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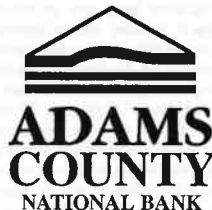
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HOSPITAL ET AL

This opinion continued from last issue (3/29/2002)

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Rooted Upon Traditional Values.
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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1279 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 2002, 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 Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at a 50 foot wide right of way at lands now or formerly of George Bostien; thence by said lands, North 18 degrees 6 minutes 30 seconds West, 685.07 feet to an iron pin in stone wall; thence continuing by said lands, South 87 degrees 58 minutes 30 seconds East, 218.19 feet to an iron pin in stone wall at Lot No. 2; thence by said lot, South 16 degrees 46 minutes 50 seconds East, 484.38 feet to a pipe; thence continuing by Lot No. 2, South 29 degrees 33 minutes 35 seconds West, 188.28 feet to a pipe in said 50 foot wide right of way; South 73 degrees 1 minute 50 seconds West, 54.46 feet to the place of BEGINNING.

CONTAINING 2.752 acres.

The above description was taken from a draft of survey dated January 3, 1978, prepared by Adams County Surveyors.

BEING the same tract of land which Homer C. Spring, Administrator of the Estate of Ronald L. Spring, Deceased, by Deed dated August 22, 1989 and recorded on August 22, 1989 in and for Adams County, in Deed Book Volume 531, Page 791, granted and conveyed unto John L. Haley and Marcia E. Haley, Husband and Wife, Tenants by the Entireties.

Parcel No.: (25)C17-19

SEIZED and taken into execution as the property of **John L. Haley & Marcia E. Haley** 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 May 20, 2002, 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.

3/22, 29 & 4/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-4 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 2002, 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 certain tracts of land situated, lying, and being in Germany Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1

BEGINNING at a point five feet Northeast of the center line of the State Highway from Gettysburg to Littlestown at Southwest corner of lot now or formerly of George M. Scott, said point being South 71.30 degrees East 304 feet from the intersection of the center line of the public road to White Hall; thence along the said highway and parallel to the center line, North 71.30 degrees West 100 feet to a point; thence by other land now or formerly of Hobson D. Crouse North 20.15 degrees East 225 feet; thence by the same South 71.30 degrees East 100 feet to the northwest corner of lot now or formerly of George M. Scott; thence by said lot South 20.15 degrees West 225 feet to the place of BEGINNING.

TRACT NO. 2

BEGINNING at a point in U.S. Route 140 at other land now or formerly of Elmer Shanks and Anna W. Shanks; thence in said U.S. Route 140, North 71 degrees 30 minutes West, 50 feet to a point at other lands now or formerly of Pauline E. Crouse; thence leaving said U.S. Route 140 and by other lands now or formerly of Pauline E. Crouse and passing through a steel pin (said steel pin being North 18 degrees 30 minutes East 18.50 feet from the last mentioned point), North 18 degrees 30 minutes East 225 feet to a steel pin at lands now or formerly of Raymond Reynolds; thence by said lands now or formerly of Raymond Reynolds South 71 degrees 30 minutes

East 50 feet to a steel pin at other lands now or formerly of Elmer Shanks and Anna W. Shanks; thence by said other lands now or formerly of Elmer Shanks and Anna W. Shanks South 18 degrees 30 minutes West 225 feet to a point in U.S. Route 140, the place of BEGINNING.

TRACT NO. 2: THE ABOVE DESCRIPTION was obtained from a draft of survey dated March 31, 1972 and prepared by Donald E. Worley, Registered Surveyor.

Premises being: 4822 Baltimore Pike, Littlestown, PA 17340

Tax Parcel No. 1-16-60

SEIZED and taken into execution as the property of **William D. Lemaster & Robynn M. Fraley** 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 May 20, 2002, 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.

3/22, 29 & 4/5

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about March 8, 2002 for the incorporation of NVS, INC. under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of providing computer and internet assistance to medical service providers, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 1036 Fairfield Road, Gettysburg, Pennsylvania 17325.

Gary E. Hartman, Esq.
Hartman & Yannetti
Solicitors

4/5

COLLINS ESTATE ET AL VS. GETTYSBURG
HOSPITAL ET AL

Continued from last issue (3/29/2002)

A cause of action for corporate liability with respect to hospitals was first adopted in Pennsylvania in *Thompson v. Nason Hospital*, 591 A.2d 703 (Pa. 1991). Therein, the Court stated,

Corporate negligence is a doctrine under which the hospital is liable if it fails to uphold the proper standard of care owed the patient, which is to ensure the patient's safety and well-being while at the hospital. This theory of liability creates a nondelegable duty which the hospital owes directly to a patient. Therefore, an injured party does not have to rely on and establish the negligence of a third party.

The hospital's duties have been classified into four general areas: (1) a duty to use reasonable care in the maintenance of safe and adequate facilities and equipment . . . (2) a duty to select and retain only competent physicians . . . (3) a duty to oversee all persons who practice medicine within its walls as to patient care . . . and (4) a duty to formulate, adopt and enforce adequate rules and policies to ensure quality care for patients . . .

591 A.2d at 707 (citations omitted).

In addition, Supreme Court made it clear that for a hospital to be liable under a theory of corporate negligence it must be shown that "the hospital had actual or constructive knowledge of the defect or procedures which created the harm" and that "the hospital's negligence must have been a substantial factor in bringing about the harm to the injured party." 591 A.2d at 708.

Gettysburg Hospital's motion for summary judgment contends that Plaintiff has failed to establish, through expert evidence, that the hospital violated any of the four nondelegable duties. Based upon the record, we are compelled to agree.

Before discussing the record, we consider it worthwhile to examine several principles which have developed in the caselaw since *Thompson*. In *Edwards v. Brandywine Hospital*, 652 A.2d 1382 (Pa. Super. 1995) the Superior Court noted that hospital corporate liability does not impose strict liability and is not triggered every time some harm comes to a patient in a hospital setting. Also, more must be shown than the negligent act of a person for whom the hospital is responsible. It is the breach of the corporate duty that is at issue and

not whether its agent or employee erred. Instead, the hospital's negligence is "measured against what a reasonable hospital under similar circumstances should have done." 652 A.2d at 1386.

In *Edwards* a heparin lock was installed into the patient's hand as a point to introduce multiple intravenous fluids. The lock remained unchanged for 3-4 days. After being discharged, the patient complained of a red spot where the lock had been inserted. An emergency room doctor took a specimen from the area and reported the lab results of a staph infection in the patient's chart. Later, the patient complained of leg pains. A second test also revealed the staph infection. Treatment continued for over two years. The patient raised numerous claims of corporate negligence. The claims that the ER doctor should have put him on intravenous antibiotics immediately, that a physician failed to notice the results of the lab test in his chart, and that he was discharged prematurely were rejected because, at most, they alleged individual physician negligence, without evidence that the hospital knew of the alleged mistakes or that a reasonable hospital would have intercepted and corrected them. The claim that the hospital's policy requiring catheters to be removed within 72 hours did address an issue of corporate negligence because it focused on the hospital's duty to adopt proper policies. The Superior Court illustrated the difference between individual and corporate negligence by stating,

If Mr. Edwards' nurse should have known to change the heparin lock site after 48 hours but failed to, then Mr. Edwards could sue the hospital for this individual's negligent act under respondeat superior. If the hospital itself (through its official committee on infection control) adopts a standard rule for changing intravenous catheter sites, then it may be liable in its corporate capacity. A nurse following hospital rules cannot be faulted, but the hospital can if it knew or should have known that the catheter rule was inadequate.

652 A.2d at 1387.

Likewise, in *Welsh v. Bulger*, 698 A.2d 581 (Pa. 1997) our Supreme Court wrote that,

Because the duty to uphold the proper standard of care runs directly from the hospital to the patient, an injured

party need not rely on the negligence of a third-party, such as a doctor or nurse, to establish a cause of action in corporate negligence . . . Instead, corporate negligence is based on the negligent acts of the institution . . . A cause of action for corporate negligence arises from the policies, actions or inaction of the institution itself rather than the specific acts of individual hospital employees.

698 A.2d at 584 (citations omitted). Where the hospital's negligence is not obvious the plaintiff must present expert testimony that the hospital's conduct deviated from the accepted standard of care and that the deviation was a substantial factor in causing the harm.

In *Welsh*, Bobbi Jo Welsh was under the prenatal care of Dr. Bulger who had obstetrical, but not surgical, privileges at Nason Hospital. While undergoing premature delivery, complications arose with the child. Dr. Bulger vaginally delivered the child. Expert reports suggested that patterns on the fetal monitoring readout indicated that the umbilical cord had become compressed and the fetus was not receiving sufficient blood flow. Immediate surgical delivery should have been performed. Several claims of corporate negligence were considered viable. First, the expert opinion that the nurses should have known there was a problem with the delivery and notified the hospital of the need for surgery was sufficient to support a prima facie claim of corporate negligence for the hospital's failure to oversee all persons (i.e. Dr. Bulger) who practice medicine within its walls. Second, the expert opinion that the hospital breached the standard of care by not having a qualified surgeon available during Dr. Bulger's deliveries was also sufficient to support a prima facie claim of corporate negligence for breaching its duty to select and retain only competent physicians and its duty to formulate policies to ensure quality care.

A cause of action for hospital corporate negligence must be supported by expert testimony that the hospital deviated from the accepted standard of care and that the deviation was a substantial factor in causing the plaintiff's injuries, unless there is an obvious causal connection between the alleged negligent act and the injury. *Welsh v. Bulger, supra.*, 698 A.2d at 585; *Matthews v. Clarion Hospital*, 742 A.2d 1111, 1112 (Pa. Super. 1999). In the matter sub judice, we believe that expert testimony is required in order to establish a

hospital's duty with regard to protecting patients from contracting hepatitis and with regard to when and under what circumstances a patient should be discharged. The manner in which hepatitis can be contracted, the steps necessary to prevent the infection, and considerations associated with the discharge of a hospital patient are not matters of common knowledge. Whether Plaintiffs' infection and death resulted from a deviation in the standard of care is not obvious. Plaintiff has submitted the reports of three medical experts to support its claim of corporate negligence.

A close reading of Dr. Munoz's report indicates that based upon a three-month incubation period it is "very unlikely" for Decedent to have contracted hepatitis before April, 1993 and that thereafter the "most likely sources" of the contamination included the insertion of the port and the chemotherapy injections. He further opined that the delay in performing "relevant serologic and biochemical investigations" after the June 14 liver profile was so elevated "cannot be considered consistent with standard medical practice." Finally, he criticized Drs. Shah and Bajaj for discharging Decedent on June 28 based upon her condition at that time.

When examining Dr. Munoz' report in light of the *Thompson* criteria, we find that he, in no manner, implicated the hospital in respect to its corporate duties. Specifically, he offers no opinion how the hospital failed to maintain safe facilities, that it selected or retained incompetent physicians, that it failed to oversee persons who practiced within its walls or, that it failed to adopt and enforce proper policies. He failed to opine what a reasonable hospital would have done that Gettysburg Hospital failed to do. The mere assertion that an infection was acquired is not sufficient because there could be numerous sources from which the patient could contract hepatitis in the hospital beyond the scope of the corporate duties to the patient. Errors in diagnosis and post-diagnosis without demonstrating corporate involvement or corporate indifference is likewise insufficient. At most, Dr. Munoz points to the individual negligence of Drs. Maxwell, Shah and Bajaj rather than to a breach of the corporate duties to Decedent. This type of evidence misses the mark for corporate negligence.

The report of Dr. Glover is likewise insufficient to establish a prima facie case for corporate negligence. She opined that there was

a deviation in standard medical practice 1) when Dr. Shah delayed in giving Decedent Neupogen several days prior to her hospital admission; 2) when Dr. Shah gave Decedent Tylenol while she was in the hospital; and 3) when Decedent was discharged from the hospital on June 28 with worsening liver functions. The first and second deviations clearly are addressed to Dr. Shah's individual conduct and Dr. Glover makes no mention that the hospital acted negligently regarding those issues. Regarding the third deviation, although Dr. Glover does not expressly state who was responsible for the discharge, we know from other sources in the record that Drs. Shah and Bajaj were responsible for that decision. Significantly, Dr. Glover does not mention that the hospital failed to properly oversee the discharge, that it had inadequate discharge procedures, or that procedures were not knowingly followed.

Finally, the reports of Dr. Ashby are no more enlightening. The only hints of Gettysburg Hospital in her reports are the following references: 1) Decedent's hepatitis "was acquired through the placement of the mediport catheter or the administration of chemotherapy"; 2) "This type of infection due to medical treatment does not occur in the absence of deviation from the standard of care. It is therefore my opinion, to a reasonable degree of medical certainty, that [Decedent's hepatitis] was the result of deviations in her care and treatment by the medical care she received in and around treatment for her breast cancer, both at Gettysburg Hospital and/or Dr. Shah's office and/or their employees,;" 3) during the hepatitis incubation period "the only thing that occurred which that [sic] could have caused her Hepatitis B infection where [sic] insertion of the Grushong Port at Gettysburg Hospital and chemotherapy treatments with Dr. Shah"; and 4) "It is further my opinion that the hospital personnel and Dr. Shah and his office deviated from accepted standards of medical care in failing to take appropriate steps to prevent this infection." As with the other reports, Dr. Ashby did not indicate what corporate duty the hospital breached nor can we decipher one from her reports. She did not indicate the standard of care applicable to a hospital, that any policies were inappropriate, nor that Gettysburg Hospital had actual or constructive knowledge that any of its policies were being violated.

Before concluding this discussion, we feel compelled to discuss whether the doctrine of *res ipsa loquitur* keeps the door to trial open

for Plaintiffs on Count IV as it relates to whether Gettysburg Hospital is liable to Plaintiffs because its negligence resulted in Decedent contracting the hepatitis infection.

The doctrine of *res ipsa loquitur* was first adopted in Pennsylvania in *Gilbert v. Korvette, Inc.*, 327 A.2d 94 (Pa. 1974) and applied to medical malpractice cases in *Jones v. Harrisburg Polyclinic Hospital*, 437 A.2d 1134 (Pa. 1981). The doctrine is defined in Section 328(D) of the Restatement (Second) of Torts and states that,

- (1) It may be inferred that the harm suffered by the plaintiff is caused by the negligence of the defendant when
 - (a) the event is of a kind which ordinarily does not occur in the absence of negligence;
 - (b) other responsible causes, including the conduct of the plaintiff and third persons, are sufficiently eliminated by the evidence; and
 - (c) the indicated negligence is within the scope of the defendant's duty to the plaintiff.
- (2) It is the function of the court to determine whether the inference may reasonably be drawn by the jury, or whether it must necessarily be drawn.
- (3) It is the function of the jury to determine whether the inference is to be drawn in any case where different conclusions may reasonably be reached.

One must be cautious, however, in applying the doctrine for it "is neither a rule of procedure nor one of substantive tort law . . . it is only a shorthand expression for circumstantial proof of negligence — a rule of evidence." *Jones*, 437 A.2d at 1136. In a medical malpractice case, expert testimony will be required to establish the three criteria set forth in Section 328(D), except in those limited circumstances where the information is obvious even to non-medically trained persons. *Hightower-Warren v. Silk*, 698 A.2d 52 (Pa. 1997), *Brophy v. Brizuela*, 517 A.2d 1293 (Pa. Super. 1986). Again, we refer to the reports of Drs. Munoz, Glover and Ashby. As to the first criteria, only Dr. Ashby (in her April 27, 2000 report) states that "This type of infection due to medical treatment does not occur in the absence of deviation from the standard of care." Thus, if the virus was transmitted in a medical setting, it had to have been as the result of negligence. For the sake of this discussion, we are satisfied from

a careful reading of all of Plaintiffs' expert reports that the second and third elements can be satisfied.

The problem one faces in applying *res ipsa loquitur* in this case is, as noted above, that Dr. Ashby fails to indicate who is negligent in that hospital setting (i.e. agents or employees of the hospital or an independent physician) or whether that negligence implicates any of the non-delegable duties owed by a hospital to its patients. Without that connection it would be improper to allow this case to proceed just because Plaintiffs' expert states one does not contract hepatitis in a hospital setting absent negligence. It is quite possible for hepatitis to be transmitted by persons whose activities do not fall within the reach of corporate liability.

Plaintiff contends he can overcome this problem pursuant to the "alternate liability theory" founded upon Section 433(B)(3) of the Restatement (Second) of Torts and adopted in Pennsylvania by *Snoparsky v. Baer*, 266 A.2d 707 (Pa. 1970) and *Sammers v. Heffler*, 323 A.2d 17 (Pa. Super. 1974). Section 433B provides, in pertinent part,

Burden of Proof

(1) Except as stated in Subsections (2) and (3), the burden of proof that the tortious conduct of the defendant has caused the harm to the plaintiff is upon the plaintiff.

...

(3) Where the conduct of two or more actors is tortious, and it is proved that harm has been caused to the plaintiff by only one of them, but there is uncertainty as to which one has caused it, the burden is upon each actor to prove that he had not caused the harm.

As a matter of law, we do not believe this theory is applicable to the matter sub judice. As observed in *Mellon v. Barre-National Drug Co.*, 636 A.2d 187, 190 (Pa. Super. 1993),

This theory of liability was adopted in Pennsylvania by *Snoparsky v. Baer*, 439 Pa. 140, 266 A.2d 707 (1970), and *Sommers v. Hessler*, 227 Pa. Super. 41, 323 A.2d 17 (1974). Each of these cases and others where this theory has been applied, have determined that it can only be a basis for liability where there is a showing that there was

group negligence on the part of several defendants but where it could not be established which of those defendants was personally responsible for the injuries incurred.

Thus, the key element is group negligence. We refer to Comment g to §433(B) which states that subsection (3)

Has no application to cases of alternative liability, where there is no proof that the conduct of more than one actor has been tortious at all. In such a case, the plaintiff has the burden of proof as to the tortious conduct and as to the causal relationship.

Pennfield Corp. v. Meadow Valley Electric, Inc., 604 A.2d 1082, 1086 (Pa. Super. 1992).

Several cases are illustrative of the threshold that must be established for a case to proceed under the alternate liability theory and for the causation burden to shift to the defendants. In the leading case of *Summers v. Tice*, 33 Cal. 2d 80, 199 P.2d 1 (1948), the theory was applicable where two hunters simultaneously shot at a quail and the plaintiff was struck in the eye by a single pellet from one of the guns. The plaintiff was allowed to amend the complaint to avoid dismissal in *Snoparsky v. Baer, supra.*, where the minor plaintiff was struck in the eye by a stone at a time when 7-8 boys were throwing stones in her direction. In *Sommers v. Hessler, supra.*, plaintiff was injured in the eye by a "spit-ball" thrown by one of several minor passengers on a bus. The court stated,

Furthermore, it is undisputed that the minor plaintiff suffered injury as a result of being struck by one of the 'spit balls'. While the [plaintiff] could not pinpoint which of the boys caused the actual injury, this does not absolve the student additional defendants of liability. It is foreseeable that from their combined acts someone might get injured. The burden of identifying the boy who caused the injury should not be on the bus company but should be 'upon each actor to prove that he has not caused the harm.' . . . If the defendants are unable to identify the one causing the harm, they are all liable as joint tortfeasors. Restatement of Torts (2nd) §433B. 323 A.2d at 19 (citations omitted).

The more recent cases of *Pennfield Corp. v. Meadow Valley Electric, Inc.*, *supra.*, and *Mellon v. Barre-National Drug Co.*, *supra.*, illustrate situations where the threshold for the alternate theory was not satisfied. In *Pennfield* swine owned by Pennfield were suffocated when an electrically operated ventilation system failed. Pennfield sued Meadow Valley, which repaired and maintained the electrical system. Meadow Valley joined Tri-State Electric and YESCO, one of whom supplied defective electrical cable. Tri-State filed preliminary objections in the nature of a demurrer, which were sustained. Superior Court stated,

[Meadow Valley] would have us believe that under subsection (3), because it cannot prove that either YESCO or Tri-State harmed it, the burden is on YESCO or Tri-State to prove that they were not the tortfeasor. This is a mischaracterization of the law. The predicate for applying subsection (3) is that “the conduct of two or more actors is tortious.” Restatement (Second) of Torts, §433(B)(3), *supra.* Subsection (3) is based on the rationale that “injustice [lies in] permitting proved wrongdoers, who among them have inflicted an injury upon the entirely innocent plaintiff, to escape liability merely because the nature of their conduct and the resulting harm has made it difficult or impossible to prove which of them has caused the harm.” Restatement (Second) of Torts, §433B(3), Comment f. Here, [Meadow Valley] has not alleged that the conduct of two or more actions is tortious. Rather [Meadow Valley] asserts one actor may be tortious while admitting the other actor may not be tortious. It is quite obvious from the rule and the rationale that the burden of proof remains on [Meadow Valley], and subsection (3), *supra.*, does not apply.

604 A.2d at 1085.

Finally, in *Mellon*, *supra.*, the plaintiff sued several defendants which the plaintiff claimed included all known manufacturers of syrup of ipecac, which contains emetine, a toxin that allegedly caused the death of the minor-decedent. Plaintiff could not identify which defendant manufactured the ipecac actually digested by the decedent. Superior Court held that a theory of liability based upon §433B(3) does not apply in this situation.

In the matter sub judice we are not faced with group negligence all directed toward Decedent. Plaintiff's expert, Dr. Ashby, opined that the "hepatitis infection was acquired through the placement of the mediport catheter or the administration of the chemotherapy." (emphasis added). The plaintiff must prove that the conduct of each defendant is tortious for the theory to apply. As stated above, Plaintiff has not established a record which supports the corporate negligence of the Gettysburg Hospital independent of 3433(B). Without such a showing the burden cannot be shifted to the hospital to show that it was not the source of the infection.

There is no question that the death of Johanna Collins was tragic and untimely. In granting the hospital's motions, we do so cautiously and with much hesitation. If, indeed, liability exists on the part of the hospital and it is permitted to escape its responsibility to Decedent, the tragedy is compounded. However, it would likewise be tragic to expose the hospital to the expense of trial and potential liability where sufficient proof has not been established. Judges are frequently stressed when attempting to balance justice and law, knowing that the wrong decision could have dire consequences. While it would be easy to deny the hospital's motion on the basis of sympathy, our duty requires otherwise.

Accordingly, we enter the attached Order.

ORDER OF COURT

AND NOW, this 27th day of August, 2001, the Motion for Summary Judgment filed by Gettysburg Hospital is granted and Counts III and IV of the Amended Complaint are dismissed.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-22 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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, bounded and described as follows:

BEGINNING at an iron pin located in Schoolhouse Road (Township Route T-566) at corner of Tract #1 set forth on the subdivision plan referred to below: thence by said Tract #1, and running through a reference iron pin located 94.41 feet from the beginning of this line, North 12 degrees 56 minutes 50 seconds West, 404.26 feet to an iron pin; thence by same, North 83 degrees 12 minutes 10 seconds East, 464.17 feet to a railroad spike located in the aforementioned Schoolhouse Road; thence in said Schoolhouse Road, and by land now or formerly of Philip H. Tarpley, South 09 degrees 37 minutes 20 seconds East, 223.73 feet to an existing post on the East side of the aforementioned road; thence continuing by same, and in the aforementioned Schoolhouse Road, South 60 degrees 45 minutes 00 seconds West 467.31 feet to an iron pin in road, the place of BEGINNING. CONTAINING 3.272 acres, and being designated as Tract No. 3 on the subdivision plan prepared by Marian Anne Jones by Boyer-Price Surveys Inc. dated August 21, 1974, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 7 at Page 22.

Being known as 310 Rock Valley Road, Aspers, PA 17304

Property ID No.: H6-24C

TITLE TO SAID PREMISES IS VESTED IN James Craig Johnson and Sandra Lee Johnson AKA Sandra R. Johnson, husband and wife, as tenants by the entireties by deed from Samuel B. Stoner and Alana M. Stoner, husband and wife, dated 10/31/1997, recorded 11/06/1997, in Deed Book 1470, Page 131.

SEIZED and taken into execution as the property of James Craig Johnson & Sandra Lee Johnson a/k/a Sandra R. Johnson 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 June 3, 2002, 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.

3/29, 4/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1336 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 2002, 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 Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at a 50 foot wide right of way at lands now or formerly of George Bostien; thence by said lands, North 18 degrees 6 minutes 30 seconds West, 685.07 feet to an iron pin in stone wall; thence continuing by said lands, South 87 degrees 58 minutes 30 seconds East, 218.19 feet to an iron pin in stone wall at Lot No. 2; thence by said lot, South 16 degrees 46 minutes 50 seconds East, 484.38 feet to a pipe; thence continuing by Lot No. 2, South 29 degrees 33 minutes 35 seconds West, 188.28 feet to a pipe in said 50 foot wide right of way; thence in said 50 foot wide right of way, South 73 degrees 1 minute 50 seconds West, 54.46 feet to the place of BEGINNING. CONTAINING 2.752 acres.

The above description was taken from a draft of survey dated January 3, 1978, prepared by Adams County Surveyors, recorded in Plat Book 23 at page 11.

Premises being: 18 Skyline Trail, Fairfield, PA 17320

Tax Parcel No. C17-19

SEIZED and taken into execution as the property of John L. Haley & Marcia E. Haley 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 May 20, 2002, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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3/22, 29 & 4/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of April, 2002, 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, situated in Huntingdon Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

BEGINNING at a point where Leg. Route No. 01012 intersects with the Still House Road; thence in the center of the Still House Road South 38 degrees 25 minutes 40 seconds West, 244.0 feet to a point in the center line of such road at other land now or formerly of Frank Hamilton; thence along other land now or formerly of Frank Hamilton North 61 degrees 33 minutes 30 seconds West, 180.18 feet to a point; thence along land of same North 21 degrees 36 minutes 40 seconds East 200.00 feet to a point in the center of Leg. Route No. 01012 aforesaid; thence in said road South 68 degrees 23 minutes 20 seconds East, 105.46 feet to a spike in said road; thence in such road South 73 degrees 12 minutes 20 seconds East 144.54 feet to a point at the intersection of the aforesaid roads, the place of BEGINNING.

Premises being: 210 Goodyear Road, Gardners, PA 17324

Tax Parcel No. #H2-27A

SEIZED and taken into execution as the property of Fred J. Rogers & Melissa A. Rogers 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 May 20, 2002, 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.

3/22, 29 & 4/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1211 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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 limited as follows, to wit:

BEGINNING for a point the Northwesterly right-of-way line of Squire Circle and Lot No. 28 of the hereinafter referred to subdivision plan; thence along said Lot No. 28, North fifty-three (53) degrees forty (40) minutes fifty-nine (59) seconds West, one hundred twenty-four and four hundredths (124.04) feet to a point at Lot No. 24; thence along said Lot No. 24, Lot No. 23A, Lot No. 23, Lot No. 22A and Lot No. 22, South nineteen (19) degrees nineteen (19) minutes twenty-nine (29) seconds East, one hundred fifty and twenty-five hundredths (150.25) feet to a point along the Northerly right-of-way line of Squire Circle; thence along the Northerly right-of-way line of Squire Circle, North thirty-six (36) degrees nineteen (19) minutes one (01) second East, eighty-four and eighty hundredths (84.80) feet to a point, the place of BEGINNING.

CONTAINING 5,259.1868 square feet and being identified as Lot No. 28A on the final subdivision plan of McSherrystown West, which plan is recorded in the Adams County Recorder of Deeds' Office in Plan Book 64, page 20.

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

Parcel ID# (28) 002-0225

Having erected thereon a dwelling known as 9 Squire Circle, McSherrystown, PA 17344

BEING the same premises which Gary K. Armstrong and Wanda Armstrong, by their Deed dated 04/28/1995 and recorded on 05/02/1995 in the Adams County, Pennsylvania, Recorder of Deeds in DBV 1024, page 70, granted and conveyed unto Gary K. Armstrong and Wanda J. Armstrong.

SEIZED and taken into execution as the property of **Gary K. Armstrong, Wanda J. Armstrong n/k/a Wanda L. Loessel & Terry Schill** 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 June 3, 2002, 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.

4/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1223 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, 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 improved lot of ground situate in the Borough of Gettysburg, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING on the North side of York Street in the Borough of Gettysburg; thence along Lot No. 235 now or formerly of Charles Hartzell, North 181 feet 6 inches to a 12 foot alley; thence by said alley West 30 feet to the middle of Lot No. 234, the western half of said lot now or formerly owned by the Estate of William McClean; thence through the middle of Lot No. 234, South 181 feet 6 inches to York Street; thence along said York Street, East 30 feet to the place of BEGINNING.

The above lot is comprised of the Eastern half of Lot No. 234 as designated on the Plan of Gettysburg.

Premises being: 162 York Street, Gettysburg, PA 17325

Tax Parcel No. #7-245

SEIZED and taken into execution as the property of **Thomas E. Gladwell** 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 June 17, 2002, 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.

4/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1355 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situate, lying and being in Latimore Township, Adams County, Pennsylvania, being more particularly bounded and described as follows, to wit:

BEING Lot No. 1173 of the Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book "I" at Page 21, and subject to all legal highways, easements, rights of way and restrictions of record.

BEING the same premises which Paul J. Bart and Billie J. Bart, his wife, by their deed dated May 26, 1999 and recorded in the Adams County Recorder of Deeds Office in Book 1845, Page 0059, granted and conveyed unto Paul J. Bart, Grantor herein.

UNDER AND SUBJECT, NEVERTHELESS, to all restrictions, reservations, conditions, covenants, easements and rights of way of prior record.

And the said grantor hereby covenant and agrees that will warrant specially the property hereby conveyed.

Tax Parcel #(24) 9-63

SEIZED and taken into execution as the property of **Robert D. Hudson** 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 June 3, 2002, 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.

3/29, 4/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-39 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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 Bonneauville Borough, Adams County, Pennsylvania, and more specifically described as follows, to wit:

LOT 34:

BEGINNING at a point at the only common corner of Lots 34, 35 and Southeastern edge of Ash Drive on the Plan described below; thence along Southeastern edge of Ash Drive, the following four courses and distances: (1) North 39 degrees 19 minutes 14 seconds East, 12.76 feet to a pin; (2) by a curve to the right, with a radius of 125.00 feet for an arc distance of 39.65 feet to a pin; (3) by a curve to the left, with a radius of 175.00 feet for an arc distance of 25.35 feet to a pin; (4) South 88 degrees 14 minutes 34 seconds East, 34.77 feet to a pin set on the Southwestern edge of a 30 foot wide right-of-way; thence along the Southwestern edge of said right-of-way, South 50 degrees 43 minutes 52 seconds East, 50.07 feet to a pin set at the corner of lands now or formerly of David Yealy; thence along the Northwestern edge of said lands, South 39 degrees 15 minutes 38 seconds West, 97.57 feet to a point at the corner of Lot 35 of said Plan; thence along the Northeastern edge of Lot 35, North 50 degrees 40 minutes 46 seconds West, 90.11 feet to a point on the Southeastern edge of Ash Drive, the point and place of BEGINNING. CONTAINING 7,913 square feet.

THE above description, being known as Lot 34, was taken from a plan of lots entitled "Final Plan Section Two - History Ridge", prepared by Worley Surveying dated November 11, 1992 and revised August 24, 1993, File No. C-1264, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 64, Page 70, on April 21, 1994.

TITLE TO SAID PREMISES IS VESTED IN Lawrence H. Lawson and Linda Y. Lawson, husband and wife by Deed from James A. Orndorff and Brenda C. Orndorff dated 6/25/96 and recorded 6/28/96 in Record Book 1218, Page 220.

Premises being: 2 Ash Drive, Littlestown, PA 17340

Tax Parcel No. Map 9, Parcel 117

SEIZED and taken into execution as the property of **Lawrence H. & Linda Y. Lawson** 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 June 3, 2002, 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.

3/29, 4/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-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 10th day of May, 2002, 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 the following described tract of land, situate, lying and being in Union Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point in the center line of a public road at lands now or formerly of Fred N. Farnham and Elizabeth M. Farnham, his wife; thence along said last mentioned lands, South sixty-eight (68) degrees, twenty (20) minutes East, three hundred thirty-two and four-tenths (332.4) feet to a stake at other lands now or formerly of Helen R. Raubenstine; thence along said last mentioned lands South twenty-six (26) degrees West, one hundred forty-three and eight-tenths (143.8) feet to a pin at other lands now or formerly of Helen R. Raubenstine; thence along said last mentioned lands South seventy-five (75) degrees West, one hundred seventy-five (175) feet to a point in the center line of the public road first above mentioned; thence along and with the center line of said public road, North fourteen (14) degrees, thirty (30) minutes West, three hundred (300) feet to the point and place of BEGINNING.

SUBJECT to the following covenants and restrictions which will be applicable to the above described tract of land, the above named grantee as well as her predecessors and successors in title:

1. No commercial garage, filling station, service station, parking lot or used car lot shall be established or maintained on the tract of land hereinabove conveyed nor shall any portion of said tract of land be used as a parking space or storage for used or junk motor vehicles, or parts thereof, nor shall said tract of land be used for the storage of salvaged or junked materials or new materials.

2. No mobile home, trailer home or permanent RV home shall be maintained as a residence on the above described tract of land.

Being known as 1282 Pine Grove Street, Hanover, PA 17331

Property ID Parcel-34 Map K 18

TITLE TO SAID PREMISES IS VESTED IN Dale Wolfe and Nancy Wolfe, husband and wife, by deed from Diane M. Frock, single woman, dated 4/26/00, recorded 5/12/00, in Deed Book 2048, Page 158.

SEIZED and taken into execution as the property of **Dale & Sandra Wolfe** 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 June 3, 2002, 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.

3/29, 4/5 & 12

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately 2/27/02, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of **CHIP MY PET**. The names and addresses of the persons owning or interested in said business are Deborah Flake, DVM, residing at Biglerville, PA. The character or nature of the business is veterinary medicine.

4/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-746 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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 Northerly side of Red Hill Road (T-497) in the Township of Oxford, County of Adams and State of Pennsylvania known and numbered as Lot No. 1 on a final plan of lots for Charles Hershey recorded in the Office of the Deeds in and for Adams County, PA in Plat Book 70, page 76; more fully bounded and described as follows, to wit:

BEGINNING at a point on the centerline of Red Hill Road (T-497) at a corner of Lot No. 2 on said plan; thence extending along the said centerline of way South 61 degrees 55 minutes 29 seconds West 71.07 feet to a point; thence continuing along the said centerline South 60 degrees 28 minutes 38 seconds West 109.33 feet to a point, at a corner of land now or late of Trimen Industries, Inc.; thence extending along the said land now or formerly of Trimen Industries, Inc. North 36 degrees 42 minutes 09 seconds West 568.71 feet to a point; thence North 49 degrees 52 minutes 16 seconds East 155 feet to a point, at a corner of Lot No. 2 on said plan; thence extending along the said Lot No. 2 South 38 degrees 59 minutes 09 seconds East 602.78 feet to a point and place of BEGINNING.

CONTAINING 2.2368 Acres

PARCEL NO. (35) K11 103D

BEING A PART OF THE PREMISES WHICH Charles A. Hershey by deed dated April 29, 1998 and recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Record Book 1577, Page 22, granted and conveyed unto Garland Construction, Inc.

HAVING erected thereon a dwelling known as 1290 Red Hill Road, New Oxford, PA 17350

SEIZED and taken into execution as the property of Larry J. Shultz, Sr. & Shirley V. Marsh 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 June 3, 2002, 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.

4/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-13 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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 on the North side of a 50 foot wide street in Butler Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a steel pin on the North side of a 50 foot wide street at lands now or formerly of J. Vincent Hawbecker; thence by said lands North 6 degrees 23 minutes 40 seconds West, 140 feet to a steel pin; thence North 83 degrees 36 minutes 20 seconds East, 80 feet to a steel pin at lands now or formerly of Kenneth W. Miller, Sr.; thence by said lands South 6 degrees 23 minutes 40 seconds East, 140 feet to a steel pin on the North side of the 50 foot wide street aforesaid; thence along the North side of said street South 83 degrees 36 minutes 20 seconds West, 80 feet to a steel pin, the point and place of BEGINNING. CONTAINING 11,200 square feet, more or less.

It being part of the same which was surveyed by J. H. Rife, R. E., on October 26, 1963, as the property of Clair F. Ditzler and wife.

Premises being: 55 Clearview Lane, Biglerville, PA 17307

Tax Parcel No. F8-31

SEIZED and taken into execution as the property of Gail C. Raffensperger 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 June 3, 2002, 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.

4/5, 12 & 19

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW

NO. 02-S-135

Action to Quiet Title

THOMAS HENNINGER, 314 East Railroad Street, Gettysburg, Pennsylvania 17325, Plaintiff

vs.

FRANK LAGEN, CATHERINE LAGEN, DEC'D., JANET S. ROSE, and DOROTHY CHIARELLO, Defendants

ACTION TO QUIET TITLE

NOTICE TO: Janet S. Rose and Dorothy Chiarello, Defendants, their assigns and all persons claiming any right, title, claim or interest to the property located in Menallen Township, identified as Map E6 Parcel 11. TAKE NOTICE THAT Thomas Henninger, Plaintiff has filed an Action to Quiet Title in the aforesaid Court as of the above number, averring that he is the legal and equitable owner of said property. Plaintiff requests an order declaring Plaintiff to be the legal and equitable owner of the property and ordering the Recorder of Deeds to record an Order awarding fee simple title to Plaintiff. You are hereby notified to file an Answer within twenty (20) days following the date of this publication. If you fail to do so final judgment may be entered against you, as prayed for in the Complaint.

If you wish to defend, you must enter a written appearance personally or by an 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 notice to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

COUNTY REFERRAL OFFICE

Adams County Courthouse Gettysburg, Pennsylvania 17325 717-337-9846

/s/Wendy Weikal-Beauchat, Esq. Beauchat & Beauchat 63 West High Street Gettysburg, PA 17325 Attorney for Plaintiff

4/5

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 MARION E. FULLERTON
a/k/a MARION E. THOMPSON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Ruth E. Sorlie, 334 Hoffman Road, Gettysburg, PA 17325

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF REX O. GALUSHA, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: Richard L. Galusha, 39 Conewago Street, P.O. Box 246, Arendtsville, PA 17303

Attorney: Puhl, Eastman & Thrasher, 200 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CRANE W. MANCHEY,
DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: John M. Crabbs, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

Attorney: John M. Crabbs, Esq., Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

ESTATE OF MYRTLE R. MANCHEY,
DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: John M. Crabbs, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

Attorney: John M. Crabbs, Esq., Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

ESTATE OF FRANCES V. ROHRBAUGH,
DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Executors: David M. Rohrbaugh, 215 Shorb Mill Road, Fairfield, PA 17320; Robert L. Rohrbaugh, 298 Middle Creek Road, Fairfield, PA 17320

Attorney: Dale A. Achenbach, Esq.

SECOND PUBLICATION

ESTATE OF MARY D. ARNSBERGER
a/k/a MARY W. ARNSBERGER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Wayne H. Arnsberger, 321 S. Baltimore Street, Mt. Holly Springs, PA 17065

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

ESTATE OF CHARLES E. BAKER,
DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Robert E. Baker, 741 Dogwood Terrace, Boiling Springs, PA 17007; Theodore E. Baker, 1356 Goodyear Rd., Gardners, PA 17324

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

ESTATE OF ELIZABETH BREAM a/k/a
ELIZABETH SANDOE BREAM, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executrices: Connie B. Lowe, 121 Emerson Drive, Carlisle, PA 17013; Kathie B. Heller, 1017 Dry Wells Road, Quarryville, PA 17566

Attorney: Walton V. Davis, Esq., 63 West High St., Gettysburg, PA 17325

ESTATE OF LLOYD BREAM a/k/a
LLOYD PHILIP BREAM a/k/a LLOYD
PHILLIP BREAM, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executrices: Connie B. Lowe, 121 Emerson Drive, Carlisle, PA 17013; Kathie B. Heller, 1017 Dry Wells Road, Quarryville, PA 17566

Attorney: Walton V. Davis, Esq., 63 West High St., Gettysburg, PA 17325

ESTATE OF DEBRA E. FRAZER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: James E. Williams, 36 Lakeview Drive, Gettysburg, PA 17325

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

ESTATE OF GEORGE N. HIPPEL,
DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Ruth Ann Burke, 4040 Farm Drive, York, PA 17402

Attorney: Dale A. Achenbach, Esq.

ESTATE OF ALMENA S. HOKE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Anna R. Moul, 701 Menges Mills Road, Spring Grove, PA 17362

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

ESTATE OF AUDREY KIRBY a/k/a
AUDREY B. KIRBY, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Sandra G. Hager, P.O. Box 275, South Mountain, PA 17261

Attorney: Timothy W. Misner, Esq., 39 South Broad Street, Waynesboro, PA 17268-1610

ESTATE OF BETTY L. LIPPY, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Mr. Michael T. Lippy, 132 East King Street, Littlestown, PA 17340; Ms. Judith Carole Baughman, 326-1 East King Street, Littlestown, PA 17340; Ms. Peggy Annette Senseney, 201 Lumber Street, Littlestown, PA 17340; Ms. Melanie Beth Neiderer, 383 Basehoar School Road, Littlestown, PA 17340

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

ESTATE OF ROBERT K. PETERS,
DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF MARY ELLEN SARGEANT,
DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Adams County National Bank, Lincoln Square, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF WILLIAM H. SHUGARS,
DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Joan Diane Colvin, 80 Lake Meade Drive, East Berlin, PA 17316; Linda J. Hogan, 4905 Sweet Air Road, Baldwin, MD 21013

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

(continued on page 8)

SECOND PUBLICATION (continued)

ESTATE OF KATHLEEN B. SMITH a/k/a KATHLEEN B. HOMBACH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: C. Joyce Greenholt, 2845 Michener Drive, Lancaster, PA 17601; Paul L. Wheeler, Jr., 1338 Broadway, Hanover, PA 17331

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

ESTATE OF JACOB F. STAMBAUGH, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Cheryl L. Kress a/k/a Cheryl L. DeGroft, 198 Green Ridge Road, New Oxford, PA 17350

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

ESTATE OF CURVIN R. STUDY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executrices: Gladys Bechtel, 665 Harney Road, Littlestown, PA 17340; Charlotte Irene Bechtel Wolf, 3239 Harney Road, Apt. C, Taneytown, MD 21787

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

THIRD PUBLICATION

ESTATE OF ESTELLA R. APPLEMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: PNC Bank, NA, 4242 Carlisle Pike, Camp Hill, PA 17011

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

ESTATE OF NIOMA M. BECKER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Personal Representatives: Shirley W. Staub, 8295 Blooming Grove Road, Glenville, PA 17329; Linda Wallach Miller, 27 Three Point Garden Road, East Stroudsburg, PA 18301

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

ESTATE OF ALDA M. CHRONISTER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Elven L. Chronister, Jr., 249 Locust St., Hanover, PA 17331; Peggy M. Bear, 240 Cavalry Field Rd., Gettysburg, PA 17325

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

ESTATE OF ALFRED L. GILBERT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Thomas M. Gilbert, 34 West Mountaintop Dr., Orrtanna, PA 17353

ESTATE OF RICHARD P. JOHNSTON, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Susan E. Johnston, 5104 Fairfield Rd., Fairfield, PA 17320

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

ESTATE OF WALTER KIESSLING, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Administrators: Patricia K. Ziegler, 236 York Street, Gettysburg, PA 17325; Judy M. Prillaman, 3010 Mummasburg Rd., Gettysburg, PA 17325; Donald W. Kiessler, 345 Seven Stars Rd., Gettysburg, PA 17325; Peggy M. Reecher, 993 Mt. Hope Rd., Fairfield, PA 17320

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

ESTATE OF WILLIAM C. SHOWALTER, JR., DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Allfirst Trust Company of Pennsylvania, N.A. (Formerly Farmers Bank and Trust Company), 13 Baltimore St., Hanover, PA 17331

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

Adams County Legal Journal

Vol. 43

April 12, 2002

No. 46, pp. 259-262

CONTINUING LEGAL EDUCATION PROGRAM

FREE PROGRAM

How to Use Mediation in Your Practice

April 25, 2002 – 12:00 p.m. - 1:00 p.m.

Commentator: Prof. Robert Ackerman

Director of Center for Dispute Resolution
Dickinson School of Law

Location: Jury Assembly Room, 4th Floor,
Adams County Courthouse

Credits: Substantive Law – 1, Ethics – 0

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-1221 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Premises: 45 South Hickory Lane, Township of Reading, Adams County, Pennsylvania

ALL those two (2) lots of ground situated, lying and being in Reading Township, Adams County, Pennsylvania, bounded, limited and described as follows, to wit:

LOT NO. 1:

BEGINNING at an iron pin at land now or formerly of George H. Miller and other land now or formerly of W.A. Bosserman; thence by the last mentioned lands South fifty-nine (59) degrees thirty (30) minutes West fifty (50) feet to an iron pin at lands now or formerly of W.A. Bosserman; thence by the same North twenty-nine (29) degrees West twenty-nine and seven-tenths (29.7) feet to an iron pin; thence North fifty-nine (59) degrees thirty (30) minutes East fifty (50) feet to an iron pin at Lot No. 2 hereof; thence by the same and lands, now or formerly of George H. Miller, aforesaid, South twenty-nine (29) degrees East twenty-nine and seven-tenths (29.7) feet

to an iron pin, the place of BEGINNING. (It being part of the same which was surveyed by George M. Wildasin, Registered Surveyor, on August 11, 1961, as the property of William Bosserman.) 0.03 AC.

LOT NO. 2:

BEGINNING at a point in the Great Conewago Creek at corner of lands now or formerly of George Miller; thence along lands now or formerly of George Miller; thence along lands now or formerly of George Miller South fifty-eight and one-half (58 1/2) degrees West two hundred ninety-seven (297) feet to an iron pin at Lot No. 1 hereof; thence by the same and other lands North thirty (30) degrees West sixty-five (65) feet to lands now or formerly of Paul A. Swartz; thence along said Swartz's land North fifty-eight and one-half (58 1/2) degrees East two hundred ninety-seven (297) feet to a point at the Great Conewago Creek, aforesaid; thence along said Conewago Creek South twenty and one-fourth (20 1/4) degrees East sixty-five (65) feet to a point, the place of BEGINNING. 0.444 AC.

TITLE TO SAID PREMISES IS VESTED IN David B. Schoolcraft and Lois A. Schoolcraft, his wife by reason of the following:

BEING the same premises which W.A. Bosserman and Louise E. Bosserman, his wife by deed dated 10/26/68 and recorded 10/30/68 in the County of Adams in Deed Book Volume 270 page

586 conveyed unto David B. Schoolcraft and Lois A. Schoolcraft, his wife.

AND BEING AS TO A PART OF the same premises which The Tax Claim Bureau of the County of Adams, Pennsylvania by Tax Claim Bureau Deed dated 2/6/75 and recorded 2/7/75 in the County of Adams in Deed Book Volume 317 Page 307 conveyed unto David Schoolcraft and Lois Schoolcraft, husband and wife.

Tax Parcel: #J-9-74

SEIZED and taken into execution as the property of **David & Lois Schoolcraft** 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 June 17, 2002, 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.

4/12, 19 & 26

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-22 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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, bounded and described as follows:

BEGINNING at an iron pin located in Schoolhouse Road (Township Route T-566) at corner of Tract #1 set forth on the subdivision plan referred to below: thence by said Tract #1, and running through a reference iron pin located 94.41 feet from the beginning of this line, North 12 degrees 56 minutes 50 seconds West, 404.26 feet to an iron pin; thence by same, North 83 degrees 12 minutes 10 seconds East, 464.17 feet to a railroad spike located in the aforementioned Schoolhouse Road; thence in said Schoolhouse Road, and by land now or formerly of Philip H. Tarpley, South 09 degrees 37 minutes 20 seconds East, 223.73 feet to an existing post on the East side of the aforementioned road; thence continuing by same, and in the aforementioned Schoolhouse Road, South 60 degrees 45 minutes 00 seconds West 467.31 feet to an iron pin in road, the place of BEGINNING. CONTAINING 3.272 acres, and being designated as Tract No. 3 on the subdivision plan prepared by Marian Anne Jones by Boyer-Price Surveys Inc. dated August 21, 1974, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 7 at Page 22.

Being known as 310 Rock Valley Road, Aspers, PA 17304

Property ID No.: H6-24C

TITLE TO SAID PREMISES IS VESTED IN James Craig Johnson and Sandra Lee Johnson AKA Sandra R. Johnson, husband and wife, as tenants by the entireties by deed from Samuel B. Stoner and Alana M. Stoner, husband and wife, dated 10/31/1997, recorded 11/06/1997, in Deed Book 1470, Page 131.

SEIZED and taken into execution as the property of James Craig Johnson & Sandra Lee Johnson a/k/a Sandra R. Johnson 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 June 3, 2002, 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.

3/29, 4/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-746 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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 Northerly side of Red Hill Road (T-497) in the Township of Oxford, County of Adams and State of Pennsylvania known and numbered as Lot No. 1 on a final plan of lots for Charles Hershey recorded in the Office of the Deeds in and for Adams County, PA in Plat Book 70, page 76; more fully bounded and described as follows, to wit:

BEGINNING at a point on the centerline of Red Hill Road (T-497) at a corner of Lot No. 2 on said plan; thence extending along the said centerline of way South 61 degrees 55 minutes 29 seconds West 71.07 feet to a point; thence continuing along the said centerline South 60 degrees 28 minutes 38 seconds West 109.33 feet to a point, at a corner of land now or late of Trimmen Industries, Inc.; thence extending along the said land now or formerly of Trimmen Industries, Inc. North 36 degrees 42 minutes 09 seconds West 568.71 feet to a point; thence North 49 degrees 52 minutes 16 seconds East 155 feet to a point, at a corner of Lot No. 2 on said plan; thence extending along the said Lot No. 2 South 38 degrees 59 minutes 09 seconds East 602.78 feet to a point and place of BEGINNING.

CONTAINING 2.2368 Acres

PARCEL NO. (35) K11 103D

BEING A PART OF THE PREMISES WHICH Charles A. Hershey by deed dated April 29, 1998 and recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Record Book 1577, Page 22, granted and conveyed unto Garland Construction, Inc.

HAVING erected thereon a dwelling known as 1290 Red Hill Road, New Oxford, PA 17350

SEIZED and taken into execution as the property of Larry J. Shultz, Sr. & Shirley V. Marsh 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 June 3, 2002, 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.

4/5, 12 & 19

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on March 19, 2002, 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 Timothy Ray McGough is the only person owning or interested in a business the character of which is design, develop and marketing of computer software relating to the studies of the Civil War Battlefields and that the name, style and designation under which said business is and will be conducted is MONUMENTAL BATTLEFIELDS.

Timothy R. McGough
Owner

4/12

BASSLER ET AL VS. THOMPSON

1. To be enforceable, a contract to enter into a future contract must specify all its material and essential terms and leave none to be agreed upon as the result of future negotiations but where a preliminary contract leaves certain terms to be agreed upon for the purpose of a final contract, there can be no implication of what the parties will agree upon. If any essential term is left open for future consideration, there is no binding contract and an agreement to reach an agreement imposes no obligation on the parties thereto.

2. Because pleadings serve the purpose of informing the adverse party of the claims asserted and allow those claims to be met, a pleading must define the issues and set forth every act or performance essential to that act, and must give notice of what the claim is and the grounds upon which it rests, and formulate the issues by summarizing the facts essential to support the claim.

3. In actions upon oral contracts, the complaint is required to allege with whom the contract was made, a meeting of the minds, the executing of the contract, the mutuality of the obligations, and with definiteness and certainty, the terms of the contract.

4. The complaint in an action upon an oral contract should definitely set forth an offer and the acceptance and it is insufficient merely to allege that defendant "orally invited" plaintiff to do certain acts.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 01-S-589, STACEY L. BASSLER AND NOLAN B.
HAWKINS VS. DONNA THOMPSON.

Plaintiffs *pro se*

Barbara Jo Entwistle, Esq., for Defendant

Bigham, J., September 13, 2001

OPINION

STATEMENT OF FACTS

Plaintiffs and Defendant entered into an agreement where Plaintiffs would rent the premises located at 55 Swallow Trail, Fairfield, Adams County, PA, 17320 from Defendant for \$530.00 per month beginning May 1, 2000. Plaintiffs allege on or about April 1, 2000, Plaintiffs and Defendant entered into an oral agreement wherein Plaintiffs agreed to improve the premises in exchange for a reduction in rent totaling a \$200.00 per month reduction.

Defendant has filed a total of five Preliminary Objections. In Plaintiffs' complaint, it is alleged Defendant agreed to pay expenses for a variety of items listed in paragraphs seven through twenty-three. Plaintiffs allege they were to continue paying the reduced amount of \$330.00 until the amounts they expended for the

improvements were reimbursed by Defendant. Plaintiffs allege Defendant assented to this agreement and accepted reduced rental payments in exchange for the improvements until March 14, 2001 when Defendant sought to evict Plaintiffs and keep the benefit of the bargain. Plaintiffs allege Defendant breached the oral contract by evicting Plaintiffs before Defendant reimbursed the amounts expended by Plaintiffs. Plaintiffs allege they sustained monetary losses of \$4,797.25 minus \$2,500.00 (rent reduction), totaling \$2,297.25. Plaintiffs are seeking damages in the amount of \$6,056.25, which includes materials, non-reimbursed labor, costs, fees and other relief as deemed just.

Plaintiffs' Count II is for Unjust Enrichment. Plaintiffs seek reimbursement for the detriment suffered by Plaintiffs or in the alternative, the benefit received by Defendant. Plaintiffs allege they have conferred a benefit on Defendant by rendering labor and improving Defendant's premises and Plaintiffs had a reasonable expectation that they would be fully compensated for those services and improvements rendered.

LEGAL DISCUSSION

Defendant filed Preliminary Objections for Count I-Breach of Contract and Count II-Unjust Enrichment; Equity. Defendant filed a Brief in Support of the Preliminary Objections. Plaintiffs have not filed a brief.

The first Preliminary Objection under Count I is Legal Insufficiency of Labor claim.

Plaintiffs allege an oral contract, however, there was no charge for labor. Plaintiffs specifically plead in Paragraph 11:

“Defendant agreed to negotiate an amount for labor costs with Plaintiff, Nolan B. Hawkins, at a later date.”

American Jurisprudence states “To be enforceable, a contract to enter into a future contract must specify all its material and essential terms and leave none to be agreed upon as the result of future negotiations. Where a final contract fails to express some matter, as, for instance, a time of payment, the law may imply the intention of the parties; but where a preliminary contract leaves certain terms to be agreed upon for the purpose of a final contract, there can be no implication of what the parties will agree upon. If any essential term is

left open for future consideration, there is no binding contract and an agreement to reach an agreement imposes no obligation on the parties thereto.” **17A Am Jur 2d §35.**

In this case, Plaintiffs state in their complaint that an agreement was made to negotiate. To agree to negotiate in the future is not binding because material terms are left out and it can not be determined what the parties will agree upon. Therefore, the first preliminary objection is sustained.

Defendant’s second Preliminary Objection to Count I-Breach of Contract is Insufficient Specificity of Pleading. Plaintiffs have claimed damages of \$6,056.25 for materials and labor and have not stated the basis for the claim for labor with sufficient specificity to allow Defendant to respond. The claim for labor does not include the amount or how it was computed. “Pennsylvania is a fact pleading state and the material facts on which a cause of action or defense is based must be stated in a concise and summary form...Because pleadings serve the purpose of informing the adverse party of the claims asserted and allow those claims to be met, a pleading must define the issues and set forth every act or performance essential to that act, and must give notice of what the claim is and the grounds upon which it rests, and formulate the issues by summarizing the facts essential to support the claim.” **Standard Pennsylvania Practice 2d §16:50.** The Preliminary Objection is sustained.

The third Preliminary Objection under Count II-Unjust Enrichment; Equity is sustained. Plaintiffs have failed to state the amount of the claim for unjust enrichment, only stating “Plaintiffs seek reimbursement for the detriment suffered by Plaintiffs or the benefit received by Defendant.” Pennsylvania Standard Practice states “In actions upon oral contracts, the complaint is required to allege with whom the contract was made, a meeting of the minds, the executing of the contract, the mutuality of the obligations, and with definiteness and certainty, the terms of the contract. This must be done in such a manner as to give the defendant full and specific information of all the contract’s details, as well as details of the alleged breach thereof and the damages claimed...Where the plaintiff does not allege in the pleadings a contract or agreement relied upon, there can be no recovery. Thus, the complaint in an action upon an oral contract should definitely set forth an offer and the acceptance and it

is insufficient merely to allege that defendant 'orally invited' plaintiff to do certain acts." **Standard Pennsylvania Practice 2d §22:7. §22:7.** In their complaint, Plaintiffs have not specified the value of the benefit conferred on Defendant. Plaintiffs merely state "Plaintiffs have conferred a benefit upon Defendant by rendering labor and improving Defendant's premises." **Par. 36 of Complaint.** The preliminary objection is sustained.

The fourth Preliminary Objection for Insufficient Specificity of Pleading is sustained. In the complaint, Plaintiffs state "Plaintiffs seek reimbursement for the detriment suffered by Plaintiffs or in the alternative, the benefit received by Defendant." Plaintiffs failed to state the amount of the claim for unjust enrichment. The same analysis for Preliminary Objection number two (Insufficient Specificity of Pleading) is used for this one. The preliminary objection is sustained.

The final Preliminary Objection is Failure to Conform to Rules of Court or Local Rules and is sustained. "In counties having rules governing compulsory arbitration, the Plaintiff shall state whether the amount claimed does or does not exceed the jurisdictional amount requiring arbitration referral by local rule." **Pa.R.C.P. 1021.** Adams County requires compulsory arbitration if the amount of money in controversy is within statutory limits. **Adams County Local Rule 1301.**

In conclusion, all of Defendant's Preliminary Objections are sustained. Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 13th day of September, 2001, IT IS ORDERED THAT, all of Defendant's Preliminary Objections are sustained. Plaintiffs are required to file an amended complaint within twenty (20) days of the date of this Order in accordance with the Pennsylvania Rules of Civil Procedure.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1211 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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 limited as follows, to wit:

BEGINNING for a point the Northwesterly right-of-way line of Squire Circle and Lot No. 28 of the hereinafter referred to subdivision plan; thence along said Lot No. 28, North fifty-three (53) degrees forty (40) minutes fifty-nine (59) seconds West, one hundred twenty-four and four hundredths (124.04) feet to a point at Lot No. 24; thence along said Lot No. 24, Lot No. 23A, Lot No. 23, Lot No. 22A and Lot No. 22, South nineteen (19) degrees nineteen (19) minutes twenty-nine (29) seconds East, one hundred fifty and twenty-five hundredths (150.25) feet to a point along the Northerly right-of-way line of Squire Circle; thence along the Northerly right-of-way line of Squire Circle, North thirty-six (36) degrees nineteen (19) minutes one (01) second East, eighty-four and eighty hundredths (84.80) feet to a point, the place of BEGINNING.

CONTAINING 5,259.1868 square feet and being identified as Lot No. 28A on the final subdivision plan of McSherrystown West, which plan is recorded in the Adams County Recorder of Deeds' Office in Plan Book 64, page 20.

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

Parcel ID# (28) 002-0225

Having erected thereon a dwelling known as 9 Squire Circle, McSherrystown, PA 17344

BEING the same premises which Gary K. Armstrong and Wanda Armstrong, by their Deed dated 04/28/1995 and recorded on 05/02/1995 in the Adams County, Pennsylvania, Recorder of Deeds in DBV 1024, page 70, granted and conveyed unto Gary K. Armstrong and Wanda J. Armstrong.

SEIZED and taken into execution as the property of **Gary K. Armstrong, Wanda J. Armstrong n/k/a Wanda L. Loessel & Terry Schill** 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 June 3, 2002, 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.

4/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1223 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, 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 improved lot of ground situate in the Borough of Gettysburg, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING on the North side of York Street in the Borough of Gettysburg; thence along Lot No. 235 now or formerly of Charles Hartzell, North 181 feet 6 inches to a 12 foot alley; thence by said alley West 30 feet to the middle of Lot No. 234, the western half of said lot now or formerly owned by the Estate of William McClean; thence through the middle of Lot No. 234, South 181 feet 6 inches to York Street; thence along said York Street, East 30 feet to the place of BEGINNING.

The above lot is comprised of the Eastern half of Lot No. 234 as designated on the Plan of Gettysburg.

Premises being: 162 York Street, Gettysburg, PA 17325

Tax Parcel No. #7-245

SEIZED and taken into execution as the property of **Thomas E. Gladwell** 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 June 17, 2002, 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.

4/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1355 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situate, lying and being in Latimore Township, Adams County, Pennsylvania, being more particularly bounded and described as follows, to wit:

BEING Lot No. 1173 of the Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book "I" at Page 21, and subject to all legal highways, easements, rights of way and restrictions of record.

BEING the same premises which Paul J. Bart and Billie J. Bart, his wife, by their deed dated May 26, 1999 and recorded in the Adams County Recorder of Deeds Office in Book 1845, Page 0059, granted and conveyed unto Paul J. Bart, Grantor herein.

UNDER AND SUBJECT, NEVERTHELESS, to all restrictions, reservations, conditions, covenants, easements and rights of way of prior record.

And the said grantor hereby covenant and agrees that will warrant specially the property hereby conveyed.

Tax Parcel # (24) 9-63

SEIZED and taken into execution as the property of **Robert D. Hudson** 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 June 3, 2002, 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.

3/29, 4/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-39 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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 Bonneauville Borough, Adams County, Pennsylvania, and more specifically described as follows, to wit:

LOT 34:

BEGINNING at a point at the only common corner of Lots 34, 35 and Southeastern edge of Ash Drive on the Plan described below; thence along Southeastern edge of Ash Drive, the following four courses and distances: (1) North 39 degrees 19 minutes 14 seconds East, 12.76 feet to a pin; (2) by a curve to the right, with a radius of 125.00 feet for an arc distance of 39.65 feet to a pin; (3) by a curve to the left, with a radius of 175.00 feet for an arc distance of 25.35 feet to a pin; (4) South 88 degrees 14 minutes 34 seconds East, 34.77 feet to a pin set on the Southwestern edge of a 30 foot wide right-of-way; thence along the Southwestern edge of said right-of-way, South 50 degrees 43 minutes 52 seconds East, 50.07 feet to a pin set at the corner of lands now or formerly of David Yealy; thence along the Northwestern edge of said lands, South 39 degrees 15 minutes 38 seconds West, 97.57 feet to a point at the corner of Lot 35 of said Plan; thence along the Northeastern edge of Lot 35, North 50 degrees 40 minutes 46 seconds West, 90.11 feet to a point on the Southeastern edge of Ash Drive, the point and place of BEGINNING. CONTAINING 7,913 square feet.

THE above description, being known as Lot 34, was taken from a plan of lots entitled "Final Plan Section Two - History Ridge", prepared by Worley Surveying dated November 11, 1992 and revised August 24, 1993, File No. C-1264, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 64, Page 70, on April 21, 1994.

TITLE TO SAID PREMISES IS VESTED IN Lawrence H. Lawson and Linda Y. Lawson, husband and wife by Deed from James A. Orndorff and Brenda C. Orndorff dated 6/25/96 and recorded 6/28/96 in Record Book 1218, Page 220.

Premises being: 2 Ash Drive, Littlestown, PA 17340

Tax Parcel No. Map 9, Parcel 117

SEIZED and taken into execution as the property of **Lawrence H. & Linda Y. Lawson** 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 June 3, 2002, 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.

3/29, 4/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-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 10th day of May, 2002, 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 the following described tract of land, situate, lying and being in Union Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point in the center line of a public road at lands now or formerly of Fred N. Farnham and Elizabeth M. Farnham, his wife; thence along said last mentioned lands, South sixty-eight (68) degrees, twenty (20) minutes East, three hundred thirty-two and four-tenths (332.4) feet to a stake at other lands now or formerly of Helen R. Raubenstine; thence along said last mentioned lands South twenty-six (26) degrees West, one hundred forty-three and eight-tenths (143.8) feet to a pin at other lands now or formerly of Helen R. Raubenstine; thence along said last mentioned lands South seventy-five (75) degrees West, one hundred seventy-five (175) feet to a point in the center line of the public road first above mentioned; thence along and with the center line of said public road, North fourteen (14) degrees, thirty (30) minutes West, three hundred (300) feet to the point and place of BEGINNING.

SUBJECT to the following covenants and restrictions which will be applicable to the above described tract of land, the above named grantee as well as her predecessors and successors in title:

1. No commercial garage, filling station, service station, parking lot or used car lot shall be established or maintained on the tract of land hereinabove conveyed nor shall any portion of said tract of land be used as a parking space or storage for used or junk motor vehicles, or parts thereof, nor shall said tract of land be used for the storage of salvaged or junked materials or new materials.

2. No mobile home, trailer home or permanent RV home shall be maintained as a residence on the above described tract of land.

Being known as 1282 Pine Grove Street, Hanover, PA 17331

Property ID Parcel-34 Map K 18

TITLE TO SAID PREMISES IS VESTED IN Dale Wolfe and Nancy Wolfe, husband and wife, by deed from Diane M. Frock, single woman, dated 4/26/00, recorded 5/12/00, in Deed Book 2048, Page 158.

SEIZED and taken into execution as the property of **Dale & Sandra Wolfe** 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 June 3, 2002, 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.

3/29, 4/5 & 12

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN, that an application has been or will be made to Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, by EAGLE D AND D COMPANY, INC., a foreign corporation formed under the laws of the State of Maryland, where its principal office is located at 4-E Queens Bridge Court, Cockeysville, Maryland 21030 for a Certificate of Authority to do business within the Commonwealth of Pennsylvania under the provisions of the Business Corporation Law of 1988. The proposed registered office of the said corporation in the Commonwealth of Pennsylvania will be located at 7 Old Waynesboro Pike, Fairfield, PA 17320.

Teeter, Teeter & Teeter
Solicitors

4/12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1326 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises situate, lying and being in the Township of Conewago, County of Adams and Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the Legislative Route 01005 at lands now or formerly of Peter Sheppard; thence along said last mentioned lands, South seventy-eight (78) degrees twenty-one (21) minutes West, two hundred seven (207) feet to a stone; thence along said last mentioned lands, South forty-four (44) degrees fifty-eight (58) minutes East, sixty-two (62) feet to a point at lands now or formerly of Phyllis Snyder; thence along said last mentioned lands, South forty-four (44) degrees fifty-eight (58) minutes East, sixty-two (62) feet to a point at lands now or formerly of Phyllis Snyder; thence along said last mentioned lands, South seventy-three (73) degrees thirty (30) minutes East, one hundred twenty-six and seventy-five one-hundredths (126.75) feet to a point in the centerline of Legislative Route 01005; thence along and with the centerline of Legislative Route 01005, North twelve (12) degrees East, one hundred twenty-six and sixty-seven one-hundredths (126.67) feet to the point and place of BEGINNING. KNOWN as 251 Narrow Drive, Hanover, PA 17331.

BEING the same premises which Donald W. Teal and Debra Ann Teal by Deed dated the 24th day of May, 1997, and recorded at Adams County in the Office of the Recorder of Deeds, in and for the County of Adams, on the 4th day of June, 1997, in Record Book 1383, Page 253, granted and conveyed unto Jo Zartman.

Tax Map: K16, Parcel: 11

Being known as: 251 Narrow Drive, Hanover, PA 17331

SEIZED and taken into execution as the property of **Jo Zartman** 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 June 17, 2002, 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.

4/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-13 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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 on the North side of a 50 foot wide street in Butler Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a steel pin on the North side of a 50 foot wide street at lands now or formerly of J. Vincent Hawbecker; thence by said lands North 6 degrees 23 minutes 40 seconds West, 140 feet to a steel pin; thence North 83 degrees 36 minutes 20 seconds East, 80 feet to a steel pin at lands now or formerly of Kenneth W. Miller, Sr.; thence by said lands South 6 degrees 23 minutes 40 seconds East, 140 feet to a steel pin on the North side of the 50 foot wide street aforesaid; thence along the North side of said street South 83 degrees 36 minutes 20 seconds West, 80 feet to a steel pin, the point and place of BEGINNING. CONTAINING 11,200 square feet, more or less.

It being part of the same which was surveyed by J. H. Rife, R. E., on October 26, 1963, as the property of Clair F. Ditzler and wife.

Premises being: 55 Clearview Lane, Biglerville, PA 17307

Tax Parcel No. F8-31

SEIZED and taken into execution as the property of **Gail C. Raffensperger** 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 June 3, 2002, 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.

4/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-774 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate in the Village of Brushtown, Conewago Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stone in the center of Legislative Route 116 at Brushtown; thence along lands formerly of Ella Warren, now or formerly of Donald L. Coffman and Loretta J. Coffman, South twenty-seven and three-fourths (27 3/4) degrees West, two hundred (200) feet to a point; thence along lands formerly of Charles H. Eyster now or formerly of James A. Poist and Martha N. Poist, North twenty-seven and three-fourths (27 3/4) degrees East two hundred (200) feet to a point in the aforesaid State Legislative Route 116; thence in and along said Legislative Route 116, North seventy-three (73) degrees West, eighty (80) feet to a stone, the place of BEGINNING.

Tax Map K-14 Parcel 105

Being known as: 5585 Hanover Road, Hanover, PA 17331

SEIZED and taken into execution as the property of **Nicholas A. Gross** 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 June 17, 2002, 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.

4/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-21 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, 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 Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point at the Northern edge of the pavement of U.S. Route 30, on line of land now or formerly of Frank Robbins; thence along the Northern edge of said U.S. Route 30, South 81 degrees 45 minutes 00 seconds East, 403.67 feet to a point; thence crossing said U.S. Route 30, and by land now or formerly of Donald Sponseller, and passing through a reference iron pin set back 40.84 feet from the next mentioned point, South 3 degrees 30 minutes 27 seconds East, 98.55 feet to a blazed hemlock at corner of land now or formerly of Warren H. Deardorff; thence by said land of Warren H. Deardorff, South 59 degrees 49 minutes 56 seconds West, 396.26 feet to an existing iron pin at a stone pile on line of land now or formerly of Dorsey A. Shultz; thence by said land of Dorsey A. Shultz, passing through an existing iron pin marking the boundary between Dorsey A. Shultz and land now or formerly of Chief Split Cloud, said pin being 142.99 feet from the last mentioned point, and also passing through an iron pin set back 59.51 feet from the next mentioned point, North 10 degrees 2 minutes 28 seconds West, 360.96 feet to a point, the place of BEGINNING. CONTAINING 1.9885 acres, as per survey of Carl D. Bert, R.S., dated October, 1976.

TITLE TO SAID PREMISES IS VESTED IN Douglas W. Heller, unmarried and Cara Russo, unmarried, as joint tenants with the right of survivorship by Deed from Jimmie C. Bowers and Betty L. Bowers, his wife dated 11/24/99 and recorded 11/30/99 in Record Book 1961, Page 106.

Premises being: 4530 Chambersburg Road, Biglerville, PA 17307

Tax Parcel No. C10-6

SEIZED and taken into execution as the property of **Douglas W. Heller & Cara Russo** 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 June 17, 2002, 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.

4/12, 19 & 26

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL DIVISION
NO. 00-S-748

PROVIDENT BANK, assignee of LL
FUNDING CORPORATION, Plaintiff
vs.

PHILIP A. ALTLAND, JR., Defendant

Notice of Sheriff's Sale of Real Estate on June 7, 2002, at 10:00 a.m. in the Sheriff's Office of Adams County, Courthouse, Gettysburg, Pennsylvania.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF PHILIP A. ALTLAND, JR. OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE TOWNSHIP OF MENALLEN, COUNTY OF ADAMS, COMMONWEALTH OF PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AND NUMBERED AS 205 PEBBLE LANE, BIGLERVILLE, PA 17307. DEED BOOK VOLUME 1618, PAGE 98, PARCEL NUMBER C6-40T.

Provident Bank, et. al. vs. Philip A. Altland, Jr. at Execution No. 00-S-748 in the amount of \$140,815.50.

Schedule of Distribution will be filed by the Sheriff on the date specified by the Sheriff no later than thirty (30) days from sale date. Distributions will be made in accordance with the schedule unless exceptions are filed within ten (10) days of the filing of the schedule.

Kimberly J. Hong, Esq.
2718 Koppers Building
436 7th Avenue
Pittsburgh, PA 15219
(412) 434-7955

4/12

NOTICE

NOTICE IS HEREBY GIVEN that Dana Stevens Scaduto intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 20th day of June, 2002, at 9:00 a.m. She is a member in good standing of the bar of the Commonwealth of Pennsylvania and serves as General Counsel for Gettysburg College, with her office located in Pennsylvania Hall, Gettysburg, Pennsylvania.

4/12, 19 & 26

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Gettysburg Area School District Board of Directors (the "Board") shall hold a public hearing on the issue of whether the Board shall adopt a resolution which would eliminate the occupation assessment tax and increase the maximum rate of the earned income tax (the "Resolution"). The Board shall also consider the adoption of a resolution to place a referendum on the November 5, 2002, ballot seeking voter approval of the Resolution.

The public hearing shall be held on Monday, April 22, 2002, at 6:30 p.m. in the Board Room of the District's Administration Building located at 900 Biglerville Road, Gettysburg, Pennsylvania 17325. Interested persons are invited to attend the public hearing and make comments and ask questions about the proposed elimination of the occupation assessment tax and the increase of the maximum rate of the earned income tax.

This notice is given pursuant to the provisions of the Optional Occupation Tax Elimination Act, Act No. 2001-24, as amended.

Brad Hunt
Business Manager/Board Secretary
Gettysburg Area School District
900 Biglerville Road
Gettysburg, PA 17325

4/12

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth for NDK SOLUTIONS, INC. on March 20, 2002.

This corporation is incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

4/12

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 DONALD C. BUSHEY, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Charles Bushey, 139 Fohl Street, Arendtsville, PA 17303

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

ESTATE OF JANE B. DIEHL, DEC'D

Late of the Borough of York Springs, Adams County, Pennsylvania

Judith L. Kramer, 910 Trolley Rd., York Springs, PA 17372; Gordon E. Diehl, 3278 Bedford Valley Rd., Bedford, PA 15522

ESTATE OF DORIS E. KELLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Frederic D. Bornemann, 722 West Washington Street, Hagerstown, MD 21740

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

ESTATE OF WALTER KENNEL, JR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Winifred Moritz, 554 Hunterstown Road, Gettysburg, PA 17325

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

ESTATE OF CLAYTON S. MOUL, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator CTA: Nancy J. Niedererr, 615 Spook Lane, Hanover, PA 17331

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

ESTATE OF HILDA H. TREIBER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Daniel R. Hollerbusch, 15C York Dr., New Oxford, PA 17350; Clair E. Fry, Jr., 7610 Woodside Ave., Harrisburg, PA 17112

Attorney: John C. Herrold, Esq., Griest, Himes, Herrold, Schaumann, LLP

ESTATE OF BERNADETTE I. WISE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Leo E. Gribbin, c/o Stetler & Gribbin, 138 East Market Street, York, PA 17401

Attorney: Leo E. Gribbin, Esq., Stetler & Gribbin, 138 East Market Street, York, PA 17401

SECOND PUBLICATION

ESTATE OF MARION E. FULLERTON a/k/a MARION E. THOMPSON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Ruth E. Sorlie, 334 Hoffman Road, Gettysburg, PA 17325

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF REX O. GALUSHA, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: Richard L. Galusha, 39 Conewago Street, P.O. Box 246, Arendtsville, PA 17303

Attorney: Puhl, Eastman & Thrasher, 200 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CRANE W. MANCHEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: John M. Crabbs, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

Attorney: John M. Crabbs, Esq., Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

ESTATE OF MYRTLE R. MANCHEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: John M. Crabbs, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

Attorney: John M. Crabbs, Esq., Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

ESTATE OF FRANCES V. ROHRBAUGH, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Executors: David M. Rohrbaugh, 215 Shorb Mill Road, Fairfield, PA 17320; Robert L. Rohrbaugh, 298 Middle Creek Road, Fairfield, PA 17320

THIRD PUBLICATION

ESTATE OF MARY D. ARNSBERGER a/k/a MARY W. ARNSBERGER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Wayne H. Arnsberger, 321 S. Baltimore Street, Mt. Holly Springs, PA 17065

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

ESTATE OF CHARLES E. BAKER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Robert E. Baker, 741 Dogwood Terrace, Boiling Springs, PA 17007; Theodore E. Baker, 1356 Goodyear Rd., Gardners, PA 17324

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

ESTATE OF ELIZABETH BREAM a/k/a ELIZABETH SANDOE BREAM, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executrices: Connie B. Lowe, 121 Emerson Drive, Carlisle, PA 17013; Kathie B. Heller, 1017 Dry Wells Road, Quarryville, PA 17566

Attorney: Walton V. Davis, Esq., 63 West High St., Gettysburg, PA 17325

ESTATE OF LLOYD BREAM a/k/a LLOYD PHILIP BREAM a/k/a LLOYD PHILLIP BREAM, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executrices: Connie B. Lowe, 121 Emerson Drive, Carlisle, PA 17013; Kathie B. Heller, 1017 Dry Wells Road, Quarryville, PA 17566

Attorney: Walton V. Davis, Esq., 63 West High St., Gettysburg, PA 17325

ESTATE OF DEBRA E. FRAZER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: James E. Williams, 36 Lakeview Drive, Gettysburg, PA 17325

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

ESTATE OF GEORGE N. HIPPEL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Ruth Ann Burke, 4040 Farm Drive, York, PA 17402

Attorney: Dale A. Achenbach, Esq.

(continued on page 8)

THIRD PUBLICATION (continued)**ESTATE OF ALMENA S. HOKE, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Anna F. Moul, 701 Menges Mills Road, Spring Grove, PA 17362

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

ESTATE OF AUDREY KIRBY a/k/a AUDREY B. KIRBY, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Sandra G. Hager, P.O. Box 275, South Mountain, PA 17261

Attorney: Timothy W. Misner, Esq., 39 South Broad Street, Waynesboro, PA 17268-1610

ESTATE OF BETTY L. LIPPY, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Mr. Michael T. Lippy, 132 East King Street, Littlestown, PA 17340; Ms. Judith Carole Baughman, 326-1 East King Street, Littlestown, PA 17340; Ms. Peggy Annette Senseney, 201 Lumber Street, Littlestown, PA 17340; Ms. Melanie Beth Neiderer, 383 Basehoar School Road, Littlestown, PA 17340

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

ESTATE OF ROBERT K. PETERS, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF MARY ELLEN SARGEANT, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Adams County National Bank, Lincoln Square, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF WILLIAM H. SHUGARS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Joan Diane Colvin, 80 Lake Meade Drive, East Berlin, PA 17316; Linda J. Hogan, 4905 Sweet Air Road, Baldwin, MD 21013

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF KATHLEEN B. SMITH a/k/a KATHLEEN B. HOMBACH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: C. Joyce Greenholt, 2845 Michener Drive, Lancaster, PA 17601; Paul L. Wheeler, Jr., 1338 Broadway, Hanover, PA 17331

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

ESTATE OF JACOB F. STAMBAUGH, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Cheryl L. Kress a/k/a Cheryl L. DeGroft, 198 Green Ridge Road, New Oxford, PA 17350

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

ESTATE OF CURVIN R. STUDY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executrices: Gladys Bechtel, 665 Harney Road, Littlestown, PA 17340; Charlotte Irene Bechtel Wolf, 3239 Harney Road, Apt. C, Taneytown, MD 21787

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-989 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, 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 real estate located in Reading Township, Adams County, Pennsylvania, and more particularly described in accord with a final subdivision plan prepared by Adams County Surveyors, drawing D-321-A, dated June 30, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 23, Page 6, as follows:

BEGINNING at the pipe in the Southwestern edge of a fifty (50) foot right-of-way known as Germany Court and the Eastern edge of Lot No. 5 as shown on the aforesaid final subdivision plan; thence along the Southwestern edge of said Germany Court, South forty-nine (49) degrees forty-one (41) minutes twenty (20) seconds East, three hundred thirty and no hundredths (330.00) feet to a pipe in the edge of Germany Court; thence along Lot No. 7 as shown on said plan, South forty (40) degrees eighteen (18) minutes forty (40) seconds West, three hundred fifty and no

hundredths (350.00) feet to a pipe; thence by same, North forty-nine (49) degrees five (5) minutes twenty (20) seconds West, four hundred twenty-one and no hundredths (421.00) feet to a pipe at the Southern corner of Lot No. 5 as shown on said plan; thence by same, North fifty-five (55) degrees three (3) minutes thirty (30) seconds East, three hundred fifty-seven and thirty-six hundredths (357.36) feet to a pipe in the Southwestern edge of Germany Court, the point and place of BEGINNING.

Map # K6-15J

Being known as: 155 Germany Court, East Berlin, PA 17316

TITLE TO SAID PREMISES IS VESTED IN Albert E. Pate by deed from Albert E. Pate and Linda L. Pate, husband and wife dated August 27, 1991, recorded August 28, 1991, in Deed Book 598, Page 453.

SEIZED and taken into execution as the property of **Albert E. Pate** 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 June 17, 2002, 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.

4/12, 19 & 26

Adams County Legal Journal

Vol. 43

April 19, 2002

No. 47, pp. 263-265

IN THIS ISSUE

SHORE VS. MCFARLAND ET AL

CONTINUING LEGAL EDUCATION PROGRAM

FREE PROGRAM

How to Use Mediation in Your Practice

April 25, 2002 – 12:00 p.m. - 1:00 p.m.

Commentator: Prof. Robert Ackerman

Director of Center for Dispute Resolution
Dickinson School of Law

Location: Jury Assembly Room, 4th Floor,
Adams County Courthouse

Credits: Substantive Law – 1, Ethics – 0

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-746 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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 Northerly side of Red Hill Road (T-497) in the Township of Oxford, County of Adams and State of Pennsylvania known and numbered as Lot No. 1 on a final plan of lots for Charles Hershey recorded in the Office of the Deeds in and for Adams County, PA in Plat Book 70, page 76; more fully bounded and described as follows, to wit:

BEGINNING at a point on the centerline of Red Hill Road (T-497) at a corner of Lot No. 2 on said plan; thence extending along the said centerline of way South 61 degrees 55 minutes 29 seconds West 71.07 feet to a point; thence continuing along the said centerline South 60 degrees 28 minutes 38 seconds West 109.33 feet to a point, at a corner of land now or late of Trimen Industries, Inc.; thence extending along the said land now or formerly of Trimen Industries, Inc. North 36 degrees 42 minutes 09 seconds West 568.71 feet to a point; thence North 49 degrees 52 minutes 16 seconds East 155 feet to a point, at a corner of Lot No. 2 on said plan; thence extending along the said Lot No. 2 South 38 degrees 59 minutes 09 seconds East 602.78 feet to a point and place of BEGINNING.

CONTAINING 2.2368 Acres

PARCEL NO. (35) K11 103D

BEING A PART OF THE PREMISES WHICH Charles A. Hershey by deed dated April 29, 1998 and recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Record Book 1577, Page 22, granted and conveyed unto Garland Construction, Inc.

HAVING erected thereon a dwelling known as 1290 Red Hill Road, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Larry J. Shultz, Sr. & Shirley V. Marsh** 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 June 3, 2002, 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.

4/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1211 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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 limited as follows, to wit:

BEGINNING for a point the Northwestern right-of-way line of Squire Circle and Lot No. 28 of the hereinafter referred to subdivision plan; thence along said Lot No. 28, North fifty-three (53) degrees forty (40) minutes fifty-nine (59) seconds West, one hundred twenty-four and four hundredths (124.04) feet to a point at Lot No. 24; thence along said Lot No. 24, Lot No. 23A, Lot No. 23, Lot No. 22A and Lot No. 22, South nineteen (19) degrees nineteen (19) minutes twenty-nine (29) seconds East, one hundred fifty and twenty-five hundredths (150.25) feet to a point along the Northerly right-of-way line of Squire Circle; thence along the Northerly right-of-way line of Squire Circle, North thirty-six (36) degrees nineteen (19) minutes one (01) second East, eighty-four and eighty hundredths (84.80) feet to a point, the place of BEGINNING.

CONTAINING 5,259.1868 square feet and being identified as Lot No. 28A on the final subdivision plan of McSherrystown West, which plan is recorded in the Adams County Recorder of Deeds' Office in Plan Book 64, page 20.

Said tracts of land being subject to the Protective Covenants and Restrictions

for McSherrystown West dated January 12, 1994 and recorded in the Adams County Recorder of Deeds Office in Record Book 835, page 35.

Parcel ID# (28) 002-0225

Having erected thereon a dwelling known as 9 Squire Circle, McSherrystown, PA 17344

BEING the same premises which Gary K. Armstrong and Wanda Armstrong, by their Deed dated 04/28/1995 and recorded on 05/02/1995 in the Adams County, Pennsylvania, Recorder of Deeds in DBV 1024, page 70, granted and conveyed unto Gary K. Armstrong and Wanda J. Armstrong.

SEIZED and taken into execution as the property of **Gary K. Armstrong, Wanda J. Armstrong n/k/a Wanda L. Loessel & Terry Schill** 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 June 3, 2002, 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.

4/5, 12 & 19

NOTICE

NOTICE IS HEREBY GIVEN that Dana Stevens Scaduto intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 20th day of June, 2002, at 9:00 a.m. She is a member in good standing of the bar of the Commonwealth of Pennsylvania and serves as General Counsel for Gettysburg College, with her office located in Pennsylvania Hall, Gettysburg, Pennsylvania.

4/12, 19 & 26

SHORE VS. McFARLAND ET AL

1.the implied warranty of habitability applies only when a builder is also the seller or vendor of a house.

2. The measure of damages in cases where a homeowner sues for defective construction is the difference between the market value of the house as constructed and the market value that the house would have had if constructed as promised, with the qualification that if it (is) reasonably practical to cure the defects in construction by repair, and if the cost of repairs does not exceed the difference in market value, the measure of damages is the cost of repair.

3. However, a demurrer is not a proper means of challenging a measure of damages in a complaint.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 01-S-692, CHARLIE SHORE AND RUTH C. SHORE VS. RICHARD L. McFARLAND, LEE McFARLAND, AND NATIONAL PROPERTY INSPECTIONS.

John J. Mooney, III, Esq., for Plaintiffs

Craig A. Diehl, Esq., for Defendants

Spicer, P. J., September 14, 2001

OPINION ON PRELIMINARY OBJECTIONS

Plaintiffs filed their complaint June 21, 2001, alleging that they purchased a residence at 425 Boy Scout Road, New Oxford. A disclosure statement attached to the agreement of sale stated that there were no latent defects affecting the premises. Plaintiffs arranged for a septic system evaluation that apparently certified that there were no significant findings.

After settling on the property, plaintiffs allege that they discovered the septic system consisted of a 500 gallon tank that could not function as a system. They have sued the individual defendants, Richard and Lee McFarland (McFarlands) on a variety of theories. Count I sounds in **misrepresentation**, II alleges a breach of an implied warranty of habitability, III alleges a breach of contract, IV rests upon alleged breaches of the Unfair Trade Practices and Consumer Protection Law and Count V alleges fraud. Counts I and V contain similar allegations of failure to disclose a material fact or condition, but V alleges that the nondisclosure was intentional, willful and malicious.

Following the allegations in each count, plaintiffs demanded damages in an unliquidated amount, apparently pursuant to Pa.R.C.P.

1021 (B). However, plaintiffs itemized costs of repair in ¶10 e, and claimed damages of \$11,041.75 for those costs in ¶13.

McFarlands have filed preliminary objections challenging the legal sufficiency of the pleading (demurrer). They object to Count II, which is based upon an implied warranty of habitability and contend that they were not builder-vendors.

Ostensibly, this is a speaking demurrer because nothing in the record addresses the question of who built the house. However, inasmuch as the complaint does not allege that the McFarlands were the builders, the demurrer must be sustained. This court has previously ruled in *Tanon et ux v Knouse*, 34 Adams Co. L.J. 207 (1992) that the implied warranty of habitability applies only when a builder is also the seller or vendor of a house. We are unaware of any appellate authority that holds to the contrary.

The court must, however, allow plaintiffs the opportunity to allege necessary facts, despite our sense that if McFarlands were builders, plaintiffs would already have said so.

The objection to the measure of damages sought in counts I and V is based upon a Superior Court opinion that stated:

The law in Pennsylvania is clear that in an action for fraud and deceit the measure of damages is the difference in value between the real, or market, value of the property at the time of the transaction and the higher, or fictitious, value which the buyer was induced to pay for it.

Sands v Forrest, 290 Pa. Super 48, 51, 434 A.2D 122, 124 (1981).

After commenting that costs of repairs were not the proper measure of damages, Superior Court went on to say that plaintiff, in that case, should be allowed the right to amend and allege the proper measure.

However, this decision seems at variance with other case law. Although not on point, Superior Court, in *Lokay v. Lehigh Valley Co-Op. Farmers, Inc.*, 342 Pa. Super. 89, 492 A.2d. 405 (1985) reiterated the general rule that a plaintiff "is entitled to all pecuniary losses which result as a consequence of his reliance upon the truth of (defendant's) representations." (citations omitted) 492 A.2d at 410. More pertinently, Superior Court in *Potter v. Herman*, WL 2000 Pa. Super 245 page 12, 762 A.2d 1116, 1119 (2000), stated:

If Appellants are able to establish their claim of misrepresentation regarding the “gray water” drain, they are entitled to the cost of repairing that drain.

This would seem in line with how damages are measured in other types of cases. Quoting *Freeman v. Maple Point, Inc.* 393 Pa. Super. 427, 430, 574 A.2d 684, 686, (1990) Superior Court said:

(t)he measure of damages in cases where a homeowner sues for defective construction is the difference between the market value of the house as constructed and the market value that the house would have had if constructed as promised, with the qualification that if it is reasonably practical to cure the defects in construction by repair, and if the cost of repairs does not exceed the difference in market value, the measure of damages is the cost of repair.

Amodeo v Ryan Homes, Inc., 407 Pa Super 448, 460, 595 A.2d 1232, 1239 (1991).

In *Fester v. Vishneski*, 399 Pa. Super. 218, 582 A.2d 399 (1990), alloc. dn. 527 Pa. 666, 593 A.2d 842 (1991), the same court stated that if costs of repair somewhat exceeds diminution of market value, the purchaser may still recover the costs of repairs.

There may be deficiencies in plaintiffs’ demands for damages. However, a demurrer is not a proper means of challenging a measure of damages in a complaint. 5 Standard Pennsylvania Practice *Preliminary Objections* §25:74.

Accordingly, the attached order is entered.

ORDER

AND NOW, this 14th day of September, 2001, the preliminary objections of defendants Richard L. McFarland and Lee McFarland are granted as to Count II and that count shall be dismissed unless plaintiffs amend their complaint within twenty days by alleging that defendants were builder-vendors. Otherwise, the preliminary objections are dismissed. Defendants shall have twenty days from the filing of an amendment or an election not to file an amendment to file an answer. If plaintiffs file neither an amendment nor an election, defendants shall have forty days in which to file an answer.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-62 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of June, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Tract No. 1:

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

BEGINNING at a stone on the line of lands now or formerly of Daniel Kline; thence with the same South seventy-two and one-fourth (72-1/4) degrees West nine and five-tenths (9.5) perches to a stone; thence with other lands now or formerly of Daniel Kline South twenty-two (22) degrees East thirty-four and one-tenth (34.1) perches to a stone; thence with lands now or formerly of Pius Unger North seventy-two and one-fourth (72-1/4) degrees East nine and five-tenths (9.5) perches to a stone; thence with lands now or formerly of the heirs of John Weisensale North twenty-two (22) degrees West thirty-four and one-tenth (34.1) perches to the place of BEGINNING. CONTAINING two (2) Acres and one (1) Perch of land, more or less.

Tract No. 2:

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

BEGINNING at a point at lands now or formerly of G. Roscoe Worley and Mary J. Worley; thence by lands now or formerly of David Bayer, North seventy-two and one-fourth (72-1/4) degrees East, nine and five-tenths (9.5) perches to a point at lands formerly of Daniel Sell; thence by the same, South twenty-two (22) degrees East, thirty-four and one-tenth (34.1) perches to a point at other lands formerly of Daniel Sell; thence by same, South seventy-two and one-fourth (72-1/4) degrees West, nine and five-tenths (9.5) perches to a point at lands now or formerly of G. Roscoe Worley and Mary J. Worley; thence by the same, North twenty-two (22) degrees West, thirty-four and one-tenth (34.1) perches to a point, the point and place of BEGINNING. CONTAINING 2 Acres and 1 Perch, more or less.

SEIZED and taken into execution as the property of **Kerry David Blettner** 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 July 1, 2002, 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.

4/19, 26 & 5/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1223 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, 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 improved lot of ground situate in the Borough of Gettysburg, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING on the North side of York Street in the Borough of Gettysburg; thence along Lot No. 235 now or formerly of Charles Hartzell, North 181 feet 6 inches to a 12 foot alley; thence by said alley West 30 feet to the middle of Lot No. 234, the western half of said lot now or formerly owned by the Estate of William McClean; thence through the middle of Lot No. 234, South 181 feet 6 inches to York Street; thence along said York Street, East 30 feet to the place of BEGINNING.

The above lot is comprised of the Eastern half of Lot No. 234 as designated on the Plan of Gettysburg.

Premises being: 162 York Street, Gettysburg, PA 17325

Tax Parcel No. #7-245

SEIZED and taken into execution as the property of **Thomas E. Gladwell** 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 June 17, 2002, 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.

4/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-106 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of June, 2002, 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 lying and situate in the Carroll Valley Borough, Adams County, Pennsylvania, being Lot No. 267 in Section K, more particularly bounded and described as follows:

BEGINNING at a point in the center of Snow Plow Trail at Lot No. 268; thence by said lot, North 64 degrees 44 minutes 25 seconds West, 225.16 feet to Lot No. 265; thence by said lot, North 27 degrees 27 minutes 2 seconds East, 115 feet to Lot No. 266; thence by said lot, South 64 degrees 44 minutes 25 seconds East, 225.16 feet to a point in the center of Snow Plow Trail; thence in said Snow Plow Trail, North 27 degrees 27 minutes 2 seconds West, 115 feet to the place of BEGINNING.

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

TITLE TO SAID PREMISES IS VESTED IN Vera E. Kugler, a single woman by Deed from Richard L. Kelley, joined by his wife Cynthia A. Kelley dated 12/4/1995 and recorded 12/8/1995 in Record Book 1119, Page 316.

Premises being: 11 Snow Plow Trail, Fairfield, PA 17320

Tax Parcel No. Map 7, Parcel 6

SEIZED and taken into execution as the property of **Vera E. Kugler** 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 July 1, 2002, 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.

4/19, 26 & 5/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1326 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises situate, lying and being in the Township of Conewago, County of Adams and Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the Legislative Route 01005 at lands now or formerly of Peter Sheppard; thence along said last mentioned lands, South seventy-eight (78) degrees twenty-one (21) minutes West, two hundred seven (207) feet to a stone; thence along said last mentioned lands, South forty-four (44) degrees fifty-eight (58) minutes East, sixty-two (62) feet to a point at lands now or formerly of Phyllis Snyder; thence along said last mentioned lands, South forty-four (44) degrees fifty-eight (58) minutes East, sixty-two (62) feet to a point at lands now or formerly of Phyllis Snyder; thence along said last mentioned lands, South seventy-three (73) degrees thirty (30) minutes East, one hundred twenty-six and seventy-five one-hundredths (126.75) feet to a point in the centerline of Legislative Route 01005; thence along and with the centerline of Legislative Route 01005, North twelve (12) degrees East, one hundred twenty-six and sixty-seven one-hundredths (126.67) feet to the point and place of BEGINNING. KNOWN as 251 Narrow Drive, Hanover, PA 17331.

BEING the same premises which Donald W. Teal and Debra Ann Teal by Deed dated the 24th day of May, 1997, and recorded at Adams County in the Office of the Recorder of Deeds, in and for the County of Adams, on the 4th day of June, 1997, in Record Book 1383, Page 253, granted and conveyed unto Jo Zartman.

Tax Map: K16, Parcel: 11

Being known as: 251 Narrow Drive, Hanover, PA 17331

SEIZED and taken into execution as the property of **Jo Zartman** 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 June 17, 2002, 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.

4/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-13 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of May, 2002, 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 on the North side of a 50 foot wide street in Butler Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a steel pin on the North side of a 50 foot wide street at lands now or formerly of J. Vincent Hawbecker; thence by said lands North 6 degrees 23 minutes 40 seconds West, 140 feet to a steel pin; thence North 83 degrees 36 minutes 20 seconds East, 80 feet to a steel pin at lands now or formerly of Kenneth W. Miller, Sr.; thence by said lands South 6 degrees 23 minutes 40 seconds East, 140 feet to a steel pin on the North side of the 50 foot wide street aforesaid; thence along the North side of said street South 83 degrees 36 minutes 20 seconds West, 80 feet to a steel pin, the point and place of BEGINNING. CONTAINING 11,200 square feet, more or less.

It being part of the same which was surveyed by J. H. Rife, R. E., on October 26, 1963, as the property of Clair F. Ditzler and wife.

Premises being: 55 Clearview Lane, Biglerville, PA 17307

Tax Parcel No. F8-31

SEIZED and taken into execution as the property of **Gail C. Raffensperger** 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 June 3, 2002, 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.

4/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-774 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate in the Village of Brushtown, Conewago Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stone in the center of Legislative Route 116 at Brushtown; thence along lands formerly of Ella Warren, now or formerly of Donald L. Coffman and Loretta J. Coffman, South twenty-seven and three-fourths (27 3/4) degrees West, two hundred (200) feet to a point; thence along lands formerly of Charles H. Eyster now or formerly of Brushtown Athletic Association, South seventy-three (73) degrees East, eighty (80) feet to a point; thence along lands formerly of Charles H. Eyster, now or formerly of James A. Poist and Martha N. Poist, North twenty-seven and three-fourths (27 3/4) degrees East two hundred (200) feet to a point in the aforesaid State Legislative Route 116; thence in and along said Legislative Route 116, North seventy-three (73) degrees West, eighty (80) feet to a stone, the place of BEGINNING.

Tax Map K-14 Parcel 105

Being known as: 5585 Hanover Road, Hanover, PA 17331

SEIZED and taken into execution as the property of **Nicholas A. Gross** 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 June 17, 2002, 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.

4/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-21 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, 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 Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point at the Northern edge of the pavement of U.S. Route 30, on line of land now or formerly of Frank Robbins; thence along the Northern edge of said U.S. Route 30, South 81 degrees 45 minutes 00 seconds East, 403.67 feet to a point; thence crossing said U.S. Route 30, and by land now or formerly of Donald Sponseller, and passing through a reference iron pin set back 40.84 feet from the next mentioned point, South 3 degrees 30 minutes 27 seconds East, 98.55 feet to a blazed hemlock at corner of land now or formerly of Warren H. Deardorff; thence by said land of Warren H. Deardorff, South 59 degrees 49 minutes 56 seconds West, 396.26 feet to an existing iron pin at a stone pile on line of land now or formerly of Dorsey A. Shultz; thence by said land of Dorsey A. Shultz, passing through an existing iron pin marking the boundary between Dorsey A. Shultz and land now or formerly of Chief Split Cloud, said pin being 142.99 feet from the last mentioned point, and also passing through an iron pin set back 59.51 feet from the next mentioned point, North 10 degrees 2 minutes 28 seconds West, 360.96 feet to a point, the place of BEGINNING. CONTAINING 1.9885 acres, as per survey of Carl D. Bert, R.S., dated October, 1976.

TITLE TO SAID PREMISES IS VESTED IN Douglas W. Heller, unmarried and Cara Russo, unmarried, as joint tenants with the right of survivorship by Deed from Jimmie C. Bowers and Betty L. Bowers, his wife dated 11/24/99 and recorded 11/30/99 in Record Book 1961, Page 106.

Premises being: 4530 Chambersburg Road, Biglerville, PA 17307

Tax Parcel No. C10-6

SEIZED and taken into execution as the property of **Douglas W. Heller & Cara Russo** 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 June 17, 2002, 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.

4/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-989 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, 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 real estate located in Reading Township, Adams County, Pennsylvania, and more particularly described in accord with a final subdivision plan prepared by Adams County Surveyors, drawing D-321-A, dated June 30, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 23, Page 6, as follows:

BEGINNING at the pipe in the Southwestern edge of a fifty (50) foot right-of-way known as Germany Court and the Eastern edge of Lot No. 5 as shown on the aforesaid final subdivision plan; thence along the Southwestern edge of said Germany Court, South forty-nine (49) degrees forty-one (41) minutes twenty (20) seconds East, three hundred thirty and no hundredths (330.00) feet to a pipe in the edge of Germany Court; thence along Lot No. 7 as shown on said plan, South forty (40) degrees eighteen (18) minutes forty (40) seconds West, three hundred fifty and no hundredths (350.00) feet to a pipe; thence by same, North forty-nine (49) degrees five (5) minutes twenty (20) seconds West, four hundred twenty-one and no hundredths (421.00) feet to a pipe at the Southern corner of Lot No. 5 as shown on said plan; thence by same, North fifty-five (55) degrees three (3) minutes thirty (30) seconds East, three hundred fifty-seven and thirty-six hundredths (357.36) feet to a pipe in the Southwestern edge of Germany Court, the point and place of BEGINNING.

Map # K6-15J

Being known as: 155 Germany Court, East Berlin, PA 17316

TITLE TO SAID PREMISES IS VESTED IN Albert E. Pate by deed from Albert E. Pate and Linda L. Pate, husband and wife dated August 27, 1991, recorded August 28, 1991, in Deed Book 598, Page 453.

SEIZED and taken into execution as the property of **Albert E. Pate** 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 June 17, 2002, 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.

4/12, 19 & 26

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, April 29, 2002, at 9:00 o'clock a.m.

SEGRAVES—Orphans' Court Action Number OC-27-02. The First and Final Account of Alfred Segraves, Executor of the Estate of Helen L. Segraves, deceased, late of Gettysburg Borough, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

4/19 & 26

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on March 28, 2002, by MID-ATLANTIC COOPERATIVE SOLUTIONS, INC., a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 230 Lincoln Way East, New Oxford, PA 17350, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Adams County.

4/19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1170 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of June, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

EXHIBIT A

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

BEGINNING at an existing iron pin at the private road and land of Charles Businda; thence with the land of Charles Businda, North 31 degrees 15 minutes West, 237.90 feet to a railroad spike in Township Road 361; thence through the same, North 87 degrees 42 minutes East, 412.42 feet to a railroad spike; thence across the said road and old Township Road 361, South 05 degrees 30 minutes East, 65.00 feet to an iron pin in said old Township Road 361; thence through the same, South 57 degrees 00 minutes West, 115.00 feet to an iron pin; thence with the said private road, South 79 degrees 34 minutes West, 72.44 feet to an iron pin; thence with the same, South 58 degrees 00 minutes West, 150.00 feet to an existing iron pin, the place of BEGINNING. CONTAINING 1.21 acres, as shown on a draft made for Myra Hargett by Nassaux-Hemsley Incorporated dated June 27, 1974.

The above described tract of land is the same tract which Rodney D. Taylor and Deborah Renee Taylor, his wife, by their Deed dated September 15, 1989, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 533, at page 939, sold and conveyed unto Daniel R. Chase and Jennifer L. Chase, husband and wife, Mortgagees herein.

The real estate herein described is conveyed SUBJECT TO the restrictions, conditions and easements referred to in the deed recorded in Deed Book 233, at Page 241.

SEIZED and taken into execution as the property of **Daniel R. & Jennifer L. Chase** 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 July 1, 2002, 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.

4/19, 26 & 5/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1116 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of June, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 997 on a plan of lots of Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 1, at page 6, and subject to all legal highways, easements, rights-of-way and restrictions of record.

UNDER AND SUBJECT TO the restrictions, covenants and conditions as set forth in Deed Book 291, page 645.

BEING the same premises which Harry P. McKean, single man, trading and doing business as New Age Associates, by Deed dated November 8, 1993 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 805, page 69, granted and conveyed unto Lewis D. Loughlin, Jr.

Premises being: 46 Sedgewick Drive, East Berlin, PA 17316

Tax Parcel No. #37-12-24

SEIZED and taken into execution as the property of **Donald Struthers a/k/a Donald A. Struthers, Jr. & Lisa A. Struthers** 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 July 1, 2002, 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.

4/19, 26 & 5/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-26 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of June, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

BEGINNING at a point in the center of Valley Trail at Lot No. 26; thence by said lot and by Lot No. 25 North 88 degrees 47 minutes East, 290.51 feet to lands now or late of Ivan Riley and Brooks Hull, thence by said South 01 degree 25 minutes 20 seconds East, 100 feet to Lot No. 29; thence by said lot and by Lot No. 28 South 88 degrees 47 minutes West, 269.05 feet to a point in the center of said Valley Trail; thence in said Valley Trail North 17 degrees 24 minutes West, 52.59 feet to a point in said Valley Trail; thence continuing in said Valley Trail North 09 degrees 27 minutes West, 50.01 feet to the place of BEGINNING.

BEING the same premises which Dennis M. Didio and Terri H. Didio, by deed dated November 13, 1992 and recorded November 19, 1992 in the Recorder's Office in and for Adams, Pennsylvania in Deed Book Volume 656 Page 7, granted and conveyed unto Dennis M. Didio the mortgagor herein.

SEIZED and taken into execution as the property of **Dennis M. Didio** 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 July 15, 2002, 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.

4/19, 26 & 5/3

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 ELEANOR G. BENSER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Alma Benser Scordato, 6600 Whitegate Rd., Clarksville, MD 21029

ESTATE OF STERLING H. BLACK, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Dorothy M. Starnier, 3710 Carlisle Road, Gardners, PA 17324

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

ESTATE OF MARY L. BOYER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: William Boyer Lower, 405 Boyer Nursery Road, Biglerville, PA 17307

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

ESTATE OF HERMAN W. HILKER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrices: Ethel Hilker Wilson, 242 Chestnut Hill Road, Hanover, PA 17331; Mildred Hilker Kline, 159 East Myrtle Street, Littlestown, PA 17340

Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 25 South Washington Street, Gettysburg, PA 17325

ESTATE OF RODERICK LUTHER MONTGOMERY, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administrator: Diane E. Linebaugh, 518 South Avenue, East Berlin, PA 17316

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

ESTATE OF MARTHA A. SNYDER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Dorothy A. Elgin and Arlene I. Jacobs, c/o 29 North Duke Street, York, PA 17401

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

SECOND PUBLICATION

ESTATE OF DONALD C. BUSHEY, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Charles Bushey, 139 Fohl Street, Arendtsville, PA 17303

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

ESTATE OF JANE B. DIEHL, DEC'D

Late of the Borough of York Springs, Adams County, Pennsylvania

Judith L. Kramer, 910 Trolley Rd., York Springs, PA 17372; Gordon E. Diehl, 3278 Bedford Valley Rd., Bedford, PA 15522

ESTATE OF DORIS E. KELLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Frederic D. Bornemann, 722 West Washington Street, Hagerstown, MD 21740

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

ESTATE OF WALTER KENNEL, JR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Winifred Moritz, 554 Hunterstown Road, Gettysburg, PA 17325

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

ESTATE OF CLAYTON S. MOUL, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator CTA: Nancy J. Niedererr, 615 Spook Lane, Hanover, PA 17331

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

ESTATE OF HILDA H. TREIBER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Daniel R. Hollerbusch, 15C York Dr., New Oxford, PA 17350; Clair E. Fry, Jr., 7610 Woodside Ave., Harrisburg, PA 17112

Attorney: John C. Herrold, Esq., Grist, Himes, Herrold, Schaumann, LLP

ESTATE OF BERNADETTE I. WISE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Leo E. Gribbin, c/o Stetter & Gribbin, 138 East Market Street, York, PA 17401

Attorney: Leo E. Gribbin, Esq., Stetter & Gribbin, 138 East Market Street, York, PA 17401

THIRD PUBLICATION

ESTATE OF MARION E. FULLERTON a/k/a MARION E. THOMPSON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Ruth E. Sorlie, 334 Hoffman Road, Gettysburg, PA 17325

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF REX O. GALUSHA, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: Richard L. Galusha, 39 Conewago Street, P.O. Box 246, Arendtsville, PA 17303

Attorney: Puhl, Eastman & Thrasher, 200 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CRANE W. MANCHEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: John M. Crabbs, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

Attorney: John M. Crabbs, Esq., Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

ESTATE OF MYRTLE R. MANCHEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: John M. Crabbs, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

Attorney: John M. Crabbs, Esq., Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

ESTATE OF FRANCES V. ROHRBAUGH, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Executors: David M. Rohrbaugh, 215 Shorb Mill Road, Fairfield, PA 17320; Robert L. Rohrbaugh, 298 Middle Creek Road, Fairfield, PA 17320

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-1221 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Premises: 45 South Hickory Lane, Township of Reading, Adams County, Pennsylvania

ALL those two (2) lots of ground situate, lying and being in Reading Township, Adams County, Pennsylvania, bounded, limited and described as follows, to wit:

LOT NO. 1:

BEGINNING at an iron pin at land now or formerly of George H. Miller and other land now or formerly of W.A. Bosserman; thence by the last mentioned lands South fifty-nine (59) degrees thirty (30) minutes West fifty (50) feet to an iron pin at lands now or formerly of W.A. Bosserman; thence by the same North twenty-nine (29) degrees West twenty-nine and seven-tenths (29.7) feet to an iron pin; thence North fifty-nine (59) degrees thirty (30) minutes East fifty (50) feet to an iron pin at Lot No. 2 hereof; thence by the same and lands, now or formerly of George H. Miller, aforesaid, South twenty-nine (29) degrees East twenty-nine and seven-tenths (29.7) feet to an iron pin, the place of BEGINNING. (It being part of the same which was surveyed by George M. Wildasin, Registered Surveyor, on August 11, 1961, as the property of William Bosserman.) 0.03 AC.

LOT NO. 2:

BEGINNING at a point in the Great Conewago Creek at corner of lands now or formerly of George Miller; thence along lands now or formerly of George Miller; thence along lands now or formerly of George Miller South fifty-eight and one-half (58 1/2) degrees West two hundred ninety-seven (297) feet to an iron pin at Lot No. 1 hereof; thence by the same and other lands North thirty (30) degrees West sixty-five (65) feet to lands now or formerly of Paul A. Swartz; thence along said Swartz's land North fifty-eight and one-half (58 1/2) degrees East two hundred ninety-seven (297) feet to a point at the Great Conewago Creek, aforesaid; thence along said Conewago Creek South twenty and one-fourth (20 1/4) degrees East sixty-five (65) feet to a point, the place of BEGINNING. 0.444 AC.

TITLE TO SAID PREMISES IS VESTED IN David B. Schoolcraft and Lois A. Schoolcraft, his wife by reason of the following:

BEING the same premises which W.A. Bosserman and Louise E. Bosserman, his wife by deed dated 10/26/68 and recorded 10/30/68 in the County of Adams in Deed Book Volume 270 page 586 conveyed unto David B. Schoolcraft and Lois A. Schoolcraft, his wife.

AND BEING AS TO A PART OF the same premises which The Tax Claim Bureau of the County of Adams, Pennsylvania by Tax Claim Bureau Deed dated 2/6/75 and recorded 2/7/75 in the County of Adams in Deed Book Volume 317 Page 307 conveyed unto David Schoolcraft and Lois Schoolcraft, husband and wife.

Tax Parcel: #J-9-74

SEIZED and taken into execution as the property of David & Lois Schoolcraft 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 June 17, 2002, 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.

4/12, 19 & 26

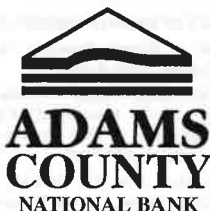
FICTITIOUS NAME NOTICE

Joseph A. Myers and V. Paul Pisula, III, both of Hanover, Pennsylvania, did file in the Office of the Secretary of the Commonwealth of Pennsylvania, on March 15, 2002, registration of the fictitious name: TWIN LAKES WEST PARTNERS under which they intend to do business at 160 Ram Drive, Hanover, Pennsylvania, 17331, pursuant to the provisions of the Act of Assembly of December 21, 1988, known as the "Fictitious Names Act."

Barley, Snyder, Senft & Cohen, LLC
Attorneys

4/19

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



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Adams County **Legal Journal**

Vol. 43

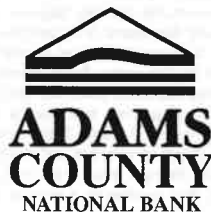
April 26, 2002

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IN THIS ISSUE

ADRIAN VS. GETTYSBURG COLLEGE

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-106 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of June, 2002, 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 lying and situate in the Carroll Valley Borough, Adams County, Pennsylvania, being Lot No. 267 in Section K, more particularly bounded and described as follows:

BEGINNING at a point in the center of Snow Plow Trail at Lot No. 268; thence by said lot, North 64 degrees 44 minutes 25 seconds West, 225.16 feet to Lot No. 265; thence by said lot, North 27 degrees 27 minutes 2 seconds East, 115 feet to Lot No. 266; thence by said lot, South 64 degrees 44 minutes 25 seconds East, 225.16 feet to a point in the center of Snow Plow Trail; thence in said Snow Plow Trail, North 27 degrees 27 minutes 2 seconds West, 115 feet to the place of BEGINNING.

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

TITLE TO SAID PREMISES IS VESTED IN Vera E. Kugler, a single woman by Deed from Richard L. Kelley, joined by his wife Cynthia A. Kelley dated 12/4/1995 and recorded 12/8/1995 in Record Book 1119, Page 316.

Premises being: 11 Snow Plow Trail, Fairfield, PA 17320

Tax Parcel No. Map 7, Parcel 6

SEIZED and taken into execution as the property of **Vera E. Kugler** 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 July 1, 2002, 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.

4/19, 26 & 5/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-62 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of June, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Tract No. 1:

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

BEGINNING at a stone on the line of lands now or formerly of Daniel Kline; thence with the same South seventy-two and one-fourth (72-1/4) degrees West nine and five-tenths (9.5) perches to a stone; thence with other lands now or formerly of Daniel Kline South twenty-two (22) degrees East thirty-four and one-tenth (34.1) perches to a stone; thence with lands now or formerly of Pius Unger North seventy-two and one-fourth (72-1/4) degrees East nine and five-tenths (9.5) perches to a stone; thence with lands now or formerly of the heirs of John Weisensale North twenty-two (22) degrees West thirty-four and one-tenth (34.1) perches to the place of BEGINNING. CONTAINING two (2) Acres and one (1) Perch of land, more or less.

Tract No. 2:

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

BEGINNING at a point at lands now or formerly of G. Roscoe Worley and Mary J. Worley; thence by lands now or formerly of David Bayer, North seventy-two and one-fourth (72-1/4) degrees East, nine and five-tenths (9.5) perches to a point at lands formerly of Daniel Sell; thence by the same, South twenty-two (22) degrees East, thirty-four and one-tenth (34.1) perches to a point at other lands formerly of Daniel Sell; thence by same, South seventy-two and one-fourth (72-1/4) degrees West, nine and five-tenths (9.5) perches to a point at lands

now or formerly of G. Roscoe Worley and Mary J. Worley; thence by the same, North twenty-two (22) degrees West, thirty-four and one-tenth (34.1) perches to a point, the point and place of BEGINNING. CONTAINING 2 Acres and 1 Perch, more or less.

SEIZED and taken into execution as the property of **Kerry David Blettner** 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 July 1, 2002, 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.

4/19, 26 & 5/3

NOTICE

NOTICE IS HEREBY GIVEN that Dana Stevens Scaduto intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 20th day of June, 2002, at 9:00 a.m. She is a member in good standing of the bar of the Commonwealth of Pennsylvania and serves as General Counsel for Gettysburg College, with her office located in Pennsylvania Hall, Gettysburg, Pennsylvania.

4/12, 19 & 26

ADRIAN VS. GETTYSBURG COLLEGE

1. Summary judgment may be properly entered in favor of a defendant when a plaintiff's cause of action is barred by the statute of limitations.

2. Generally, the statute of limitations begins to run as soon as a right to institute and maintain suit arises. Whether a complaint is timely filed within the limitations period is a matter of law for the court to determine.

3. Plaintiff attempts to utilize the discovery rule, which is a judicially created exception that effectively delays the running of the statute of limitations. The application of the discovery rule is appropriate in situations where a party may have a right to institute a suit, but cannot despite the exercise of diligence reasonably discover that he has been injured.

4. The question of due diligence in discovering an injury, as it relates to a statute of limitations defense, is usually one for a jury's consideration. However, where the facts are so clear that reasonable minds cannot differ as to whether the plaintiff should reasonably be aware that he has suffered an injury, the determination as to when the limitations period commences becomes a matter of law.

5. Once the prescribed statutory period has expired, the party is barred from bringing suit unless it is established that an exception to the general rule applies which acts to toll the running of the statute. The "discovery rule" is such an exception, and arises from the *inability* of the injured, *despite the exercise of due diligence*, to know of the injury or its cause.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 00-S-976, DONALD K. ADRIAN VS. GETTYSBURG
COLLEGE.

Matthew R. Battersby, Esq., for Plaintiff

Ann Margaret Grab, Esq., for Defendant

Spicer, P.J., September 18, 2001

OPINION ON MOTION FOR SUMMARY JUDGMENT

Defendant seeks summary judgment in this slip and fall case. It is undisputed that the accident occurred on October 2, 1998 at 10:00 p.m. Plaintiff's counsel began the case with a praecipe for writ of summons on October 3, 2000 and the writ was issued the next day. Plaintiff filed his complaint on October 4, 2000. Both the writ and the complaint were served on defendant October 5, 2000. Because plaintiff's praecipe was filed one day beyond the applicable statute of limitations, 42 Pa. C.S.A. §5524(2)¹, defendant seeks dismissal of the

¹42 Pa. C.S.A. §5524. Two year limitation

The following actions and proceedings must be commenced within two years:

(2) An action to recover damages for injuries to the person or for the death of an individual caused by the wrongful act or neglect or unlawful violence or negligence of another.

lawsuit. This court heard oral argument on August 8, 2001, but delayed issuing an opinion at the request of the parties.²

Standards governing summary judgment are well established.

Summary judgment is properly granted where ‘the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show there is no genuine issue of material fact and that the moving party is entitled to a judgment as a matter of law.’ Pa. R.C.P. 1035(b). ‘The record must be viewed in a light most favorable to the nonmoving party, and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party.’ *Marks v. Tasman*, 527 Pa. 132, 135, 589 A.2d 205, 206 (1991). Summary judgment may be entered only in those cases where the right is clear and free from doubt. *Musser v. Vilsmeier Auction Co. Inc.*, 522 Pa. 367, 369, 562 A.2d 279, 280. (1989).

Pennsylvania State University v. County of Centre, 532 Pa. 142, 615 A.2d 303, 304 (1992).

Quoted in *Kapres v. Heller*, 536 Pa. 551, 555, 640 A.2d 888, 890 (1994).

Further, summary judgment may be properly entered in favor of a defendant when a plaintiff’s cause of action is barred by the statute of limitations. *Kingston Coal Co. v. Felton Mining Co.*, 456 Pa. Super. 270, 690 A.2d 284 (1997), alloc. dn 549 Pa. 702, 700 A.2d 441 (1997) citing *Colonna v Rice*, 445 Pa. Super. 1, 4, 664 A.2d 979, 980 (1995), alloc. dn 544 Pa. 599, 674 A.2d 1065 (1996).

The complaint alleges that plaintiff slipped and fell at approximately 10:00 p.m. on October 2, 1998, while attempting to exit from his seat at Klein Theater, Gettysburg College. Defendant properly raised the statute in new matter, and in his reply, plaintiff asserted that he did not have reasonable knowledge of the extent of his injuries until after surgical intervention on October 3, 1998.

The purpose of the statute of limitations is to expedite litigation and discourage long delays. *Insurance Company of North America v.*

²The request was, we must confess, motivated by the court’s suggestion that the parties consider an amicable resolution. As might be expected, although we are bound to apply the law, dismissal because of a few hours delay is rather harsh.

Carnahan, 446 Pa. 48, 284 A.2d 728 (1971). Plaintiffs are required to be reasonably diligent in ascertaining facts and circumstances upon which potential of recovery may be based. *Hayward v. Medical Center of Beaver County*, 530 Pa. 320, 608 A.2d 1040 (1992). The statute is not a technical defense, but a substantial and meritorious one. *Insurance Company of North America, supra*.

Generally, the statute of limitations begins to run as soon as a right to institute and maintain suit arises. Whether a complaint is timely filed within the limitations period is a matter of law for the court to determine. *Crouse v. Cyclops Industries*, 560 Pa. 394, 745 A.2d 606, 611 (2000) citing *Pocono International Raceway, Inc. v. Pocono Produce, Inc.*, 503 Pa. 80, 84, 468 A.2d 468, 471 (1983); *Hayward v. Medical Center of Beaver County*, 530 Pa. 320, 324, 608 A.2d 1040, 1042 (1992). Plaintiff attempts to utilize the discovery rule, which is a judicially created exception that effectively delays the running of the statute of limitations. *Crouse*, 745 A.2d at 611. The application of the discovery rule is appropriate in situations where a party may have a right to institute a suit, but cannot despite the exercise of diligence reasonably discover that he has been injured. *Id.*

The question of due diligence in discovering an injury, as it relates to a statute of limitations defense, is usually one for a jury's consideration. *Citsay v. Reich*, 380 Pa. Super. 366, 371, 551 A.2d 1096, 1099 (1988). However, where the facts are so clear that reasonable minds cannot differ as to whether the plaintiff should reasonably be aware that he has suffered an injury, the determination as to when the limitations period commences becomes a matter of law. *E.J.M. v. Archdiocese of Philadelphia*, 424 Pa. Super. 449, 455, 622 A.2d 1388, 1391 (1993).

Although the present case presents some interesting questions, plaintiff's own pleadings clearly establish that he was aware of his injury on October 2, 1998.³ The plaintiff attached medical records in

³As has been pointed out, the fall occurred in the late evening hours of October 2, 1998. Plaintiff's argument is superficially plausible that the statute should run from October 3, 1998, when an orthopedic surgeon confirmed a hip fracture. However, a report by John H. Dufendach, M.D. dated October 2, 1998 stated "This 68 year old male was at a play this evening at the college and stepped off a six inch riser and fell landing on his right hip causing severe pain. He was able to get up onto his knee but was not able to bear weight on the right side and was brought here by ambulance with complaint of right hip pain."

his reply to new matter. (See Reply to New Matter-Exhibit A). Those records clearly reveal that on October 2, 1998, the plaintiff was aware he was injured in that he required an ambulance transport to the Gettysburg Hospital. The plaintiff reported to an emergency room physician on this same date not only how he sustained the injury but also the body part that was injured. Finally, Dr. John H. Dufendach, the emergency room physician documented his "impression" on October 2, 1998 that plaintiff had sustained a right hip fracture.

In *Pocono International Raceway, Inc. v. Pocono Produce, Inc.*, supra, the Pennsylvania Supreme Court upheld summary judgment based upon the statute of limitations and rejected an argument similar to the one under consideration, sub judice. Our highest court stated that the discovery rule is an exception, not one of general application. Blameless ignorance on the part of the injured party is what compels the use of the rule. The court said, inter alia:

As a matter of general rule, a party asserting a cause of action is under a duty to use all reasonable diligence to be properly informed of the facts and circumstances upon which a potential right of discovery is based and to institute suit within the prescribed statutory period. Thus, the statute of limitations begins to run as soon as the right to institute and maintain a suit arises; lack of knowledge, mistake or misunderstanding do not toll the running of the statute of limitations; even though a person may not discover his injury until it is too late to take advantage of the appropriate remedy, this is incident to a law arbitrarily making legal remedies contingent upon mere lapse of time. Once the prescribed statutory period has expired, the party is barred from bringing suit unless it is established that an exception to the general rule applies which acts to toll the running of the statute. The "discovery rule" is such an exception, and arises from the *inability* of the injured, *despite the exercise of due diligence*, to know of the injury or its cause. Thus, in a case of subsurface injury in which, unknown to the plaintiff, the defendant removes coal from his land via access originating on the defendant's land, the inability of the plaintiff, despite the

exercise of diligence, to know of the trespass, tolls the running of the statute. (all citations omitted)

Id. 503 Pa. at 85, 468 A.2d at 471.

Supreme Court's discussion of another example of the discovery rule's applicability (failure by physician to remove an implement of surgery) is clearly indicative that the present situation does not qualify.

Albeit reluctantly, we rule that the discovery rule does not apply.

This being the case, plaintiff was required to file his cause of action on or before October 2, 2000. Dismissal because of a few hours' tardiness may seem harsh, but the statute is arbitrary and must be enforced unless a recognized exception applies.

We are impelled to grant defendant's motion for summary judgment and dismiss plaintiff's action.

ORDER

AND NOW, this 18th day of September, 2001, the court grants summary judgment for defendant and against plaintiff and dismisses plaintiff's action.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1326 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises situate, lying and being in the Township of Conewago, County of Adams and Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the Legislative Route 01005 at lands now or formerly of Peter Sheppard; thence along said last mentioned lands, South seventy-eight (78) degrees twenty-one (21) minutes West, two hundred seven (207) feet to a stone; thence along said last mentioned lands, South forty-four (44) degrees fifty-eight (58) minutes East, sixty-two (62) feet to a point at lands now or formerly of Phyllis Snyder; thence along said last mentioned lands, South forty-four (44) degrees fifty-eight (58) minutes East, sixty-two (62) feet to a point at lands now or formerly of Phyllis Snyder; thence along said last mentioned lands, South seventy-three (73) degrees thirty (30) minutes East, one hundred twenty-six and seventy-five one-hundredths (126.75) feet to a point in the centerline of Legislative Route 01005; thence along and with the centerline of Legislative Route 01005, North twelve (12) degrees East, one hundred twenty-six and sixty-seven one-hundredths (126.67) feet to the point and place of BEGINNING. KNOWN as 251 Narrow Drive, Hanover, PA 17331.

BEING the same premises which Donald W. Teal and Debra Ann Teal by Deed dated the 24th day of May, 1997, and recorded at Adams County in the Office of the Recorder of Deeds, in and for the County of Adams, on the 4th day of June, 1997, in Record Book 1383, Page 253, granted and conveyed unto Jo Zartman.

Tax Map: K16, Parcel: 11

Being known as: 251 Narrow Drive, Hanover, PA 17331

SEIZED and taken into execution as the property of **Jo Zartman** 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 June 17, 2002, 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.

4/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-774 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate in the Village of Brushtown, Conewago Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stone in the center of Legislative Route 116 at Brushtown; thence along lands formerly of Ella Warren, now or formerly of Donald L. Coffman and Loretta J. Coffman, South twenty-seven and three-fourths (27 3/4) degrees West, two hundred (200) feet to a point; thence along lands formerly of Charles H. Eyster now or formerly of Brushtown Athletic Association, South seventy-three (73) degrees East, eighty (80) feet to a point; thence along lands formerly of Charles H. Eyster, now or formerly of James A. Poist and Martha N. Poist, North twenty-seven and three-fourths (27 3/4) degrees East two hundred (200) feet to a point in the aforesaid State Legislative Route 116; thence in and along said Legislative Route 116, North seventy-three (73) degrees West, eighty (80) feet to a stone, the place of BEGINNING.

Tax Map K-14 Parcel 105

Being known as: 5585 Hanover Road, Hanover, PA 17331

SEIZED and taken into execution as the property of **Nicholas A. Gross** 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 June 17, 2002, 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.

4/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1116 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of June, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 997 on a plan of lots of Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 1, at page 6, and subject to all legal highways, easements, rights-of-way and restrictions of record.

UNDER AND SUBJECT to the restrictions, covenants and conditions as set forth in Deed Book 291, page 645.

BEING the same premises which Harry P. McKean, single man, trading and doing business as New Age Associates, by Deed dated November 8, 1993 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book 805, page 69, granted and conveyed unto Lewis D. Loughlin, Jr.

Premises being: 46 Sedgewick Drive, East Berlin, PA 17316

Tax Parcel No. #37-12-24

SEIZED and taken into execution as the property of **Donald Struthers a/k/a Donald A. Struthers, Jr. & Lisa A. Struthers** 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 July 1, 2002, 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.

4/19, 26 & 5/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-21 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, 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 Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point at the Northern edge of the pavement of U.S. Route 30, on line of land now or formerly of Frank Robbins; thence along the Northern edge of said U.S. Route 30, South 81 degrees 45 minutes 00 seconds East, 403.67 feet to a point; thence crossing said U.S. Route 30, and by land now or formerly of Donald Sponseller, and passing through a reference iron pin set back 40.84 feet from the next mentioned point, South 3 degrees 30 minutes 27 seconds East, 98.55 feet to a blazed hemlock at corner of land now or formerly of Warren H. Deardorff; thence by said land of Warren H. Deardorff, South 59 degrees 49 minutes 56 seconds West, 396.26 feet to an existing iron pin at a stone pile on line of land now or formerly of Dorsey A. Shultz; thence by said land of Dorsey A. Shultz, passing through an existing iron pin marking the boundary between Dorsey A. Shultz and land now or formerly of Chief Split Cloud, said pin being 142.99 feet from the last mentioned point, and also passing through an iron pin set back 59.51 feet from the next mentioned point, North 10 degrees 2 minutes 28 seconds West, 360.96 feet to a point, the place of BEGINNING. CONTAINING 1.9885 acres, as per survey of Carl D. Bert, R.S., dated October, 1976.

TITLE TO SAID PREMISES IS VESTED IN Douglas W. Heller, unmarried and Cara Russo, unmarried, as joint tenants with the right of survivorship by Deed from Jimmie C. Bowers and Betty L. Bowers, his wife dated 11/24/99 and recorded 11/30/99 in Record Book 1961, Page 106.

Premises being: 4530 Chambersburg Road, Biglerville, PA 17307

Tax Parcel No. C10-6

SEIZED and taken into execution as the property of **Douglas W. Heller & Cara Russo** 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 June 17, 2002, 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.

4/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-26 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of June, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

BEGINNING at a point in the center of Valley Trail at Lot No. 26; thence by said lot and by Lot No. 25 North 88 degrees 47 minutes East, 290.51 feet to lands now or late of Ivan Riley and Brooks Hull, thence by said South 01 degree 25 minutes 20 seconds East, 100 feet to Lot No. 29; thence by said lot and by Lot No. 28 South 88 degrees 47 minutes West, 269.05 feet to a point in the center of said Valley Trail; thence in said Valley Trail North 17 degrees 24 minutes West, 52.59 feet to a point in said Valley Trail; thence continuing in said Valley Trail North 09 degrees 27 minutes West, 50.01 feet to the place of BEGINNING.

BEING the same premises which Dennis M. Didio and Terri H. Didio, by deed dated November 13, 1992 and recorded November 19, 1992 in the Recorder's Office in and for Adams, Pennsylvania in Deed Book Volume 656 Page 7, granted and conveyed unto Dennis M. Didio the mortgagor herein.

SEIZED and taken into execution as the property of **Dennis M. Didio** 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 July 15, 2002, 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.

4/19, 26 & 5/3

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, April 29, 2002, at 9:00 o'clock a.m.

SEGRAVES—Orphans' Court Action Number OC-27-02. The First and Final Account of Alfred Segraves, Executor of the Estate of Helen L. Segraves, deceased, late of Gettysburg Borough, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

4/19 & 26

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 311 of the Act of December 16, 1982, P.L. 1309, No. 295, codified as amended (54 Pa. C.S.A. §311), there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on April 3, 2002, an Application for Registration of Fictitious Name of L & H MECHANICAL AND ELECTRICAL SERVICES, the address of the principal place of business being 33 Sunset Drive, Gettysburg, Pennsylvania 17325. The name and address of the person who is a party to said registration is: Lawrence G. Plank, of 33 Sunset Drive, Gettysburg, Pennsylvania 17325.

Puhl, Eastman & Thrasher
Attorneys

4/26

INCORPORATION NOTICE

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

1. The Name of the Corporation is: JOHN PARICHUK PAVING, INC.
2. The Corporation has been incorporated under the provisions of the Business Corporation Law of 1988.

John M. Crabbs
Solicitor

4/26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1170 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of June, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

EXHIBIT A

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

BEGINNING at an existing iron pin at the private road and land of Charles Businda; thence with the land of Charles Businda, North 31 degrees 15 minutes West, 237.90 feet to a railroad spike in Township Road 361; thence through the same, North 87 degrees 42 minutes East, 412.42 feet to a railroad spike; thence across the said road and old Township Road 361, South 05 degrees 30 minutes East, 65.00 feet to an iron pin in said old Township Road 361; thence through the same, South 57 degrees 00 minutes West, 115.00 feet to an iron pin; thence with the said private road, South 79 degrees 34 minutes West, 72.44 feet to an iron pin; thence with the same, South 58 degrees 00 minutes West, 150.00 feet to an existing iron pin, the place of BEGINNING. CONTAINING 1.21 acres, as shown on a draft made for Myra Hargelt by Nassaux-Hemsley Incorporated dated June 27, 1974.

The above described tract of land is the same tract which Rodney D. Taylor and Deborah Renee Taylor, his wife, by their Deed dated September 15, 1989, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 533, at page 939, sold and conveyed unto Daniel R. Chase and Jennifer L. Chase, husband and wife, Mortgagees herein.

The real estate herein described is conveyed SUBJECT to the restrictions, conditions and easements referred to in the deed recorded in Deed Book 233, at Page 241.

SEIZED and taken into execution as the property of **Daniel R. & Jennifer L. Chase** 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 July 1, 2002, 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.

4/19, 26 & 5/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-1221 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Premises: 45 South Hickory Lane, Township of Reading, Adams County, Pennsylvania

ALL those two (2) lots of ground situate, lying and being in Reading Township, Adams County, Pennsylvania, bounded, limited and described as follows, to wit:

LOT NO. 1:

BEGINNING at an iron pin at land now or formerly of George H. Miller and other land now or formerly of W.A. Bosserman; thence by the last mentioned lands South fifty-nine (59) degrees thirty (30) minutes West fifty (50) feet to an iron pin at lands now or formerly of W.A. Bosserman; thence by the same North twenty-nine (29) degrees West twenty-nine and seven-tenths (29.7) feet to an iron pin; thence North fifty-nine (59) degrees thirty (30) minutes East fifty (50) feet to an iron pin at Lot No. 2 hereof; thence by the same and lands, now or formerly of George H. Miller, aforesaid, South twenty-nine (29) degrees East twenty-nine and seven-tenths (29.7) feet to an iron pin, the place of BEGINNING. (It being part of the same which was surveyed by George M. Wildasin, Registered Surveyor, on August 11, 1961, as the property of William Bosserman.) 0.03 AC.

LOT NO. 2:

BEGINNING at a point in the Great Conewago Creek at corner of lands now or formerly of George Miller; thence along lands now or formerly of George Miller; thence along lands now or formerly of George Miller South fifty-eight and one-half (58 1/2) degrees West two hundred ninety-seven (297) feet to an iron pin at Lot No. 1 hereof; thence by the same and other lands North thirty (30) degrees West sixty-five (65) feet to lands now or formerly of Paul A. Swartz; thence along said Swartz's land North fifty-eight and one-half (58 1/2) degrees East two hundred ninety-seven (297) feet to a point at the Great Conewago Creek, aforesaid; thence along said Conewago Creek South twenty and one-fourth (20 1/4) degrees East sixty-five (65) feet to a point, the place of BEGINNING. 0.444 AC.

TITLE TO SAID PREMISES IS VESTED IN David B. Schoolcraft and Lois A.

Schoolcraft, his wife by reason of the following:

BEING the same premises which W.A. Bosserman and Louise E. Bosserman, his wife by deed dated 10/26/68 and recorded 10/30/68 in the County of Adams in Deed Book Volume 270 page 586 conveyed unto David B. Schoolcraft and Lois A. Schoolcraft, his wife.

AND BEING AS TO A PART OF the same premises which The Tax Claim Bureau of the County of Adams, Pennsylvania by Tax Claim Bureau Deed dated 2/6/75 and recorded 2/7/75 in the County of Adams in Deed Book Volume 317 Page 307 conveyed unto David Schoolcraft and Lois Schoolcraft, husband and wife.

Tax Parcel: #J-9-74

SEIZED and taken into execution as the property of **David & Lois Schoolcraft** 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 June 17, 2002, 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.

4/12, 19 & 26

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S.A. §311, an Application to conduct business in Pennsylvania under the assumed or fictitious name, style or designation of **STONYBROOK BED AND BREAKFAST** was filed with the Department of State, Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania. The business is located at 3385 Bullfrog Road, Fairfield, Adams County, Pennsylvania. The name and address of the person who is a party to the registration is: Janet Lee Malpeli, 3385 Bullfrog Road, Fairfield, PA 17320.

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

4/26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-748 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of June, 2002, 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 Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin at the easternmost corner of Lot No. 71, now or formerly of Charles R. Thompson, the southernmost corner of Lot No. 72, and the westernmost corner of Lot No. 79; thence by said Lot No. 79, South 45 degrees 14 minutes 35 seconds East, 429.01 feet to an iron pin on line of land now or formerly of Eugene E. McGlaughlin; thence by said land now or formerly of Eugene E. McGlaughlin, South 46 degrees 08 minutes 35 seconds West, 173.92 feet to an iron pin at corner of Lot No. 77; thence by said Lot No. 77, North 45 degrees 14 minutes 35 seconds West, 409.73 feet to an iron pin at Lot No. 71, aforesaid; thence by Lot No. 71, North 39 degrees 48 minutes 10 seconds East, 174.52 feet to an iron pin, the place of BEGINNING. CONTAINING 1.674 acres. Being known as Lot No. 78 on the hereinafter draft of survey.

The above description was taken from a draft of survey by Boyer-Price Surveys, Inc., dated November 8, 1974; revised June 2, 1975 to show 6.442 acre tract; revised September 11, 1975, to show Lot Nos. 71 and 82.

BEING the same premises which Philip A. Altland, Jr. and Laurie D. Altland, by Deed dated July 8, 1998 and recorded in Adams County on July 10, 1998 at Deed Book Volume 1618, Page 98 granted and conveyed to Philip A. Altland.

Weltman, Weinberg & Reis, Co., L.P.A.
/s/Kimberly J. Hong, Esq.
Attorney for Plaintiff
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219

Parcel No. C6-40T

SEIZED and taken into execution as the property of **Philip A. Altland, Jr.** 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 July 1, 2002, 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.

4/26, 5/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-148 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of June, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

LEGAL DESCRIPTION

ALL those two certain tracts of land situated, lying, and being in Strabans Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1

BEGINNING at a point in U.S. Route 30 at corner of lands now or formerly of Charles L. Long and H. Diane Winthrode; thence continuing along lands of Winthrode through a steel pin set back ten feet (10') from beginning of this course South 17 degrees 16 minutes 38 seconds East 74.44 feet to a steel pin; thence continuing along same South 22 degrees 04 minutes 23 seconds East 224.97 feet to an iron pin at Lot No. 2A; thence continuing along Lot No. 2A South 71 degrees 19 minutes 50 seconds West 121.31 feet to an iron pin at Lot No. 2; thence along Lot No. 2 and through a steel pin set back ten feet (10') from the end of this course North 18 degrees 15 minutes 10 seconds West 316.29 feet to a point in U.S. Route 30; thence in the right of way of U.S. Route 30 North 80 degrees 28 minutes 17 seconds East 108.85 feet to a point, the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a final Subdivision Plan by Mort, Brown & Assoc. dated June 5, 1992 and recorded July 28, 1992 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Plat Book 61 at page 9 and designated as Lot No. 1.

BEING THE SAME which Larry R. Kline and Phyllis M. Kline, husband and wife, by their deed dated November 20, 1990 and recorded November 21, 1990, in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 573 at Page 821 granted and conveyed unto Stephen L. Unger and Lisa M. Unger, husband and wife, the GRANTORS herein.

TRACT NO. 2

BEGINNING at a steel pin (set) on the southwest corner of Lot No. 1 as shown on the herebelow identified subdivision plan; thence by said lot and along land now or formerly of Charles L. Long and H. Diane Winthrode, North 71 degrees 19

minutes 50 seconds East 127.31 feet to an existing steel pin on line of land now or formerly of Charles L. Long and H. Diane Winthrode; thence by land of same, South 21 degrees 07 minutes 20 seconds East 60.06 feet to a steel pin (set) at corner of Lot No. 1A as shown on the herebelow identified subdivision plan; thence by said lot, South 71 degrees 19 minutes 50 seconds West 130.32 feet to a steel pin (set); thence North 18 degrees 15 minutes 10 seconds West 60.00 feet to a steel pin (set) on the Southwest corner of Lot No. 1, the place of BEGINNING. CONTAINING 0.177 Acre.

THE ABOVE DESCRIPTION was taken from the Final Subdivision Plan prepared by Mort, Brown & Associates dated June 5, 1992 and recorded July 28, 1992 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Plat Book 61 at Page 9 and designated as Lot No. 2A thereon.

BEING THE SAME which Larry R. Kline and Phyllis M. Kline, husband and wife, by their deed dated July 20, 1992 and recorded July 28, 1992, in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 636 at Page 180 granted and conveyed unto Stephen L. Unger and Lisa M. Unger, husband and wife, the GRANTORS herein.

Premises being: 2045 York Road, Gettysburg, PA 17325

Tax Parcel No. TAX MAP H-12, PARCEL 46

SEIZED and taken into execution as the property of **James E. Klingensmith** 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 July 15, 2002, 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.

4/26, 5/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-969 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of June, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, together with the improvements thereon erected, situate in Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point at the corner of Lot No. 2 on the hereinafter referred to subdivision plan and a public right of way known as Water Drive; thence along said Water Drive South twenty-three (23) degrees eleven (11) minutes ten (10) seconds East, one hundred sixteen and forty-six hundredths (116.46) feet to a point at the intersection of Water Drive and Witmer Road; thence leaving Water Drive and continuing along Witmer Road South twenty-two (22) degrees fifteen (15) minutes ten (10) seconds West, thirty-five and sixty-three hundredths (35.63) feet to a point; thence continuing along said Witmer Road South sixty-six (66) degrees forty-five (45) minutes five (05) seconds West; one hundred thirty and forty-seven hundredths (130.47) feet to a point at land now or formerly of Chad W. Blank; thence along said last mentioned lands North twenty-three (23) degrees thirteen (13) minutes twenty-seven (27) seconds West, one hundred forty and twenty hundredths (140.20) feet to a point at Lot No. 2 on the hereinafter referred to subdivision plan; thence along said Lot No. 2 North sixty-six (66) degrees forty-eight (48) minutes fifty (50) seconds East, one hundred fifty-four and ninety-two hundredths (154.92) feet to the point and place of BEGINNING. CONTAINING 21,385 square feet and being known as Lot No. 3 on a final subdivision plan prepared for Charles R. Clark dated May 12, 1988 and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Plan Book 51, Page 50.

Being known as 1035 Water Drive, Hanover, PA 17331

Property ID No. K-14-140-C

TITLE TO SAID PREMISES IS VESTED IN Dennis M. Mundell and Rebecca J. Mundell, husband and wife by deed from Charles R. Clark, married individual, and Geraldine V. Clark, married individual, by her attorney-in-fact Lillian Hicks, dated 12/3/1999, recorded 12/7/1999, in Deed Book 1965, Page 303.

SEIZED and taken into execution as the property of **Dennis M. Mundell & Rebecca J. Mundell** 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 July 15, 2002, 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.

4/26, 5/3 & 10

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1233 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of June, 2002, 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 tracts of land situate, lying and being in the Township of Huntington, County of Adams, and the State of Pennsylvania, bounded and described as follows, to wit:

TRACT A: BEGINNING at a point in the center of State Highway Route 15 leading from Harrisburg to Gettysburg, said point known as Station "A"; thence running in center of said Highway, South thirty-six and three-fourths (36-3/4) degrees West, one hundred seventy-nine and four-tenths (179.4) feet to another point in the center of same, said point marked by an iron pin set back on line along land now or formerly of Elmer E. Yeagy, bearing North fifty-one and three-fourths (51-3/4) degrees West, three hundred forty and two-tenths (340.2) feet to an iron pin; thence running by land now or formerly of Clarence Tanger, North thirty-six (36) degrees East, one hundred eighty-two (182) feet to an iron pin on the West side of a public road; thence running in said road, along land of same, South fifty-one (51) degrees East, three hundred forty-one and four-tenths (341.4) feet to Station "A", the place of BEGINNING. CONTAINING one (1) acre and eight (8) perches and two hundred sixty (260) square feet.

TRACT B: BEGINNING for a corner at a point in Township Road T-596, which said point is the end of the line North thirty-five (35) degrees East, thirty-five and six-tenths (35.6) perches in deed recorded in Deed Book 232 at page 249, hereinafter referred to; thence along land now or formerly of Livingston, and through a steel pin set 30 feet from the place of beginning, South thirty-five (35) degrees West, two hundred five (205) feet to a steel pin at land now or formerly of Clarence Tanger; thence along said last

mentioned land, North twenty-eight (28) degrees twenty-one (21) minutes West, two hundred eighty-nine and eighty-three hundredths (289.83) feet to a steel pin; thence along land of same, and through a steel pin set forty (40) feet from the terminus of this line, North fifty (50) degrees twenty-four (24) minutes East, two hundred eighty-eight and twenty-four hundredths (268.24) feet to a point at the eastern edge of Township Road T-596, aforesaid; thence in and through said Township Road, South seven (7) degrees forty-four (44) minutes East, two hundred fifty (250) feet to a point; thence again in and through said Township Road, South fifty-five (55) degrees thirty (30) minutes East, eighteen and fifteen hundredths (18.15) feet to the point and place of BEGINNING.

HAVING ERECTED THEREON a dwelling known as 6414 Old Harrisburg Road, York Springs, Pennsylvania.

BEING THE SAME PREMISES WHICH Richard W. Weaver by Deed dated June 9, 1995 and recorded June 16, 1995 in Adams County Deed Book 1042, Page 196, granted and conveyed unto Michael A. Trcka and Bobbie A. Trcka.

SEIZED IN EXECUTION AS THE PROPERTY OF BOBBIE A. TRCKA AND MICHAEL A. TRCKA UNDER ADAMS COUNTY JUDGMENT NO. 01-S-1233

MAP & PARCEL #15-34

SEIZED and taken into execution as the property of **Michael A. Trcka & Bobbie Anne Trcka** 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 July 15, 2002, 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.

4/26, 5/3 & 10

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

NO. 02-S-381
Action to Quiet Title

KENNETH W. KIMPLE, EXECUTOR OF
THE ESTATE OF JOSEPH WILLIAM
KIMPLE, a/k/a WILLIAM J. KIMPLE,
Plaintiff

vs.

LAKE HERITAGE, INC., its distributees,
successors and assigns, AMERICAN
REALTY SERVICE CORPORATION OF
PENNSYLVANIA, LAKE HERITAGE
PROPERTY OWNERS ASSOCIATION,
INC., and WILLIAM BRAY and GEOR-
GIANNA BRAY, Defendants

TO: Lake Heritage, Inc., its distribu-
tees, successors and assigns:

NOTICE

YOU ARE NOTIFIED that the plaintiff
has commenced an action to quiet title
against you by Complaint filed to the
above docket number on the 10th day of
April, 2002, which action you are
required to defend.

You are required to plead to the said
Complaint within 20 days after service
has been completed by publication, or
judgment by default may be entered
against you.

This action concerns the premises
hereinafter described:

ALL that lot of ground situate in Mount
Joy Township, Adams County,
Pennsylvania, more particularly
described as Lot No. 249 on a Plan of
Lots of the Lake Heritage Subdivision,
duly entered and appearing of record in
the Office of the Recorder of Deeds of
Adams County, Pennsylvania, in
Miscellaneous Book 4 at page 233.

TOGETHER WITH all of the rights and
SUBJECT TO all of the restrictions, con-
ditions, agreements, reservations and
charges referred to in the deed recorded
in the Office of the aforesaid Recorder of
Deeds in Deed Book 251 at page 463.

The lot of ground hereby conveyed
being the same which Bernard V. Miller,
Sheriff of the County of Adams,
Commonwealth of Pennsylvania, by his
deed dated July 11, 1980, and recorded
in the Office of the Recorder of Deeds in
Deed Book 352 at page 736, sold and
conveyed unto William J. Kimple. Also
being the same lot of ground which
Bernard V. Miller, Sheriff of the County of
Adams, Commonwealth of Pennsylvania,
by his deed dated August 14, 1980, and
recorded in the Office of the Recorder of
Deeds in Deed Book 353 at page 224,
conveyed to William J. Kimple. The pur-
pose of the latter deed was to correct the
Lot No. from 246 to Lot No. 249, as mis-
stated in the aforesaid deed from
Bernard V. Miller, Sheriff, to William J.
Kimple.

If you wish to defend, you must take
action by entering a written appearance
personally or by attorney and filing in

writing with the Court your defenses or
objections to the claims set forth against
you. You are warned that if you fail to do
so, the case may proceed without you
and a judgment may be entered against
you without further notice for the relief
requested by the Plaintiff. You may lose
money or property or other rights impor-
tant 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 TELE-
PHONE THE OFFICE SET FORTH
BELOW TO FIND OUT WHERE YOU
CAN GET LEGAL HELP.

AMERICANS WITH DISABILITIES
ACT OF 1990

The Court of Common Pleas of Adams
County is required by law to comply with
the Americans with Disabilities Act of
1990. For information about accessible
facilities and reasonable accommoda-
tions available to disabled individuals
having business before the court, please
contact our office. You must attend the
scheduled conference or hearing.

The Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
(717) 337-9846, 1-888-337-9846
FAX 334-8817

Wilcox & James
By: /s/David K. James, Esq.
Attorney for Plaintiff
234 Baltimore Street
Gettysburg, PA 17325
(717) 334-6718

4/26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution,
Judgment No. 01-S-181 issuing out of
the Court of Common Pleas of Adams
County, and to me directed, will be ex-
posed to Public Sale on Friday, the 28th
day of June, 2002, at 10:00 o'clock in the
forenoon at the Courthouse in the
Borough of Gettysburg, Adams County,
PA, the following Real Estate, viz.:

By virtue of a Writ of Execution No. 01-
S-181, issued out of the Court of
Common Pleas of Adams County, direct-
ed to me, there will be exposed to public
Sale, by vendue or outcry to the highest
and best bidders, for cash in the
Courthouse, in Gettysburg, Adams
County, Pennsylvania.

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

BEGINNING at an iron pin in the middle
of the public road leading from Carlisle to
Gettysburg (Table Rock Road);

THENCE along said public road, North
35 degrees East, 135 feet to an iron pin
in the middle of said road;

THENCE along land now or formerly
of William W. Funt, South 57-3/4 degrees
East, 202 feet to a post at an alley;

THENCE along the North side of said
alley, South 30-1/4 degrees West, 134.5
feet to a post at an alley;

THENCE along the East side of said
alley, North 58-1/4 degrees West, 211.5
feet to an iron pin, the place of BEGIN-
NING.

CONTAINING 101 perches and 108
square feet, neat measure known as Lot
No. 4.

KNOWN AS 2355 Table Rock Road,
Biglerville, Pennsylvania 17307.

BEING the same premises conveyed
to Michael L. Sprenkle, by Deed of
Michael L. Sprenkle and Mary J.
Sprenkle, husband and wife, dated
March 25, 1997 and recorded March 26,
1997 in the Office of the Recorder of
Deeds in and for the County of Adams in
Deed Book 1346, Page 49.

IMPROVED upon there on by dwelling
known as: 2355 Table Rock Road,
Biglerville, PA 17307.

SUBJECT to the same exceptions,
conditions, reservations, restrictions, etc.,
as contained in prior chain of title.

TAX PARCEL NO. F9-26.

SEIZED AND TAKEN into execution at
the suit of PNC Bank National
Association against Michael L. Sprenkle
and will be sold by: Sheriff of Adams
County.

Richard G. Reed, Attorney for Plaintiff
SEIZED and taken into execution as
the property of **Michael L. Sprenkle** 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 July 22, 2002, 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 prop-
erty 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.

4/26, 5/3 & 10

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 FAIRY B. KING, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Alice M. King, c/o Robert Clofine, Esq., 120 Pine Grove Commons, York, PA 17403

Attorney: Robert Clofine, Esq., 120 Pine Grove Commons, York, PA 17403

ESTATE OF ELIZABETH MARIE SMALL, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executors: Edgar S. Kuhn, 194 Cottage Drive, New Oxford, PA 17350; Daniel F. Goulden, 20 Bair Road, New Oxford, PA 17350

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

ESTATE OF WILLIAM EDWIN SMITH, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrix: George Anna Smith, c/o William W. Hafer, Esq., 215 Baltimore St., Hanover, PA 17331

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

ESTATE OF ONEIDA S. STALEY, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: Richard W. Staley, 78 Maple Avenue, Littlestown, PA 17340

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

ESTATE OF M. ELEANOR WEAVER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Charles L. Weaver, Jr., 825 Cottonwood Drive, Severna Park, MD 21146

Attorney: Daniel M. Frey, Esq., Barley, Snyder, Senft & Cohen, LLC, 14 Center Square, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF ELEANOR G. BENSER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Alma Benser Scordato, 6600 Whitegate Rd., Clarksville, MD 21029

ESTATE OF STERLING H. BLACK, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Dorothy M. Starner, 3710 Carlisle Road, Gardners, PA 17324

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

ESTATE OF MARY L. BOYER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: William Boyer Lower, 405 Boyer Nursery Road, Biglerville, PA 17307

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

ESTATE OF HERMAN W. HILKER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrices: Ethel Hilker Wilson, 242 Chestnut Hill Road, Hanover, PA 17331; Mildred Hilker Kline, 159 East Myrtle Street, Littlestown, PA 17340

Attorney: Barbara Jo Entwistle, Esq., Pyle and Entwistle, 25 South Washington Street, Gettysburg, PA 17325

ESTATE OF RODERICK LUTHER MONTGOMERY, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administrator: Diane E. Linebaugh, 518 South Avenue, East Berlin, PA 17316

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

ESTATE OF MARTHA A. SNYDER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Dorothy A. Elgin and Arlene I. Jacobs, c/o 29 North Duke Street, York, PA 17401

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

THIRD PUBLICATION

ESTATE OF DONALD C. BUSHEY, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Charles Bushey, 139 Fohl Street, Arendtsville, PA 17303

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

ESTATE OF JANE B. DIEHL, DEC'D

Late of the Borough of York Springs, Adams County, Pennsylvania

Judith L. Kramer, 910 Trolley Rd., York Springs, PA 17372; Gordon E. Diehl, 3278 Bedford Valley Rd., Bedford, PA 15522

ESTATE OF DORIS E. KELLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Frederic D. Bornemann, 722 West Washington Street, Hagerstown, MD 21740

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

ESTATE OF WALTER KENNEL, JR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Winifred Moritz, 554 Hunterstown Road, Gettysburg, PA 17325

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

ESTATE OF CLAYTON S. MOUL, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator CTA: Nancy J. Niedererr, 615 Spook Lane, Hanover, PA 17331

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

ESTATE OF HILDA H. TREIBER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Daniel R. Hollerbush, 15C York Dr., New Oxford, PA 17350; Clair E. Fry, Jr., 7610 Woodside Ave., Harrisburg, PA 17112

Attorney: John C. Herrold, Esq., Griest, Himes, Herrold, Schaumann, LLP

ESTATE OF BERNADETTE I. WISE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Leo E. Gribbin, c/o Stetler & Gribbin, 138 East Market Street, York, PA 17401

Attorney: Leo E. Gribbin, Esq., Stetler & Gribbin, 138 East Market Street, York, PA 17401

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-989 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 24th day of May, 2002, 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 real estate located in Reading Township, Adams County, Pennsylvania, and more particularly described in accord with a final subdivision plan prepared by Adams County Surveyors, drawing D-321-A, dated June 30, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 23, Page 6, as follows:

BEGINNING at the pipe in the Southwestern edge of a fifty (50) foot right-of-way known as Germany Court and the Eastern edge of Lot No. 5 as shown on the aforesaid final subdivision plan; thence along the Southwestern edge of said Germany Court, South forty-nine (49) degrees forty-one (41) minutes twenty (20) seconds East, three hundred thirty and no hundredths (330.00) feet to a pipe in the edge of Germany Court, thence along Lot No. 7 as shown on said plan, South forty (40) degrees eighteen (18) minutes forty (40) seconds West, three hundred fifty and no hundredths (350.00) feet to a pipe; thence by same, North forty-nine (49) degrees five (5) minutes twenty (20) seconds West, four hundred twenty-one and no hundredths (421.00) feet to a pipe at the Southern corner of Lot No. 5 as shown on said plan; thence by same, North fifty-five (55) degrees three (3) minutes thirty (30) seconds East, three hundred fifty-seven and thirty-six hundredths (357.36) feet to a pipe in the Southwestern edge of Germany Court, the point and place of BEGINNING.

Map # K6-15J

Being known as: 155 Germany Court, East Berlin, PA 17316

TITLE TO SAID PREMISES IS VESTED IN Albert E. Pate by deed from Albert E. Pate and Linda L. Pate, husband and wife dated August 27, 1991, recorded August 28, 1991, in Deed Book 598, Page 453.

SEIZED and taken into execution as the property of **Albert E. Pate** 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 June 17, 2002, 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.

4/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-182 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 28th day of June, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

By virtue of a Writ of Execution No. 01-S-182, issued out of the Court of Common Pleas of Adams County, directed to me, there will be exposed to public Sale, by vendue or outcry to the highest and best bidders, for cash in the Courthouse, in Gettysburg, Adams County, Pennsylvania.

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

BEGINNING at an iron pin in the middle of the public road leading from Carlisle to Gettysburg (Table Rock Road);

THENCE along said public road, North 35 degrees East, 135 feet to an iron pin in the middle of said road;

THENCE along land now or formerly of William W. Funt, South 57-3/4 degrees East, 202 feet to a post at an alley;

THENCE along the North side of said alley, South 30-1/4 degrees West, 134.5 feet to a post at an alley;

THENCE along the East side of said alley, North 58-1/4 degrees West, 211.5 feet to an iron pin, the place of BEGINNING.

CONTAINING 101 perches and 108 square feet, neat measure known as Lot No. 4.

KNOWN AS 2355 Table Rock Road, Biglerville, Pennsylvania 17307.

BEING the same premises conveyed to Michael L. Sprenkle, by Deed of Michael L. Sprenkle and Mary J. Sprenkle, husband and wife, dated March 25, 1997 and recorded March 26, 1997 in the Office of the Recorder of Deeds in and for the County of Adams in Deed Book 1346, Page 49.

IMPROVED upon there on by dwelling known as: 2355 Table Rock Road, Biglerville, PA 17307.

SUBJECT to the same exceptions, conditions, reservations, restrictions, etc., as contained in prior chain of title.

TAX PARCEL NO. F9-26.

SEIZED AND TAKEN into execution at the suit of PNC Bank National

Association against Michael L. Sprenkle, and will be sold by: Sheriff of Adams County.

Richard G. Reed, Attorney for Plaintiff

SEIZED and taken into execution as the property of **Michael L. Sprenkle** 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 July 22, 2002, 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.

4/26, 5/3 & 10

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that on March 18, 2002, Articles of Incorporation were filed with the Department of State, Harrisburg, Pennsylvania, on behalf of REID & SCHICK DESIGN BUILD GROUP, INC. under the provisions of the Business Corporation Law of 1988. The purpose of the corporation is to engage in residential construction and remodeling, and to perform any lawful act or business for which corporations may be incorporated. The location and post office address of the initial registered office of the corporation is 13 Hancock Drive, East Berlin, PA 17316.

Amy E. W. Ehrhart, Solicitor

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INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation establishing the "CAPITAL RESOURCE CONSERVATION AND DEVELOPMENT AREA COUNCIL, INC." were approved by the Pennsylvania Department of State on March 11, 2002. The nonprofit corporation was incorporated under the provisions of Pennsylvania Business Corporation Law of 1988.

John M. Hartzell, Esq.
Adams County Solicitor
111-117 Baltimore Street
Gettysburg, PA 17325

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