal secretary. He described Westminster as a small town and said that postal authorities deliver mail at 219 East Main Street, even when it is addressed to 233. He said that Ms. Miller was not authorized to sign for him, and did not tell him about the tax sale notice.

Testimony raises the following issues: First, did service on Ms. Miller constitute actual notice to either or both petitioners? Second, assuming that Ms. Bourexis did not receive actual notice, is Mr. Bourexis entitled to have the tax sale set aside, as to his interest?

DISCUSSION:

The court originally framed the issue in terms of ostensible agency. We understood that the doctrine would not technically apply in this case, since there was no reliance by the Tax Claim Bureau, *Myszkowski v. Penn Stroud Hotel, Inc.* 430 Pa. Super. 315, 634 A.2d 622 (1993), but were interested in estoppel analogies. Commonwealth Court has recently treated the subject somewhat differently by considering the definition of actual notice contained in Black's Law Dictionary 1061-1062 (6th ed. 1990):

Actual notice has been defined as notice expressly and actually given, and brought home to the party directly. The term "actual notice," however is generally given a wider meaning as embracing two classes, express and implied; the former includes all knowledge of a degree above that which depends upon collateral inference, or which imposes upon the party the further duty of inquiry; the latter imputes knowledge to the party because he is shown to be conscious of having the means of knowledge. In this sense actual notice is such notice as is positively proved to have been given to a party directly and personally, or such as he is presumed to have received personally because the evidence within his knowledge was sufficient to put him upon inquiry.

Sabbeth v. Tax Claim Bureau of Fulton County, Cmwlth. , , 714 A.2d 514 (1998) reargument dn. August 24, 1998. Facts in *Sabbeth* were described as follows:

On August 5, 1996, notice of public sale was sent by certified mail to Sabbeth. An employee of Sabbeth's husband's company (company) signed for the notice. The employee then placed the notice on Sabbeth's desk in her office at the company. It was company's custom to place in-coming mail upon Sabbeth's desk for her review. Sabbeth had previously been employed at the company and continued to frequent her office there on a weekly basis. On August 23, 1996, after posting and publishing numerous notices, the Bureau sent a final notice to Sabbeth by regular mail.

On September 30, 1996, the day of the tax sale, Sabbeth claims to have read the notice sent to her by certified mail for the first time. This was fifty-three days after the notice was signed for and placed on her desk for review.

714 A.2d at 515, 516.

Calling Ms. Sabbeth's assertions that she had no actual notice "nothing short of incredible," *id.* 714 A.2d at page 517, Commonwealth Court held that she received actual notice.

While we understand why Bureau asserts that *Sabbeth* represents a fundamental shift in law, see e.g. *Ali v. Tax Claim Bureau*, 124 Pa. Cmwlth. 557, 557 A.2d 35 (1989), Commonwealth Court indicated the contrary, saying that issues of actual notice are always fact specific. Accepting that position and re-construing language in earlier opinions that seem to hold notices deficient as a matter of law, we find that Mr. Bourexis clearly had actual notice. Had he been acting as his mother's attorney in fact when the notice was received in his law office, this case would be over.

However, the evidence fails to support a finding that he acted for anyone other than himself during the critical time period. He said Ms. Bourexis' disabilities began after the notice of sale was received. He acted as her attorney in fact only after such notice. Testimony did not describe how mail addressed to Ms. Bourexis and brought from 233 East Main was handled. Although she shared the second floor apartment at 219 East Main Street with her son, nothing in the record

describes her mail arrangements. Nothing indicates that she ever had any connection with her son's law office, that her mail was customarily routed through the office, or that she had ever even been in the office.

Thus, we are impelled to find that the Bureau has not established that B. Miller was properly authorized to receive mail on behalf of Ms. Bourexis, and that Ms. Bourexis had actual notice of the tax sale.

We have read several opinions that invalidated entire sales, without discussing whether such sales could be upheld as to one, but not another owner. Other issues appear to have been involved. For example, the holding in *Rinier v. Tax Claim Bureau*, 9 D&C 4th 668 (Delaware County 1991) seems based on improper posting; *Boehm v Barnes*, 63 Cmwlth. 87, 437 A.2d 784 (1981) involved a ruling that notice should have been given to individual partners, not to a partnership and; there are suggestions in *Forsythe v. Franklin County Tax Claim Bureau*, 12 D&C 4th 283 (Franklin County 1990) that one of the purchasers at tax sale stood in a confidential relationship with one owner. The statute authorizes sale of a fractional interest. 72 P.S. §5860.305. Setting aside the entire sale would benefit an owner who had actual notice.

However, there are the buyers to consider. They purchased the property thinking they would receive total ownership. It would hardly be fair to overturn the sale as to Ms. Bourexis' interest and hold the purchasers to their original bargain. We deem it only proper to give them the option of rescinding their purchase. They may want to accept Mr. Bourexis' undivided one half interest, especially in light of the right of survivorship, but that will be their decision.

ORDER OF COURT

And Now, this 27TH day of April, 1999, exceptions to the tax sale filed by Stephen P. Bourexis are denied, and exceptions filed by Bessie F. Bourexis are sustained. The sale as to her interest is invalidated. Purchasers at the sale shall have twenty days to rescind their purchase, in which case the sale as to both owners shall be invalidated. If the purchasers elect not to rescind, the Tax Claim Bureau will execute and deliver a corrective deed conveying only the interest of Stephen P. Bourexis.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-330 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at an existing steel pin on the southerly edge of Applewood Drive at previously approved Lot No. 3 as shown on the hereinafter referred to Subdivision Plan; thence along said previously approved Lot No. 3, the following two (2) courses and distances: 1) South eleven (11) degrees fifty-eight (58) minutes seven (07) seconds West three hundred twenty-six and twenty-three hundredths (326.23) feet to an existing steel pin; 2) South seventy-two (72) degrees seven (07) minutes three (03) seconds West three hundred eighty-six and twenty-seven hundredths (386.27) feet to an existing steel pin at lands now or formerly of Charles R. Chubb as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Charles R. Chubb, South eighty-five (85) degrees five (05) minutes twenty (20) seconds West two hundred fifty-five and eighty hundredths (255.80) feet to a steel pin (set) at lands now or formerly of Warren T. Becker as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Warren T. Becker, North thirty-two (32) degrees fifty-one (51) minutes thirty (30) seconds West, one thousand four hundred twenty-six and thirty-seven hundredths (1,426.37) feet to an existing stone at lands now or formerly of Raymond G. Burkett and Martha E. Fisher as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Raymond G. Burkett and Martha E. Fisher and also along lands now or formerly of Paul C. Sipe, Jr. as shown on the hereinafter referred to Subdivision Plan, North twenty-six (26) degrees no (00) minutes no (00) seconds East eight hundred forty-five and twenty-eight hundredths (845.28) feet to a steel pin (set) at lands now or formerly of Donald J. Sneeringer as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Donald J. Sneeringer and also along lands now or formerly of Paul C. Sipe, Jr. as shown on the hereinafter referred to Subdivision Plan, North eighty-eight (88) degrees fifty-two (52) minutes ten (10)

seconds, East seven hundred thirty-five and ninety hundredths (735.90) feet to an existing steel pin at lands now or formerly of Elmer H. Miller, Jr. as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Elmer H. Miller, Jr., South thirteen (13) degrees forty-eight (48) minutes thirty (30) seconds East three hundred eighteen and forty-two hundredths (318.42) feet to a point at lands now or formerly of Mitchell O. Diviney as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Mitchell O. Diviney, South thirteen (13) degrees twenty-one (21) minutes ten (10) seconds East two hundred sixty-six and forty-one hundredths (266.41) feet to a steel pin (set) at lands now or formerly of John C. Leese as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of John C. Leese, South seventy-eight (78) degrees fifty-nine (59) minutes twenty-two (22) seconds West one hundred eighty-eight and thirty-seven hundredths (188.25) feet to an existing steel pin at previously approved Lot No. 5 on the hereinafter referred to Subdivision Plan; thence along said previously approved Lot No. 5, the following two (2) courses and distances: 1) South forty-nine (49) degrees fifty-nine (59) minutes twenty-four (24) seconds West one hundred eighty-eight and twenty-five hundredths (188.25) feet to an existing steel pin; 2) South forty (40) degrees no (00) minutes thirty-six (36) seconds East, seven hundred twenty-seven and thirty-five hundredths (727.35) feet to an existing steel pin at lands now or formerly of Robert E. Lawyer as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Robert E. Lawyer, the following three (3) courses and distances: 1) South eleven (11) degrees fifty-eight (58) minutes seven (07) seconds West one hundred seventy and two hundredths (170.02) feet to an existing steel pin; 2) South seventy-eight (78) degrees one (01) minute fifty-three (53) seconds East four hundred forty-two and sixty-three hundredths (442.63) feet to a point; 3) by a curve to the right having a radius of two hundred eighty (280.00) feet, the long chord of which is South sixty-six (66) degrees forty-nine (49) minutes one (01) second East one hundred eight and ninety-one hundredths (108.91) feet for an arc distance of one hundred nine and sixty-one hundredths (109.61) feet to a point on the northerly edge of Applewood Drive aforesaid, where it intersects with Township Road (T-706) as shown on the hereinafter referred to Subdivision Plan; thence in and along Township Road (T-306), South twenty-eight (28) degrees fifty-three (53) minutes fifty-three (53) seconds East one hundred sixty-two and forty-one hun-

dedths (162.41) feet to a point in the centerline of SR-0194 (Abbottstown Pike) as shown on the hereinafter referred to Subdivision Plan; thence crossing said SR-0194 (Abbottstown Pike) North seventy-eight (78) degrees six (06) minutes twelve (12) seconds West twenty-seven and fifty-nine hundredths (27.59) feet to a point on the aforesaid southerly edge of Applewood Drive; thence in and along the southerly edge of Applewood Drive, the following three (3) courses and distances: 1) by a curve to the left having a radius of two hundred thirty (230.00) feet, the long chord of which is North thirty-two (32) degrees twelve (12) minutes one (01) second West sixty-three and forty-seven hundredths (63.47) feet for an arc distance of sixty-three and sixty-seven hundredths (63.67) feet to an existing steel pin; 2) by a curve to the left having a radius of two hundred thirty (230.00) feet, the long chord of which is North fifty-nine (59) degrees forty (40) minutes fifty-two (52) seconds West one hundred forty-nine and thirty-eight hundredths (149.38) feet for an arc distance of one hundred fifty-two and fourteen hundredths (152.14) feet to a point; 3) North seventy-eight (78) degrees one (01) minute fifty-three (53) seconds West three hundred forty-two and sixty-three hundredths (342.63) feet to the point and place of BEGINNING. CONTAINING 42.276 acres.

The above description was taken from a Survey prepared by Mort, Brown and Assoc. for TRIPLO, INC., dated April 3, 1989, bearing File No. E-496.

SEIZED and taken into execution as the property of **Joseph A. Lawrence & Wanda J. Lawrence** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 23, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/25, 9/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-414 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

TRACT NO. 1:

BEGINNING at a point in a state highway between Mummasburg and Golden's Station at a point where said state highway is intersected by a public road; thence in said state highway, North 86 degrees 20 minutes East, 1,212 feet to a point in said state highway; thence by land now or formerly of Clarence M. Swartz, South 10 degrees 55 minutes East, 226.8 feet to a point at land now or formerly of Marlin H. VanDyke; thence by said land of Marlin H. VanDyke, South 86 degrees 20 minutes West, 1,203.6 feet to a point in the aforesaid public road; thence in said public road, North 13 degrees West, 228.1 feet to the place of BEGINNING. CONTAINING 6 acres and 38 perches.

TRACT NO. 2:

BEGINNING at an iron pin in a public road South 13 degrees East, 228.1 feet from the intersection of said public road with the state highway leading from Mummasburg to Golden's Station; thence along land now or formerly of Francis Wenschof, Tract No. 1 herein, North 86 degrees 20 minutes East, 1,203.6 feet to an iron pin; thence along land now or formerly of Clarence M. Swartz, South 10 degrees 55 minutes East, 452.7 feet to an iron pin; thence along land now or formerly of Claire W. Guise, South 85 degrees 42 minutes West, 1,182 feet to an iron pin in the first mentioned public road; thence in said public road, North 13 degrees West, 467.5 feet to an iron pin, the place of BEGINNING.

CONTAINING 12 acres and 73 perches.

THE above two tracts of land are less, however, the following:

(1) A tract of land containing 1 acre which Francis Wenschof and Sara Wenschof, husband and wife, by Deed dated August 1, 1968 and recorded in Deed Book 268, page 727, sold and conveyed to Harry Robert Galloway.

(2) A tract of land containing 128 perches which Francis Wenschof and Sara Wenschof, husband and wife, by Deed dated September 13, 1969 and recorded in Deed Book 277, page 443, sold and conveyed to Gary L. Dick and Linda J. Dick, husband and wife.

EXCEPTING THEREOUT AND THEREFROM all that tract of land, Situate, lying and being in Butler Township, Adams County, Pennsylvania and designated as Lot No. 2 on a Plan of Lots prepared by Adams County Surveyors, dated November 26, 1991 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 59 at page 100, more particularly bounded and described as follows:

BEGINNING at a cotton gin spindle set in the center line of Goldenville Road (T-501) and at corner of land now or formerly of Gary Dick, thence along and through the center line of said Goldenville Road, North 86 degrees 20 minutes 00 seconds East 220.00 feet to a cotton gin spindle located in said road and at corner of land of Rodney J. Miller; thence by same and through an existing references steel rod set back 30.00 feet from the beginning of this course and through an existing 8 inch cherry tree set back 72.0 feet from the terminus of this course, South 6 degrees 36 minutes 55 seconds East 682.58 feet to a steel rod at land now or formerly of Ulala Guise; thence by lands of Ulala Guise and McKnight Guise and through an existing steel rod set back 58.61 feet from the beginning of this course, and through an existing referenced steel rod set back 18.0 feet from the terminus of this course, South 85 degrees 46 minutes 40 seconds West, 376.61 feet to a point in the center line of Russell Tavern Road (T-340); thence along and through said road North 12 degrees 51 minutes 55 seconds West, 254.59 feet to a cotton gin spindle in Russell Tavern Road (T-340) and corner of land now or formerly of Gary Beamer; thence by same, North 86 degrees 20 minutes 00 seconds East 62.00 feet to an existing steel rod at corner of lands of Gary Beamer; thence by same North 03 degrees 38 minutes 35 seconds West 84.02 feet to a steel rod at corner of land of Gary Dick; thence by same, North 86 degrees 20 minutes 00 seconds East 100.15 feet to a steel rod; thence by same, and through an existing referenced steel rod set back 21.91 feet from the terminus of this course, North 03 degrees 40 minutes 00 seconds West 350.00 feet to a cotton gin spindle set in the center line of Goldenville Road, the point and place of BEGINNING.

CONTAINING 4.735 acres.

Tax Parcel # F10-28

TITLE TO SAID PREMISES IS VESTED IN Rodney J. Miller, single by Deed from The Gettysburg National Bank dated 12/2/91, recorded 12/20/91, in Record Book 609 page 139.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

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

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

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

8/18, 25 & 9/1

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

In re: First and Final Account for the Trust Established Under Trust Indenture of M. C. Jones, Donor, Dated December 29, 1948 - Adams County Orphans' Court No. OC-12-82.

TO ALL PERSONS CONCERNED:

NOTICE IS HEREBY GIVEN that the First and Final Account of Adams County National Bank, Trustee of the above captioned Trust, has been filed in the Office of the Clerk of the Orphans' Court and will be presented to the Court of Common Pleas of Adams County, Pennsylvania, at Gettysburg, Pennsylvania, for confirmation and approval on September 19, 2000, at 9:00 a.m., prevailing time.

This Account will be available for inspection and review at the Clerk of Courts' Office, Adams County Courthouse, or at the Adams County National Bank Trust Department, Lincoln Square, Gettysburg, PA, or at the office of John W. Phillips, Esq., Gettysburg, PA. Objections thereto can be raised by filing same with the said Clerk of Courts or by stating same in Court, at the time of confirmation.

Peggy J. Breighner, Clerk
John W. Phillips, Esq.,
Attorney for Trustee

8/18, 25 & 9/1

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. 144, No. 177, as amended. The name of the corporation is GETTYSBURG HOME INSPECTIONS.

9/1

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 P. BRAUNING, DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Karen E. Brauning, 1259 Harney Road, Littlestown, PA 17340

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

ESTATE OF GARY L. LOSS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Mary Lee Loss, 623 Third Street, Hanover, PA 17331

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

ESTATE OF HELEN G. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Howard B. Saylor, Patricia B. Saylor, 21 Walnut Lane, Doylestown, PA 18901

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF LEWIS U. MOTTER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Kenneth C. Motter, 27 Belair Drive, Dillsburg, PA 17019

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

ESTATE OF BETTY L. PINKERTON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Christopher N. Pinkerton, 1580 Old Route 30, Orrtanna, PA 17353

ESTATE OF BERTHA S. WALTER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Patricia A. Kinneman, 331 Buford Avenue, Gettysburg, PA 17325

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ESTELLA M. WINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Donald E. Wine, 536 Witmer Avenue, Hanover, PA 17331; Darlene A. Schultz, 57 Ocelot Drive, Hanover, PA 17331

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

SECOND PUBLICATION

ESTATE OF VIOLA E. ADAIR, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executors: Mary L. Redding, 776 Good Intent Road, Gettysburg, PA 17325; Michael P. Adair, 350 Mountainview Road, Reading, PA 19607; James G. Adair, 2335 Baltimore Pike, Gettysburg, PA 17325; Thomas E. Adair, 184 Hoffman Road, Gettysburg, PA 17325

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

ESTATE OF MARY M. SHAFFER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Janet McLaughlin, c/o Mark R. Parthemer, Esq., McNees, Wallace & Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108

Attorney: Mark R. Parthemer, Esq., McNees, Wallace & Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108

ESTATE OF JOSEPH B. YOHE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Linda Smith, 445 Prince Street, Littlestown, PA 17340

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

THIRD PUBLICATION

ESTATE OF BERNARD F. HAHN, DEC'D
Late of Oxford Township, Adams County, Pennsylvania

Executor: Thomas F. Hahn, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

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

ESTATE OF JOHN E. MURRAY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Lawrence F. Murray, 151 Pine Ridge Lane, Fayetteville, PA 17222

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

ESTATE OF RUTH H. SCHROM, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Roberta R. Schmidt, 6205 Lone Oak Drive, Bethesda, MD 20817-1743

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

ESTATE OF PATRICIA M. SMITH a/k/a MARY PATRICIA SMITH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Rita P. Smith, Agnes L. Bevenour, William F. Smith, Samuel K. Smith or Mary Jane Smith, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

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

ESTATE OF ROBERT EARL THOMPSON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Linda A. Coulston, 814 E. 18th Street, Chester, PA 19013

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-15 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in or near the centerline of Pine Valley Road (T-644) on line of land of Lot No. 2 as shown on the hereinafter draft of survey and at corner of land now or formerly of Ray A. Grimes, et ux.; thence by land of Ray A. Grimes, et ux., North 88 degrees 01 minute 28 seconds West, through an existing steel pin 30 feet back from the beginning of this course, 701.69 feet to an existing post; thence North 06 degrees 06 minutes 58 seconds East, 1,196.64 feet to an existing steel pin on line of land now or formerly of Gary W. Sterner, et ux.; thence by same, South 52 degrees 02 minutes 29 seconds East, 391.38 feet to an existing steel pin; thence South 40 degrees 56 minutes 08 seconds East, 223.27 feet to an existing steel pin; thence South 47 degrees 06 minutes 28 seconds East, 242.91 feet to an existing steel pin; thence South 37 degrees 27 minutes 48 seconds East, 289.65 feet to a point in or near the centerline of Pine Valley Road (T-644) at corner of Lot No. 2, as shown on the hereinafter identified draft of survey; thence by same, South 24 degrees 46 minutes 43 seconds West, 65.33 feet to a railroad spike set near the centerline of said road; thence South 46 degrees 48 minutes 54 seconds West, 249.29 feet to a railroad spike set in said road; thence South 24 degrees 47 minutes 59 seconds West, 87.75 feet to a railroad spike set in said road; thence South 06 degrees 07 minutes 44 seconds East, 100.37 feet to a point in or near the centerline of Pine Valley Road (T-644) on line of land of Lot No. 2 as shown on the hereinafter draft of survey and at corner of land now or formerly of Ray A. Grimes, et ux., the point and place of BEGINNING. CONTAINING 15.971 acres, more or less.

The above description was taken from a draft of survey prepared by Boyer Surveys for Regina H. Orndorff, dated August 29, 1990, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 57 at page 22, designating the above as Lot No. 1 thereon.

Being the same which Regina H. Orndorff, widow, by deed dated September 17, 1996, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1260 at page 102, sold and conveyed unto Steven H. Siegel and Linda S. Siegel, husband and wife.

SEIZED and taken into execution as the property of **Steven H. Siegel & Linda S. Siegel a/k/a Linda Sue Morino** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 23, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/18, 25 & 9/1

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on April 24, 2000 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the 1988 Pennsylvania Business Corporation Law of the Commonwealth of Pennsylvania. The name of the corporation is **RODNEY & MOE'S, INC.** The registered office is 55 East Hanover Street, Gettysburg, Adams County, Pennsylvania 17325. The purpose of the corporation is: To conduct a licensed restaurant business and all other lawful business in the Commonwealth of Pennsylvania and elsewhere for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

Steve C. Nicholas, Esquire
Nicholas & Foreman, PC
4409 North Front Street
Harrisburg, PA 17110-1709

9/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-468 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

MAP 7 PARCEL 61

ALL that certain lot of ground situate in Mt. Pleasant Township, Adams County, Pennsylvania, being more particularly described as Lot No. 861 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Docket 4 at page 778, and subject to all legal highways, easements, rights of way and restrictions of record.

BEING the same lot of ground which Wilmer L. Dutterer and Shirley Dutterer, by deed dated January 18, 1983 and recorded in the office of the Recorder of Deeds for Adams County, Pennsylvania in Deed Book 368 Page 753 conveyed unto Loy L. King and Julia C. King.

SEIZED and taken into execution as the property of **Loy L. King & Julia C. King** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/25, 9/1 & 8

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. 144, No. 177, as amended. The name of the corporation is **A & D INTERIOR TRIM, INC.**

9/1

Adams County Legal Journal

Vol. 42

September 8, 2000

No. 15, pp. 77-85

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1142 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

LOT 116: BEGINNING at a point of the only common corner of Lots 116, 158 and the southern edge of a 60 foot right-of-way known as Dakota Drive on the subdivision plan described below: thence along the southern and western edge of Dakota Drive and a 60 foot right-of-way known as Apache Pass, the following three courses and distances: (1) North 64 degrees 45 minutes 15 seconds East, 85.00 feet to a pin; (2) South 71 degrees 21 minutes 50 seconds East 20.80 feet to a pin; (3) South 27 degrees 28 minutes 55 seconds East, 73.00 feet to a point at the corner of Lot 117 of said plan; thence along the northern edge of Lot 117, South 62 degrees 31 minutes 05 seconds West 102.92 feet to a point on the eastern edge of Lot 158 of said plan; thence along the eastern edge of Lot 158, North 25 degrees 14 minutes 45 seconds West, 91.37 feet to a point on the southern edge of a 60 foot right-of-way known as Dakota Drive, the point and place of BEGINNING. CONTAINING 8,937.2328 square feet, .206 Ac.

The above description was taken from a plan of lots entitled "Final Plan, Phase Three-Indian Ridge", prepared by Worley Surveying, dated February 21, 1994, File number C-1350, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 66, Page 66 and designated thereon as Lot number 116.

BEING a part of a larger tract of land which Lewis J. Klunk and Nadine M. Klunk, his wife by deed dated January 7, 1993, and recorded January 8, 1993, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 676, Page 226, granted and conveyed unto J.C.P. Inc. a Pennsylvania corporation, Grantor herein.

AND BEING the same premises which J.C.P., Inc., by Deed dated the 30th day of January, 1996 and recorded on the 1st day of February, 1996 in Deed Book

1140, page 277, granted and conveyed unto Ray Kline and Norma J. Kline, in fee.

BEING tax parcel # M12 P70

BEING known as 78 Apache Pass, Hanover, PA 17331.

SEIZED and taken in execution as the property of Ray A. Kline and Norma J. Kline under Judgment No. 99-S-1142.

SEIZED and taken into execution as the property of **Ray A. Kline & Norma J. Kline** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-450 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a p.k. nail set in the centerline of Legislative Route 01030 (Sells Station Road) at corner of Lot No. 14 on the plan of lots herebelow identified; thence by said Lot No. 14, North 02 degrees 53 minutes 30 seconds East, 328.00 feet to a rebar set on line of other lands now or formerly of Armin H. Hostetter of which this lot was formerly a part; thence by said other lands of Hostetter, South 87 degrees 06 minutes 30 seconds East, 200.00 feet to a rebar

set at corner of Lot No. 12 on the plan of lots herebelow identified; thence by said Lot No. 12, South 02 degrees 53 minutes 30 seconds West, 328.00 feet to a p.k. nail set in the centerline of aforementioned Legislative Route 01030 (Sells Station Road); thence in the centerline of said road, North 87 degrees 06 minutes 30 seconds West, 200.00 feet to the above described place of BEGINNING. CONTAINING 1.505 acres.

SEIZED and taken into execution as the property of **Gary D. Livingston & Theresa M. Livingston** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/1, 8 & 15

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. 144, No. 177, as amended. The name of the corporation is C & J CONCRETE CONTRACTING, INC.

9/8

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-16 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

MAP 1 PARCEL #17
 152 N. SECOND STREET
 MCSHERRYSTOWN, PA

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

BEGINNING at a point on the East curb line of Church Street at lands now or formerly of William H. Krichten and Mary M. Krichten, his wife; thence along said curb line, North 14 degrees 15 minutes West, 17.35 feet to a spike at lands now or formerly of F. X. Colgan; thence by said lands, North 75 degrees 15 minutes East, 35.1 feet to a point; thence by the same, North 64 degrees 15 minutes East, 136 feet to a 16 feet wide alley; thence along said alley, South 14 degrees 15 minutes East, 17.85 feet to a point at other lands now or formerly of William H. Krichten and wife; thence by said lands, South 63 degrees 27 minutes West, 105.5 feet to a point at the rear of the partition wall of the dwelling house erected on said premises; thence further along the same and through the center of said partition wall, South 75 degrees 15 minutes West, 55.25 feet to a point on the East curb line of Church Street, the place of BEGINNING.

Being the same lot of ground which Loy L. King, by deed dated September 17, 1996 and recorded in the office of the Recorder of Deeds for Adams County, Pennsylvania in Deed Book 1264 Page 172 conveyed unto Loy L. King and Julia C. King.

SEIZED and taken into execution as the property of **Loy L. King & Julia C. King** and to be sold by me

Raymond W. Newman
 Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless

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

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

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

9/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1121 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land Situate, lying and being in the Borough of Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, being known as Lot No. 160 in Section P, bounded and described as follows:

BEGINNING at a point in the center of Ringneck Trail at Lot No. 141; thence by said lot, North 05 degrees 17 minutes 09 seconds West, 222.58 feet to Lot No. 187; thence by said lot, North 19 degrees 04 minutes 40 seconds East, 55 feet to Lot No. 186; thence by said lot, South 70 degrees 55 minutes 20 seconds East, 100 feet to Lot No. 161; thence by said Lot, South 05 degrees 17 minutes 43 seconds East, 240.13 feet to a point in the center of Ringneck Trail; thence in said Ringneck Trail, North 86 degrees 20 minutes West, 80 feet to a point; thence continuing in said Ringneck Trail, South 78 degrees 33 minutes 55 seconds West, 35 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section P. Charnita", dated August 11, 1969, prepared by Evans, Hagan and Holdefer, recorded in Plat Book 1 at page 52.

Tax Parcel # 34-99

SEIZED and taken into execution as the property of **Sharon K. Smith** and to be sold by me

Raymond W. Newman
 Sheriff

Sheriff's Office, Gettysburg, PA

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

Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/8, 15 & 22

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County — Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, September 19, 2000, at 9:00 o'clock a.m.

MURRAY—Orphans' Court Action Number OC-79-00. The First and Final Account of Elmer H. Miller, Jr., Executor of the Estate of Helen M. Murray, deceased, late of Straban Township, Adams County, Pennsylvania.

Peggy J. Breighner
 Clerk of Courts

9/8 & 15

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Sec. 311 of the Act of assembly of December 16, 1982, 54 PA C.S.A. 311, that an application for registration of a fictitious name was filed on August 9, 2000 with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the conducting of a business under the fictitious name of **RIISING SUN CONCRETE** with its principal office or place of business at 130 Old Rt 15, York Springs, PA 17372. The names and addresses of all persons owning or interested in said business are: Douglas O. Reisinger, 130 Old Rt 15, Box 316, York Springs, PA 17372.

9/8

MARTIN ET AL VS. HERR'S RIDGE
DEVELOPMENT COMPANY

1. (Plaintiff's) Motion, although styled a Motion for Summary Judgment pursuant to Pennsylvania Rule of Civil Procedure §1035.2, 42 Pa.C.S., will be treated as if properly brought as a Motion for Judgment on the Pleadings, pursuant to Pa.R.C.P. §1034. This is permissible per Pa.R.C.P. 126, which provides in relevant part "The court at every stage of any ... action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties."

2. It is clear that such a motion made at the close of the pleadings and supported only by the pleadings is more correctly labeled a motion for judgment on the pleadings rather than one for summary judgment.

3. The standard of proof to be applied by the Court for motions for summary judgment and motions for judgment on the pleadings is very similar. A motion for judgment on the pleadings admits the truth of averments in the pleadings of the non-moving party and the untruth of any of its own averments which are denied. On motions for summary judgment, the pleadings are reviewed in the light most favorable to the non-moving party, and any doubts as to the existence of a genuine issue of material fact are resolved against the party seeking the judgment.

4. In an action on a note or bond secured by a mortgage, a plaintiff presents a prima facie case by showing the execution and delivery of the note and its nonpayment.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 98-S-613. FRANZ C. MARTIN, JOYCE C. SPEELMAN, SHIRLEY M. KLINEFELTER, WILBUR F. MARTIN, LeROY C. MARTIN, FRED J. MARTIN, DONALD W. MARTIN, BARBARA A. WOERNER DEARDORFF, KENNETH C. MARTIN, LEONARD J. MARTIN, SR., CHARLES D. MARTIN, AND PATRICIA M. REDDING VS. THE HERR'S RIDGE DEVELOPMENT COMPANY, R. SCOTT HARTMAN AND BARBARA M. HARTMAN.

Henry O. Heiser III, Esq., for Plaintiffs

Walton V. Davis, Esq., for Defendants

Bigham, J., April 28, 1999

OPINION ON PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT

Plaintiff Franz C. Martin, et al. ("Martin") brings this action on a Note, signed by the individual Defendants and corporate Defendants, presently in default. Martin has filed a Motion for Summary Judgment. This Motion, together with the parties' briefs and oral argument, are now before this Court for disposition.

STATEMENT OF FACTS

On December 31, 1996, Martin made a Mortgage loan ("Loan") to Defendants; Martin received from Defendants a Note ("Note") to evidence the Loan. The Note was signed on December 31, 1996 by the Hartmans both individually ("Hartmans") and as officers of Herr's Ridge Development Company ("Herr's Ridge"). Clause 6(E) of the Note states:

6. (E) Payment of Note Holder's Costs and Expenses.

If the Note Holder has required me to pay immediately in full as described above the Note Holder will have the right to be paid back by me for all of its costs and expenses in enforcing this Note to the extent not prohibited by applicable law. Those expenses include, for example, reasonable attorneys' fees.

The "as described above" language refers to late charges in 6(A) and "pay immediately the full amount of principal which has not been paid" in 6(C).

Clause 8 of the Note states:

8. OBLIGATIONS OF PERSONS UNDER THIS NOTE.

If more than one person signs this Note, each person is fully and personally obligated to keep all of the promises made in this Note, including the promise to pay the full amount owed. Any person who is a guarantor, surety or endorser of this Note is also obligated to do these things. Any person who takes over these obligations, including the obligations of a guarantor, surety or endorser of this Note, is also obligated to keep all of the promises made in this Note. *The Note Holder may enforce its rights under this Note against each person individually or against all of us together. This means that any one of us may be required to pay all of the amounts owed under this Note. The above notwithstanding R. Scott Hartman's and Barbara M. Hartman's liability pursuant to the terms and conditions of the within note and corresponding mortgage shall not be enforced until such time as the Lender has foreclosed on the secured premises and received the proceeds of the resulting sheriff's sale. By first pursuing a mortgage foreclosure to conclusion, the*

Lender shall not be deemed to have waived any rights or remedies Lender has against any of the obligors (Sgners) [sic] under this Note. (*emphasis added*).

As security for the Loan, Martin received a Mortgage (“Mortgage”), signed on December 31, 1996 by the Hartmans only as officers of Herr’s Ridge. Martin conveyed the land to Herr’s Ridge by deed on December 31, 1996 in Record Book 1311 at Page 187. The Mortgage states that it “secures (i) repayment of the Note, and (ii) repayment of any other obligations now or later due to Lender by Owner.” The Mortgage also states that “Lender may use the proceeds of any foreclosure sale to recover the balance due on the Note and any other obligations secured by this Mortgage, plus Lender’s attorneys’ fees, costs of suit and costs of sale, to the extent provided in the Note and permitted by law.”

Herr’s Ridge defaulted on the mortgage by failing to make payments scheduled for September 30, December 31, 1997, and March 31, 1998. Notice of Default was sent on April 30, 1998, stating that if the overdue amount was not paid in full by May 20, 1998, then the debt would be accelerated. The Notice of Default also stated that if the overdue amounts were not paid, foreclosure proceedings on the Mortgage and enforcement proceedings on the Note would commence.

The amounts due were not paid, and two Complaints were filed by Martin on June 16, 1998. First, Martin filed on the Mortgage in foreclosure, as docket number 98-S-612; second, Martin filed the instant suit on the Note. In this suit on the Note, Martin seeks amounts due “on the Note and Mortgage”¹ as follows: acceleration of debt (\$1,043,661.00) with interest (\$70,447.11 on March 31, 1998), late charges (\$3,522.36 on March 31, 1998), and attorneys’ fees (\$52,183.00 on March 31, 1998).²

Herr’s Ridge has since filed for bankruptcy, awaiting debt reorganization, and as such, an automatic stay of proceedings has been entered, delaying the foreclosure proceedings. The Hartman’s Preliminary Objections, raising demurrers to the suit as premature

¹ Martin Complaint at paragraph 24.

² Martin also seeks costs accruing after March 31, 1998 including interest at 9% per annum (or \$23,482.37 per quarter), and late charges at \$1,174.12 per quarter.

and in the alternative that the attorneys' fees claimed were not reasonable, were denied by this Court on October 20, 1998, with the exception that the issue of the reasonableness and apportionment of attorneys' fees was preserved for a later stage in the proceedings.

On November 9, 1999, the Hartmans filed an Answer with New Matter alleging that this suit is premature and brought before any liability might accrue. The Hartmans denied that the Note evidenced a mortgage loan made to them; they state that the mortgage loan was made to Herr's Ridge, and that they participated only as secondary obligors. Para. 16. The Hartmans admit execution and delivery of the Note, and admit the principal amount, interest rate and terms of repayment. Para. 17. The Hartmans admit that the Note and Mortgage are in default, as payments have not been made since June 30, 1997, and admit to receiving Notice of Default, but deny that they are in default. Paras. 21, 22. The Hartmans deny that they failed to cure the default, and deny the consequences regarding the balance and interest being "due and payable forthwith, together with late charges and costs of collection, including reasonable attorneys' fees." Hartmans' Answer, para. 23, and Martin's Complaint, para. 23, respectively. The Hartmans also deny the amounts due, as stated in Paragraph 24 of Martin's Complaint, as they are not in default and have no liability at this time, pursuant to the Note; by way of further answer, the Hartmans also state that the attorneys' fees stated are not reasonable and that the claims stated are chargeable against Herr's Ridge first, placing the claims "outside the purview of this Answer." Para. 24.

On November 19, 1998, Martin filed a Reply to New Matter, claiming that the October 20, 1998 Opinion of this Court held that "defendants' liability under the note can and will be established by the instant suit, with only enforcement being deferred until such time as foreclosure proceedings are completed with respect to the mortgaged premises." Para. 29.

After a pre-trial conference, the Court issued an Order, dated December 23, 1998, marking the case for a one-day jury trial³ and identifying the following issues for trial:

³On March 15, 1999, on stipulation of the parties, the Court struck this case from the trial list, noting that Martin's Motion for Summary Judgment was scheduled for argument on March 31, 1999.

1. Whether the note precludes entry of judgment against [the Hartmans];
2. What are reasonable attorneys' fees;
3. What is the amount in default under the note.

The final sentence of the Order states "Any objection must be filed within ten (10) days of the date of mailing of this Order." No objections appear on record.

Martin now brings this Motion for Summary Judgment, arguing that, based on the Hartmans' admissions, there are no issues of material fact in existence, and that Martin is entitled to judgment as a matter of law, with the exception that the determination of the reasonableness of attorneys' fees can be delayed. The Hartmans have filed a brief in opposition, arguing that the proper motion here is for judgment on the pleadings and that Martin should not prevail on that motion because the pleadings raise factual disputes. The Hartmans also argue that, even on the motion for summary judgment, Martin cannot prevail because there is no evidentiary record, and the pleadings and allegations raise issues of material fact. Specifically, the Hartmans argue that the pleadings raise an issue as to whether the Hartmans, as individual Defendants, are in default and raise an issue as to an absent, necessary party, namely Herr's Ridge.

LEGAL DISCUSSION

Martin argues that the Hartmans' only defense, that the suit is premature in the absence of foreclosure, has been rejected by this Court in its October 20, 1998 Opinion and that the Hartmans have raised no other issue of material fact, and have no other defense to this suit. Martin marks the only issue of fact as the issue of 'actual attorneys' fees,' which Martin states cannot be determined now, and should be reserved for later determination. Martin states that this uncertainty should not prevent the entry of partial summary judgment, adjudicating the Hartmans' default and establishing liability for the principal, interest and late charges.

The Hartmans argue that the Motion for Summary Judgment should not be granted. First, the Hartmans argue that the evidentiary record required by Pennsylvania Rule of Civil Procedure 1035.2 is not present where there has been no discovery or any factual determinations, where the Court's December 23, 1998 Order listed issues

for trial, and that where the Hartmans' Answer and New Matter deny default and raise the issue of an absent essential party. Additionally, the Hartmans note that Martin did not object to or appeal from the Court's December 23, 1998 Order. Second, the Hartmans argue that the Court's October 20, 1998 Order cannot serve as the basis for Martin's Motion where their Answer and New Matter have raised factual issues, and where the Court's Order on preliminary objections can only address the record before it at that time, and cannot address factual issues raised since that determination. Last, the Hartmans argue that the appropriate motion to make at this stage of the proceedings is a Motion for Judgment on the Pleadings, but that that motion should not be granted because the pleadings raise issues of material fact.

Initially, the Court notes that Martin's Motion, although styled a Motion for Summary Judgment pursuant to Pennsylvania Rule of Civil Procedure §1035.2, 42 Pa.C.S., will be treated as if properly brought as a Motion for Judgment on the Pleadings, pursuant to Pa.R.C.P. §1034.⁴ This is permissible per Pa.R.C.P. 126, which provides in relevant part "The court at every stage of any ... action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties." *See also Bensalem Tp. School Dist. v. Com.*, 518 Pa. 581 (1988). Rule 1035.2 reads as follows:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce

⁴Since "[b]oth a motion for judgment on the pleadings and a motion for summary judgment are means by which a case may be summarily dismissed before trial on the basis that there exists no genuine issue of fact and that the moving party is entitled to judgment as a matter of law," *Crosby v. Kotch*, 135 Pa.Cmwlth. 470, 474 (1990), the result would be the same, regardless of the precise form of Martin's Motion.

evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

The 1996 Explanatory Comment to Rule 1035.2 states that:

Special note should be taken of the requirement under Rule 1035.2(2) that the motion be made after completion of discovery relevant to the motion, including the production of expert reports. While Rule 1035.2(2) is prefaced with the statement that any party may file a motion after the relevant pleadings have closed, the adverse party must be given adequate time to develop the case and the motion will be premature if filed before the adverse party has completed discovery relevant to the motion.

For example, the Commonwealth Court has stated that “[a] trial court's order dismissing a case prior to trial is properly characterized as either a summary judgment or a judgment on the pleadings. Since discovery was fully conducted in the instant case, we will treat the order entered as the entry of summary judgment.” *Demmler v. Smithkline Beecham Corp.*, 448 Pa.Super. 425, 430 (1996), *citation omitted*.

In contrast, “while it is true that both motions are means by which a case may be summarily dismissed before trial on the basis that there exists no genuine issue of fact and the moving party is entitled to judgment as a matter of law..., it is clear that such a motion made at the close of the pleadings and supported only by the pleadings is more correctly labeled a motion for judgment on the pleadings rather than one for summary judgment.” *Beardell v. Western Wayne School District*, 91 Pa.Cmwlth. 348, 352, (1985), *citations omitted*. Likewise, in *Bensalem Tp.*, one party “filed a Rule 1035 summary judgment motion, when they should have filed a Rule 1034 judgment on the pleadings motion.” *Bensalem Tp.* at 588. “The latter motion was the appropriate one since the basis of appellants' motion was that the pleadings alleged the facial **unconstitutionality** [sic] of the statute, and no evidence was necessary to rule on this claim.” *Bensalem Tp.* at 588.

The standard of proof to be applied by the Court for motions for summary judgment and motions for judgment on the pleadings is very similar. “A motion for judgment on the pleadings admits the

truth of averments in the pleadings of the non-moving party and the untruth of any of its own averments which are denied. On motions for summary judgment, the pleadings are reviewed in the light most favorable to the non-moving party, and any doubts as to the existence of a genuine issue of material fact are resolved against the party seeking the judgment.” *Weissman v. City of Philadelphia*, 99 Pa.Cmwlth. 403, 405 fn.2, (1986), *citations omitted*. “Like all summary judgments entered without a trial, judgment on the pleadings may be entered only in clear cases free from doubt where there are no issues of fact, and only where the cause is so clear that a trial would clearly be a fruitless exercise.... The party moving for the judgment on the pleadings admits for the purpose of his motion the truth of all the allegations of his adversary and the untruth of any of his allegations which may have been denied by his adversary.” *Otterson v. Jones*, 456 Pa.Super. 388, 390 (1997).

Martin’s burden of proof can be stated as follows: “In an action on a note or bond secured by a mortgage, a plaintiff presents a prima facie case by showing ‘the execution and delivery of the [note] and its nonpayment....’” *Corestates Bank N.A., v. Cutillo*, __ Pa.Super. __, 723 A.2d 1053, 1056 (1999). In *Corestates Bank*, the bank brought motion for summary judgment on a note in default, and “[s]ince [borrower did] not contest the Bank’s assertion that he failed to make payments as required under the terms of the note, [the Superior Court was] not persuaded that material facts are in dispute. Therefore, [borrower’s] first claim must fail.” *Corestates Bank* at 1056.

In contrast, the Hartmans’ Answer specifically denies the allegation that they are in default on the Note. In response to Martin’s allegation that “defendants executed and delivered to plaintiffs a Note to evidence a mortgage made by plaintiffs to defendants,” the Hartmans state “[t]o the contrary, the ‘mortgage loan’ was not made to the [Hartmans] but was made only to [Herr’s Ridge]. The [Hartmans] participated in the Note only as secondary obligors in the event that any foreclosure action failed to produce sufficient proceeds to meet the corporate obligor’s obligations.” Complaint, para. 16, and Answer, para. 16, respectively. Likewise, where Martin’s Complaint, para. 21, alleges that “the Note and Mortgage are in default because quarterly payments on account of interest have not been made since the last payment of June 30, 1997,” the Hartmans’ Answer, para. 21, denies that they are in default and states that they are not in default.

Where Martin's Complaint, para. 23, alleges that the Hartmans "did not cure said default as requested, and in consequence the whole balance of principal and all interest owed thereon has become due and payable forthwith together with late charges and costs of collection, including reasonable attorney fees," the Hartmans' Answer, para. 23, denies that they are in default, and states "[t]he consequences as they relate to the corporate defendant are not within the purview of this Answer and state conclusions of law." In response to Martin's statement of the amounts due on the Note and Mortgage, Complaint para. 24, the Hartmans state that paragraph 24 "does not relate to [the Hartmans] as [they] are not in default and have incurred no liability as yet, if ever, pursuant to the Note." Answer, para. 24. Additionally, the Hartmans contest the reasonability of the attorneys' fees listed, and state that "the claims stated are chargeable in the first instance against the corporate defendant which places them outside the purview of this Answer." Answer, para. 24. Last, in the Hartmans' New Matter, they allege that Paragraph 8 of the Note specifically limits the liability and enforceability of the Note as against them; the Hartmans state that, until such time as a foreclosure proceeding is completed on the land which secures the Note, and until Martin receives those proceeds, their liability is unknown.

Although the Note to Rule 1035.2 states that the evidentiary record can include a record containing an admission such that no issue of fact could be established by further discovery, the Hartmans have made no such admissions. Additionally, this Court's October 20, 1998 Opinion decided *only* that Martin could proceed with the lawsuit as 'enforcement' of the Note; Martin himself phrased the question put to the Court as "Whether a civil action seeking a judgment of liability constitutes enforcement of such liability?" As the pleadings clearly raise genuine issues of material fact, Martin's Motion for Summary Judgment is denied.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 28th day of April, 1999, Plaintiff's Motion for Summary Judgment is denied. The parties are directed to proceed in accordance with the Pennsylvania Rules of Civil Procedure.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-330 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of September, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at an existing steel pin on the southerly edge of Applewood Drive at previously approved Lot No. 3 as shown on the hereinafter referred to Subdivision Plan; thence along said previously approved Lot No. 3, the following two (2) courses and distances: 1) South eleven (11) degrees fifty-eight (58) minutes seven (07) seconds West three hundred twenty-six and twenty-three hundredths (326.23) feet to an existing steel pin; 2) South seventy-two (72) degrees seven (07) minutes three (03) seconds West three hundred eighty-six and twenty-seven hundredths (386.27) feet to an existing steel pin at lands now or formerly of Charles R. Chubb as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Charles R. Chubb, South eighty-five (85) degrees five (05) minutes twenty (20) seconds West two hundred fifty-five and eighty hundredths (255.80) feet to a steel pin (set) at lands now or formerly of Warren T. Becker as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Warren T. Becker, North thirty-two (32) degrees fifty-one (51) minutes thirty (30) seconds West, one thousand four hundred twenty-six and thirty-seven hundredths (1,426.37) feet to an existing stone at lands now or formerly of Raymond G. Burkett and Martha E. Fisher as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Raymond G. Burkett and Martha E. Fisher and also along lands now or formerly of Paul C. Sipe, Jr. as shown on the hereinafter referred to Subdivision Plan, North twenty-six (26) degrees no (00) minutes no (00) seconds East eight hundred forty-five and twenty-eight hundredths (845.28) feet to a steel pin (set) at lands now or formerly of Donald J. Sneeringer as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Donald J. Sneeringer and also along lands now or formerly of Paul C. Sipe, Jr. as shown on the hereinafter referred to Subdivision Plan, North eighty-eight (88) degrees fifty-two (52) minutes ten (10)

seconds, East seven hundred thirty-five and ninety hundredths (735.90) feet to an existing steel pin at lands now or formerly of Elmer H. Miller, Jr. as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Elmer H. Miller, Jr., South thirteen (13) degrees forty-eight (48) minutes thirty (30) seconds East three hundred eighteen and forty-two hundredths (318.42) feet to a point at lands now or formerly of Mitchell O. Diviney as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Mitchell O. Diviney, South thirteen (13) degrees twenty-one (21) minutes ten (10) seconds East two hundred sixty-six and forty-one hundredths (266.41) feet to a steel pin (set) at lands now or formerly of John C. Leese as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of John C. Leese, South seventy-eight (78) degrees fifty-nine (59) minutes twenty-two (22) seconds West one hundred fifty-eight and thirty-seven hundredths (158.37) feet to an existing steel pin at previously approved Lot No. 5 on the hereinafter referred to Subdivision Plan; thence along said previously approved Lot No. 5, the following two (2) courses and distances: 1) South forty-nine (49) degrees fifty-nine (59) minutes twenty-four (24) seconds West one hundred eighty-eight and twenty-five hundredths (188.25) feet to an existing steel pin; 2) South forty (40) degrees no (00) minutes thirty-six (36) seconds East, seven hundred twenty-seven and thirty-five hundredths (727.35) feet to an existing steel pin at lands now or formerly of Robert E. Lawyer as shown on the hereinafter referred to Subdivision Plan; thence along said last mentioned lands now or formerly of Robert E. Lawyer, the following three (3) courses and distances: 1) South eleven (11) degrees fifty-eight (58) minutes seven (07) seconds West one hundred seventy and two hundredths (170.02) feet to an existing steel pin; 2) South seventy-eight (78) degrees one (01) minute fifty-three (53) seconds East four hundred forty-two and sixty-three hundredths (442.63) feet to a point; 3) by a curve to the right having a radius of two hundred eighty (280.00) feet, the long chord of which is South sixty-six (66) degrees forty-nine (49) minutes one (01) second East one hundred eight and ninety-one hundredths (108.91) feet for an arc distance of one hundred nine and sixty-one hundredths (109.61) feet to a point on the northerly edge of Applewood Drive aforesaid, where it intersects with Township Road (T-706) as shown on the hereinafter referred to Subdivision Plan; thence in and along Township Road (T-306), South twenty-eight (28) degrees fifty-three (53) minutes fifty-three (53) seconds East one hundred sixty-two and forty-one hun-

dredths (162.41) feet to a point in the centerline of SR-0194 (Abbottstown Pike) as shown on the hereinafter referred to Subdivision Plan; thence crossing said SR-0194 (Abbottstown Pike) North seventy-eight (78) degrees six (06) minutes twelve (12) seconds West twenty-seven and fifty-nine hundredths (27.59) feet to a point on the aforesaid southerly edge of Applewood Drive; thence in and along the southerly edge of Applewood Drive, the following three (3) courses and distances: 1) by a curve to the left having a radius of two hundred thirty (230.00) feet, the long chord of which is North thirty-two (32) degrees twelve (12) minutes one (01) second West sixty-three and forty-seven hundredths (63.47) feet for an arc distance of sixty-three and sixty-seven hundredths (63.67) feet to an existing steel pin; 2) by a curve to the left having a radius of two hundred thirty (230.00) feet, the long chord of which is North fifty-nine (59) degrees forty (40) minutes fifty-two (52) seconds West one hundred forty-nine and thirty-eight hundredths (149.38) feet for an arc distance of one hundred fifty-two and fourteen hundredths (152.14) feet to a point; 3) North seventy-eight (78) degrees one (01) minute fifty-three (53) seconds West three hundred forty-two and sixty-three hundredths (342.63) feet to the point and place of BEGINNING. CONTAINING 42.276 acres.

The above description was taken from a Survey prepared by Mort, Brown and Assoc. for TRIPOLO, INC., dated April 3, 1989, bearing File No. E-496.

SEIZED and taken into execution as the property of **Joseph A. Lawrence & Wanda J. Lawrence** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 23, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/25, 9/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1052 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point along the southerly right-of-way line of Squire Circle and Lot No. 26 of the hereinafter referred to Subdivision plan; thence along said Lot No. 26, South fifteen (15) degrees forty-two (42) minutes twenty-one (21) seconds East, ninety and seventy-three hundredths (90.72) feet to a point at Lot No. 24-A; thence along said Lot No. 24-A, South seventy (70) degrees forty (40) minutes thirty-one (31) seconds West, forty-one and twenty-one hundredths (41.21) feet to a point at Lot No. 25; thence along said Lot No. 25, North thirty (30) degrees thirty-five (35) minutes ten (10) seconds West, eighty-one and fifty-four hundredths (81.54) feet to a point along the southerly right-of-way line of Squire Circle; thence along the southerly right-of-way line of Squire Circle, North fifty-nine (59) degrees twenty-four (24) minutes fifty (50) seconds East, forty-two and zero hundredths (42.00) feet to a point; thence continuing along same by a curve to the right which has a radius of one hundred twenty-five and zero hundredths (125.00) feet, an arc distance of twenty-one and eighty-three hundredths (21.83) feet, the long chord of which is North sixty-four (64) degrees twenty-four (24) minutes fifty-eight (58) seconds East, twenty-one and eighty hundredths (21.80) square feet to a point, the place of BEGINNING. CONTAINING 4,510.3874 square feet and being identified as Lot No. 25-A on the final Subdivision Plan of McSherrystown West, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 64, page 20.

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

IT BEING Tract No. 2 of those two tracts of land which John J. Grim, et al, by his deed dated April 4, 1996, recorded April 10, 1996 in Record Book 1173, page 268, granted and conveyed unto Paul D. Burkentine and Rajean A. Burkentine, husband and wife, Grantors herein.

BEING the same premises which Paul D. Burkentine and Rajean A. Burkentine,

by Paul D. Burkentine, her Attorney-in-fact, by Deed dated August 23, 1996 and recorded in the Recorder of Deeds of Adams County on August 30, 1996, in Deed Book 1251, Page 104, granted and conveyed unto Marjie K. McMaster and Jason K. McMaster, mother and son.

DBV 1251
Page 104
Parcel # 2-231

SEIZED and taken into execution as the property of **Marjie K. McMaster & Jason K. McMaster** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-468 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

MAP 7 PARCEL 61

ALL that certain lot of ground situate in Mt. Pleasant Township, Adams County, Pennsylvania, being more particularly described as Lot No. 861 on a plan of lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Docket 4 at page 778, and subject to all legal highways, easements, rights of way and restrictions of record.

BEING the same lot of ground which Wilmer L. Dutterer and Shirley Dutterer, by deed dated January 18, 1983 and recorded in the office of the Recorder of Deeds for Adams County, Pennsylvania in Deed Book 368 Page 753 conveyed unto Loy L. King and Julia C. King.

SEIZED and taken into execution as the property of **Loy L. King & Julia C. King** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

8/25, 9/1 & 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 JOSEPHINE G. MILLER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executors: Todd D. Smeach, 30 Shady Lane, Hanover, PA 17331; Gary Miller, 314 Home Road, Abbottstown, PA 17301

Attorney: Daniel M. Frey, Attorney, Daniel M. Frey & Associates, a division of Barley, Snyder, Senft & Cohen, LLC., 14 Center Square, Hanover, PA 17331

ESTATE OF RICHARD P. MILLER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Patricia A. Braucher, Stephen R. Miller, c/o Robert M. Strickler, Esq., 110 South Northern Way, York, PA 17402

Attorney: Robert M. Strickler, Esq., 110 South Northern Way, York, PA 17402

ESTATE OF JASON SCOTT REEVES, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Belinda Reeves, 220 Water Street, Boyertown, PA 19512, Gary Reeves, 1229 Old Waynesboro Road, Fairfield, PA 17820

Attorney: Eric Weisbrod, Esq., D.L. Reichard, II & Associates, 134 W. Main Street, Waynesboro, PA 17268

ESTATE OF MYRIAM M. SANDERS, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Bonita L. McDannell, 10 Carr Hill Road, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF JOHN P. BRAUNING, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Karen E. Brauning, 1259 Harney Road, Littlestown, PA 17340

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

ESTATE OF GARY L. LOSS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Mary Lee Loss, 623 Third Street, Hanover, PA 17331

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

ESTATE OF HELEN G. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Howard B. Saylor, Patricia B. Saylor, 21 Walnut Lane, Doylestown, PA 18901

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF LEWIS U. MOTTER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Kenneth C. Motter, 27 Belair Drive, Dillsburg, PA 17019

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

ESTATE OF BETTY L. PINKERTON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Christopher N. Pinkerton, 1580 Old Route 30, Orrtanna, PA 17353

ESTATE OF BERTHA S. WALTER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Patricia A. Kinneman, 331 Buford Avenue, Gettysburg, PA 17325

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ESTELLA M. WINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Donald E. Wine, 536 Witmer Avenue, Hanover, PA 17331; Darlene A. Schultz, 57 Ocelot Drive, Hanover, PA 17331

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

THIRD PUBLICATION

ESTATE OF VIOLA E. ADAIR, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executors: Mary L. Redding, 776 Good Intent Road, Gettysburg, PA 17325; Michael P. Adair, 350 Mountainview Road, Reading, PA 19607; James G. Adair, 2335 Baltimore Pike, Gettysburg, PA 17325; Thomas E. Adair, 184 Hoffman Road, Gettysburg, PA 17325

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

ESTATE OF MARY M. SHAFER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Janet McLaughlin, c/o Mark R. Parthemer, Esq., McNees, Wallace & Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108

Attorney: Mark R. Parthemer, Esq., McNees, Wallace & Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108

ESTATE OF JOSEPH B. YOHE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Linda Smith, 445 Prince Street, Littlestown, PA 17340

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1102 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the centerline of Pennsylvania Route 234 at corner of lands now or formerly of Wilson E. Bixler, Jr. and Jervis L. Smith; thence by lands now or formerly of Wilson E. Bixler, Jr. North 25 degrees 40 minutes 35 seconds East, 359.32 feet and passing through a steel pin set 25 feet from the beginning of this course to a steel pin at corner of lands now or formerly of Wilson E. Bixler, Jr. and Gordon L. Rudacille; thence by lands now or formerly of Gordon L. Rudacille North 56 degrees 30 minutes 25 seconds East, 137.25 feet to an iron pipe at corner of lands now or formerly of Gordon L. Rudacille and Richard D. Eisenhard; thence by lands

now or formerly of Richard D. Eisenhard South 14 degrees 01 minute 45 seconds West, 453.03 feet to a point in the centerline of Pennsylvania Route 234 at corner of lands now or formerly of Richard D. Eisenhard and Jervis L. Smith and passing through a steel pin set back 25.01 feet from the end of this course, which point is 3.50 feet East of a railroad spike set in the centerline of Pennsylvania Route 234; thence in and along the centerline of Pennsylvania Route 234 and by lands now or formerly of Jervis L. Smith North 75 degrees 58 minutes 15 seconds West, 161.42 feet and passing through an existing railroad spike in the centerline of Pennsylvania Route 234 set 3.50 feet from the beginning of this course to a point in the centerline of Pennsylvania Route 234 at corner of lands now or formerly of Wilson E. Bixler, Jr. and Jervis L. Smith, the place of BEGINNING. CONTAINING 1.150 acres, more or less.

Being the same premises which Randy A. Kuhn and Phillis A. Kuhn conveyed unto Roger F. Slaybaugh and Kitty D. Slaybaugh by deed dated January 19, 1990 and recorded January 24, 1990 in the Recorder of Deeds Office of Adams County in Deed Book 545, pg. 49.

Tax Parcel No. 17-15D

SEIZED and taken into execution as the property of **Roger F. Slaybaugh & Kitty D. Slaybaugh** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

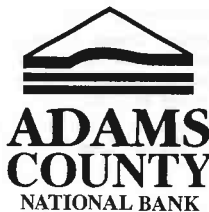
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/8, 15 & 22

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



Member FDIC

Adams County Legal Journal

Vol. 42

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No. 16, pp. 86-93

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1142 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

LOT 116: BEGINNING at a point of the only common corner of Lots 116, 158 and the southern edge of a 60 foot right-of-way known as Dakota Drive on the subdivision plan described below: thence along the southern and western edge of Dakota Drive and a 60 foot right-of-way known as Apache Pass, the following three courses and distances: (1) North 64 degrees 45 minutes 15 seconds East, 85.00 feet to a pin; (2) South 71 degrees 21 minutes 50 seconds East 20.80 feet to a pin; (3) South 27 degrees 28 minutes 55 seconds East, 73.00 feet to a point at the corner of Lot 117 of said plan; thence along the northern edge of Lot 117, South 62 degrees 31 minutes 05 seconds West 102.92 feet to a point on the eastern edge of Lot 158 of said plan; thence along the eastern edge of Lot 158, North 25 degrees 14 minutes 45 seconds West, 91.37 feet to a point on the southern edge of a 60 foot right-of-way known as Dakota Drive, the point and place of BEGINNING. CONTAINING 8,937.2328 square feet, .206 Ac.

The above description was taken from a plan of lots entitled "Final Plan, Phase Three-Indian Ridge", prepared by Worley Surveying, dated February 21, 1994, File number C-1350, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 66, Page 66 and designated thereon as Lot number 116.

BEING a part of a larger tract of land which Lewis J. Klunk and Nadine M. Klunk, his wife by deed dated January 7, 1993, and recorded January 8, 1993, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 676, Page 226, granted and conveyed unto J.C.P. Inc. a Pennsylvania corporation, Grantor herein.

AND BEING the same premises which J.C.P., Inc., by Deed dated the 30th day of January, 1996 and recorded on the 1st day of February, 1996 in Deed Book

1140, page 277, granted and conveyed unto Ray Kline and Norma J. Kline, in fee.

BEING tax parcel # M12 P70

BEING known as 78 Apache Pass, Hanover, PA 17331.

SEIZED and taken in execution as the property of Ray A. Kline and Norma J. Kline under Judgment No. 99-S-1142.

SEIZED and taken into execution as the property of **Ray A. Kline & Norma J. Kline** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-450 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a p.k. nail set in the centerline of Legislative Route 01030 (Sells Station Road) at corner of Lot No. 14 on the plan of lots herebelow identified; thence by said Lot No. 14, North 02 degrees 53 minutes 30 seconds East, 328.00 feet to a rebar set on line of other lands now or formerly of Armin H. Hostetter of which this lot was formerly a part; thence by said other lands of Hostetter, South 87 degrees 06 minutes 30 seconds East, 200.00 feet to a rebar

set at corner of Lot No. 12 on the plan of lots herebelow identified; thence by said Lot No. 12, South 02 degrees 53 minutes 30 seconds West, 328.00 feet to a p.k. nail set in the centerline of aforementioned Legislative Route 01030 (Sells Station Road); thence in the centerline of said road, North 87 degrees 06 minutes 30 seconds West, 200.00 feet to the above described place of BEGINNING, CONTAINING 1.505 acres.

SEIZED and taken into execution as the property of **Gary D. Livingston & Theresa M. Livingston** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/1, 8 & 15

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-16 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

MAP 1 PARCEL #17
152 N. SECOND STREET
MCSHERRYSTOWN, PA

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

BEGINNING at a point on the East curb line of Church Street at lands now or formerly of William H. Krichten and Mary M. Krichten, his wife; thence along said curb line, North 14 degrees 15 minutes West, 17.35 feet to a spike at lands now or formerly of F. X. Colgan; thence by said lands, North 75 degrees 15 minutes East, 35.1 feet to a point; thence by the same, North 64 degrees 15 minutes East, 136 feet to a 16 feet wide alley; thence along said alley, South 14 degrees 15 minutes East, 17.85 feet to a point at other lands now or formerly of William H. Krichten and wife; thence by said lands, South 63 degrees 27 minutes West, 105.5 feet to a point at the rear of the partition wall of the dwelling house erected on said premises; thence further along the same and through the center of said partition wall, South 75 degrees 15 minutes West, 55.25 feet to a point on the East curb line of Church Street, the place of BEGINNING.

Being the same lot of ground which Loy L. King, by deed dated September 17, 1996 and recorded in the office of the Recorder of Deeds for Adams County, Pennsylvania in Deed Book 1264 Page 172 conveyed unto Loy L. King and Julia C. King.

SEIZED and taken into execution as the property of **Loy L. King & Julia C. King** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless

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

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

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

9/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1121 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land Situate, lying and being in the Borough of Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, being known as Lot No. 160 in Section P, bounded and described as follows:

BEGINNING at a point in the center of Ringneck Trail at Lot No. 141; thence by said lot, North 05 degrees 17 minutes 09 seconds West, 222.58 feet to Lot No. 187; thence by said lot, North 19 degrees 04 minutes 40 seconds East, 55 feet to Lot No. 186; thence by said lot, South 70 degrees 55 minutes 20 seconds East, 100 feet to Lot No. 161; thence by said Lot, South 05 degrees 17 minutes 43 seconds East, 240.13 feet to a point in the center of Ringneck Trail; thence in said Ringneck Trail, North 86 degrees 20 minutes West, 80 feet to a point; thence continuing in said Ringneck Trail, South 78 degrees 33 minutes 55 seconds West, 35 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section P. Charnita", dated August 11, 1969, prepared by Evans, Hagan and Holdefer, recorded in Plat Book 1 at page 52.

Tax Parcel # 34-99

SEIZED and taken into execution as the property of **Sharon K. Smith** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

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

Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/8, 15 & 22

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, September 19, 2000, at 9:00 o'clock a.m.

MURRAY-Orphans' Court Action Number OC-79-00. The First and Final Account of Elmer H. Miller, Jr., Executor of the Estate of Helen M. Murray, deceased, late of Straban Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

9/8 & 15

COMMONWEALTH VS. KESSELRING ET AL

1. The general rule in Pennsylvania has long been that "a witness may not be impeached by evidence of criminal activity for which the witness has not been convicted." Even the fact of arrest, without a conviction, cannot be used to impeach because there is a vast difference between conviction and mere allegation.

2. The Court noted that "To decide this issue, we must balance the Appellant's Sixth Amendment right to confront witnesses against the prejudice and detriment of allowing this type of questioning."

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, Nos. CC-515-98, CC-736-98, and CC-22-99. COMMONWEALTH OF PENNSYLVANIA VS. RONALD A. KESSELRING and COMMONWEALTH OF PENNSYLVANIA VS. DEE JAY VANMETRE.

Michael A. George, Esq., for Commonwealth

Anthony E. Miley, Esq., for Defendants

Kuhn, J., May 20, 1999

MEMORANDUM OPINION

These cases have been combined solely for the purpose of addressing a motion in limine common to all cases. That issue concerns whether the credibility of the prosecuting officer, Pennsylvania State Police Trooper James R. Graham, can be impeached by referencing conduct that Trooper Graham allegedly forged the name of another trooper on several criminal complaints in an unrelated case.

The background is garnered solely from attachments to the Motion In Limine filed on April 1, 1999 in CC-22-99 and on April 8, 1999 in CC-515-98.¹ Those documents were prepared as part of a State Police investigation into an incident occurring in April, 1996. Those documents reveal, in pertinent part, the following history.

Trooper Kern was investigating an incident which occurred on April 6, 1996, when four inmates escaped from the Adams County Prison. On April 8, 1996, Trooper Scott delivered four criminal complaints related to the escape to District Justice Thomas R. Carr for filing. Those complaints were purportedly signed by Trooper Kern. However, on April 9, 1996, Trooper Kern appeared at D.J. Carr's

¹ It has been represented that the document attachments were supplied by Trooper Graham in response to discovery in a pending civil action filed by the trooper against defense counsel in each of these cases, Anthony Miley.

office with four new complaints to replace those filed the day before because he claimed that the affiant's signatures on the four original documents were not his. It was alleged that Trooper Graham signed Trooper Kern's signature to the Complaints without authority to do so. Within days of the incident, Captain Charles J. Skurkis of the Internal Affairs Division of the Pennsylvania State Police assumed the investigation of the matter. On April 10, 1996, Trooper Graham was placed on restricted duty and directed not to investigate any new incidents or file any new complaints without knowledge of his supervisor and subsequently on April 18, 1996, he was "counseled" by Captain Miller and Lt. Weir.

On May 14, 1996, D.J. Carr made a formal complaint to the Adams County District Attorney of a possible forgery involving the incident. The District Attorney, in turn, referred the matter to the Attorney General's office.

On September 3, 1996, Trooper Graham was scheduled to meet with Caption Skurkis for an interview but declined, on the advice of counsel, because the interview was to be prefaced by Miranda warnings.

On October 17, 1996, Captain Skurkis met with Deputy Attorney General E. Christopher Abruzzo and tendered a copy of his report which included interviews with and/or documents prepared by D.J. Carr, District Attorney Michael A. George, Trooper Kern, Sgt. Helwig, Cpl. Swatworth, Trooper Scott, and Lt. Weir. By February 10, 1997, Mr. Abruzzo recommended that "Trooper Graham's actions warrant the filing of the criminal charge of Tampering with Public Records or Information" but before charges could be filed, Mr. Abruzzo directed Captain Skurkis "to withhold any arrest action pending further discussion with his superiors". In correspondence received by Captain Skurkis on September 17, 1997, he was advised by Mr. Abruzzo that his office did not believe that the filing of criminal charges against Trooper Graham was warranted and that the matter should be referred back to the State Police for action which that department deemed appropriate.

On September 24, 1997, Trooper Graham was interviewed by Captain Skurkis during which he acknowledged signing Trooper Kern's name to the four complaints but stated that he did so on the mistaken belief that he was authorized by Trooper Kern to do so.

By General Investigation Report dated December 1, 1997, Captain Miller, Commanding Officer of Troop H, concluded that the alleged criminal conduct of Trooper Graham in signing the four criminal complaints was “unfounded” but that the complaint of improper conduct on duty regarding the same conduct was “sustained”. Other than the personal counseling of Trooper Graham by Captain Miller on April 18, 1996, no further administrative action was proposed or taken.

The general rule in Pennsylvania has long been that “a witness may not be impeached by evidence of criminal activity for which the witness has not been convicted.” *Commonwealth v. Cragle*, 281 Pa. Super. 434, 436, 422 A.2d 547, 548 (1980). Even the fact of arrest, without a conviction, cannot be used to impeach because there is a vast difference between conviction and mere allegation. *Commonwealth v. Johnson*, 301 Pa. Super. 13, 17, 446 A.2d 1311, 1313 (1982). In the matter sub judice, allegations of misconduct or criminal activity by Trooper Graham reached neither the arrest nor conviction stage.

Defendants, however, rely upon the holding in *Commonwealth v. Peetros*, 517 Pa. 260, 535 A.2d 1026 (1987) in support of their contention that inquiry into Trooper Graham’s actions is permissible for the purpose of impeaching his credibility. In *Peetros*, Officer Mitsos was involved in a homicide investigation wherein a brown book was recovered by police in which the victim kept records of persons to whom he loaned money. Defendant, the victim’s brother, expressed interest in obtaining the book and offered Mitsos \$10,000 in exchange for the book. At trial, Peetros wanted to impeach Mitsos’ credibility through use of a prior disciplinary action against him by the Philadelphia Police Department which resulted in Mitsos’ demotion from detective to patrolman for having accepted bribes.

Our Supreme Court concluded, in a case of first impression in Pennsylvania, that allowing the inquiry under the circumstances in *Peetros* was appropriate. The Court noted that “To decide this issue, we must balance the Appellants’ Sixth Amendment right to confront witnesses against the prejudice and detriment of allowing this type of questioning.” 535 A.2d at 1032. The Court’s analysis began with its recognition of the general rule in Pennsylvania that unless a prior bad act results in a conviction it cannot be used to impeach a witness

because the object to be achieved is to discredit, not to smear, the witness. *Peetros*, however, involved “a situation which lies somewhere in the gray area between mere allegation and actual conviction...” *Id.*

The Court further recognized that it had to determine whether, and to what extent, two factors involved in *Peetros* affected the balance that needed to be achieved between the right of confrontation and the prejudice and detriment associated with this line of questioning. Those factors were 1) whether Mitsos’ testimony directly reflected upon the charges against and the defenses asserted by *Peetros* and 2) whether the disciplinary proceeding offered more reliability than a mere allegation or arrest of Mitsos for a crime. The first factor was satisfied because *Peetros* was asserting a defense of duress and/or entrapment and the proffered testimony would have bolstered his contention that it was Mitsos’ idea that *Peetros* pay for the books. The second factor was satisfied because the court determined that,

The administrative proceeding conducted by the Philadelphia Police Department, being an orderly, fact-finding proceeding, has some of the indicia of reliability attributable to an adjudicatory body. While the burden of proof may be lighter, the proceeding is adversarial, and there is a strong interest on the part of the officer to defend himself. We can, therefore, safely assume that its findings of fact and subsequent action with regard to a matter are indeed more credible than the mere allegation or arrest of an individual.

535A.2d at 1033.

In summary, the *Peetros* opinion stated,

Balancing these factors, we must conclude that the defendants’ right under the Sixth Amendment of the United States Constitution to fully cross-examine this prosecution witness, and their need to do so, outweighs the possible diminution of evidentiary value to which a disciplinary proceeding might be subject. This is especially true because the subject matter sought to be explored directly relates to the heart of the allegations being made against the defendant. To allow otherwise

would permit the accuser to be shielded from having the jury hear evidence of his prior willing participation in the very crimes he now attempts to place upon Appellants. Such would place too great a restraint upon the search for truth.

535 A.2d at 1034.

Before proceeding further, the backgrounds of the above-captioned matters, as they appear from the records, will be described.

In CC-515-98, Trooper Graham filed a criminal complaint against Ronald A. Kesselring for conduct allegedly occurring on June 20, 1998, and charged him with violations of 18 Pa. C.S.A. §6105(a)(1) (possessing firearms by a felon), 35 P.S. §780-113(a)(16) (possession of cocaine) and 35 P.S. §780-113(a)(32) (possession of drug paraphernalia). The various items were found during a search of Mr. Kesselring's residence pursuant to a warrant. The record suggests that Trooper Graham and other troopers were present when the items were seized. It has been represented to the court that Mr. Kesselring made incriminatory statements to Troopers Graham and Thomas.

In CC-736-98 on July 4, 1998, Trooper Graham issued a citation against Ronald A. Kesselring, charging him with Driving Under Suspension, 75 Pa. C.S.A. §1543(b), on S.R. 394 in Reading Township at 2:17 p.m. No suggestion has been made that any other officer was present with Trooper Graham when he allegedly observed Mr. Kesselring driving and no traffic stop was effectuated at that time.

In CC-22-99 on November 17, 1998, Trooper Graham filed a criminal complaint charging Dee Jay VanMetre with violations of 18 Pa. C.S.A. §3502(a) (Burglary), §3503(a)(1)(i) (Criminal Trespass), §3921(a) (Theft) and §3925(a) (Theft by Receiving) relating to unlawful entries into Ventura's Pizza Shop on June 29, 1997 and July 18, 1997. Here, the defendant's connection to the crimes is based primarily upon statements he allegedly made to an individual by the name of Phillip Huff. It has been represented that Trooper Graham seized no physical evidence nor took any statements from Mr. VanMetre of an incriminating nature.

During argument on the motion, defense counsel contended that neither defendant made any written inculpatory statements.

Defendants herein contend that 1) numerous aspects of the investigation of Trooper Graham parallels *Peetros*, 2) the proffer is not an attempt merely to smear the witness, but 3) it contains a sufficient indicia of reliability as to be relevant. For example, they argue that the investigation involved an adversarial process, the trooper had a strong interest to defend himself, there was a full investigation by the department's internal affairs division, witnesses gave statements, Trooper Graham admitted writing Trooper Kern's name on the complaints, the investigation failed to exonerate the trooper, and the trooper was punished.

While Defendants' position has some surface appeal, in the opinion of the undersigned, the background of the investigation into Trooper Graham's conduct falls short of the balance required by *Peetros*. This opinion is based upon several crucial factors. First, although the "investigation" into Trooper Graham's conduct was done in an orderly and comprehensive manner, the court hesitates to refer to it as an "administrative proceeding" as was the situation in *Peetros*. The latter term suggests a hearing process where evidence is presented to an adjudicatory officer or body. In fact, the outcome of Mitsos' proceeding resulted from "the testimony of the subpoenaed witness." 535 A.2d at 1032. There was a burden of proof and a fact-finding proceeding. 535 A.2d at 1033. Here, persons were interviewed but evidence was not presented at an administrative hearing. Although Trooper Graham was permitted to make statements during the investigation, he had no opportunity to cross-examine witnesses. The ability to cross-examination is critical to any examination of reliability where, as here, the accused denies any wrongdoing. No actual factual findings were made.

Second, there was no finding of wrongdoing that would constitute a "bad act". Both the Attorney General's office and the Commanding Officer of Troop H found no evidence of criminal intent or wrongdoing. Although Captain Miller concluded that Trooper Graham engaged in improper conduct on duty, without actual factual findings, one would have to speculate as to the basis for that conclusion. It may well be, as suggested in Captain Miller's report, that simply signing another officer's name to an official document was considered improper conduct regardless of whether Trooper Graham's act resulted from an innocent misunderstanding of his authorization.

Trooper Graham, unlike Mitsos, gained nothing by his conduct and could have intended his conduct to be solely as assistance to a busy fellow officer. While not condoning the officer's conduct, this Court is simply unable to draw a definitive conclusion from the investigatory report that the trooper committed a "bad act" which is relevant for impeachment purposes.

Third, it is not clear that Trooper Graham was punished. Mitsos was demoted after the conclusion of the administrative proceeding. Here, when the incident first came to light in April 1996, Trooper Graham was restricted to the barracks to complete his report, and was directed not to make any investigations or arrests without the knowledge of his Sergeant. Approximately 12 days after the incident, and nearly 20 months before the conclusion of the investigation, Trooper Graham was "counseled" as to the inappropriateness of his conduct. No further discipline was imposed.

Fourth, Trooper Graham's conduct does not reflect upon the charges filed against or the known defenses being raised by these defendants. The finding that Mitsos' was involved in a bribery scheme as a police officer had a direct bearing on his credibility in another matter where he has alleged that the defendant attempted to bribe him and the defense is duress or entrapment. Here, a similar connection is not alleged. At most, the defendants are trying to argue that Trooper Graham's conduct was deceitful and therefore the jury could conclude that he is being deceitful when he testifies in these cases. However, with the possible exception of CC-736-98 Trooper Graham is not the only police officer who will testify against the defendants. In that case, the Court has been advised that Mr. Kesselring has subpoenaed a witness who will offer exculpatory testimony. In CC-22-99 the District Attorney advises that Trooper Graham will not offer incriminating testimony against Mr. VanMetre. Because there was no factual finding or conclusion that Trooper Graham was being deceitful in April 1996, allowing the inquiry requested would open the door to a complete re-examination of a collateral event. Instead of promoting the truth seeking process in the trials in the matters sub judice, the likelihood exists that the trooper would be put on trial and need to personally, or through others, rebut the accusations. The trial process would deteriorate into a trial within a trial.

We find the instant case more closely aligned with *Commonwealth v. Johnson*, 419 Pa. Super. 625, 615 A.2d 1322 (1992), Alloc den. 625 A.2d 1191 (1993), where the trial court properly rejected the defendant's request to use for purposes of cross-examination a police department's Ethics Accountability Division file of a police officer witness. There the file showed that the officer had been cleared of any wrongdoing.

Accordingly, that attached order is entered.

ORDER OF COURT

AND NOW, this 20th day of May 1999, in consideration of the attached Memorandum Opinion, Defendants' Motions in Limine filed in the above captioned matters are denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1052 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point along the southerly right-of-way line of Squire Circle and Lot No. 26 of the hereinafter referred to Subdivision plan; thence along said Lot No. 26, South fifteen (15) degrees forty-two (42) minutes twenty-one (21) seconds East, ninety and seventy-three hundredths (90.72) feet to a point at Lot No. 24-A; thence along said Lot No. 24-A, South seventy (70) degrees forty (40) minutes thirty-one (31) seconds West, forty-one and twenty-one hundredths (41.21) feet to a point at Lot No. 25; thence along said Lot No. 25, North thirty (30) degrees thirty-five (35) minutes ten (10) seconds West, eighty-one and fifty-four hundredths (81.54) feet to a point along the southerly right-of-way line of Squire Circle; thence along the southerly right-of-way line of Squire Circle, North fifty-nine (59) degrees twenty-four (24) minutes fifty (50) seconds East, forty-two and zero hundredths (42.00) feet to a point; thence continuing along same by a curve to the right which has a radius of one hundred twenty-five and zero hundredths (125.00) feet, an arc distance of twenty-one and eighty-three hundredths (21.83) feet, the long chord of which is North sixty-four (64) degrees twenty-four (24) minutes fifty-eight (58) seconds East, twenty-one and eighty hundredths (21.80) square feet to a point, the place of BEGINNING. CONTAINING 4,510.3874 square feet and being identified as Lot No. 25-A on the final Subdivision Plan of McSherrystown West, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 64, page 20.

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

IT BEING Tract No. 2 of those two tracts of land which John J. Grim, et al, by his deed dated April 4, 1996, recorded April 10, 1996 in Record Book 1173, page 268, granted and conveyed unto Paul D. Burkentine and Rajean A. Burkentine, husband and wife, Grantors herein.

BEING the same premises which Paul

D. Burkentine and Rajean A. Burkentine, by Paul D. Burkentine, her Attorney-in-fact, by Deed dated August 23, 1996 and recorded in the Recorder of Deeds of Adams County on August 30, 1996, in Deed Book 1251, Page 104, granted and conveyed unto Marjie K. McMaster and Jason K. McMaster, mother and son.

DBV 1251
Page 104
Parcel # 2-231

SEIZED and taken into execution as the property of **Marjie K. McMaster & Jason K. McMaster** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1102 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the centerline of Pennsylvania Route 234 at corner of lands now or formerly of Wilson E. Bixler, Jr. and Jervis L. Smith; thence by lands now or formerly of Wilson E. Bixler, Jr. North 25 degrees 40 minutes 35 seconds East, 359.32 feet and passing through a steel pin set 25 feet from the beginning of this course to a steel pin at corner of lands now or formerly of Wilson E. Bixler, Jr. and Gordon L. Rudacille; thence by lands now or formerly of Gordon L. Rudacille North 56 degrees 30 minutes 25 seconds East, 137.25 feet to an iron pipe at corner of lands now or formerly of Gordon L. Rudacille and Richard D. Eisenhard; thence by lands now or formerly of Richard D. Eisenhard South 14 degrees 01 minute 45 seconds West, 453.03 feet to a point in the cen-

terline of Pennsylvania Route 234 at corner of lands now or formerly of Richard D. Eisenhard and Jervis L. Smith and passing through a steel pin set back 25.01 feet from the end of this course, which point is 3.50 feet East of a railroad spike set in the centerline of Pennsylvania Route 234; thence in and along the centerline of Pennsylvania Route 234 and by lands now or formerly of Jervis L. Smith North 75 degrees 58 minutes 15 seconds West, 161.42 feet and passing through an existing railroad spike in the centerline of Pennsylvania Route 234 set 3.50 feet from the beginning of this course to a point in the centerline of Pennsylvania Route 234 at corner of lands now or formerly of Wilson E. Bixler, Jr. and Jervis L. Smith, the place of BEGINNING. CONTAINING 1.150 acres, more or less.

Being the same premises which Randy A. Kuhn and Phillis A. Kuhn conveyed unto Roger F. Slaybaugh and Kitty D. Slaybaugh by deed dated January 19, 1990 and recorded January 24, 1990 in the Recorder of Deeds Office of Adams County in Deed Book 545, pg. 49.

Tax Parcel No. 17-15D

SEIZED and taken into execution as the property of **Roger F. Slaybaugh & Kitty D. Slaybaugh** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-631 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate in Tyrone Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a R.R. spike in L.R. 01011 at corner of Tract No. 3 referred to on draft of survey hereinafter referred to; thence along Tract No. 3 South 51 degrees 48 minutes 00 seconds East, 479.51 feet to an iron pin; thence South 25 degrees 17 minutes 40 seconds West, 165.62 feet to a post at land of S. Eugene Witter and Earl D. Laughman; thence by land of Earl D. Laughman North 53 degrees 48 minutes 40 seconds West, 516.00 feet to a R.R. spike in the aforementioned L.R. 01011; thence along Tract No. 1 on the draft of survey hereinafter referred to North 47 degrees 15 minutes 15 seconds West, 745.76 feet to an iron pin; thence by land of Eddie E. Diveley North 60 degrees 26 minutes 15 seconds East, 181.38 feet to stones; thence North 56 degrees 09 minutes 30 seconds East, 171.38 feet to an iron pin at land of N. Beatrice Asper; thence by same South 49 degrees 54 minutes 30 seconds East 620.58 feet to a R.R. spike in L.R. 01011 aforesaid; thence in such L.R. 01011 South 37 degrees 56 minutes 20 seconds West, 190.00 feet to a R.R. spike in such L.R. 01011, the place of BEGINNING. CONTAINING 7.461 acres. Designated as Tract No. 2 on the hereinafter referred to draft of survey.

The above description was taken from draft of survey prepared by Boyer Surveys on July 18, 1975 and designated as "Property of Alda M. Sheaffer Harman and Glen F. Sheaffer - Deed Book 276, Page 287."

EXCEPTING THEREOUT AND THEREFROM:

ALL THAT CERTAIN tract of land situate in Tyrone Township, Adams County, Pennsylvania more particularly bounded and described as follows:

BEGINNING at a R.R. Spike in the center of L.R. 01011 at corner of property of Glen F. Sheaffer and Dollie V. Keefer, referred to on Survey prepared by Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979; thence South 51 degrees, 48' 00" West 479.51' along lands of Glen F. Sheaffer and Dollie V. Keefer, to an iron pin at land of S. Eugene and Anna Mae Witter; thence South 25 degrees, 17', 40" West 165.62' along lands of S. Eugene and Anna Mae Witter, to a post; thence North 53 degrees, 48', 40" West 516.00' along lands of Earl D. Laughman to a railroad spike in such L.R. 01011; thence in and

through L.R. 01011 North 37 degrees, 56', 20" East 179.55' to the place of BEGINNING. CONTAINING 1.951 acres, designated as "Lot 2" on the herein referred to survey of Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979.

SEIZED and taken into execution as the property of **Alda M. Harman** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-602 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following piece, parcel or tract of land, situate, lying and being in Berwick Township, Adams County, Pennsylvania, more particularly described as follows:

BEGINNING at a P.K. nail in the center of Maple Grove Road, S.R. 2033 at corner of Lot No. 5-A on the subdivision plan hereinafter referred to; thence along the centerline of Maple Grove Road the following two (2) courses and distances: 1] South forty-seven (47) degrees seventeen (17) minutes fifty-nine (59) seconds West, one hundred forty-four and eighty-eight hundredths (144.88) feet to a P.K. nail; 2] South forty-four (44) degrees fifty-three (53) minutes fifty-nine (59) seconds West, six hundred (600.00) feet to a P.K. nail at corner of Lot No. 4-B on the subdivision plan hereinafter referred to; thence along Lot No. 4-B North forty-one (41) degrees six (06) minutes fifty (50) seconds West, two hundred forty-six and forty-five hundredths (246.45) feet to a point at Lot A on the subdivision plan hereinafter referred to, lands now or formerly of Roy W. Myers; thence along said last mentioned lands, North forty-four (44) degrees thirty-six (36) minutes forty-six (46) seconds East, seven hundred nine and ninety-one (709.91) feet to a

steel pin at Lot No. 5-A on the subdivision plan hereinafter referred to; thence along Lot No. 5-A South forty-nine (49) degrees four (04) minutes thirty-six (36) seconds East, two hundred fifty-five and ninety hundredths (255.90) feet to a P.K. nail in the centerline of Maple Grove Road, the point and place of BEGINNING.

Being known as 310 Maple Grove Road

Property ID No. L11-27D

TITLE to said premises is vested in James D. Bridenbeck and Theresa R. Bridenbeck, husband and wife by deed from Ruth E. Cool N/K/A Ruth E. Roessler and Randy L. Roessler, formerly husband and wife dated 1/22/1999 and recorded 1/28/1999 in Deed Book 1754 Page 112

SEIZED and taken into execution as the property of **James D. Bridenbeck & Theresa R. Bridenbeck** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/15, 22 & 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 HILDA M. SPENCE, DEC'D**

Late of Highland Township, Adams County, Pennsylvania

Executors: Donna L. Straka, 124 Wheatland Drive, Gettysburg, PA 17325; Aurelia S. Luton, 10103 Four Iron Court, Fredericksburg, VA 22408-9571

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF JOHN H. WHITNEY, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Larry E. Whitney, R.D.#2, Box 59, Elliottsburg, PA 17024; Ruth E. Garlach, 2520 Old Route 30, Orrtanna, PA 17353

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

SECOND PUBLICATION**ESTATE OF JOSEPHINE G. MILLER, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Executors: Todd D. Smeach, 30 Shady Lane, Hanover, PA 17331; Gary Miller, 314 Home Road, Abbottstown, PA 17301

Attorney: Daniel M. Frey, Attorney, Daniel M. Frey & Associates, a division of Barley, Snyder, Senft & Cohen, LLC., 14 Center Square, Hanover, PA 17331

ESTATE OF RICHARD P. MILLER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Patricia A. Braucher, Stephen R. Miller, c/o Robert M. Strickler, Esq., 110 South Northern Way, York, PA 17402

Attorney: Robert M. Strickler, Esq., 110 South Northern Way, York, PA 17402

ESTATE OF JASON SCOTT REEVES, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Belinda Reeves, 220 Water Street, Boyertown, PA 19512; Gary Reeves, 1229 Old Waynesboro Road, Fairfield, PA 17820

Attorney: Eric Weisbrod, Esq., D.L. Reichard, II & Associates, 134 W. Main Street, Waynesboro, PA 17268

ESTATE OF MYRIAM M. SANDERS, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Bonita L. McDannell, 10 Carr Hill Road, Gettysburg, PA 17325

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

THIRD PUBLICATION**ESTATE OF JOHN P. BRAUNING, DEC'D**

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Karen E. Brauning, 1259 Harney Road, Littlestown, PA 17340

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

ESTATE OF GARY L. LOSS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Mary Lee Loss, 623 Third Street, Hanover, PA 17331

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

ESTATE OF HELEN G. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Howard B. Saylor, Patricia B. Saylor, 21 Walnut Lane, Doylestown, PA 18901

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF LEWIS U. MOTTER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Kenneth C. Motter, 27 Belair Drive, Dillsburg, PA 17019

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

ESTATE OF BETTY L. PINKERTON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Christopher N. Pinkerton, 1580 Old Route 30, Orrtanna, PA 17353

ESTATE OF BERTHA S. WALTER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Patricia A. Kinneman, 331 Buford Avenue, Gettysburg, PA 17325

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ESTELLA M. WINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Donald E. Wine, 536 Witmer Avenue, Hanover, PA 17331; Darlene A. Schultz, 57 Ocelot Drive, Hanover, PA 17331

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-562 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, Et Seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA 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 hereof) being all designated in such plan as Unit No. 22 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.

Being known as 66 Fiddler Drive
Property ID No. 1-52

TITLE to said premises is vested in Timothy M. Gover and Christine A. Gover, husband and wife by deed from Philip R. Garland T/D/B/A Garland Construction dated 1/29/1999 and recorded 2/10/1999 in Deed Book 1762 Page 40

SEIZED and taken into execution as the property of **Timothy M. Gover & Christine A. Gover** and to be sold by me
Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/15, 22 & 29

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 00-S-841
Action to Quiet Title

JOHN J. HESS and BONNIE L. HESS,
Husband and wife, and JOHN R. HESS
and JAYLENE L. HESS, husband and
wife, Plaintiffs,

vs.

THE HEIRS, ASSIGNS AND
DEWISEES OF HENRY DEARDORFF;
THE HEIRS, ASSIGNS AND
DEWISEES OF CATHARINE KLUNK;
MICHAEL J. CLABAUGH AND BETTY
J. CLABAUGH; MILDRED M. GEISLER
AND A. RICHARD GEISLER; WILLIAM
J. WEAVER; GUY B. WEAVER and
MARY A. WEAVER, AND MARTIN M.
CHRONISTER AND GENEVIEVE
CHRONISTER, Defendants.

TO: THE HEIRS, ASSIGNS AND
DEWISEES OF HENRY DEARDORFF
AND THE HEIRS, ASSIGNS AND
DEWISEES OF CATHARINE KLUNK

A Complaint has been filed by Plaintiffs claiming title by adverse possession to a 29.997 acres unimproved tract of land situate and lying in Mt. Pleasant Township, Adams County, Pennsylvania, bounded and described as follows:

ALL THAT CERTAIN lot or piece of ground, situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, with the messuage or tenement thereon erected, bounded and described as follows:

BEGINNING at an existing steel rod on line of land now or formerly of Guy B. Weaver, 35.3 feet southwest of a P.K. nail in the center line of Tall Oaks Road (T-487); thence continuing along line of land now or formerly of Guy B. Weaver, South 16 degrees 53 minutes 50 seconds West, through an existing steel rod on the north side of a ditch at corner of land now or formerly of Martin Chronister, 1,659.10 feet to a steel rod; thence South 35 degrees 42 minutes 10 seconds West, 497.85 feet to a point at corner of land now or formerly of Michael Claybaugh and on line of land now or formerly of Robert Claybaugh; thence continuing along line of land now or formerly of Robert Claybaugh, North 62 degrees 44 minutes 50 seconds West, 175.06 feet to an existing steel rod at corner of land now or formerly of Michael Claybaugh; thence continuing along line of land now or formerly of Michael Claybaugh, North 62 degrees 25 minutes 35 seconds West, 46.13 feet to a point at corner of land now or formerly of Jacob Kayser; thence continuing along line of land now or formerly of Jacob Kayser, and through a steel rod in existing stones at corner of land now or formerly of Michael Claybaugh, North 12

degrees 50 minutes 00 seconds East, 308.71 feet to a steel rod in existing stones at corner of land now or formerly of Mildred and Richard Geisler; thence continuing along line of land now or formerly of Mildred and Richard Geisler, North 15 degrees 37 minutes 00 seconds East, 1,235.85 feet to a steel rod; thence North 28 degrees 46 minutes 25 seconds West, 349.80 feet to a steel rod; thence North 14 degrees 40 minutes 55 seconds East, 420.75 feet to a steel rod; thence North 04 degrees 22 minutes 30 seconds West, through a railroad spike in the center line of Tall Oaks Road (T-487), 259.05 feet to a steel rod at corner of land now or formerly of John Hess; thence continuing along line of land now or formerly of John Hess, North 75 degrees 37 minutes 30 seconds East, 747.45 feet to a steel rod in corner post hole at corner of land now or formerly of Guy B. Weaver; thence continuing along line of land now or formerly of Guy B. Weaver, South 10 degrees 45 minutes 45 seconds West, 749.15 feet, through a pole, to a P.K. nail in the center line of Tall Oaks Road (T-487); thence continuing in said road, South 71 degrees 00 minutes 00 seconds East, 69.14 feet to a P.K. Nail in the center line of Tall Oaks Road (T-487); the place of BEGINNING. CONTAINING 29.997 ACRES.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator
Adams County Court House
Gettysburg, PA 17325
Phone (717) 337-9846 or
1-888-337-9856

Robert L. McQuaide
Attorney for Plaintiffs
Suite 204
18 Carlisle Street
Gettysburg, PA 17325
(717) 337-1360

9/15

Adams County Legal Journal

Vol. 42

September 22, 2000

No. 17, pp. 94-100

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, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land 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

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 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/22, 29 & 10/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-N-262 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a stone for a corner on line of land now or formerly of Susan Crum; thence by said line, North 30 1/2 degrees West, 8 perches to a stone at a 20 foot alley; thence along said alley, North 40 3/4 degrees East, 5 perches to a stone at corner of a 10 foot alley; thence along said alley, South 30 1/2 degrees East, 8 perches to a stone; thence by the Whitestown Road, South 40 3/4 degrees West, 5 perches to the place of BEGINNING. CONTAINING 40 perches, neat measure.

BEING the same which Nancy L. Southerly and Frances L. Orner, Administratrices d.b.n.c.t.a. of the Estate of Arnold A. Southerly, deceased, by their deed dated September 8, 1988, which said deed is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 500 at page 487, sold and conveyed unto Steven W. Poland and Debora K. Poland, husband and wife.

SEIZED and taken into execution as the property of **Steven W. Poland & Debora K. Poland** and to be sold by me
Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/22, 29 & 10/6

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-562 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, Et Seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA 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 hereof) being all designated in such plan as Unit No. 22 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.

Being known as 66 Fiddler Drive
Property ID No. 1-52

TITLE to said premises is vested in Timothy M. Gover and Christine A. Gover, husband and wife by deed from Philip R. Garland T/D/B/A Garland Construction dated 1/29/1999 and recorded 2/10/1999 in Deed Book 1762 Page 40

SEIZED and taken into execution as the property of **Timothy M. Gover & Christine A. Gover** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-58 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the right, title, interest and claim of Donald S. Archer and Valerie A. Archer of in and to:

ALL THE FOLLOWING described real estate situated in the Township of Reading, County of Adams, Commonwealth of Pennsylvania. Having erected thereon a dwelling known and numbered as 515 Peepytown Road, East Berlin, PA 17316. Deed Book Volume 529, Page 1039, Parcel ID No. K8-120.

CIVIL ACTION NO: 00-S-58

SEIZED and taken into execution as the property of **Donald S. Archer & Valerie A. Archer** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/22, 29 & 10/6

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 00-S-386
Action in Divorce

ANTONIO LUA HERNANDEZ,
Plaintiff,
vs.

ANNA MARIA LIPEZ ILDEFONSO,
Defendant.

NOTICE

If you wish to deny any of the statements set forth in this affidavit, you must file a counter-affidavit within twenty days after this affidavit has been served on you or the statements will be admitted.

AMENDED AFFIDAVIT UNDER
SECTION 3301(d) OF THE
DIVORCE CODE

- 1. The parties to this action separated on or about January 1, 1998 and have continued to live separate and apart for a period of at least two years.
- 2. The marriage is irretrievably broken.
- 3. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

/s/Antonio Lua Hernandez, Plaintiff
September 8, 2000

Sworn to and subscribed before me, the day and year aforesaid.

/s/Sharon L. Gossman
Notary Public

My Commission Expires:

Notarial Seal
Sharon L. Gossman, Notary Public
Penn Twp., York County
My Commission Expires Nov. 3, 2003

9/22

CANESTRO VS. PINEY MOUNTAIN

1. Summary judgment is properly entered where the pleadings, depositions, answers to interrogatories, and admissions, together with affidavits demonstrate that no genuine, triable issue of fact exists and that the moving party is entitled to judgment as a matter of law.

2. The court must examine the record in the light most favorable to the non-moving party and resolve all doubts against the moving party. Moreover, the burden is on the moving party to prove that no genuine issue of material fact exists.

3. The mere fact that an accident occurred does not give rise to an inference that the injured person was the victim of negligence ... Pennsylvania law places the burden on the plaintiff to establish the existence of negligence on the part of the defendant.

4. The nature of the duty which is owed in any given situation hinges primarily upon the relationship between the parties at the time of the plaintiff's injury.

5. It is clear that a verdict cannot be based upon guess or speculation. However, it has long been the rule in Pennsylvania that negligence can be established by circumstantial evidence.

6. Cases must be taken as they are, and where logic, reason, fair dealing, inevitable inference and just conclusions, based upon reliable circumstances, establish liability the final decision reached is just as trustworthy as the one founded on the testimony of eyewitnesses of the neglectful act.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 97-S-1147. NOREEN CANESTRO AND CHARLES
CANESTRO, HER HUSBAND, VS. PINEY MOUNTAIN CON-
TINUED CARE COMMUNITY.

W. Scott Sandusky, Esq., for Plaintiffs

Drew P. Gannon, Esq., for Defendant

Kuhn, J., May 25, 1999

OPINION ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

This action was commenced by a Complaint filed December 8, 1997 (subsequently amended on July 14, 1998) wherein it was alleged that on June 7, 1996, Noreen Canestro was at Defendant's residential health care facility visiting her mother when she slipped and fell on the tile floor at the entrance of her mother's room and suffered injury. She claims that water from the recently shampooed hallway carpet traversed to the entryway, making the entryway wet, thereby creating a slippery and hazardous condition about which she had no notice. On December 22, 1998, Defendant filed a Motion for Summary Judgment to which Plaintiffs responded on February 16,

1999. That motion was set for Argument Court before the undersigned on April 23, 1999.

Our Superior Court has recently set forth the standard for summary judgment as follows:

Initially, we note that our standard for reviewing a grant of summary judgment is well settled.

[S]ummary judgment is properly entered where the pleadings, depositions, answers to interrogatories, and admissions, together with affidavits demonstrate that no genuine, triable issue of fact exists and that the moving party is entitled to judgment as a matter of law. Pa.R.Civ.P. 1035(b); *Cosmas v. Bloomingdales Bros., Inc.*, 442 Pa.Super. 476, 480, 660 A.2d 83, 85 (1995) (citation omitted); *Aetna Casualty and Surety Company v. Roe*, 437 Pa.Super. 414, 419-20, 650 A.2d 94, 97 (1994) (citations omitted); *Accu-Weather, Inc. v. Prospect Communications, Inc.*, 435 Pa.Super. 93, 98-99, 644 A.2d 1251, 1254 (1994) (citation omitted); *Stidham v. Millvale Sportsmen's Club*, 421 Pa.Super. 548, 558, 618 A.2d 945, 950 (1992), *allocatur denied*, 536 Pa. 630, 637 A.2d 290 (1993) (citation omitted). The court must examine the record in the light most favorable to the non-moving party and resolve all doubts against the moving party. *Aetna Casualty and Surety Company v. Roe, supra*; *Accu-Weather v. Prospect Communications, supra*; *Stidham v. Millvale Sportsmen's Club, supra*. Moreover, the burden is on the moving party to prove that no genuine issue of material fact exists. *Accu-Weather v. Prospect Communications, supra* (citing *Overly v. Kass*, 382 Pa.Super. 108, 111, 554 A.2d 970, 972 (1989))... . *Butterfield v. Giuntoli*, 448 Pa.Super. 1, 10, 670 A.2d 646, 650 (1995). *Accord Roselli v. General Electric Co.*, 410 Pa.Super. 223, 226, 599 A.2d 685, 687 (1991), *allocatur granted*, 530 Pa. 645, 607 A.2d 255 (1992), *appeal discontinued* (1993). See also Pa.R.Civ.P. 1035.1-1035.4 (effective July 1, 1996). *Long v. Yingling*, ___ Pa. Super. ___, 700 A.2d 508, 512 (1997), *Alloc. den.* 1998 Pa. LX 695.

The Court has reviewed the pleadings and the depositions of both plaintiffs, Emily Bailey (R.N. Supervisor), Brenda Wright (L.P.N.) and Glenda Stull (executive housekeeper). For purposes of this motion, we view the record in a light most favorable to Plaintiffs.

On June 7, 1996, Glenda Stull assigned herself the duty of shampooing the hallway carpet which runs outside the room (#39) occupied by Noreen Canestro's mother, Nettie Caruso. Mrs. Stull began the carpet project at 6:30 a.m. near Room 39 and first worked the half running the length of the hallway nearest that room. She completed that half at approximately 10:00 a.m. and took a ten-minute break before completing the other half.

At sometime shortly after 2:00 p.m. Mrs. Canestro left Room 39 to get her mother some water. She traveled the length of the hallway (nearly 150 feet) to a dining area, placed water and ice in a small medicine cup and returned to her mother's room. Enroute she noticed that the carpet felt "spongy". As Mrs. Canestro stepped from the hallway carpet on to the linoleum inside Room 39, her feet went out from under her, she fell, and suffered a fractured arm.

At no time prior to her fall did Mrs. Canestro notice any water on the floor inside Room 39, however, after her fall she observed that her pants were wet from her knee to her hip. Likewise, Mr. Canestro noticed no water on the floor until after the fall when he observed a "smooth glaze" where his wife had fallen.

Brenda Wright who was the nurse in charge of that wing of the facility responded to the scene upon being advised of someone having fallen. She noticed that the carpet outside Room 39 was damp and the floor "slippy".

The sole issue before the Court is whether Plaintiffs are precluded from pursuing a claim against Defendant under Section 343 of the Restatement (Second) of Torts. That section reads:

A possessor of land is subject to liability for physical harm caused to his invitees by a condition on the land if, but only if, he

- (a) knows or by the exercise of reasonable care would discover the condition, and should realize that it involves an unreasonable risk of harm to such invitees and

- (b) should expect that they will not discover or realize the danger, or will fail to protect themselves against it, and
- (c) fails to exercise reasonable care to protect them against the danger.

Defendant concedes, for the purpose of this Motion, the presence of water on the floor. Basically, Defendant contends that Plaintiffs have failed to produce any evidence that the water from the shampooed hallway carpet accumulated on the linoleum entryway to Room 39 and does not argue the issue of notice.¹ It is suggested that because water can come from numerous sources that it is incumbent upon Plaintiffs to show that this water traversed from the hallway to the interior of Ms. Caruso's room.

Defendant relies primarily on *Swift v. Northeastern Hospital of Philadelphia*, 456 Pa. Super. 330, 690 A.2d 719 (1997), Alloc. den. 701 A.2d 577 (1997). In that case, Edith Swift was taken to the hospital for a fracture and a muscular disorder. She was discharged the same day but, before leaving the premises, she entered the restroom and, according to her, slipped on water and fell, sustaining another fracture. The hospital moved for summary judgment and Superior Court outlined the relevant law as follows,

The mere fact that an accident occurred does not give rise to an inference that the injured person was the victim of negligence . . . Pennsylvania law places the burden on the plaintiff to establish the existence of negligence on the part of the defendant by proving four elements: (1) a duty or obligation recognized by law; (2) a breach of that duty; (3) a causal connection between the conduct and the resulting injury; and (4) actual damages . . . Thus, establishing a breach of a duty is a condition precedent to a finding of negligence.

¹Perhaps because of language in *Moultrely v. Great A & P Tea Co.*, 281 Pa. Super. 525, 422 A.2d 593 (1980) which states "that if the harmful transitory condition is traceable to the possessor or his agent's acts...then the plaintiff need not prove any notice in order to hold the possessor accountable for the resulting harm." 422 A.2d at 596.

The nature of the duty which is owed in any given situation hinges primarily upon the relationship between the parties at the time of the plaintiff's injury . . . The standard of care that a possessor of land owes to one who enters upon the land depends upon whether the entrant is a trespasser, a licensee or an invitee . . . A business visitor is a person who is invited to enter or remain on land for a purpose directly or indirectly connected with business dealings with the possessor of the land. . .

690 A.2d at 722 (citations omitted).

The Court determined that as a business invitee Mrs. Swift was entitled to the highest duty of care and evaluated the background by applying Section 343 of the Restatement (Second) of Torts. Because the plaintiff presented no evidence how the water arrived on the floor or how long it had been there the Court granted summary judgment in favor of the hospital. The Court reasoned that without such proof the plaintiff could not establish a breach of the legal duty owed to Mrs. Swift.

The case now before the Court can be distinguished from *Swift*. While Plaintiffs cannot establish with certainty where the water on the tile floor came from, they do present sufficient evidence from which a jury could conclude that the water came from the recently shampooed rug. Contrary to *Swift* where no explanation for the presence of the water was offered, here there are several plausible explanations; i.e. the water seeped onto the tile floor from the carpet or, in the alternative, that it was picked up by Mrs. Canestro's shoes when she traversed the hallway.

It is clear that a verdict cannot be based upon guess or speculation. However, it has long been the rule in Pennsylvania that negligence can be established by circumstantial evidence. As noted in *Smith v. Bell Telephone Company of Pennsylvania*, 397 Pa. 134, 153 A.2d 477 (1959),

It is not necessary, under Pennsylvania law, that every fact or circumstance point unerringly to liability; it is enough that there be sufficient facts for the jury to say reasonably that the preponderance favors liability . . . The facts are for the jury in any case whether based upon

direct or circumstantial evidence where a reasonable conclusion can be arrived at which would place liability on the defendant. It is the duty of plaintiff to produce substantial evidence, which, if believed, warrants the verdict he seeks.

Id at 138-9, 153 A.2d at 480.

Smith was cited in two slip and fall cases; *Hyatt v. County of Allegheny*, 120 Pa. Comlth. Ct. 161, 547 A.2d 1304 (1988), Alloc. den. 567 A.2d 654 (1989), and *First v. Zenn Zenn Temple*, 454 Pa. Super. 548, 686 A.2d 18 (1996), Alloc. den. 700 A.2d 441 (1997).

In *Hyatt* the plaintiff was walking through an airport lobby when her toe “caught on something” and she fell. She subsequently noticed the edge of a mat not lying flat on the floor. The trial court directed a verdict in favor of defendant but on appeal, the Superior Court reversed, finding the circumstantial evidence was sufficient to send the case to the jury. The court cited *Finney v. G.C. Murphy Co.*, 406 Pa. 555, 178 A.2d 719 (1962) for the proposition that,

Cases must be taken as they are, and where logic, reason, fair dealing, inevitable inference and just conclusions, based upon reliable circumstances, establish liability the final decision reached is just as trustworthy as the one founded on the testimony of eyewitnesses of the neglectful act. The plaintiff in a trespass action is not required to prove, like flashbacks in a motion picture, the precise manner in which the tortuous condition developed. Nor is he required to prove with mathematical exactness and caliper precision that the accident could only happen in one manner to the exclusion of all other possibilities in the world of chance and unforeseeable concatenation of circumstance.

406 Pa. at 559-60, 178 A.2d at 721.

In *First* the plaintiff fell on a dance floor. In the area of the fall the floor was discolored, raised and slippery. The Superior Court reversed the trial court’s entry of summary judgment in favor of defendant. The appellate court determined that the circumstantial evidence was sufficient to submit the case to the jury.

The record before this court raises a reasonable inference, which, if believed by a jury, would be sufficient to sustain a verdict in plaintiffs' favor. Plaintiffs have offered evidence not just that water was present but that Defendant's agent had applied water to the nearby carpet within several hours of the fall. No other explanation for the presence of the water has been tendered.

Accordingly, Defendant's motion must be denied.

ORDER OF COURT

AND NOW, this 25th day of May 1999, in accordance with the reasoning set forth in the attached Opinion, Defendant's Motion for Summary Judgment filed December 22, 1998, is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1052 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point along the southerly right-of-way line of Squire Circle and Lot No. 26 of the hereinafter referred to Subdivision plan; thence along said Lot No. 26, South fifteen (15) degrees forty-two (42) minutes twenty-one (21) seconds East, ninety and seventy-three hundredths (90.72) feet to a point at Lot No. 24-A; thence along said Lot No. 24-A, South seventy (70) degrees forty (40) minutes thirty-one (31) seconds West, forty-one and twenty-one hundredths (41.21) feet to a point at Lot No. 25; thence along said Lot No. 25, North thirty (30) degrees thirty-five (35) minutes ten (10) seconds West, eighty-one and fifty-four hundredths (81.54) feet to a point along the southerly right-of-way line of Squire Circle; thence along the southerly right-of-way line of Squire Circle, North fifty-nine (59) degrees twenty-four (24) minutes fifty (50) seconds East, forty-two and zero hundredths (42.00) feet to a point; thence continuing along same by a curve to the right which has a radius of one hundred twenty-five and zero hundredths (125.00) feet, an arc distance of twenty-one and eighty-three hundredths (21.83) feet, the long chord of which is North sixty-four (64) degrees twenty-four (24) minutes fifty-eight (58) seconds East, twenty-one and eighty hundredths (21.80) square feet to a point, the place of BEGINNING. CONTAINING 4,510.3874 square feet and being identified as Lot No. 25-A on the final Subdivision Plan of McSherrystown West, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 64, page 20.

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

IT BEING Tract No. 2 of those two tracts of land which John J. Grim, et al, by his deed dated April 4, 1996, recorded April 10, 1996 in Record Book 1173, page 268, granted and conveyed unto Paul D. Burkentine and Rajean A. Burkentine, husband and wife, Grantors herein.

BEING the same premises which Paul

D. Burkentine and Rajean A. Burkentine, by Paul D. Burkentine, her Attorney-in-fact, by Deed dated August 23, 1996 and recorded in the Recorder of Deeds of Adams County on August 30, 1996, in Deed Book 1251, Page 104, granted and conveyed unto Marjie K. McMaster and Jason K. McMaster, mother and son.

DBV 1251
Page 104
Parcel # 2-231

SEIZED and taken into execution as the property of **Marjie K. McMaster & Jason K. McMaster** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1102 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the centerline of Pennsylvania Route 234 at corner of lands now or formerly of Wilson E. Bixler, Jr. and Jervis L. Smith; thence by lands now or formerly of Wilson E. Bixler, Jr. North 25 degrees 40 minutes 35 seconds East, 359.32 feet and passing through a steel pin set 25 feet from the beginning of this course to a steel pin at corner of lands now or formerly of Wilson E. Bixler, Jr. and Gordon L. Rudacille; thence by lands now or formerly of Gordon L. Rudacille North 56 degrees 30 minutes 25 seconds East, 137.25 feet to an iron pipe at corner of lands now or formerly of Gordon L. Rudacille and Richard D. Eisenhard; thence by lands now or formerly of Richard D. Eisenhard South 14 degrees 01 minute 45 seconds West, 453.03 feet to a point in the cen-

terline of Pennsylvania Route 234 at corner of lands now or formerly of Richard D. Eisenhard and Jervis L. Smith and passing through a steel pin set back 25.01 feet from the end of this course, which point is 3.50 feet East of a railroad spike set in the centerline of Pennsylvania Route 234; thence in and along the centerline of Pennsylvania Route 234 and by lands now or formerly of Jervis L. Smith North 75 degrees 58 minutes 15 seconds West, 161.42 feet and passing through an existing railroad spike in the centerline of Pennsylvania Route 234 set 3.50 feet from the beginning of this course to a point in the centerline of Pennsylvania Route 234 at corner of lands now or formerly of Wilson E. Bixler, Jr. and Jervis L. Smith, the place of BEGINNING. CONTAINING 1.150 acres, more or less.

Being the same premises which Randy A. Kuhn and Phillis A. Kuhn conveyed unto Roger F. Slaybaugh and Kitty D. Slaybaugh by deed dated January 19, 1990 and recorded January 24, 1990 in the Recorder of Deeds Office of Adams County in Deed Book 545, pg. 49.

Tax Parcel No. I7-15D

SEIZED and taken into execution as the property of **Roger F. Slaybaugh & Kitty D. Slaybaugh** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 30, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-631 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate in Tyrone Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a R.R. spike in L.R. 01011 at corner of Tract No. 3 referred to on draft of survey hereinafter referred to; thence along Tract No. 3 South 51 degrees 48 minutes 00 seconds East, 479.51 feet to an iron pin; thence South 25 degrees 17 minutes 40 seconds West, 165.62 feet to a post at land of S. Eugene Witter and Earl D. Laughman; thence by land of Earl D. Laughman North 53 degrees 48 minutes 40 seconds West, 516.00 feet to a R.R. spike in the aforementioned L.R. 01011; thence along Tract No. 1 on the draft of survey hereinafter referred to North 47 degrees 15 minutes 15 seconds West, 745.76 feet to an iron pin; thence by land of Eddie E. Diveley North 60 degrees 26 minutes 15 seconds East, 181.38 feet to stones; thence North 56 degrees 09 minutes 30 seconds East, 171.38 feet to an iron pin at land of N. Beatrice Asper; thence by same South 49 degrees 54 minutes 30 seconds East 620.58 feet to a R.R. spike in L.R. 01011 aforesaid; thence in such L.R. 01011 South 37 degrees 56 minutes 20 seconds West, 190.00 feet to a R.R. spike in such L.R. 01011, the place of BEGINNING. CONTAINING 7.461 acres. Designated as Tract No. 2 on the hereinafter referred to draft of survey.

The above description was taken from draft of survey prepared by Boyer Surveys on July 18, 1975 and designated as "Property of Alda M. Sheaffer Harman and Glen F. Sheaffer - Deed Book 276, Page 287."

EXCEPTING THEREOUT AND THEREFROM:

ALL THAT CERTAIN tract of land situate in Tyrone Township, Adams County, Pennsylvania more particularly bounded and described as follows:

BEGINNING at a R.R. Spike in the center of L.R. 01011 at corner of property of Glen F. Sheaffer and Dollie V. Keefer, referred to on Survey prepared by Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979; thence South 51 degrees, 48' 00" West 479.51' along lands of Glen F. Sheaffer and Dollie V. Keefer, to an iron pin at land of S. Eugene and Anna Mae Witter; thence South 25 degrees, 17', 40" West 165.62' along lands of S. Eugene and Anna Mae Witter, to a post; thence North 53 degrees, 48', 40" West 516.00' along

lands of Earl D. Laughman to a railroad spike in such L.R. 01011; thence in and through L.R. 01011 North 37 degrees, 56', 20" East 179.55' to the place of BEGINNING. CONTAINING 1.951 acres, designated as "Lot 2" on the herein referred to survey of Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979.

SEIZED and taken into execution as the property of **Alda M. Harman** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-602 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following piece, parcel or tract of land, situate, lying and being in Berwick Township, Adams County, Pennsylvania, more particularly described as follows:

BEGINNING at a P.K. nail in the center of Maple Grove Road, S.R. 2033 at corner of Lot No. 5-A on the subdivision plan hereinafter referred to; thence along the centerline of Maple Grove Road the following two (2) courses and distances: 1] South forty-seven (47) degrees seventeen (17) minutes fifty-nine (59) seconds West, one hundred forty-four and eighty-eight hundredths (144.88) feet to a P.K. nail; 2] South forty-four (44) degrees fifty-three (53) minutes fifty-nine (59) seconds West, six hundred (600.00) feet to a P.K. nail at corner of Lot No. 4-B on the subdivision plan hereinafter referred to; thence along Lot No. 4-B North forty-one (41) degrees six (06) minutes fifty (50) seconds West, two hundred forty-six and forty-five hundredths (246.45) feet to a point at Lot A on the subdivision plan hereinafter referred to, lands now or formerly of Roy W. Myers; thence along said

last mentioned lands, North forty-four (44) degrees thirty-six (36) minutes forty-six (46) seconds East, seven hundred nine and ninety-one (709.91) feet to a steel pin at Lot No. 5-A on the subdivision plan hereinafter referred to; thence along Lot No. 5-A South forty-nine (49) degrees four (04) minutes thirty-six (36) seconds East, two hundred fifty-five and ninety hundredths (255.90) feet to a P.K. nail in the centerline of Maple Grove Road, the point and place of BEGINNING.

Being known as 310 Maple Grove Road

Property ID No. L11-27D

TITLE to said premises is vested in James D. Bridenbeck and Theresa R. Bridenbeck, husband and wife by deed from Ruth E. Cool N/K/A Ruth E. Roessler and Randy L. Roessler, formerly husband and wife dated 1/22/1999 and recorded 1/28/1999 in Deed Book 1754 Page 112

SEIZED and taken into execution as the property of **James D. Bridenbeck & Theresa R. Bridenbeck** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/15, 22 & 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 EDITH V. BAKER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Larry Weikert, 328 Baltimore Street, Gettysburg, PA 17325

Attorney: Tracy M. Sheffer, Esq., 20 W. Main St., P.O. Box 215, Fairfield, PA 17320

ESTATE OF CLYDE D. BRICKER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Co-Administrators: Donald L. Bricker, 856 Center Mills Road, Aspers, PA 17304

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

ESTATE OF THURSTON W. BUCHER, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Co-Executors: Tom K. Bucher and Ginger L. Bucher, c/o Geoffrey S. Shuff, Esq., Saidis, Shuff, Flower & Lindsay, 2109 Market Street, Camp Hill, PA 17011

Attorney: Geoffrey S. Shuff, Esq., Saidis, Shuff, Flower & Lindsay, 2109 Market Street, Camp Hill, PA 17011

ESTATE OF ALICE K. FOUST, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Darlene G. Graybill, 442 Breneman Road, Willow Street, PA 17584

Attorney: Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EDWARD R. RAF-FENSPERGER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: William P. Graham, III, 309 Al-Pat Drive, Dillsburg, PA 17019

Attorney: William R. Kaufman, Esq., 207 House Avenue, Suite 106, Camp Hill, PA 17011

ESTATE OF DORIS P. REAVER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Bette R. Light, 658 Nighthawk Circle, Winter Springs, FL 32708

Attorney: Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF VINCENT J. SWEENEY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Norman L. Lippy, 125 Yankee Camp Road, Telford, TN 37690

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

ESTATE OF HAZEL V. VALENTINE, DEC'D

Late of Union Township, Adams County, Pennsylvania

Shirley A. Cluck, 460 Hoffacker Road, Littlestown, PA 17340

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

ESTATE OF TERESA R. WYATT a/k/a TERESA CATHERINE WYATT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: David Alvin Wyatt, N34 W23 177 Apt. 101, Pewaukee, WI 53072; Dwight Daniel Wyatt, 939 New Chester Road, New Oxford, PA 17350

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

SECOND PUBLICATION

ESTATE OF HILDA M. SPENCE, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executors: Donna L. Straka, 124 Wheatland Drive, Gettysburg, PA 17325; Aurelia S. Luton, 10103 Four Iron Court, Fredericksburg, VA 22408-9571

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF JOHN H. WHITNEY, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Larry E. Whitney, R.D.#2, Box 59, Elliottsburg, PA 17024; Ruth E. Garlach, 2520 Old Route 30, Orrtanna, PA 17353

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

THIRD PUBLICATION

ESTATE OF JOSEPHINE G. MILLER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executors: Todd D. Smeach, 30 Shady Lane, Hanover, PA 17331; Gary Miller, 314 Home Road, Abbottstown, PA 17301

Attorney: Daniel M. Frey, Attorney, Daniel M. Frey & Associates, a division of Barley, Snyder, Senft & Cohen, LLC., 14 Center Square, Hanover, PA 17331

ESTATE OF RICHARD P. MILLER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Patricia A. Braucher, Stephen R. Miller, c/o Robert M. Strickler, Esq., 110 South Northern Way, York, PA 17402

Attorney: Robert M. Strickler, Esq., 110 South Northern Way, York, PA 17402

ESTATE OF JASON SCOTT REEVES, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Belinda Reeves, 220 Water Street, Boyertown, PA 19512; Gary Reeves, 1229 Old Waynesboro Road, Fairfield, PA 17820

Attorney: Eric Weisbrod, Esq., D.L. Reichard, II & Associates, 134 W. Main Street, Waynesboro, PA 17268

ESTATE OF MYRIAM M. SANDERS, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Bonita L. McDannell, 10 Carr Hill Road, Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1121 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land Situate, lying and being in the Borough of Carroll Valley, formerly Liberty Township, Adams County, Pennsylvania, being known as Lot No. 160 in Section P, bounded and described as follows:

BEGINNING at a point in the center of Ringneck Trail at Lot No. 141; thence by said lot, North 05 degrees 17 minutes 09 seconds West, 222.58 feet to Lot No. 187; thence by said lot, North 19 degrees 04 minutes 40 seconds East, 55 feet to Lot No. 186; thence by said lot, South 70 degrees 55 minutes 20 seconds East, 100 feet to Lot No. 161; thence by said Lot, South 05 degrees 17 minutes 43 seconds East, 240.13 feet to a point in the center of Ringneck Trail; thence in said Ringneck Trail, North 86 degrees 20 minutes West, 80 feet to a point; thence continuing in said Ringneck Trail, South 78 degrees 33 minutes 55 seconds West, 35 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section P. Charnita", dated August 11, 1969, prepared by Evans, Hagan and Holdefer, recorded in Plat Book 1 at page 52.

Tax Parcel # 34-99

SEIZED and taken into execution as the property of Sharon K. Smith and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/8, 15 & 22

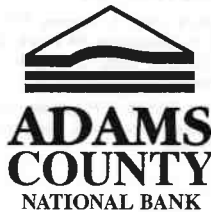
FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on September 5, 2000, a certificate was filed under the Fictitious Name Act approved December 16, 1982, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that John D. Ruhlman, 4293 Beaumont Road, Dover, PA 17315 is the only person owning or interested in a business, the character of which is to operate a full faith Christian church dedicated to outreach to the whole community and that the name, style and designation under which said business is and will be conducted is GETTYSBURG TRUTH CHURCH and the location where said business is and will be located is 425 Barlow Two Taverns Road, Gettysburg, PA 17325.

Alan M. Cashman, Esq.,
Solicitor

9/22

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



Member FDIC

Adams County Legal Journal

Vol. 42

September 29, 2000

No. 18, pp. 101-103

CONTINUING LEGAL EDUCATION PROGRAM

E-Commerce: Legal and Practical Issues

January 17, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 6, Ethics – 0

Representing Residential Landlords and Tenants

January 18, 2001 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Bad Faith Claims in Pennsylvania 2000

January 24, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Tax Consequences in Divorce: Avoiding the Pitfalls!

February 21, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-562 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, Et Seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA 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 hereof) being all designated in such plan as Unit No. 22 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.

Being known as 66 Fiddler Drive
Property ID No. 1-52

TITLE to said premises is vested in Timothy M. Gover and Christine A. Gover, husband and wife by deed from Philip R. Garland T/D/B/A Garland Construction dated 1/29/1999 and recorded 2/10/1999 in Deed Book 1762 Page 40

SEIZED and taken into execution as the property of **Timothy M. Gover &**

Christine A. Gover and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/15, 22 & 29

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IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 00-S-348

ALLFIRST BANK, f/k/a FARMERS BANK
AND TRUST COMPANY OF HANOVER,
Plaintiff,

vs.

LEROY A. BOLTON and ROSE B.
BOLTON, Defendants.

NOTICE PURSUANT TO PA. R.C.P.
3129.2 - CONTINUED SALE

NOTICE IS HEREBY GIVEN to the fol-
lowing parties who hold one or more mort-
gage, judgment or tax lien against the real
estate of LEROY A. BOLTON and ROSE B.
BOLTON, situate at:

410 Seven Stars Road, Gettysburg,
Franklin and Highland Townships, Adams
County, Pennsylvania 17325

(LIST OF LIEN HOLDERS AND
ADDRESSES):

Mercedes P. Hamilton
3611 East Chelsea Avenue
Tampa, Florida 33505

You are hereby notified that on November
3, 2000, at 10:00 A.M., Prevailing Time, by
virtue of a Writ of Execution issued out of
the Court of Common Pleas of Adams
County, Pennsylvania, on the judgment of
ALLFIRST BANK, f/k/a FARMERS BANK
AND TRUST COMPANY OF HANOVER,
Plaintiff, vs. LEROY A. BOLTON and
ROSE B. BOLTON, Defendants, No. 00-S-
348, the Sheriff of Adams County,
Pennsylvania, will expose at Public Sale in
the Sheriff's Office in the Adams County
Courthouse, 111 Baltimore Street,
Gettysburg, Pennsylvania, real estate of
Defendants, LEROY A. BOLTON and
ROSE B. BOLTON, known and numbered
as 410 Seven Stars Road, Gettysburg,
Franklin and Highland Townships, Adams
County, Pennsylvania 17325. A descrip-
tion of said real estate is hereto attached.

You are further notified that a Schedule
of Proposed Distribution will be filed by the
Sheriff of Adams County on November 27,
2000, and distribution will be made in
accordance with the Schedule unless
exceptions are filed thereto within ten (10)
days thereafter.

You are further notified that the lien you
hold against said real estate will be divest-
ed by the sale and that you have an

opportunity to protect your interest, if any,
by being notified of said Sheriff Sale.

Date: August 7, 2000
KAIN, BROWN & ROBERTS LLP
By: /s/Jack F. Ream, Esquire
119 East Market Street
York, PA 17401
Telephone: 1-717-843-8968
Fax: 1-717-846-6676
Attorney I.D. #10241
Attorney for Plaintiff
Allfirst Bank, f/k/a Farmers Bank and
Trust Company of Hanover

ALL THAT CERTAIN tract of land situ-
ate, lying and being partly in Franklin
Township and partly in Highland Township,
Adams County, Pennsylvania, known and
numbered as 410 Seven Stars Road,
Gettysburg, PA.

BEGINNING at an iron pin at public road
and land now or formerly of Harry E.
Cluck; thence along land now or formerly
of Harry E. Cluck, North 29 3/4 degrees
West, 39 perches to a post at road leading
from McKnightstown Station to Seven
Stars; thence in and along said road,
North 58 1/2 degrees East, 43.2 perches to
a post at public road; thence in and along
said last mentioned public road and land
adjoining lands now or formerly of Pern
Rebert, South 15 1/2 degrees West, 44.62
perches to an iron pin; thence in and along
said last mentioned public road and land
now or formerly of Pern Rebert, South
24 1/2 degrees West, 14.84 perches to an
iron pin at lands now or formerly of Harry
E. Cluck, the place of BEGINNING. CON-
TAINING 5 acres and 75 perches more or
less.

Tax Map D12-19.

9/29, 10/6 & 13

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that
Articles of Incorporation for K & M CON-
STRUCTION, INC. were filed with the
Department of State, Commonwealth of
Pennsylvania, on July 3, 2000, for the pur-
pose of obtaining a Certificate of
Incorporation for a proposed business cor-
poration pursuant to the provisions of the
Business Corporation Law of the
Commonwealth of Pennsylvania, Act of
December 21, 1988, P.L. 1444.

Elinor Albright Rebert, Esq.
Solicitor

9/29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution,
Judgment No. 00-S-58 issuing out of the
Court of Common Pleas of Adams County,
and to me directed, will be exposed to
Public Sale on Friday, the 27th day of
October, 2000, at 10:00 o'clock in the
forenoon at the Courthouse in the Borough
of Gettysburg, Adams County, PA, the fol-
lowing Real Estate, viz.:

ALL the right, title, interest and claim of
Donald S. Archer and Valerie A. Archer of
in and to:

ALL THE FOLLOWING described real
estate situated in the Township of
Reading, County of Adams,
Commonwealth of Pennsylvania. Having
erected thereon a dwelling known and
numbered as 515 Peepytown Road, East
Berlin, PA 17316. Deed Book Volume 529,
Page 1039, Parcel ID No. K8-120.

CIVIL ACTION NO: 00-S-58

SEIZED and taken into execution as the
property of Donald S. Archer & Valerie A.
Archer and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND
CLAIMANTS: You are notified that a
schedule of distribution will be filed by the
Sheriff in his office on November 20, 2000,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions are filed thereto within 10 days after
the filing thereof. Purchaser must settle for
property on or before filing date.

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

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

9/22, 29 & 10/6

LAKE MEADE PROPERTY OWNERS ASSN. ET AL VS.
ADAMS COUNTY BOARD OF ASSESSMENT APPEALS

1. Subject to constitutional limitations, legislature has broad discretion as to what to and what not to tax.
2. Legislation is presumed to be constitutional, and any party contending otherwise has a heavy burden of showing that the statute clearly, plainly and palpably violates the constitution.
3. The legislation (The Uniform Planned Community Act) does not free the real estate from a tax obligation, it merely shifts the obligation to pay taxes from the titleholder to those who are really benefited by the property.
4. Constitutional provisions clearly indicate that limitations pertain to subjects of taxation, not the person or entity responsible for payment. Obviously, by decreeing that assessments and taxes must be reflected in unit/lot assessments, the legislature has exempted a property owners association from the obligation to pay. The legislature has not, however, exempted as a subject of taxation common facilities in a planned development.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, Nos. 98-S-1126 and 98-S-1127. LAKE MEADE PROPERTY OWNERS ASSOCIATION, INC. VS. ADAMS COUNTY BOARD OF ASSESSMENT APPEALS, and LAKE HERITAGE PROPERTY OWNERS ASSOCIATION, INC. VS. ADAMS COUNTY BOARD OF ASSESSMENT APPEALS.

John W. Phillips, Esq., for Petitioners
Thomas R. Campbell, Esq., for Respondent
Spicer, P.J., June 2, 1999

OPINION ON MOTION FOR JUDGMENT ON
THE PLEADINGS

Petitioners, each of which holds title to real estate qualifying as common facilities within a planned community under 68 Pa.C.S.A. §5103¹, seeks removal of the property from the county's assessment list. While conceding that legislation mandates the relief sought, id §5102(b), 5105 (b), Adams County Board of Assessment Appeals (Board) contends that the statute violates the Constitution of this Commonwealth, and is, therefore void. Since the issue presented involves solely a matter of law, Board moves for judgment on the

¹ Each petitioner is a property owners association in a sizeable residential development built around a lake. Each petitioner holds title to the lakebed, roads and recreational areas within its development. All lot owners who have paid association dues and assessments have rights in common with other lot owners to use those areas.

pleadings. Pa. R.C.P. 1034; *Wareham by Trout v. Wareham*, Pa. Super., 716 A.2d 674 (1998).

Article 8 section 2 of our Constitution provides:

- (a) The General Assembly may by law exempt from taxation:
 - (i) Actual places of regularly stated religious worship;
 - (ii) Actual places of burial, when used by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith;
 - (iii) That portion of public property which is actually and regularly used for public purposes;
 - (iv) That portion of the property owned and occupied by any branch, post or camp of honorably discharged servicemen or servicewomen which is actually and regularly used for benevolent, charitable or patriotic purposes; and
 - (v) Institutions of purely public charity, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution.

Petitioners concede that their real estate does not qualify for exemption, nor do they contend that the legislature is empowered to grant an exemption beyond its constitutional power to do so. Petitioners do, however, argue that the Uniform Planned Community Act, *supra*, creates a tax shifting mechanism, not a tax exemption.

In pertinent part, the legislature has provided that units (lots) in the Lake Heritage and Lake Meade developments must be separately taxed and assessed, and that an assessment “shall include the value of that unit’s appurtenant interest in the common facilities,” and that “no separate assessed value shall be attributed to and no separate tax shall be imposed against common facilities or controlled facilities.” *id* §5105 (b) and (b) (1).

Subject to constitutional limitations, the legislature has broad discretion as to what to and what not to tax. *Commonwealth v. Dauphin County*, 335 Pa. 177, 6 A.2d 870 (1939). Legislation is presumed to be constitutional, and any party contending otherwise has a heavy

burden of showing that the statute clearly, plainly and palpably violates the constitution. *Appeal of Torbik*, 548 Pa. 230, 696 A.2d 1141 (1997).

The word *exempt* is defined as “(t)o free from an obligation or duty required of others; to excuse; release.” The American Heritage Dictionary of the English Language, (Houghton Mifflin Company 1981). The legislation does not free the real estate from a tax obligation, it merely shifts the obligation to pay taxes from the titleholder to those who are really benefited by the property.²

Board argues that petitioner have acknowledged that they seek an exemption and should be held to this choice of language. The court rejects this purely technical argument. Constitutional provisions recited, *supra*, clearly indicate that limitations pertain to subjects of taxation, not the person or entity responsible for payment. Obviously, by decreeing that assessments and taxes must be reflected in unit/lot assessments, the legislature has exempted a property owners association from the obligation to pay. The legislature has not, however, exempted as a subject of taxation common facilities in a planned development.

Because this court determines that the Act, *supra* is constitutional, it denies the motion for judgment on the pleadings.³

ORDER OF COURT

AND NOW, this 2ND day of June, 1999, the motion for judgment on the pleadings is denied.

² Petitioners argue that the Act, *supra*, is a legislative acknowledgement that the former practice of allowing taxation of common facilities resulted in double taxation. Assessments of individual lots were arguably increased to reflect the benefit and value of common areas, and then common areas were also assessed and taxed. They also point out that no constitutional challenge has been mounted in the 11 states that have adopted variations of the Uniform Planned Community Act, Uniform Laws. Ann. (West 1985 & Supp. 1998), nor to similar provisions in the Uniform Condominium Act, 68 Pa.C.S.A. §3101 et. seq. While these are interesting points, they are unnecessary to this court's present decision.

³ We took some care during oral argument to have counsel precisely define the issue before the court for decision, and that is, whether the Act, *supra*, exempts real estate described in the two petitions from taxation.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-631 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate in Tyrone Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a R.R. spike in L.R. 01011 at corner of Tract No. 3 referred to on draft of survey hereinafter referred to; thence along Tract No. 3 South 51 degrees 48 minutes 00 seconds East, 479.51 feet to an iron pin; thence South 25 degrees 17 minutes 40 seconds West, 165.62 feet to a post at land of S. Eugene Witter and Earl D. Laughman; thence by land of Earl D. Laughman North 53 degrees 48 minutes 40 seconds West, 516.00 feet to a R.R. spike in the aforementioned L.R. 01011; thence along Tract No. 1 on the draft of survey hereinafter referred to North 47 degrees 15 minutes 15 seconds West, 745.76 feet to an iron pin; thence by land of Eddie E. Diveley North 60 degrees 26 minutes 15 seconds East, 181.38 feet to stones; thence North 56 degrees 09 minutes 30 seconds East, 171.38 feet to an iron pin at land of N. Beatrice Asper; thence by same South 49 degrees 54 minutes 30 seconds East 620.58 feet to a R.R. spike in L.R. 01011 aforesaid; thence in such L.R. 01011 South 37 degrees 56 minutes 20 seconds West, 190.00 feet to a R.R. spike in such L.R. 01011, the place of BEGINNING. CONTAINING 7.461 acres. Designated as Tract No. 2 on the hereinafter referred to draft of survey.

The above description was taken from draft of survey prepared by Boyer Surveys on July 18, 1975 and designated as "Property of Alda M. Sheaffer Harman and Glen F. Sheaffer - Deed Book 276, Page 287."

EXCEPTING THEREOUT AND THEREFROM:

ALL THAT CERTAIN tract of land situate in Tyrone Township, Adams County, Pennsylvania more particularly bounded and described as follows:

BEGINNING at a R.R. Spike in the center of L.R. 01011 at corner of property of Glen F. Sheaffer and Dollie V. Keefer, referred to on Survey prepared by Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979; thence South 51 degrees, 48' 00" West 479.51' along lands of Glen F. Sheaffer and Dollie V. Keefer, to an iron pin at land of S. Eugene and Anna Mae Witter; thence South 25 degrees, 17', 40" West 165.62' along lands of S. Eugene and Anna Mae Witter, to a post; thence North 53 degrees, 48', 40" West 516.00' along

lands of Earl D. Laughman to a railroad spike in such L.R. 01011; thence in and through L.R. 01011 North 37 degrees, 56', 20" East 179.55' to the place of BEGINNING. CONTAINING 1.951 acres, designated as "Lot 2" on the herein referred to survey of Boyer Surveys, Biglerville, Pennsylvania dated June 11, 1979.

SEIZED and taken into execution as the property of **Alda M. Harman** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-602 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following piece, parcel or tract of land, situate, lying and being in Berwick Township, Adams County, Pennsylvania, more particularly described as follows:

BEGINNING at a P.K. nail in the center of Maple Grove Road, S.R. 2033 at corner of Lot No. 5-A on the subdivision plan hereinafter referred to; thence along the centerline of Maple Grove Road the following two (2) courses and distances: 1] South forty-seven (47) degrees seventeen (17) minutes fifty-nine (59) seconds West, one hundred forty-four and eighty-eight hundredths (144.88) feet to a P.K. nail; 2] South forty-four (44) degrees fifty-three (53) minutes fifty-nine (59) seconds West, six hundred (600.00) feet to a P.K. nail at corner of Lot No. 4-B on the subdivision plan hereinafter referred to; thence along Lot No. 4-B North forty-one (41) degrees six (06) minutes fifty (50) seconds West, two hundred forty-six and forty-five hundredths (246.45) feet to a point at Lot A on the subdivision plan hereinafter referred to, lands now or formerly of Roy W. Myers; thence along said

last mentioned lands, North forty-four (44) degrees thirty-six (36) minutes forty-six (46) seconds East, seven hundred nine and ninety-one (709.91) feet to a steel pin at Lot No. 5-A on the subdivision plan hereinafter referred to; thence along Lot No. 5-A South forty-nine (49) degrees four (04) minutes thirty-six (36) seconds East, two hundred fifty-five and ninety hundredths (255.90) feet to a P.K. nail in the centerline of Maple Grove Road, the point and place of BEGINNING.

Being known as 310 Maple Grove Road

Property ID No. L11-27D

TITLE to said premises is vested in James D. Bridenbeck and Theresa R. Bridenbeck, husband and wife by deed from Ruth E. Cool N/K/A Ruth E. Roessler and Randy L. Roessler, formerly husband and wife dated 1/22/1999 and recorded 1/28/1999 in Deed Book 1754 Page 112

SEIZED and taken into execution as the property of **James D. Bridenbeck & Theresa R. Bridenbeck** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-378 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying, and being in the Borough of Carroll Valley, Adams County, Pennsylvania, known as LOT NO. 75, in Section RI, more particularly bounded and described as follows:

BEGINNING at a point in the center of Fruitwood Trail at corner land of Alfred E. Coffey; thence land of the said Alfred E. Coffey and running through a pipe located 25 feet from the place of beginning South 2 degrees 37 minutes 20 seconds West 225 feet to a pipe set on an iron pin thence by land of Thomas Goltz and by land now or formerly of Charnita, Inc., North 87 degrees 22 minutes 40 seconds West 184.80 feet to a one inch pipe; thence by land of Barrick and running through a pipe located 27.36 feet from the end of this line North 26 degrees 37 minutes East 246.28 feet to a point in the center of Fruitwood Trail; thence in the center of Fruitwood Trail South 87 degrees 22 minutes 40 seconds East 84.65 feet to a point in the center of Fruitwood Trail to the point and place of BEGINNING. CONTAINING 30,313 square feet or 0.696 acre.

TITLE TO SAID PREMISES IS VESTED IN Michael J. Chesner, Married by Deed from Donald J. Cunningham and Sherilyn Keaton dated 7/8/97 recorded 7/16/97 in Record Book 1407 Page 245.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/29, 10/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-478 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground Situate in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin located 13 feet Southeastwardly from the Southeastern curb line of East King Street at corner of land of Helen L. Hilterbrick; thence by said land of Helen L. Hilterbrick, South 29 degrees 37 minutes East, 166 feet to a post at a proposed 16 foot alley; thence along said proposed foot alley, South 60 degrees West, 50 feet to a post at land now or formerly of William J. Feeser; thence by said land now or formerly of William J. Feeser and by land of Wintrade Buick-Chevrolet-Olds, Inc., North 36 degrees 30 minutes West, 167.1 feet to an iron pin located 13 feet to an iron pin located 13 feet Southeastwardly from the curb line of East King Street; thence along East King Street, North 60 degrees East, 70.07 feet to an iron pin at corner of land of Helen L. Hilterbrick, the place of BEGINNING.

THE foregoing description was obtained from a draft of survey dated September 8, 1944, prepared by LeRoy H. Winebrenner, Registered Surveyor.

Tax Parcel # 9-8

TITLE TO SAID PREMISES IS VESTED IN Mark T. Justice and Melanie M. Justice, his wife by Deed from Jeffery E. Smith and Stephanye D. Smith, his wife dated 2/11/99, recorded 2/12/99 in Record Book 1764 page 29.

SEIZED and taken into execution as the property of **Mark T. Justice & Melanie M. Justice** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/29, 10/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-N-262 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a stone for a corner on line of land now or formerly of Susan Crum; thence by said line, North 30 1/2 degrees West, 8 perches to a stone at a 20 foot alley; thence along said alley, North 40 3/4 degrees East, 5 perches to a stone at corner of a 10 foot alley; thence along said alley, South 30 1/2 degrees East, 8 perches to a stone; thence by the Whitestown Road, South 40 3/4 degrees West, 5 perches to the place of BEGINNING. CONTAINING 40 perches, neat measure.

BEING the same which Nancy L. Southerly and Frances L. Orner, Administratrices d.b.n.c.t.a. of the Estate of Arnold A. Southerly, deceased, by their deed dated September 8, 1988, which said deed is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 500 at page 487, sold and conveyed unto Steven W. Poland and Debora K. Poland, husband and wife.

SEIZED and taken into execution as the property of **Steven W. Poland & Debora K. Poland** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/22, 29 & 10/6

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 MARTHA L. LESSLY, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania

Executor: Roger Lessly, 400 Rim Rock Road, Spearfish, SD 57783

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

ESTATE OF ROGER L. ROHRBAUGH a/k/a ROGER LARRY ROHRBAUGH, SR., DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Audrey A. Geib, 127 North Laurel Street, Manheim, PA 17545

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

ESTATE OF BESSIE C. WENTZ, DEC'D
Late of Oxford Township, Adams County, Pennsylvania

Executrix: Virginia F. Dusman, Rear 1506 Almond Street, Williamsport, PA 17701

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

SECOND PUBLICATION

ESTATE OF EDITH V. BAKER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Larry Weikert, 328 Baltimore Street, Gettysburg, PA 17325

Attorney: Tracy M. Sheffer, Esq., 20 W. Main St., P.O. Box 215, Fairfield, PA 17320

ESTATE OF CLYDE D. BRICKER, DEC'D
Late of Butler Township, Adams County, Pennsylvania

Co-Administrators: Donald L. Bricker, 856 Center Mills Road, Aspers, PA 17304

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

ESTATE OF THURSTON W. BUCHER, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Co-Executors: Tom K. Bucher and Ginger L. Bucher, c/o Geoffrey S. Shuff, Esq., Saidis, Shuff, Flower & Lindsay, 2109 Market Street, Camp Hill, PA 17011

Attorney: Geoffrey S. Shuff, Esq., Saidis, Shuff, Flower & Lindsay, 2109 Market Street, Camp Hill, PA 17011

ESTATE OF ALICE K. FOUST, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Darlene G. Graybill, 442 Breneman Road, Willow Street, PA 17584

Attorney: Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EDWARD R. RAF-FENSPERGER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: William P. Graham, III, 309 Al-Pat Drive, Dillsburg, PA 17019

Attorney: William R. Kaufman, Esq., 207 House Avenue, Suite 106, Camp Hill, PA 17011

ESTATE OF DORIS P. REAVER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Bette R. Light, 658 Nighthawk Circle, Winter Springs, FL 32708

Attorney: Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF VINCENT J. SWEENEY, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Norman L. Lippy, 125 Yankee Camp Road, Telford, TN 37690

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

ESTATE OF HAZEL V. VALENTINE, DEC'D

Late of Union Township, Adams County, Pennsylvania

Shirley A. Cluck, 460 Hoffacker Road, Littlestown, PA 17340

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

ESTATE OF TERESA R. WYATT a/k/a TERESA CATHERINE WYATT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: David Alvin Wyatt, N34 W23 177 Apt. 101, Pewaukee, WI 53072; Dwight Daniel Wyatt, 939 New Chester Road, New Oxford, PA 17350

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

THIRD PUBLICATION

ESTATE OF HILDA M. SPENCE, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executors: Donna L. Straka, 124 Wheatland Drive, Gettysburg, PA 17325; Aurelia S. Luton, 10103 Four Iron Court, Fredericksburg, VA 22408-9571

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF JOHN H. WHITNEY, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Larry E. Whitney, R.D.#2, Box 59, Elliottsburg, PA 17024; Ruth E. Garlach, 2520 Old Route 30, Orttanna, PA 17353

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

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, the 20th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land 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

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 14, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/22, 29 & 10/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1066 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the easterly right of way line of Kenneman Road in the Borough of Abbottstown, Adams County, Pennsylvania known and numbered as Lot NO. 31 on a final plan of Abbots Manor Phase 1 recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the easterly right of way line of Kinneman Rd. at a corner of Lot NO. 32 on said plan; thence extending along the said right to way line North 1 degrees 23 minutes 20 seconds East 150 feet to a point; thence extending along a line curving to the right having a radius of 25 feet with an 46° 23' 20" E 35.36' arc distance of 39.27 feet as shown on said plan; thence continuing along a line curving to the left having a radius of 25 feet with an arc distance of 6 feet as shown on said plan; thence continuing along a line curving to the left having a radius of 25 feet with an arc distance of 6 feet as shown on said plan to a corner of Lot No. 54 on said S 37° 25' 50E 5' plan; thence extending along the said Lot No. 54 South 23 degrees 10

minutes 10 seconds East 192.49 feet to a point at a corner of Lot NO. 32 on said plan; thence extending along the said Lot No. 32 North 88 degrees 36 minutes 40 seconds West 110 feet to the point and place of BEGINNING.

CONTAINING 12,119 Sq. Ft.

Tax Parcel #5-35

TITLE TO SAID PREMISES IS VESTED IN Shane L. Reynold and Holly M. Reynold, his wife by Deed from Garland Construction, Inc. dated 12/19/97 recorded 2/6/98 in Deed Book Volume 1517 Page 303.

SEIZED and taken into execution as the property of **Shane L. Reynold & Holly M. Reynold** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/29, 10/6 & 13