

# *Adams County* Legal Journal

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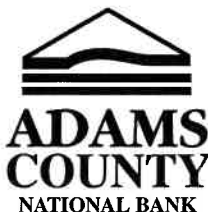
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**ENNIS CONSULTING VS. ENVIRONMENTALLY SAFE  
PRODUCTS ET AL**

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



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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-668 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 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 situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 833 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 778, and subject to all legal highways, easements, rights of way and restrictions of record.

IT BEING THE SAME TRACT OF LAND which Gregory J. Macaluso and Claire V. Macaluso, husband and wife, by their Deed dated July 6, 1990 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 0561 at Page 0072, sold and conveyed unto William J. Strausbaugh, Jr. and Diane K. Strausbaugh, husband and wife.

SEIZED and taken into execution as the property of **William J. Strausbaugh, Jr. & Diane K. Strausbaugh** 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 December 9, 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.

9/20, 27 & 10/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-287 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 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 ground, situate, lying and being in the Township of Reading, Adams County, Pennsylvania, being more particularly described as Lot No. 292 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, Page 1.

TITLE TO SAID PREMISES IS VESTED IN Paul E. Sumner by Deed from Alvin H. Ruby widower dated 6/5/2000 and recorded 6/20/2000 in Record Book 2072, Page 171.

Premises being: 125 Schofield Drive, East Berlin, PA 17316

Tax Parcel No. 14-46

SEIZED and taken into execution as the property of **Paul E. Sumner** 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 December 9, 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.

9/27, 10/4 & 11

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on September 4, 2002, for the purpose of obtaining a Certificate of Incorporation under the Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is: **SOUTH OF HEAVEN PRODUCTIONS, INC.**

The purpose of the corporation is to do any and all legal business within Pennsylvania and all other activities connected therewith, and shall have unlimited power to engage in and to do any lawful act concerning any and all lawful business for which corporations may be incorporated under the Business Corporation Law of 1988.

Harry M. Baturin, Esq.  
Law Offices of Baturin & Baturin  
717 North Second Street  
Harrisburg, PA 17102

10/4

INCORPORATION NOTICE

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

The name of the corporation is **RER ENTERPRISES, INC.**

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

10/4

## ENNIS CONSULTING VS. ENVIRONMENTALLY SAFE PRODUCTS ET AL

1. The concept of "standing," in its accurate legal sense, is concerned only with the question of *who* is entitled to make a legal challenge to the matter involved.

2. The Pennsylvania Supreme Court set forth a three-part test to determine whether or not a party has standing to bring a cause of action.....(1) a party must have "a direct interest in the subject matter of the particular litigation".....(2) the party's interest must be "immediate and pecuniary, and.....substantial".....(3) the party must then prove his interest to be "direct" by demonstrating a causal connection between the action complained of and the discernible adverse effect to the party's interest.

3. Mere denial of the existence of an oral agreement is not a sufficient basis to grant Defendants' preliminary objections.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 01-S-321, ENNIS CONSULTING, LLC, VS. ENVIRONMENTALLY SAFE PRODUCTS, INC., ALSO KNOWN AS ESP, INC., AND ESP WEST, LLC.

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

Lewis S. Markowitz, Esq., for Defendant

Kuhn, P.J., March 5, 2002

### OPINION ON DEFENDANTS' PRELIMINARY OBJECTIONS

Plaintiff, Ennis Consulting, LLC, filed a complaint for the alleged breach of an oral commission agreement. Defendants, Environmentally Safe Products, Inc., a/k/a ESP, INC., and ESP WEST, LLC, responded filing Preliminary Objections Pursuant to Pa.R.C.P. 1028(a)(5) wherein they allege that Plaintiff lacks standing to bring this action.

### STATEMENT OF FACTS

The following background has been garnered from the pleadings and an affidavit. Plaintiff, Ennis Consulting, LLC (Ennis Consulting), is a limited liability company. Defendant, Environmentally Safe Products, Inc., a.k.a. ESP, is a Pennsylvania corporation. Defendant, ESP West, LLC (ESP West), is a limited liability company organized and existing under the laws of the State of Nevada.

On March 6, 1998, ESP and Dermot J. Ennis entered into a written Independent Contractor's Agreement (the Agreement) which states that Mr. Ennis will, while acting as an Independent Contractor, "represent ESP in the promotion and solicitation of orders for the sale of its products." Mr. Ennis and ESP also executed an

amendment to the Agreement on the same date which specifies how Mr. Ennis's salary will be determined. The Agreement (Paragraph 23) provides that the rights and obligations of the Independent Contractor are "not assignable or otherwise transferable," and that the Agreement is the entire agreement between the parties concerning the subject matter.

Plaintiff, Ennis Consulting, alleges that, since sometime in 1998, it has operated as an independent contractor for Defendants, ESP and ESP West, pursuant to an oral commission agreement which governed the rate of Plaintiff's commissions. Plaintiff alleges that, in accordance with that oral agreement, Defendants agreed to employ Plaintiff in the capacity of sales, for a commission of ten percent (10%) of sales generated by Plaintiff.

Plaintiff further alleges that, pursuant to the oral agreement, it procured orders for Defendants' products. As evidence of the oral agreement, Plaintiff submitted invoices for the period March 13 through October 31, 2000 for which it was paid. During that period, Plaintiff invoiced ESP on 30 occasions totaling \$126,773.54, and ESP West on five occasions totaling \$26,202.03. Additionally, it invoiced ESP Canada twice for a total of \$23,056.68.

In the instant Complaint, Plaintiff sets forth invoices billed to ESP on November 22, 2000 and December 21, 2000 for \$13,329.03 and \$17,335.86 respectively, and to ESP West on the same dates in the amounts of \$3,143.00 and \$6,300.34, which it claims Defendants have refused to pay.

Defendants' preliminary objections contend that Plaintiff lacks standing to sue because Plaintiff had no contractual relationship with Defendants. Dermot Ennis is the president of Ennis Consulting, LLC, and Defendants allege that the only contract they entered into was the written Agreement with Dermot Ennis, in his personal capacity.

## DISCUSSION

The Pennsylvania Supreme Court has stated, "the concept of 'standing,' in its accurate legal sense, is concerned only with the question of *who* is entitled to make a legal challenge to the matter involved." *Commonwealth Pennsylvania Game Commission v. Commonwealth of Pennsylvania Department of Environmental*

*Resources*, 521 Pa. 121, 127, 555 A.2d 812, 815 (1989). In *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975), the Pennsylvania Supreme Court set forth a three-part test to determine whether or not a party has standing to bring a cause of action. The Court held that in order to have standing, a party must have “a direct interest in the subject-matter of the particular litigation.” *William Penn v. Pittsburgh*, 464 Pa. at 191, citing *Keystone Raceway Corp. v. State Harness Racing Commission*, 405 Pa. 1, 7-8, 173 A.2d 97, 100 (1961). Furthermore, the Court stated that the party’s interest must be “immediate and pecuniary, and ... substantial.” *Id.* The Court specified that, in order for the party’s interest to be “substantial”, the party must suffer some “discernible adverse effect” to that interest. *William Penn v. Pittsburgh*, 464 Pa. at 195. The party must then prove his interest to be “direct” by demonstrating a causal connection between the action complained of and the discernible adverse effect to the party’s interest. *Id.*

In this case, the action Plaintiff complains of is Defendants’ breach of an alleged oral agreement between the parties. Plaintiff maintains that it has been adversely affected by Defendants’ breach in that Defendants have failed to pay commissions owed to Plaintiff. Plaintiff has provided invoices and check stubs for the eight month period immediately preceding the invoices at issue in support of its allegation that there was an oral agreement between the parties. The several dozen invoices provided appear to have been created by and sent from Plaintiff to ESP, ESP West or ESP Canada. The check stubs reflect payment of the invoiced amounts by the latter to Plaintiff. Defendants simply deny that the alleged oral agreement existed.

Mere denial of the existence of an oral agreement is not a sufficient basis to grant Defendants’ preliminary objections. At this point, it would be premature to determine whether or not there is factual evidence to support Plaintiff’s claim or Defendants’ objections. Defendants’ Preliminary Objections are therefore denied. The denial of Defendants’ preliminary objections does not however speak to the merits of either party’s allegations.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 5th day of March, 2002, Defendants' Preliminary Objections Pursuant to Pa.R.C.P. 1028(a)(5) are denied.

Defendants are granted twenty (20) days from the date of mailing of this Order to file an answer to the Complaint.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-658 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 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 Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike in the centerline of New Road (T-364) at corner of Lot No. 6 on the hereinafter referred to Final Subdivision Plan; thence in said New Road South 52 degrees 24 minutes 39 seconds East, 202.22 feet to a railroad spike at land now or formerly of Dale Baker; thence by said Baker land South 04 degrees 36 minutes 12 seconds West, 790.34 feet to an existing axle in stones at land now or formerly of Robert E. Greenfield; thence by said Greenfield land South 60 degrees 36 minutes 58 seconds West, 352.95 feet to an existing stone at land now or formerly of Roman Catholic Church of the Diocese of Harrisburg; thence by said Roman Catholic Church land North 41 degrees 15 minutes 00 seconds West, 503.98 feet to a steel pin set at a corner of Lot No. 6 on the hereinafter referred to Final Subdivision Plan; thence by Lot No. 6 North 37 degrees 35 minutes 21 seconds West, 890.22 feet to a railroad spike in the centerline of New Road (T-364), the point and place of BEGINNING. CONTAINING 10.000 Acres, more or less.

The above description as taken from a Final Subdivision Plan for Tony L. Schuman as prepared by Group Hanover, Inc., dated 1/10/1995 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 68 at page 14A and being known as Lot No. 7 thereon.

SEIZED and taken into execution as the property of **Dan L. Gladfelter & Sandra L. Gladfelter** 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 December 9, 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.

9/27, 10/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-758 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of November, 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 Huntington Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at the intersection of the Hunterstown Road (now Gun Club Road) with the Round Hill Road; thence South sixty (60) degrees East ninety-eight (98) feet to an iron pin at other lands now or formerly of Robert Howe and Annie Howe; thence by the same, South thirty-seven (37) degrees West, two hundred thirty-five (235) feet six (6) inches to an iron pin at land of the same; thence by the same, North sixty (60) degrees West, ninety-eight (98) feet to an iron pin the center of the Hunterstown Road; thence by the center of Hunterstown Road North thirty-seven (37) degrees East, two hundred thirty-five (235) feet six (6) inches to an iron pin at the intersection aforesaid, the place of BEGINNING.

CONTAINING eighty and one-half (80 1/2) perches, more or less. The description herein is taken from a draft of survey made November 22, 1941, by A.T. Bennett, Engineer.

TAX PARCEL #15-48

TITLE TO SAID PREMISES IS VESTED IN Daniel Gallegos and Ruth A. Gallegos, His Wife by Deed from Mary Louise Ensor, Widow dated 8/30/2000 and recorded 9/6/2000 in Record Book 2120, Page 322.

Premises being: 1135 Gun Club Road, York Springs, PA 17372

SEIZED and taken into execution as the property of **Daniel Gallegos & Ruth A. Gallegos** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 25, 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.

9/20, 27 & 10/4

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 Thursday, October 10, 2002, at 9:00 o'clock a.m., Courtroom #3.

**WILLS**—Orphans' Court Action Number OC-25 Feb. 1973. The Supplemental First and Final Account of PNC Bank, National Association, surviving Trustee of the trust under Will of Clarence A. Wills for the lifetime benefit of Robert A. Wills.

**WILLS**—Orphans' Court Action Number OC-156-95. The First and Final Account of PNC Bank National Association, Guardian of the Estate of Robert A. Wills, an Incapacitated Person (now deceased).

Peggy J. Breighner  
Clerk of Courts

9/27 & 10/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-825 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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 Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an existing p.k. nail in the center line of Center Mills Road (S.R. #4003) at corner of land now or formerly of Scott Breighner; thence in said Road South 28 degrees 11 minutes 55 seconds East 55.17 feet to a cotton gin spindle in the center of said road; thence by land now or formerly of Timothy Werner South 72 degrees 30 minutes 25 seconds West 166.77 feet to a steel rod set over an existing large old iron pin two feet below grade; thence by land now or formerly of Paul Wetzel North 26 degrees 45 minutes West 35 feet to an existing steel rod at a steel post; thence by land now or formerly of Scott Breighner North 62 degrees 34 minutes 55 seconds East 24 feet to a steel rod; thence by the same South 26 degrees 13 minutes 20 seconds East 5.82 feet to a steel rod; thence by the same North 67 degrees 31 minutes 20 seconds East 70.33 feet to a chain link fence post; thence by the same North 59 degrees 51 minutes East 69.25 feet to an existing p.k. nail in the center line of Center Mills Road the place of BEGINNING. CONTAINING 6,750 square feet.

TITLE TO SAID PREMISES IS VESTED IN Lawrence B. Sanders and Mandy S. Sanders, husband and wife by Deed from Randy L. Black and Ellen L. Black, husband and wife dated 6/29/2001, recorded 7/6/2001, in Record Book 2335, Page 26.

Premises being: 1634 Center Mills Road, Aspers, PA 17304

Tax Parcel No. 1-3

SEIZED and taken into execution as the property of **Lawrence B. Sanders & Mandy S. Sanders** 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 December 16, 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.

10/4, 11 & 18

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania, Department of State, at Harrisburg, Pennsylvania for the purpose of obtaining a Certificate of Incorporation.

The name of the corporation organized under the Pennsylvania Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended and supplemented, is P.S.I. PUMPING SOLUTIONS, INC.

Rhoads & Sinon LLP  
Jack F. Hurley, Jr., Esq.  
One South Market Square, 12th Floor  
P.O. Box 1146  
Harrisburg, PA 17108-1146

10/4

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 September 17, 2002.

The name of the corporation is L, D, R, D, INC.

The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

John R. White  
Campbell & White  
112 Baltimore Street  
Gettysburg, PA 17325  
Attorneys for the Corporation

10/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-592 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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 Straban Township, Adams County, Pennsylvania being more particularly bounded and described as follows:

BEGINNING at a steel pin on the Western side of Rodes Avenue at the Northeastern corner of Lot No. 9 on the hereinafter referred to draft of survey, now or formerly of H. Robert Crouthamel and Marianne L. Crouthamel; thence by said Lot No. 9, North 59 degrees 10 minutes 30 seconds West, 150 feet to a steel pin at the Northwest corner of said Lot No. 9 and land now or formerly of Frank W. Murray and Evelyn S. Murray; thence by said land of Murray, North 30 degrees 49 minutes 30 seconds East, 90 feet to a steel pin; thence by Lot No. 11, South 59 degrees 10 minutes 30 seconds East, 150 feet to a steel pin at the Western edge of Rodes Avenue; thence by the Western edge of Rodes Avenue, South 30 degrees 49 minutes 30 seconds West, 90 feet to a steel pin, the place of BEGINNING.

CONTAINING 13,500 square feet, neat measure

Map #1, Parcel 6

SEIZED and taken into execution as the property of **Linda K. Kessel a/k/a Linda K. Reams a/k/a Linda K. Sawyer** 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 December 16, 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.

10/4, 11 & 18



## 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 LINA U. DAVIS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Larry F. Davis, 1115 Wetstone Drive, Westminster, MD 21157

## ESTATE OF FREDAL. McCLEAF, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrices: Constance Howe, 102 Knoxlyn Rd., Gettysburg, PA 17325; Sandra Howe, 255 Belmont Rd., Gettysburg, PA 17325; Maysie Fox, 1653 Blakewood Dr., Chambersburg, PA 17201

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

## ESTATE OF FLORA MAE MILLER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Leroy J. Miller, 9 Pine Grove Road, Hanover, PA 17331; Carroll L. Miller, 78 Barts Church Road, Hanover, PA 17331

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

## ESTATE OF SHIRLEY M. WOLF, DEC'D

Late of Huntingdon Township, Adams County, Pennsylvania

Executor: Wayne R. Wolf, 7501 Carlisle Pike, York Springs, PA 17372

Attorney: Jane M. Alexander, Esq., P.O. Box 421, Dillsburg, PA 17019-0421

## SECOND PUBLICATION

## ESTATE OF PAUL J. BILLET, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Ardoth Gentzler, c/o 29 North Duke Street, York, PA 17401

Attorney: John D. Flinchbaugh, Esq., CGA Law Firm, Countess Gilbert Andrews, PC

## ESTATE OF OLIVE B. FETTER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Herbert L. Fetter, Jr., 60 Pine Grove Furnace Rd., Aspers, PA 17304; Larry A. Fetter, 2340 Table Rock Road, Biglerville, PA 17307

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

## ESTATE OF ERNA FREUND, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Anton Peter Freund, 34-05 80th Street, Jackson Heights, NY 11372; Robert J. Freund, 131 Commodore Circle, Port Jefferson, NY 11776

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

## ESTATE OF PEARL F. MCKINNEY, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Helen L. Kulp, 69 West Hanover St., Gettysburg, PA 17325

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

## THIRD PUBLICATION

## ESTATE OF EMMA E. KEMPER, DEC'D

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

Co-Executors: Beverly E. Myers, 232 Ewell Avenue, Gettysburg, PA 17325; Kenneth C. Kemper, 318 Main Street, York Springs, PA 17372

Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

## ESTATE OF ROSIE C. KERCHNER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: James Henry Groft, 220 North Street, McSherrystown, PA 17344

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

## ESTATE OF JOHN F. LAUGHMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Cindy L. Markle, 50 W. Granger Street, Hanover, PA 17331

Attorney: Crabbs & Crabbs, Attorneys for the Estate, 202 Broadway, Hanover, PA 17331

## ESTATE OF JANE R. SHILDT, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Ronald J. Hagarman, 110 Baltimore Street, Gettysburg, PA 17325; PNC Bank NA, Attn: Linda J. Lundberg, P.O. Box 308, Camp Hill, PA 17001-0308

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-752 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 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 unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69, Page 23

(together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 42 as more fully bounded and described in such plan, together with a proportionate undivided interest in the common elements as defined in a declaration plan recorded in the Office of the Recorder of Deeds, in and for York County, PA in Record Book 1271, Page 34.

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

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

Premises being: 41 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. 35-001-0052-042

SEIZED and taken into execution as the property of **Alsey S. Bland** 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 December 9, 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.

9/27, 10/4 & 11

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

**Instructions to Publishers**

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

Failure to file or publish a statement of ownership may lead to suspension of Periodicals authorization.  
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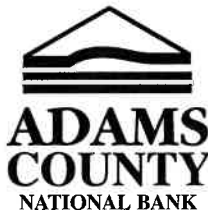
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**DURACLEAN VS. FLANARY**

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



Member FDIC

## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-552 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point along the right-of-way line of Bonnie Field Circle, a fifty (50) feet wide right-of-way and corner of Lot No. 28 on the hereinafter referred to subdivision plan; thence along Lot No. 28, North forty-six (46) degrees thirteen (13) minutes thirty-one (31) seconds West, one hundred ten and zero hundredths (110.00) feet to a point along line of lands now or late of John E. and Reba F. Biemiller, thence along said lands now or late of John E. and Reba F. Biemiller, North forty-three (43) degrees forty-six (46) minutes twenty-nine (29) seconds East, seventy-five and zero hundredths (75.00) feet to a point at corner of Lot No. 30 of the hereinafter referred to subdivision plan; thence along Lot No. 30, South forty-six (46) degrees thirteen (13) minutes thirty-one (31) seconds East, one hundred ten and zero hundredths (110.00) feet to a point along the right-of-way line of Bonnie Field Circle, aforesaid; thence along the right-of-way line of Bonnie Field Circle, South forty-three (43) degrees forty-six (46) minutes twenty-nine (29) seconds West, seventy-five and zero hundredths (75.00) feet to the point and place of BEGINNING.

(CONTAINING 8,250 square feet and being Lot No. 29 on Final Plan of Bonnie Field, prepared by Edward H. Richardson Associated, Inc., dated February 26, 1976, File No. G-0006, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 9, page 24.)

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

## Tax Parcel #9-43

SEIZED and taken into execution as the property of **Timothy M. Warthan & Hilda M. Campbell** 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 December 16, 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.

10/11, 18 & 25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-759 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of December, 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 situate on the West side of the Bonneauville-Two Taverns State Highway in the Village of Bonneauville (formerly Mt. Pleasant Township), Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin in the center of the State Highway aforesaid at land now or formerly of Harry Smith; thence through a stake on the West side of said State Highway by land now or formerly of Harry Smith, North 75-3/4 degrees West, 214.7 feet through a maple to a stake at land now or formerly of Carroll E. Storm; thence by the same, North 8 degrees West, 82 feet to an iron pin at land now or formerly of James Groff; thence by the same South 87-1/4 degrees East, 200 feet through a post on the West side of

the State Highway aforesaid to an iron pin in the center of said State Highway; thence by the center of said State Highway, South 9 degrees East, 126.3 feet to an iron pin, the place of BEGINNING. CONTAINING 74.9 perches.

It being the same which was surveyed July 27, 1946 by LeRoy H. Winebrenner, Registered Surveyor, as the property of Carroll E. Storm.

IT BEING the same tract of land which Francis V. Staub and Mary E. Staub, his wife, by their deed dated March 21, 1970 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Deed Book 283, page 1991, granted and conveyed unto Francis V. Staub and Mary E. Staub, husband and wife. The said Francis V. Staub having since died, title in and to said premises vested in Mary E. Staub, Grantor herein, under by virtue of the laws of the Commonwealth of Pennsylvania.

BEING the same premises which Mary E. Staub, by Deed dated 12/11/97 and recorded 12/15/97 in the Recorder's Office in and for Adams, Pennsylvania in Deed Book Volume 1489, Page 303, granted and conveyed unto Tanya Gilles a/k/a Tanya Shipley, the Mortgagor herein.

Tax Parcel ID: 5-62

Address: 20 Maple Street, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Tanya Gillis a/k/a Tanya Shipley** 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 January 13, 2003, 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.

10/11, 18 & 25

## DURACLEAN VS. FLANARY

1. The Courts of Common Pleas have original jurisdiction in all actions and proceedings excepting those where original jurisdiction has been vested by statute or general rule in another Pennsylvania court. In certain circumstances, the jurisdiction of the district justice and of a common pleas judge are concurrent except for statutory observations as to jurisdictional amount and the type of action.

2. Pa. R.C.P.D.J. No. 1002 sets forth the sole means of appeal from a civil judgment entered by a district justice. That rule requires an aggrieved party to file their appeal within thirty (30) days after the date of the entry of judgment by filing with the Prothonotary of the Court of Common Pleas a notice of appeal. The rules define "Court of Common Pleas" as a "Court of Common Pleas with a judicial district in which is located the magisterial district wherein the questioned action of the district justice took place."

3. ...jurisdiction is not an inconsequential, minor procedural error. Absent jurisdiction, the courts are powerless to intervene. Lack of jurisdiction of the subject matter is fatal at any stage of the proceedings.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 02-S-82, DURACLEAN SPECIALISTS, INC. VS. BRIAN FLANARY.

Eileen C. Finucane, Esq., for Plaintiff

Bernard A. Yannetti, Jr., Esq., for Defendant

George, J., March 6, 2002

### OPINION

This matter comes before the Court as a result of Preliminary Objections filed by the Defendant, Brian Flanary (hereinafter referred to as Flanary) to Plaintiff, Duraclean Specialists, Inc.'s, (hereinafter referred to as Duraclean) complaint. A brief review of the procedural and factual background will assist in disposition of the Preliminary Objections.

Duraclean is a fire restoration and cleaning service located in Franklin County, Pennsylvania. They allege to have performed cleaning services for Flanary in Adams County. Apparently Flanary was dissatisfied with the work and refused to make payment of Duraclean's invoice for services. Thereafter, Duraclean instituted suit against Flanary before District Justice John Zepp seeking \$4,532.53 in damages. The Defendant filed a cross-complaint pursuant to Pa. R.C.P.D.J. No. 508 seeking \$3,001.50 against Duraclean. On December 7, 2001, a hearing was held before the District Justice. On the date of hearing, the District Justice dismissed Duraclean's complaint and found in favor of Flanary on the cross-claim entering

judgment in his favor and against Duraclean in the amount of \$3,001.50.

On January 23, 2002, Duraclean filed a complaint against Flanary in the Court of Common Pleas of Adams County based upon the same cause of action and seeking the same damages as the matter which was previously litigated before District Justice John Zepp<sup>1</sup>. Flanary has filed Preliminary Objections to the complaint alleging lack of subject matter jurisdiction and failure of the Defendant's pleading to conform to law or rule of court. Essentially, Flanary argues that Duraclean litigated this matter before the District Justice and has not timely filed a notice of appeal to the Adams County Court of Common Pleas. He further argues that the failure to properly perfect an appeal precludes the filing of the complaint by Duraclean. Flanary's claim is supported by Duraclean's Answer to the Preliminary Objections which acknowledges that a notice of appeal from the decision of District Justice Zepp had not been filed in Adams County. However, Duraclean's Answer goes on to explain that a notice of appeal from District Justice John Zepp's decisions was timely but inadvertently filed in the Franklin County Court of Common Pleas.<sup>2</sup> Duraclean attached exhibits to their Answer consisting of copies of the notice of appeal filed with the Franklin County Prothonotary on January 4, 2002, and referencing the caption of the litigation before District Justice John Zepp.

The Courts of Common Pleas have original jurisdiction in all actions and proceedings excepting those where original jurisdiction has been vested by statute or general rule in another Pennsylvania court. *42 Pa. C.S.A. §931*. In certain circumstances, the jurisdiction of the district justice and of a common pleas judge are concurrent except for statutory observations as to jurisdictional amount and the

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<sup>1</sup>The determination that the litigation involves the same cause of action under an identical factual basis is based upon a comparison of the representations in Plaintiff's brief and the allegations in Plaintiff's complaint.

<sup>2</sup>According to Plaintiff's Answer to Preliminary Objections, Plaintiff actually filed two notices of appeal in Franklin County. The first notice of appeal addresses District Justice Zepp's ruling in favor of the Defendants on Plaintiff's complaint. The second notice of appeal addresses District Justice Zepp's ruling in favor of the Defendants on their cross-claim against the Plaintiff. *See, Pa. R.C.P.D.J. No. 1004(c)*. For purposes of clarity, the Court will refer to both notices of appeal in the singular.

type of action. *Commonwealth v. Ryan*, 484 Pa. 602, 400 A.2d 1264 (1979), appeal after remand, 296 Pa. Super. 222, 442 A.2d 739 (1982). One of those circumstances is the statutory authority which vests jurisdiction in district justices for civil claims “wherein the sum demanded does not exceed \$8,000.00”. 42 Pa. C.S.A. §1515. Since the current claim does not exceed \$8,000.00, exclusive of interest and costs, this court lacks jurisdiction over this matter as an original cause of action. Since it is clear that Duraclean cannot initiate their complaint in a Court of Common Pleas, we must now examine whether their complaint is before this Court on a properly filed appeal.

Pa. R.C.P.D.J. No. 1002 sets forth the sole means of appeal from a civil judgment entered by a district justice. That rule requires an aggrieved party to file their appeal within thirty (30) days after the date of the entry of judgment by filing with the Prothonotary of the Court of Common Pleas a notice of appeal. *Pa. R.C.P.D.J. No. 1002(a)*. The rules define “Court of Common Pleas” as a “Court of Common Pleas with a judicial district in which is located the magisterial district wherein the questioned action of the district justice took place”. *See, Pa. R.C.P.D.J. No. 1001(5)*. A thorough reading of the rules of civil procedure governing actions and proceedings before district justices indicates that the rules provide the “exclusive procedure for every action or proceeding to which they are applicable”. *See, Pa. R.C.P.D.J. No. 204*. Accordingly, Duraclean has violated the “exclusive rules” by failing to file a timely notice of appeal in the Adams County Court of Common Pleas. Since timely filing of an appeal is a jurisdictional issue, *Gauger v. Boiler Engineering & Supply Co.*, 313 A.2d 369 (Pa. Comwlth. 1973), and Duraclean has not properly perfected an appeal before the Court of Common Pleas, the complaint must be dismissed for lack of subject matter jurisdiction.

Duraclean attempts to avoid dismissal by pointing out that a timely appeal from the District Justice judgment was filed inadvertently in the Franklin County Court of Common Pleas. They argue that since notice of appeal had been timely filed and served upon the Defendant and the District Justice, there is no prejudice to either party in allowing them to proceed with this complaint. In support of their argument, Duraclean cites *Slaughter v. Allied Heating*, 431 Pa.

Super. 348, 636 A.2d 1121 (1993) for the proposition that where an opposing party has received notice of the appeal, the purpose of the rule has been satisfied even though there has not been full compliance with the rule. *Slaughter*, however, is inapplicable in that the issue before that Court dealt with a motion to reinstate an appeal which had been stricken for failure to timely file proofs of service. Unlike the current case, a notice of appeal had been filed in *Slaughter*. Duraclean, however, has failed to file a notice of appeal which would trigger jurisdiction in this Court. Contrary to Duraclean's representations in their brief, jurisdiction is not an inconsequential, minor procedural error. Absent jurisdiction, the courts are powerless to intervene. *In re Jones*, 505 Pa. 50, 476 A.2d 1287 (1984). Lack of jurisdiction of the subject matter is fatal at any stage of the proceedings. *In re Patterson's Estate*, 341 Pa. 177, 19 A.2d 165 (1941). Since amounts in controversy below \$8,000.00 rest solely in district justice court absent a properly filed notice of appeal, Plaintiff's complaint must be dismissed.<sup>3</sup>

#### ORDER OF COURT

AND NOW, this 6th day of March, 2002, the Plaintiff's Complaint is dismissed. Costs to be paid by the Plaintiff.

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<sup>3</sup> Whether the Franklin County Court of Common Pleas has jurisdiction or whether they transfer the action filed in their court pursuant to 42 Pa. C.S.A. §5103 is not presently under consideration. A reading of that section indicates that the court to which the appeal was erroneously filed shall make the determination. This judge declines to enter any order affecting disposition of a matter filed in a different judicial district.



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-658 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 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 Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike in the centerline of New Road (T-364) at corner of Lot No. 6 on the hereinafter referred to Final Subdivision Plan; thence in said New Road South 52 degrees 24 minutes 39 seconds East, 202.22 feet to a railroad spike at land now or formerly of Dale Baker; thence by said Baker land South 04 degrees 36 minutes 12 seconds West, 790.34 feet to an existing axle in stones at land now or formerly of Robert E. Greenfield; thence by said Greenfield land South 60 degrees 36 minutes 58 seconds West, 352.95 feet to an existing stone at land now or formerly of Roman Catholic Church of the Diocese of Harrisburg; thence by said Roman Catholic Church land North 41 degrees 15 minutes 00 seconds West, 503.98 feet to a steel pin set at a corner of Lot No. 6 on the hereinafter referred to Final Subdivision Plan; thence by Lot No. 6 North 37 degrees 35 minutes 21 seconds West, 890.22 feet to a railroad spike in the centerline of New Road (T-364), the point and place of BEGINNING. CONTAINING 10.000 Acres, more or less.

The above description was taken from a Final Subdivision Plan for Tony L. Schuman as prepared by Group Hanover, Inc., dated 1/10/1995 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 68 at page 14A and being known as Lot No. 7 thereon.

SEIZED and taken into execution as the property of **Dan L. Gladfelter & Sandra L. Gladfelter** 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 December 9, 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.

9/27, 10/4 & 11

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-825 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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 Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an existing p.k. nail in the center line of Center Mills Road (S.R. #4003) at corner of land now or formerly of Scott Breighner; thence in said Road South 28 degrees 11 minutes 55 seconds East 55.17 feet to a cotton gin spindle in the center of said road; thence by land now or formerly of Timothy Werner South 72 degrees 30 minutes 25 seconds West 166.77 feet to a steel rod set over an existing large old iron pin two feet below grade; thence by land now or formerly of Paul Wetzal North 26 degrees 45 minutes West 35 feet to an existing steel rod at a steel post; thence by land now or formerly of Scott Breighner North 62 degrees 34 minutes 55 seconds East 24 feet to a steel rod; thence by the same South 26 degrees 13 minutes 20 seconds East 5.82 feet to a steel rod; thence by the same North 67 degrees 31 minutes 20 seconds East 70.33 feet to a chain link fence post; thence by the same North 59 degrees 51 minutes East 69.25 feet to an existing p.k. nail in the center line of Center Mills Road the place of BEGINNING. CONTAINING 6,750 square feet.

TITLE TO SAID PREMISES IS VESTED IN Lawrence B. Sanders and Mandy S. Sanders, husband and wife by Deed from Randy L. Black and Ellen L. Black, husband and wife dated 6/29/2001, recorded 7/6/2001, in Record Book 2335, Page 26.

Premises being: 1634 Center Mills Road, Aspers, PA 17304

Tax Parcel No. 1-3

SEIZED and taken into execution as the property of **Lawrence B. Sanders & Mandy S. Sanders** 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 December 16, 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.

10/4, 11 & 18

## NOTICE

NOTICE IS HEREBY GIVEN that WARREN PHILIP BLADEN, JR., ESQ., intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 15th day of November, 2002, and that he intends to practice law as an Assistant District Attorney in the Office of the District Attorney, County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

10/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-752 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 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 unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69, Page 23 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 42 as more fully bounded and described in such plan, together with a proportionate undivided interest in the common elements as defined in a declaration plan recorded in the Office of the Recorder of Deeds, in and for York County, PA in Record Book 1271, Page 34.

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

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

Premises being: 41 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. 35-001-0052-042

SEIZED and taken into execution as the property of **Ausey S. Bland** 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 December 9, 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.

9/27, 10/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-172 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of December, 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 THE FOLLOWING lots of real estate lying and being situate in the Borough of Littlestown, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING at a point along the Westerly edge of North Gala at corner of Lot No. 397 on the subdivision plan hereinafter referred to; thence along Lot No. 397, North 60 degrees 03 minutes 07 seconds West, 95.00 feet to a point at Lot No. 389; thence along Lot No. 389, North 29 degrees 56 minutes 63 seconds East, 20.00 feet to a point at corner of Lot No. 399; thence along Lot No. 399, South 60 degrees 03 minutes 07 seconds East, 95.00 feet to a point along the Westerly edge of North Gala; thence along the Westerly edge of North Gala, South 29 degrees 56 minutes 53 seconds West, 20.00 feet to a corner of Lot No. 397, the place of BEGINNING.

CONTAINING 900 square feet

BEING Lot No. 398 on a plan of lots dated July 15, 1994, prepared by Group Hanover, Inc. which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 65, Page 89-F.

TITLE TO SAID PREMISES IS VESTED IN **Carla Rae Meinecke** and **Eric William Meinecke**, Their Heirs and Assigns, by Deed from **Appler Properties, LLC**, dated 4/28/2000 and recorded 5/15/2000 in Record Book 2049, Page 260.

Premises being: 60 North Gala, Littlestown, PA 17343

Tax Parcel #4-47

SEIZED and taken into execution as the property of **Carla R. Meinecke & Eric W. Meinecke** 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 January 13, 2003, 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.

10/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-287 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 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 ground, situate, lying and being in the Township of Reading, Adams County, Pennsylvania, being more particularly described as Lot No. 292 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, Page 1.

TITLE TO SAID PREMISES IS VESTED IN **Paul E. Sumner** by Deed from **Alvin H. Ruby** widower dated 6/5/2000 and recorded 6/20/2000 in Record Book 2072, Page 171.

Premises being: 125 Schofield Drive, East Berlin, PA 17316

Tax Parcel No. 14-46

SEIZED and taken into execution as the property of **Paul E. Sumner** 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 December 9, 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.

9/27, 10/4 & 11

## 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 EMMA J. DEANER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Personal Representatives: Richard E. Deaner and Kathryn E. Weikert, c/o Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

Attorney: Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

## ESTATE OF THEODORE GOUGH, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administratrix: Michelle L. Jardine, 11 Hopewell Road, Apt. J, Williamsport, MD 21795

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

## ESTATE OF GRACE E. KANE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Michael D. Kane, 450 Rake Factory Road, Biglerville, PA 17307; Patricia Kane, 450 Rake Factory Road, Biglerville, PA 17307

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

## ESTATE OF BEATRICE O. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Myrlene M. Small, 2220 Broadway, Hanover, PA 17331

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

## SECOND PUBLICATION

## ESTATE OF LINA U. DAVIS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Larry F. Davis, 1115 Weistone Drive, Westminster, MD 21157

## ESTATE OF FREDAL McCLEAF, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrices: Constance Howe, 102 Knoxlyn Rd., Gettysburg, PA 17325; Sandra Howe, 255 Belmont Rd., Gettysburg, PA 17325; Maysie Fox, 1653 Blakewood Dr., Chambersburg, PA 17201

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

## ESTATE OF FLORA MAE MILLER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Leroy J. Miller, 9 Pine Grove Road, Hanover, PA 17331; Carroll L. Miller, 78 Barts Church Road, Hanover, PA 17331

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

## ESTATE OF SHIRLEY M. WOLF, DEC'D

Late of Huntingdon Township, Adams County, Pennsylvania

Executor: Wayne R. Wolf, 7501 Carlisle Pike, York Springs, PA 17372

Attorney: Jane M. Alexander, Esq., P.O. Box 421, Dillsburg, PA 17019-0421

## THIRD PUBLICATION

## ESTATE OF PAUL J. BILLET, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Ardoth Gentzler, c/o 29 North Duke Street, York, PA 17401

Attorney: John D. Flinchbaugh, Esq., CGA Law Firm, Countess Gilbert Andrews, PC

## ESTATE OF OLIVE B. FETTER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Herbert L. Fetter, Jr., 60 Pine Grove Furnace Rd., Aspers, PA 17304; Larry A. Fetter, 2340 Table Rock Road, Biglerville, PA 17307

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

## ESTATE OF ERNA FREUND, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Anton Peter Freund, 34-05 80th Street, Jackson Heights, NY 11372; Robert J. Freund, 131 Commodore Circle, Port Jefferson, NY 11776

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

## ESTATE OF PEARL F. MCKINNEY, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Helen L. Kulp, 69 West Hanover St., Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-592 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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 Straban Township, Adams County, Pennsylvania being more particularly bounded and described as follows:

BEGINNING at a steel pin on the Western side of Rodes Avenue at the Northeastern corner of Lot No. 9 on the hereinafter referred to draft of survey, now or formerly of H. Robert Crouthamel and Marianne L. Crouthamel; thence by said Lot No. 9, North 59 degrees 10 minutes 30 seconds West, 150 feet to a steel pin at the Northwest corner of said Lot No. 9 and land now or formerly of Frank W. Murray and Evelyn S. Murray; thence by said land of Murray, North 30 degrees 49 minutes 30 seconds East, 90 feet to a steel pin; thence by Lot No. 11, South 59 degrees 10 minutes 30 seconds East, 150 feet to a steel pin at the Western edge of Rodes Avenue; thence by the Western edge of Rodes Avenue, South 30 degrees 49 minutes 30 seconds West, 90 feet to a steel pin, the place of BEGINNING.

CONTAINING 13,500 square feet, neat measure

Map #1, Parcel 6

SEIZED and taken into execution as the property of **Linda K. Kessel a/k/a Linda K. Reams a/k/a Linda K. Sawyer** 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 December 16, 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.

10/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-827 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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 unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the Borough of New Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A., Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, of a Declaration dated September 13, 1996 and recorded October 18, 1996 in Record Book 1276, page 3, (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such Declaration as Unit Declaration No. 26 as more fully bounded and described in such Declaration, together with a proportionate undivided interest in the Common Elements as defined in such Declaration.

UNDER AND SUBJECT TO any and all covenants, conditions, restrictions, rights-of-way easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in said Declaration.

TOGETHER with the limited common elements appurtenant as more fully shown in said Declaration, together with all amendments and supplements thereto recorded on or before the date hereof.

IT BEING the same tract of land which Robert Myers by deed dated December 23, 1998 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Record Book 1732, page 21, granted and conveyed unto Robert Myers and Lavalia Myers, husband and wife, Grantors herein.

Being known as 2 Oxford Court, New Oxford, PA 17350

Property ID: 5-184-A.26

TITLE TO SAID PREMISES IS VESTED IN Cheryl B. Rotz by deed from Robert Myers, a/k/a Robert E. Myers and Lavalia Myers, by Robert E. Myers, her attorney-in-fact, duly appointed by power-of-attorney dated December 28, 1998 and intended to be recorded herewith, dated 10/24/2000, recorded 11/2/2000 in Deed Book 2156, Page 196.

SEIZED and taken into execution as the property of **Cheryl B. Rotz** 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 December 16, 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.

10/11, 18 & 25

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application has been filed under the Fictitious Names Act, 54 Pa. C.S.A. §§ 301 et seq., as amended, with the Secretary of the Commonwealth, in Harrisburg, Pennsylvania, on August 23, 2002, for conducting business under the assumed or fictitious name of PENNSYLVANIA LAVENDER FESTIVAL. The address of the principal office or place of business to be carried on under or through the fictitious name is: 145 Tract Road, Fairfield, Pennsylvania 17320. The name and address of the only persons who are parties to the registration are: Thomas J. Wajda, 145 Tract Road, Fairfield, PA 17320, and Madeline M. Wajda, 145 Tract Road, Fairfield, PA 17320.

John W. Phillips, Esq.  
Attorney

10/11

# Adams County Legal Journal

Vol. 44

October 18, 2002

No. 21, pp. 109-113

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

## ORDER

AND NOW, this 23rd day of September, 2002, upon consideration of the attached Motion for Judgment, it is hereby ordered that the Defendants in the above-captioned action be forever barred from asserting any right, lien, title or interest in the subject real estate inconsistent with the interest or claim that the Plaintiff has set forth in his Complaint, unless the Defendant or Defendants enter an appearance and file an Answer to the Complaint within thirty (30) days of the notice of this Order. If such action is not taken within the thirty (30) day period, the Prothonotary, upon Praecipe from the Plaintiff, shall enter final judgment, if appropriate. Service of this Order upon the Defendant, Lake Heritage, Inc., its distributees, successors and assigns, American Realty Service Corporation of Pennsylvania, c/o William M. Wren, Jr., William Bray and Georgianna Bray shall be made by publication once in the Adams County Legal Journal and once in the Gettysburg Times Newspaper and upon the Defendant, Lake Heritage Property Owners Associations, Inc. and its counsel, John W. Phillips, Esquire, by United States regular first class mail together with certificates of mailing.

/s/Michael A. George  
Judge Michael A. George

10/18

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL DIVISION  
NO. 02-S-996

CHASE MANHATTAN MORTGAGE  
CORPORATION, Plaintiff

vs.

THE UNKNOWN HEIRS OF DAVID  
BRUCE BUSCH, Defendants

## NOTICE

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

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

Court Administrator  
Adams County Courthouse  
Gettysburg, PA 17325  
Phone: (717) 337-9846

10/18

## NOTICE

NOTICE IS HEREBY GIVEN that Christopher J. Schmidt, Esq. intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 15th day of November, 2002, and that he is practicing law full-time as a law clerk to The Honorable Michael A. George, County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

10/18, 25 & 11/1

## NOTICE

NOTICE IS GIVEN that the Board of Abbottstown-Paradise Joint Sewer Authority (the "Authority"), a Pennsylvania municipality authority having its registered office at the 4 West Water Street, Abbottstown, Pennsylvania 17301, has adopted a resolution proposing an amendment to its Articles of Incorporation, as amended; the Authority has submitted the proposed amendment to the Council of the Borough of Abbottstown and the Board of Supervisors of the Township of Hamilton, both located in Adams County, Pennsylvania, and the Board of Supervisors of the Township of Paradise York County, Pennsylvania, the respective governing authorities of the municipalities composing the Authority; each such municipality by resolution duly adopted has adopted and approved the amendment to the Authority's Articles of Incorporation, as amended; the Authority intends to file Articles of Amendment to its Articles of Incorporation, as amended with the Secretary of the Commonwealth of Pennsylvania on November 15, 2002 such Articles of Amendment are to be filed under provisions of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S. Ch. 56, as amended and supplemented; and the nature and character of such proposed amendment is to amend the Authority's Articles of Incorporation, as amended, by the addition thereto of the following paragraph:

"The term of existence of Abbottstown-Paradise Joint Sewer Authority shall be for a period ending on December 31, 2051."

Abbottstown-Paradise Joint  
Sewer Authority

10/18

## 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-552 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point along the right-of-way line of Bonnie Field Circle, a fifty (50) feet wide right-of-way and corner of Lot No. 28 on the hereinafter referred to subdivision plan; thence along Lot No. 28, North forty-six (46) degrees thirteen (13) minutes thirty-one (31) seconds West, one hundred ten and zero hundredths (110.00) feet to a point along line of lands now or late of John E. and Reba F. Biemiller; thence along said lands now or late of John E. and Reba F. Biemiller, North forty-three (43) degrees forty-six (46) minutes twenty-nine (29) seconds East, seventy-five and zero hundredths (75.00) feet to a point at corner of Lot No. 30 of the hereinafter referred to subdivision plan; thence along Lot No. 30, South forty-six (46) degrees thirteen (13) minutes thirty-one (31) seconds East, one hundred ten and zero hundredths (110.00) feet to a point along the right-of-way line of Bonnie Field Circle, aforesaid; thence along the right-of-way line of Bonnie Field Circle, South forty-three (43) degrees forty-six (46) minutes twenty-nine (29) seconds West, seventy-five and zero hundredths (75.00) feet to the point and place of BEGINNING.

(CONTAINING 8,250 square feet and being Lot No. 29 on Final Plan of Bonnie Field, prepared by Edward H. Richardson Associated, Inc., dated February 26, 1976, File No. G-0006, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 9, page 24.)

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

## Tax Parcel #9-43

SEIZED and taken into execution as the property of **Timothy M. Warthan & Hilda M. Campbell** 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 December 16, 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.

10/11, 18 & 25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-759 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of December, 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 situate on the West side of the Bonneauville-Two Taverns State Highway in the Village of Bonneauville (formerly Mt. Pleasant Township), Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin in the center of the State Highway aforesaid at land now or formerly of Harry Smith; thence through a stake on the West side of said State Highway by land now or formerly of Harry Smith, North 75-3/4 degrees West, 214.7 feet through a maple to a stake at land now or formerly of Carroll E. Storm; thence by the same, North 8 degrees West, 82 feet to an iron pin at land now or formerly of James Groft; thence by the same South 87-1/4 degrees East, 200 feet through a post on the West side of

the State Highway aforesaid to an iron pin in the center of said State Highway; thence by the center of said State Highway, South 9 degrees East, 126.3 feet to an iron pin, the place of BEGINNING. CONTAINING 74.9 perches.

It being the same which was surveyed July 27, 1946 by LeRoy H. Winebrenner, Registered Surveyor, as the property of Carroll E. Storm.

IT BEING the same tract of land which Francis V. Staub and Mary E. Staub, his wife, by their deed dated March 21, 1970 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Deed Book 283, page 1991, granted and conveyed unto Francis V. Staub and Mary E. Staub, husband and wife. The said Francis V. Staub having since died, title in and to said premises vested in Mary E. Staub, Grantor herein, under by virtue of the laws of the Commonwealth of Pennsylvania.

BEING the same premises which Mary E. Staub, by Deed dated 12/11/97 and recorded 12/15/97 in the Recorder's Office in and for Adams, Pennsylvania in Deed Book Volume 1489, Page 303, granted and conveyed unto Tanya Gilles a/k/a Tanya Shipley, the Mortgagor herein.

Tax Parcel ID: 5-62

Address: 20 Maple Street, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Tanya Gillis a/k/a Tanya Shipley** 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 January 13, 2003, 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.

10/11, 18 & 25

## TYSON VS. SIZEMORE

1. Preliminary objections, the end result of which would be dismissal of a cause of action, should be sustained only in cases that are clear and free from doubt.

2. A complaint that consists of merely argumentative conclusions, as opposed to properly pleaded statements of fact, cannot withstand demurrer. A court may also disregard averments in a complaint which are in conflict with the exhibits attached to the complaint.

3. The theory of unjust enrichment is a doctrine based in equity. Its elements include "benefits conferred on Defendant by Plaintiff, appreciation of such benefits by the Defendant, and acceptance and retention of such benefits under such circumstances that it would be inequitable for Defendant to retain the benefit without payment of value."

4. The function of a complaint is to apprise the Defendant of the issues he faces and to enable him to prepare an intelligent response. Preliminary objections in the nature of a motion for more specific pleadings raises the issue of whether the pleading is sufficiently clear to enable the Defendant to adequately prepare a defense.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 01-S-1111, STERLING AND NELLIE TYSON VS.  
DONNA SUE SIZEMORE.

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

Patrick W. Quinn, Esq., for Defendant

George, J., March 7, 2002

## OPINION

On December 13, 2001, Sterling Tyson and Nellie Tyson (hereinafter referred to as Tyson) filed civil suit against Donna Sue Sizemore (hereinafter referred to as Sizemore) alleging that Sizemore breached an oral contract between the parties and, further, that Sizemore was unjustly enriched as a result of her receipt of certain sums of money from Tyson. Sizemore has responded to the complaint by filing Preliminary Objections alleging insufficient specificity in the complaint and a demurrer to both causes of action. Sizemore supplemented her Preliminary Objections with a brief pursuant to Local Rule 211. Tyson has not filed a responsive brief.

Preliminary objections, the end result of which would be dismissal of a cause of action, should be sustained only in cases that are clear and free from doubt. *League of Women Voters of Pennsylvania v. Commonwealth*, 692 A.2d 263 (Pa. Cmwnlth. 1997). Because of the nature of the demurrer, all well-pled material facts as well as all reasonable inferences deductible therefrom are admitted. *Peerless Publications, Inc. v. County of Montgomery*, 656 A.2d 547 (Pa.

Cmnwlth. 1995). However, conclusions of law or unjustified inferences should not be considered. *Aetna Electroplating Co., Inc. v. Jenkins*, 335 Pa. Super. 283, 484 A.2d 134 (1984). Thus, a complaint that consists of merely argumentative conclusions, as opposed to properly pleaded statements of fact, cannot withstand demurrer. *Giordano v. Ridge*, 737 A.2d 350 (Pa. Cmnwlth. 1999), order aff'd, 559 Pa. 283, 739 A.2d 1052 (1999) and order aff'd, 562 Pa. 154, 753 A.2d 1277 (2000), cert. denied, 121 S.Ct. 307, 148 L.Ed. 2d 246 (2000). A Court may also disregard averments in a complaint which are in conflict with the exhibits attached to the complaint. *Philmar Mid-Atlantic, Inc. v. York Street Associates*, 2, 389 Pa. Super. 297, 566 A.2d 1253 (1989).

Tyson's complaint includes separate counts that state alternative causes of action arising out of the same transaction or occurrence. *See, Pa. R. C. P. 1020(d)(1)*. Under their first cause of action, Plaintiffs are required to establish a contractual obligation between the parties which has been breached. "An agreement is a valid and binding contract if: the parties have manifested an intent to be bound by the agreement's terms; the terms are sufficiently definite; and there was consideration." *Johnston the Florist v. TEDCO Const.*, 441 Pa. Super. 281, 657 A.2d 511, 516 (1995).

In their second cause of action, Tyson seeks compensation under a theory of unjust enrichment. The theory of unjust enrichment is a doctrine based in equity. Its elements include "benefits conferred on Defendant by Plaintiff, appreciation of such benefits by the Defendant, and acceptance and retention of such benefits under such circumstances that it would be inequitable for Defendant to retain the benefit without payment of value". *Styer v. Hugo*, 422 Pa. Super. 262, 619 A.2d 347, 350 (1993), quoting *Wolf v. Wolf*, 356 Pa. Super. 365, 514 A.2d 901 (1986). In considering a claim for unjust enrichment, the focus is on whether there is an unjust enrichment. It requires more than simply a party benefiting as a result of the actions of another. *Wiernik v. Phh U.S. Mortg. Corp.* 1999 Pa. Super. 193, 736 A.2d 616 (1999).

In considering all well-pleaded facts, and inferences derived therefrom, in the Plaintiff's complaint, we discern the following:

Sizemore is the owner of real property located in Reading Township, Adams County, Pennsylvania,



acquired by deed dated January 31, 2000. Just prior thereto, on January 28, 2000, Tyson provided Sizemore with \$20,000.00. Although the complaint alleges that the \$20,000.00 was provided to Sizemore in consideration for a lifetime tenancy, they attached exhibit indicating that the \$20,000.00 was a gift. Regardless, Tyson agreed to pay \$200.00 per month toward expenses of the property and any utilities incurred on the property. Beginning in or about May, 2001, Sizemore began “interfering” with Tyson’s use of the property which resulted in Tyson vacating the property in August, 2001.

Reading the literal language of the entire complaint, and giving the Plaintiffs the benefit of all reasonable inferences, arguably a breach of contract claim lies. Although, as discussed below, the complaint is vague and lacks specificity, the question in disposing of Defendant’s demurrer is whether or not the Plaintiffs’ complaint is so inadequate that it cannot be cured by amendment. *Sullivan v. Philadelphia*, 378 Pa. 648, 107 A.2d 854 (1954).

Sizemore asks the Court to rely upon that body of case law which holds that “it is not necessary to accept as true averments in the complaint which are in conflict with exhibits attached to the complaint”. *Philmar Mid-Atlantic v. York Street Associates*, supra. Under this theory, since the exhibits to the complaint indicate that the \$20,000.00 is a gift, there is no consideration between the parties and thus, no contract. Although the Court finds Sizemore’s argument persuasive, we do not believe that the argument removes all doubt as to whether the complaint states a claim for relief under any theory of the law. *Philmar Mid-Atlantic v. York Street Associates*, supra.

First, we note that the body of law upon which the Plaintiff relies does not require a Court to disregard allegations in the pleading which are contradicted by an exhibit. Rather, the principle relied upon by Sizemore indicates only that it is *not necessary* to accept the averments as true. *Framlau Corporation v. County of Delaware*, 223 Pa. Super. 272, 299 A.2d 335 (1972). Additionally, each of the cases in that line of authority rely upon exhibits which reference the agreement *between* the parties. The current exhibit is distinguished in that it purports to be the documentation of one party to the alleged agreement and not the written agreement between the parties. Although it

appears that Tyson will be fighting an uphill battle in establishing their intent at the time of the financial transaction, that resolution will be left to a finder of fact.

For the same reasons, we decline to sustain the demurrer to Count II of Plaintiff's complaint. Although Sizemore properly states the elements for unjust enrichment in their brief, the cornerstone of their argument is that the exhibit to Tyson's complaint contradicts the allegation in the complaint. As mentioned above, the Court is not required to accept the exhibit as being dispositive and we decline to do so. Although it may be argued that the Plaintiff is precluded from proceeding on their theory of unjust enrichment because they have also alleged an express contract, we find the language of *McIntyre et al v. Woody's Restaurant et al*, 42 A.C.L.J. 225 (2000) persuasive and adopt the reasoning of that Opinion. Although Tyson may not recover on both the breach of contract theory and the theory of unjust enrichment, *see, Smith v. Brink*, 385 Pa. Super. 597, 561 A.2d 1253 (1989), they are not banned from pleading both.

We agree with Sizemore, however, that the complaint lacks sufficient specificity. The function of a complaint is to apprise the Defendant of the issues he faces and to enable him to prepare an intelligent response. Because there is no precise standard to determine the amount of detail that must be included, the Court is vested with a great deal of consideration. *In re Barnes Foundation*, 443, Pa. Super. 369, 661 A.2d 889 (1995); *alloc. dn.*, 542 Pa. 654, 668 A.2d 1119 (1995). Preliminary objections in the nature of a motion for more specific pleadings raises the issue of whether the pleading is sufficiently clear to enable the Defendant to adequately prepare a defense. *Paz v. Com., Dept. of Corrections*, 135 Pa. Commonwealth 162, 580 A.2d 452 (1990). We find the Opinion in *Framlau Corporation v. County of Delaware*, *supra*, to be substantially similar to that before the Court. As in *Framlau*, the allegations which form the basis for Tyson's cause of action are "vague, concerned with broad generalities and lacking in specificity. No reference to time, place or nature of event or situations made against which purposeful answer could be legitimately and fairly required". *Framlau Corporation v. County of Delaware*, *supra*, at A.2d 337.

Tyson's complaint lacks any reference as to when the agreement between the parties was reached or even the essential terms of the

agreement. It is even unclear from the pleading as to whether Tyson actually took possession of the property. Most notably, however, paragraphs 9, 10, 11 and 12 state broad generalities which do not adequately inform the Defendant of the issues to be met. *Commonwealth, Department of Transportation v. Shipley Humble Oil Company*, 29 Pa. Commonwealth 171, 370 A.2d 438 (1977).

For the foregoing reasons, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 7th day of March, 2002, for the reasons set forth in the attached Opinion, Defendant's demurrers are overruled. Defendant's Preliminary Objections citing lack of specificity in the complaint are sustained. The Plaintiff shall have twenty (20) days to file an amended complaint. Failure to do so will result in dismissal of this action.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-825 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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 Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an existing p.k. nail in the center line of Center Mills Road (S.R. #4003) at corner of land now or formerly of Scott Breighner; thence in said Road South 28 degrees 11 minutes 55 seconds East 55.17 feet to a cotton gin spindle in the center of said road; thence by land now or formerly of Timothy Werner South 72 degrees 30 minutes 25 seconds West 166.77 feet to a steel rod set over an existing large old iron pin two feet below grade; thence by land now or formerly of Paul Wetzel North 26 degrees 45 minutes West 35 feet to an existing steel rod at a steel post; thence by land now or formerly of Scott Breighner North 62 degrees 34 minutes 55 seconds East 24 feet to a steel rod; thence by the same South 26 degrees 13 minutes 20 seconds East 5.82 feet to a steel rod; thence by the same North 67 degrees 31 minutes 20 seconds East 70.33 feet to a chain link fence post; thence by the same North 59 degrees 51 minutes East 69.25 feet to an existing p.k. nail in the center line of Center Mills Road the place of BEGINNING. CONTAINING 6,750 square feet.

TITLE TO SAID PREMISES IS VESTED IN Lawrence B. Sanders and Mandy S. Sanders, husband and wife by Deed from Randy L. Black and Ellen L. Black, husband and wife dated 6/29/2001, recorded 7/6/2001, in Record Book 2335, Page 26.

Premises being: 1634 Center Mills Road, Aspers, PA 17304

Tax Parcel No. 1-3

SEIZED and taken into execution as the property of **Lawrence B. Sanders & Mandy S. Sanders** 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 December 16, 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.

10/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-172 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of December, 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 THE FOLLOWING lots of real estate lying and being situate in the Borough of Littlestown, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING at a point along the Westerly edge of North Gala at corner of Lot No. 397 on the subdivision plan hereinafter referred to; thence along Lot No. 397, North 60 degrees 03 minutes 07 seconds West, 95.00 feet to a point at Lot No. 389; thence along Lot No. 389, North 29 degrees 56 minutes 63 seconds East, 20.00 feet to a point at corner of Lot No. 399; thence along Lot No. 399, South 60 degrees 03 minutes 07 seconds East, 95.00 feet to a point along the Westerly edge of North Gala; thence along the Westerly edge of North Gala, South 29 degrees 56 minutes 53 seconds West, 20.00 feet to a corner of Lot No. 397, the place of BEGINNING.

CONTAINING 900 square feet

BEING Lot No. 398 on a plan of lots dated July 15, 1994, prepared by Group Hanover, Inc. which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 65, Page 89-F.

TITLE TO SAID PREMISES IS VESTED IN Carla Rae Meinecke and Eric William Meinecke, Their Heirs and Assigns, by Deed from Appler Properties, LLC, dated 4/28/2000 and recorded 5/15/2000 in Record Book 2049, Page 260.

Premises being: 60 North Gala, Littlestown, PA 17343

Tax Parcel #4-47

SEIZED and taken into execution as the property of **Carla R. Meinecke & Eric W. Meinecke** 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 January 13, 2003, 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.

10/11, 18 & 25

NOTICE

NOTICE IS HEREBY GIVEN that WARREN PHILIP BLADEN, JR., ESQ., intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 15th day of November, 2002, and that he intends to practice law as an Assistant District Attorney in the Office of the District Attorney, County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

10/11, 18 & 25

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 July 11, 2002.

The name of the corporation is TIERCE'S PLANETREE WOODWORKS, INC. The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

Tierce's Planetree Woodworks, Inc.  
4994 Fairfield Road  
Fairfield, PA 17320

10/18

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-827 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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 unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the Borough of New Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A., Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, of a Declaration dated September 13, 1996 and recorded October 18, 1996 in Record Book 1276, page 3, (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such Declaration as Unit Declaration No. 26 as more fully bounded and described in such Declaration, together with a proportionate undivided interest in the Common Elements as defined in such Declaration.

UNDER AND SUBJECT TO any and all covenants, conditions, restrictions, rights-of-way easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in said Declaration.

TOGETHER with the limited common elements appurtenant as more fully shown in said Declaration, together with all amendments and supplements thereto recorded on or before the date hereof.

IT BEING the same tract of land which Robert Myers by deed dated December 23, 1998 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Record Book 1732, page 21, granted and conveyed unto Robert Myers and Lavalia Myers, husband and wife, Grantors herein.

Being known as 2 Oxford Court, New Oxford, PA 17350

Property ID: 5-184-A-26

TITLE TO SAID PREMISES IS VESTED IN Cheryl B. Rotz by deed from Robert Myers, a/k/a Robert E. Myers and Lavalia Myers, by Robert E. Myers, her attorney-in-fact, duly appointed by power-of-attorney dated December 28, 1998 and intended to be recorded herewith, dated 10/24/2000, recorded 11/2/2000 in Deed Book 2156, Page 196.

SEIZED and taken into execution as

the property of **Cheryl B. Rotz** 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 December 16, 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.

10/11, 18 & 25

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of the fictitious Name Act, 54 Pa. C.S.A. §311, that an application to conduct business in Pennsylvania under the assumed or fictitious name, style or designation of MCKESSON HOUSE POTTERY AND FOLK ART was filed with the Department of State, Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania. The business is located at 18 E. Main Street, Fairfield, Adams County, Pennsylvania. The name and address of the person who is a party to the registration is: Sarah Thomas, 18 E. Main Street, P.O. Box 336, Fairfield, Pennsylvania, 17320.

Matthew R. Battersby, Esq.  
Battersby & Sheffer  
P.O. Box 215  
Fairfield, PA 17320

10/18

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Amendment were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about September 19, 2002 for the purpose of changing the name of St. Johns Primitive Baptist Church of Gettysburg, Penna., to ST. JOHNS CHURCH OF CHRIST. The current registered office of the corporation is 278 South Franklin Street, Gettysburg, Pennsylvania 17325.

Gary E. Hartman, Esq.  
Hartman & Yannetti  
Solicitors

10/18

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-592 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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 Straban Township, Adams County, Pennsylvania being more particularly bounded and described as follows:

BEGINNING at a steel pin on the Western side of Rodes Avenue at the Northeastern corner of Lot No. 9 on the hereinafter referred to draft of survey, now or formerly of H. Robert Crouthamel and Marianne L. Crouthamel; thence by said Lot No. 9, North 59 degrees 10 minutes 30 seconds West, 150 feet to a steel pin at the Northwest corner of said Lot No. 9 and land now or formerly of Frank W. Murray and Evelyn S. Murray; thence by said land of Murray, North 30 degrees 49 minutes 30 seconds East, 90 feet to a steel pin; thence by Lot No. 11, South 59 degrees 10 minutes 30 seconds East, 150 feet to a steel pin at the Western edge of Rodes Avenue; thence by the Western edge of Rodes Avenue, South 30 degrees 49 minutes 30 seconds West, 90 feet to a steel pin, the place of BEGINNING.

CONTAINING 13,500 square feet, neat measure

Map #1, Parcel 6

SEIZED and taken into execution as the property of **Linda K. Kessel a/k/a Linda K. Reams a/k/a Linda K. Sawyer** 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 December 16, 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.

10/4, 11 & 18

## ESTATE NOTICES

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

## FIRST PUBLICATION

ESTATE OF JOSEPH L. ARENTZ, SR.  
a/k/a JOSEPH LEO ARENTZ, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Administratrix: Rose M. Arentz, 2878 Pumping Station Road, Fairfield, PA 17320

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

ESTATE OF RICHARD T. CROUSE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Virginia V. Crouse, 1710 Ridge Road, Gettysburg, PA 17325

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

ESTATE OF CARRIE E. SHULL a/k/a CARRIE ELLEN SHULL, DEC'D

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

Executrix: Betty V. Shull, Whispering Pines Nursing Home, 400 North Main Street, York Springs, PA 17372

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

ESTATE OF MARY A. STULTZ, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Executrix: Marlene M. Holt, 55 Wenschhof Road, Fairfield, PA 17320

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

## SECOND PUBLICATION

ESTATE OF EMMA J. DEANER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Personal Representatives: Richard E. Deaner and Kathryn E. Weikert, c/o Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

Attorney: Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

ESTATE OF THEODORE GOUGH, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administratrix: Michelle L. Jardine, 11 Hopewell Road, Apt. J, Williamsport, MD 21795

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

ESTATE OF GRACE E. KANE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Michael D. Kane, 450 Rake Factory Road, Biglerville, PA 17307; Patricia Kane, 450 Rake Factory Road, Biglerville, PA 17307

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

ESTATE OF BEATRICE O. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Myrlene M. Small, 2220 Broadway, Hanover, PA 17331

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

## THIRD PUBLICATION

ESTATE OF LINA U. DAVIS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Larry F. Davis, 1115 Wetstone Drive, Westminster, MD 21157

ESTATE OF FRED A. McCLEAF, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrices: Constance Howe, 102 Knoxlyn Rd., Gettysburg, PA 17325; Sandra Howe, 255 Belmont Rd., Gettysburg, PA 17325; Maysie Fox, 1653 Blakewood Dr., Chambersburg, PA 17201

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

ESTATE OF FLORA MAE MILLER, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Leroy J. Miller, 9 Pine Grove Road, Hanover, PA 17331; Carroll L. Miller, 78 Barts Church Road, Hanover, PA 17331

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

ESTATE OF SHIRLEY M. WOLF, DEC'D

Late of Huntingdon Township, Adams County, Pennsylvania

Executor: Wayne R. Wolf, 7501 Carlisle Pike, York Springs, PA 17372

Attorney: Jane M. Alexander, Esq., P.O. Box 421, Dillsburg, PA 17019-0421

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-83 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of December, 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 following tract of land situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point on the westerly side of Knisley Drive at Lot No. 19 of the hereinafter mentioned subdivision plan; thence along said Lot No. 19 North fifty-nine (59) degrees twenty-three (23) minutes forty (40) seconds West one hundred forty-five and ninety-seven hundredths (145.97) feet to a point at lands now or formerly of The American Legion of Hanover; thence along said lands North twenty-nine (29) degrees twenty (20) minutes thirty-three (33) seconds East, sixty-five and fifteen thousandths (65.015) feet to a point at Lot No. 20-B of the hereinafter referenced subdivision plan; thence along same, South fifty-nine (59) degrees twenty-three (23) minutes forty (40) seconds East, one hundred forty-seven and forty-one hundredths (147.41) feet to a point along the westerly side of Knisley Drive; thence along the westerly side of Knisley Drive South thirty (30) degrees thirty-six (36) minutes twenty (20) seconds West, sixty-five (65.00) feet to a point at Lot No. 19 of said plan, the point and place of BEGINNING. CONTAINING 9,535 square feet and being identified as Lot No. 20-A of the final plan of Country Estates which plan is dated March 11, 1988, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 49, page 62.

HAVING ERECTED THEREON a dwelling known as 28 Knisley Drive, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Louis E. Roth and Joan E. Roth by Deed dated March 19, 1993 and recorded March 25, 1993 in Adams County Deed Book 703, Page 126, granted and conveyed unto Steven R. Merson and Deborah K. Merson.

SEIZED IN EXECUTION AS THE PROPERTY OF STEVEN R. MERSON AND DEBORAH K. MERSON UNDER ADAMS COUNTY JUDGMENT NO. 02-S-83.

MAP & PARCEL #10-52

SEIZED and taken into execution as the property of **Steven R. Merson & Deborah K. Merson** 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 January 13, 2003, 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.

10/18, 25 & 11/1

## 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 20th day of December, 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 Wolfe & Nancy 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 January 13, 2003, 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.

10/18, 25 & 11/1

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Act of Assembly No. 295 of 1982, of the filing in the Office of the Secretary of Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on the 11th day of October, 2002, a certificate for the conduct of business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of "FINE ART PHOTOGRAPHY OF GETTYSBURG" with its principal place of business at 46 E. Stevens Street, Gettysburg, Pennsylvania. The names and addresses of the persons owning or interested in said business are Fred A. Gantz, 46 E. Stevens Street, Gettysburg, Pennsylvania.

Clayton R. Wilcox, Esq.  
Wilcox & James

10/18

# Adams County Legal Journal

Vol. 44

October 25, 2002

No. 22, pp. 114-120

## IN THIS ISSUE

### MORRET VS. KIMPLE ET AL

#### SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-286 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, 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 in Hamiltonban Twp., by Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin in the center of Township Road T-300, known as Mount Hope Road; thence in the center of said road, North 28 degrees 11 minutes 00 seconds East, 20.22 feet to a nail in the center of said road; thence through the original tract of Luke J. Clapsadl and running through a reference iron pin 40 feet from the beginning of this course, South 70 degrees 20 minutes 30 seconds East, 412.55 feet to an iron pin; thence continuing through the same, North 24 degrees 19 minutes 35 seconds East, 158.71 feet to an iron pin on line of land now or formerly of William Miller; thence along said Miller land, South 68 degrees 40 minutes 00 seconds East, 201 feet to an iron pin located approximately 30 feet from land now or formerly of The Glatfelter Pulpwood Company; thence running in a line parallel with and approximately 30 feet West of land now or formerly of The Glatfelter Pulpwood Company, South 24 degrees 19 minutes 35 seconds West, 172.88 feet to an iron pin; thence along line of land now or formerly of Charles F. Clapsadl, North 70 degrees 20 minutes 30 seconds West, 615.31 feet to the above described place of BEGINNING. CONTAINING 1 acre.

BEING the same premises which Robert E. Burrall, by Deed dated July 28,

1986 and recorded July 30, 1986, in the Recorder's Office in and for Adams, Pennsylvania in Deed Book Volume 432, Page 0437, granted and conveyed unto Ellis R. Emory and Denise M. Emory, husband and wife, the mortgagors herein.

SEIZED and taken into execution as the property of **Ellis R. Emory & Denise M. Emory** 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 January 27, 2003, 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.

10/25, 11/1 & 8

#### NOTICE

NOTICE IS HEREBY GIVEN that WARREN PHILIP BLADEN, JR., ESQ., intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 15th day of November, 2002, and that he intends to practice law as an Assistant District Attorney in the Office of the District Attorney, County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

10/11, 18 & 25

#### NOTICE

The Adams County Tax Claim Bureau hereby gives notice that it presented a Consolidated Return of Sales to the Court of Common Pleas of Adams County, Pennsylvania on September 30, 2002, of sales of real estate for delinquent taxes made September 13, 2002. The Court confirmed said Return nisi October 1, 2002. Objections or exceptions thereto may be filed by any owner or lien creditor within Thirty (30) days from the date of the Return, otherwise the Return will be confirmed absolutely.

Adams County Tax Claim Bureau  
By: Danielle Asper, Director

10/25

#### ASSUMED NAME NOTICE

NOTICE IS HEREBY GIVEN that an application for registration of the assumed name CO. K PRODUCTIONS for the conduct of business in Adams County, Pennsylvania, with the principal place of business being 346 East Water Street, Gettysburg, PA 17325 was made to the Department of State of Pennsylvania at Harrisburg, Pennsylvania, on the 15th day of October, 2002, pursuant to 54 Pa.C.S. §311. The name of the individual owning or interested in the said business is Thomas M. Gilbert.

McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

10/25



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-552 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point along the right-of-way line of Bonnie Field Circle, a fifty (50) feet wide right-of-way and corner of Lot No. 28 on the hereinafter referred to subdivision plan; thence along Lot No. 28, North forty-six (46) degrees thirteen (13) minutes thirty-one (31) seconds West, one hundred ten and zero hundredths (110.00) feet to a point along line of lands now or late of John E. and Reba F. Biemiller; thence along said lands now or late of John E. and Reba F. Biemiller, North forty-three (43) degrees forty-six (46) minutes twenty-nine (29) seconds East, seventy-five and zero hundredths (75.00) feet to a point at corner of Lot No. 30 of the hereinafter referred to subdivision plan; thence along Lot No. 30, South forty-six (46) degrees thirteen (13) minutes thirty-one (31) seconds East, one hundred ten and zero hundredths (110.00) feet to a point along the right-of-way line of Bonnie Field Circle, aforesaid; thence along the right-of-way line of Bonnie Field Circle, South forty-three (43) degrees forty-six (46) minutes twenty-nine (29) seconds West, seventy-five and zero hundredths (75.00) feet to the point and place of BEGINNING.

(CONTAINING 8,250 square feet and being Lot No. 29 on Final Plan of Bonnie Field, prepared by Edward H. Richardson Associated, Inc., dated February 26, 1976, File No. G-0006, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 9, page 24.)

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

Tax Parcel #9-43

SEIZED and taken into execution as the property of **Timothy M. Warthan & Hilda M. Campbell** 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 December 16, 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.

10/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-759 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of December, 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 situate on the West side of the Bonneauville-Two Taverns State Highway in the Village of Bonneauville (formerly Mt. Pleasant Township), Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin in the center of the State Highway aforesaid at land now or formerly of Harry Smith; thence through a stake on the West side of said State Highway by land now or formerly of Harry Smith, North 75-3/4 degrees West, 214.7 feet through a maple to a stake at land now or formerly of Carroll E. Storm; thence by the same, North 8 degrees West, 82 feet to an iron pin at land now or formerly of James Groft; thence by the same South 87-1/4 degrees East, 200 feet through a post on the West side of

the State Highway aforesaid to an iron pin in the center of said State Highway; thence by the center of said State Highway, South 9 degrees East, 126.3 feet to an iron pin, the place of BEGINNING. CONTAINING 74.9 perches.

It being the same which was surveyed July 27, 1946 by LeRoy H. Winebrenner, Registered Surveyor, as the property of Carroll E. Storm.

IT BEING the same tract of land which Francis V. Staub and Mary E. Staub, his wife, by their deed dated March 21, 1970 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Deed Book 283, page 1991, granted and conveyed unto Francis V. Staub and Mary E. Staub, husband and wife. The said Francis V. Staub having since died, title in and to said premises vested in Mary E. Staub, Grantor herein, under by virtue of the laws of the Commonwealth of Pennsylvania.

BEING the same premises which Mary E. Staub, by Deed dated 12/11/97 and recorded 12/15/97 in the Recorder's Office in and for Adams, Pennsylvania in Deed Book Volume 1489, Page 303, granted and conveyed unto Tanya Gilles a/k/a Tanya Shipley, the Mortgagor herein.

Tax Parcel ID: 5-62

Address: 20 Maple Street, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Tanya Gillis a/k/a Tanya Shipley** 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 January 13, 2003, 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.

10/11, 18 & 25

## MORRET VS. KIMPLE ET AL

1. A demurrer is an allegation that, even if the facts as stated in the pleading to which objection is taken to be true, yet their legal consequences are not such as to put the demurring party to the necessity of answering them or proceeding further with the cause.

2. The question presented by the demurrer is whether, on the facts averred, the law says with certainty that no recovery is possible. Where doubt exists as to whether a demurrer should be sustained, this doubt must be resolved in favor of overruling it.

3. Quantum Meruit measures recovery under implied contract to pay compensation as reasonable value of services rendered. As a general principle, if one obtains money or property of another without authority, the law, independently of an express contract, will compel restitution or compensation.

4. A plaintiff claiming on an express contract to pay a fixed compensation who fails to prove the contract cannot recover upon quantum meruit, since the law implies a promise to pay what the services are worth only where the amount of compensation has not been agreed upon by the parties.

5. A constructive trust may be created by equity as the result of fraud—either actual or constructive—and, in fact, the constructive trust has sometimes been referred to as a “fraud rectifying trust.”

6. Constructive trusts may also be imposed based on other conduct or circumstances, including bad faith, duress, coercion, undue influence, abuse of confidence or violation of a fiduciary relationship, mistake in the transaction that originates the problem, by commission of a wrong, or by any form of unconscionable conduct, artifice, concealment, or questionable means, by which one, in any way against equity and good conscience, either obtained or holds the legal right to property which he ought not, in equity and good conscience, hold and enjoy.

7. According to that (promissory estoppel) doctrine, an estoppel may arise from the making of a promise, even though without consideration, if it was intended that the promise should be relied upon and in fact it was relied upon, and if a refusal to enforce it would be virtually to sanction the perpetration of fraud or would result in other injustice.

8. Mere omission by the promisee to do whatever the promisor promised to do has been held insufficient “forbearance” to give rise to a promissory estoppel.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 01-S-1321, JEFFREY L. MORRET VS. DONALD E.  
KIMPLE AND CATHERINE E. KIMPLE, HIS WIFE, AND  
KELLY A. KAHN.

Robert L. McQuaide, Esq., for Plaintiff  
Barbara Jo Entwistle, Esq., for Defendants  
Bigham, J., March 13, 2002

OPINION ON DEFENDANT'S PRELIMINARY  
OBJECTIONS IN NATURE OF DEMURRER

BRIEF STATEMENT OF FACTS

On December 12, 2001, Plaintiff filed a complaint in equity with four counts. The counts are as follows: one count of quantum meruit against defendants Kimple, one count of constructive trust against defendants Kimple, one count of quantum meruit against defendant Kahn and one count of promissory estoppel against defendant Kahn.

In 1994, Plaintiff and defendant Kahn began cohabiting, together with defendant Kahn's two minor children, in a trailer on two acres of land located at 3385 Old Route 30, Orrtanna, Franklin Township, Adams County, Pennsylvania. It is alleged that Defendant Kahn fraudulently and expressly represented to Plaintiff that title to the two acres where the trailer was located was given to her by her father and mother, defendants Kimple. In 1995, Plaintiff and Defendant Kahn were engaged to be married. Plaintiff and Defendant Kahn decided to build a house and barn on the two acres of land. Plaintiff approached Defendant Donald Kimple and asked for his assistance. It is alleged that Defendant Donald Kimple agreed and represented to Plaintiff that title to the two acres had been given to Defendant Kahn. With the knowledge and acquiescence of all three defendants, Plaintiff began construction of a house and barn on the two acres of land. Defendant Kahn allegedly promised Plaintiff that title to the two acres with the house and barn would be conveyed jointly into the names of Plaintiff and Defendant Kahn. Allegedly relying on the express promises of the defendants, Plaintiff acted as the general contractor for the construction of the house and barn and allegedly personally contributed at least 2112 hours of manual labor to the construction of the house and barn, such labor allegedly valued at \$38,016.00.

In 1999, Plaintiff first learned Defendant Kahn never obtained title to the two acres. Plaintiff was evicted from the home by Defendant Kahn in May 2001. Plaintiff alleges that the acres unimproved were worth less than \$30,000.00 prior to construction and after construction were worth more than \$200,000.00 in May 2001.

Plaintiff alleges Defendants Kimple and Defendant Kahn have been substantially and materially benefited by the improvements

made by Plaintiff by fraudulently promising Plaintiff that he and Defendant Kahn would jointly own the two acres improved with house and barn and Plaintiff relied on that promise and he acted to invest his time and money based on that reliance. Plaintiff alleges in his complaint at all times Defendant Kimple was an authorized agent for and acted on behalf of his wife, Defendant Catherine Kimple.

The first count of quantum meruit is against Defendants Kimple. Plaintiff alleges that a.) Defendants appreciate the significance of the benefit conferred upon them by Plaintiff's project, b.) Defendants failed to object to the benefits of the project made by plaintiff, c.) Defendants fraudulently encouraged Plaintiff to confer those benefits upon them knowing Plaintiff was being misled and d.) Defendants would be unjustly enriched by the retention of the benefits conferred upon them by Plaintiff.

Count II is a request for a constructive trust to be ordered against Defendants Kimple requesting they be ordered to convey one-half of their total interest in the two acres to Plaintiff because Defendants would be unjustly enriched by the retention of improvements made to the two acres.

Count III is a quantum meruit count against Defendant Kahn. Defendant Kahn continues to occupy the residence. Plaintiff believes Defendants Kimple promised to convey the two acres as improved to Defendant Kahn, therefore, Defendant Kahn holds equitable title to the two acres. Plaintiff demands judgment in an amount equal to the benefits conferred upon her—\$170,000.00 less half of the \$29,000.00 loan, for a total benefit of \$155,000.00.

Count IV is a promissory estoppel count against Defendant Kahn. Defendant Kahn allegedly promised Plaintiff title to the two acres would be conveyed jointly to Plaintiff and Defendant Kahn. Plaintiff justifiably relied upon this promise when he started the house and barn project. Defendant Kahn has not compensated Plaintiff in any way. Defendant Kahn would be unjustly enriched by the retention of benefits conferred on her by plaintiff. Plaintiff argues justice requires Defendant Kahn's promise be enforced.

#### LEGAL DISCUSSION

Defendant raises a preliminary objection to all four counts in the nature of a demurrer.

A demurrer is:

“An allegation that, even if the facts as stated in the pleading to which objection is taken be true, yet their legal consequences are not such as to put the demurring party to the necessity of answering them or proceeding further with the cause. An assertion that complaint does not set forth a cause of action upon which relief can be granted, and it admits, for purpose of testing sufficiency of complaint, all properly pleaded facts, but not conclusions of law.”

*Balsbaugh v. Rowland*, 447 Pa. 423, 290 A.2d 85, 87.

The Superior Court of Pennsylvania states,

“Our standard of review for preliminary objections is well settled. The question presented by the demurrer is whether, on the facts averred, the law says with certainty that no recovery is possible. Where doubt exists as to whether a demurrer should be sustained, this doubt must be resolved in favor of overruling it.”

*Romeo vs. Pittsburgh Associates*, 787 A.2d 1027, 1030.

#### Preliminary Objection to Count I: Quantum Meruit

Quantum Meruit measures recovery under implied contract to pay compensation as reasonable value of services rendered. *Black's Law Dictionary (Sixth Edition)*. “As a general principle, if one obtains money or property of another without authority, the law, independently of an express contract, will compel restitution or compensation.” *Standard Pennsylvania Practice 2d* §22:5. The Defendants’ point regarding the correct amount for which plaintiff could sue, assuming the legitimacy of the cause of action may be well taken, but the Court will defer to the fact finding stage and let that issue be resolved as a matter of what are proper damages. “A plaintiff claiming on an express contract to pay a fixed compensation who fails to prove the contract cannot recover upon quantum meruit, since the law implies a promise to pay what the services are worth only where the amount of compensation has not been agreed upon by the parties.” *Id.*

This case does not involve an express contract between the parties. Rather, Plaintiff is claiming a reasonable value for his services rendered to Defendants under quantum meruit, an equitable method

of recovery under implied contracts. A demurrer can only be sustained when there is certainty that no recovery is possible. It is not certain that no recovery can be possible under Count I. The demurrer is overruled.

Preliminary Objection to Count II: Constructive Trust Theory

“A constructive trust may be created by equity as the result of fraud—either actual or constructive—and, in fact, the constructive trust has sometimes been referred to as a “fraud rectifying” trust. The “fraud” to raise a constructive trust may occur in any form of unconscionable conduct—taking advantage of one’s weaknesses or necessities, or in any way violating equity in good conscience. However, the imposition of a constructive trust is particularly appropriate where one party claims that the other fraudulently acquired and continues to hold property which rightfully and equitably belongs to the first party. Constructive trusts may also be imposed based on other conduct or circumstances, including bad faith, duress, coercion, undue influence, abuse of confidence or violation of a fiduciary relationship, mistake in the transaction that originates the problem, by commission of a wrong, or by any form of unconscionable conduct, artifice, concealment, or questionable means, by which one, in any way against equity and good conscience, either obtained or holds the legal right to property which he ought not, in equity and good conscience, hold and enjoy. That is, a constructive trust is imposed when a defendant’s fraudulent, unfair, or unconscionable conduct causes him to be unjustly enriched at the expense of another to whom he owed some duty; such a trust may be implied by law when one, through some manner of wrongdoing—for example, fraud, abuse of confidence, or trick—obtains title to property.”

*76 Am Jur 2d §201.*

The parties disagree on certain facts, especially what if anything the various defendants represented about ownership of the property. The Plaintiff is entitled to get to a fact finder on this theory and will have the customary burden of persuasion.

Plaintiff is alleging Defendants fraudulently misrepresented through a period of time to him that Defendant Kahn owned the two acres upon which the house and barn were built. Defendant denies the allegations. It is not certain that recovery cannot be possible under the law. The demurrer is overruled.

#### Preliminary Objection to Count III: Quantum Meruit

Since this is an Equity action, the Court is reluctant to remove any defendant from the case until plaintiff has had an opportunity to prove his theory. Plaintiff may or may not eventually prove his case against any or all of the defendants under this Court. This preliminary objection is overruled based on the same reasoning set forth in Count I: Quantum Meruit.

#### Preliminary Objection to Count IV: Promissory Estoppel Theory

The preliminary objection under Count IV is based on the theory of promissory estoppel.

“The broad general rule to the effect that a promise to do or not to do something in the future does not work an estoppel must be qualified, since there are numerous cases in which an estoppel has been predicated on promises or assurances as to future conduct. The doctrine of promissory estoppel is by no means new, although the name has been adopted only in comparatively recent years. According to that doctrine, an estoppel may arise from the making of a promise, even though without consideration, if it was intended that the promise should be relied upon and in fact it was relied upon, and if a refusal to enforce it would be virtually to sanction the perpetration of fraud or would result in other injustice. In this respect, the reliance by the promisee is generally evidenced by action or forbearance on his part, and the idea has been expressed that such action or forbearance should reasonably have been expected by the promisor. Mere omission by the promisee to do whatever the promisor promised to do has been held insufficient ‘forbearance’ to give rise to a promissory estoppel.”

*28 Am Jur 2d §48.*

Plaintiff alleges a promise was made to him that the land would be conveyed to Plaintiff and Defendant Kahn jointly. Plaintiff alleges

that a.) he relied on this promise when he undertook to build the house and barn, b.) Defendants knew Plaintiff was relying on this promise when he was making the improvements, and c.) Defendants are unjustly enriched by reaping the benefits of Plaintiff's work. Again, it is not certain that recovery cannot be possible under the law and a demurrer can only be sustained where on the facts averred the law says with certainty that no recovery is possible. The Court's position on dismissal as to certain defendants is the same here as stated in Count II. Therefore, the demurrer under Count IV is overruled.

#### ORDER OF COURT

AND NOW, this 13th day of March, 2002, IT IS ORDERED THAT Defendants' preliminary objections in the nature of a demurrer to Counts I, II, III and IV are overruled. Defendants are directed to file a responsive pleading pursuant to the Pennsylvania Rules of Civil Procedure.



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-172 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of December, 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 THE FOLLOWING lots of real estate lying and being situate in the Borough of Littlestown, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING at a point along the Westerly edge of North Gala at corner of Lot No. 397 on the subdivision plan hereinafter referred to; thence along Lot No. 397, North 60 degrees 03 minutes 07 seconds West, 95.00 feet to a point at Lot No. 389; thence along Lot No. 389, North 29 degrees 56 minutes 63 seconds East, 20.00 feet to a point at corner of Lot No. 399; thence along Lot No. 399, South 60 degrees 03 minutes 07 seconds East, 95.00 feet to a point along the Westerly edge of North Gala; thence along the Westerly edge of North Gala, South 29 degrees 56 minutes 53 seconds West, 20.00 feet to a corner of Lot No. 397, the place of BEGINNING.

CONTAINING 900 square feet

BEING Lot No. 398 on a plan of lots dated July 15, 1994, prepared by Group Hanover, Inc. which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 65, Page 89-F.

TITLE TO SAID PREMISES IS VESTED IN Carla Rae Meinecke and Eric William Meinecke, Their Heirs and Assigns, by Deed from Appler Properties, LLC, dated 4/28/2000 and recorded 5/15/2000 in Record Book 2049, Page 260.

Premises being: 60 North Gala, Littlestown, PA 17343

Tax Parcel #4-47

SEIZED and taken into execution as the property of **Carla R. Meinecke & Eric W. Meinecke** 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 January 13, 2003, 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.

10/11, 18 & 25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-827 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of November, 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 unit in the property known, named and identified in the Declaration referred to below as Oxford Commons Condominiums, located in the Borough of New Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A., Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, of a Declaration dated September 13, 1996 and recorded October 18, 1996 in Record Book 1276, page 3, (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such Declaration as Unit Declaration No. 26 as more fully bounded and described in such Declaration, together with a proportionate undivided interest in the Common Elements as defined in such Declaration.

UNDER AND SUBJECT TO any and all covenants, conditions, restrictions, rights-of-way easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in said Declaration.

TOGETHER with the limited common elements appurtenant as more fully shown in said Declaration, together with all amendments and supplements thereto recorded on or before the date hereof.

IT BEING the same tract of land which Robert Myers by deed dated December 23, 1998 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Record Book 1732, page 21, granted and conveyed unto Robert Myers and Lavalia Myers, husband and wife, Grantors herein.

Being known as 2 Oxford Court, New Oxford, PA 17350

Property ID: 5-184-A-26

TITLE TO SAID PREMISES IS VESTED IN Cheryl B. Rotz by deed from Robert Myers, a/k/a Robert E. Myers and

Lavalia Myers, by Robert E. Myers, her attorney-in-fact, duly appointed by power-of-attorney dated December 28, 1998 and intended to be recorded herewith, dated 10/24/2000, recorded 11/2/2000 in Deed Book 2156, Page 196.

SEIZED and taken into execution as the property of **Cheryl B. Rotz** 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 December 16, 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.

10/11, 18 & 25

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Pennsylvania's "Fictitious Names Act", 54 Pa. C.S.A. §§ 301 et seq., of the filing of an Application for Registration of Fictitious Name under the said Act. The fictitious name is SALON 101. The address of the principal office or place of business to be carried on, under or through the fictitious name is L, D, R, D, Inc., of 25 Chambersburg Street, Gettysburg, Adams County, Pennsylvania 17325. The name and address of the person or entity which is party to the registration is L, D, R, D, Inc. of 25 Chambersburg Street, Gettysburg, Adams County, Pennsylvania 17325. An application for registration under the Fictitious Names Act of the said fictitious name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on September 26, 2002.

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

10/25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-83 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of December, 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 following tract of land situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point on the westerly side of Knisley Drive at Lot No. 19 of the hereinafter mentioned subdivision plan; thence along said Lot No. 19 North fifty-nine (59) degrees twenty-three (23) minutes forty (40) seconds West one hundred forty-five and ninety-seven hundredths (145.97) feet to a point at lands now or formerly of The American Legion of Hanover; thence along said lands North twenty-nine (29) degrees twenty (20) minutes thirty-three (33) seconds East, sixty-five and fifteen thousandths (65.015) feet to a point at Lot No. 20-B of the hereinafter referenced subdivision plan; thence along same, South fifty-nine (59) degrees twenty-three (23) minutes forty (40) seconds East, one hundred forty-seven and forty-one hundredths (147.41) feet to a point along the westerly side of Knisley Drive; thence along the westerly side of Knisley Drive South thirty (30) degrees thirty-six (36) minutes twenty (20) seconds West, sixty-five (65.00) feet to a point at Lot No. 19 of said plan, the point and place of BEGINNING. CONTAINING 9,535 square feet and being identified as Lot No. 20-A of the final plan of Country Estates which plan is dated March 11, 1988, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 49, page 62.

HAVING ERECTED THEREON a dwelling known as 28 Knisley Drive, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Louis E. Roth and Joan E. Roth by Deed dated March 19, 1993 and recorded March 25, 1993 in Adams County Deed Book 703, Page 126, granted and conveyed unto Steven R. Merson and Deborah K. Merson.

SEIZED IN EXECUTION AS THE PROPERTY OF STEVEN R. MERSON AND DEBORAH K. MERSON UNDER ADAMS COUNTY JUDGMENT NO. 02-S-83.

MAP & PARCEL #10-52

SEIZED and taken into execution as the property of Steven R. Merson & Deborah K. Merson 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 January 13, 2003, 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.

10/18, 25 & 11/1

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 20th day of December, 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 Wolfe & Nancy 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 January 13, 2003, 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.

10/18, 25 & 11/1

NOTICE

NOTICE IS HEREBY GIVEN that Christopher J. Schmidt, Esq. intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 15th day of November, 2002, and that he is practicing law full-time as a law clerk to The Honorable Michael A. George, County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

10/18, 25 & 11/1

**ESTATE NOTICES**

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

**FIRST PUBLICATION**

**ESTATE OF MARIAN D. BEARD, DEC'D**  
Late of Franklin Township, Adams County, Pennsylvania

Co-Executors: Clyde H. Kimple, 2236 Pine Grove Rd., Fayetteville, PA 17222; Margaret A. Kimple, 2236 Pine Grove Rd., Fayetteville, PA 17222

Attorney: Courtney J. Graham, 223 Lincoln Way East, Chambersburg, PA 17201

**ESTATE OF JAMES ARTHUR DUMAS, III, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

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

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

**ESTATE OF DEAN RICHARD GARDNER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Administrators, C.T.A.: Roger E. Gardner, 2776 Oxford Road, New Oxford, PA 17350; Terry R. Gardner, 64 Belmont Road, Gettysburg, PA 17325; Stephen D. Gardner, P.O. Box 105, Quincy, PA 17247

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

**ESTATE OF JERRY E. MILLER, DEC'D**

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

Co-Administrators: Edgar B. Miller, Jr. and Beverly J. Miller, c/o 29 North Duke Street, York, PA 17401

Attorney: Craig S. Sharnetzka, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 29 North Duke Street, York, PA 17401

**ESTATE OF SHIRLEY M. STARNER, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Executor: William L. Starnier, 5526 Carlisle Pike, New Oxford, PA 17350

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

**ESTATE OF VIRGINIA M. STUP, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Clyde B. Stup, II, 11 Lincoln Cove, East Berlin, PA 17316; Margaret E. Kaelin, 2425 Mullinix Mill Rd., Mt. Airy, MD 21771; Eloise B. Fisher, 5260 Oxford Rd., Gardners, PA 17324

Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

**ESTATE OF JOHN E. TIMMINS, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Personal Representatives: Jean M. McLin, 318 Fourth Street, Hanover, PA 17331; Robert S. Timmins, 38 Locust Drive, Hanover, PA 17331; Deborah T. Lawrence, 264 South Street, Hanover, PA 17331

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

**SECOND PUBLICATION**

**ESTATE OF JOSEPH L. ARENTZ, SR. a/k/a JOSEPH LEO ARENTZ, DEC'D**

Late of Liberty Township, Adams County, Pennsylvania

Administratrix: Rose M. Arentz, 2878 Pumping Station Road, Fairfield, PA 17320

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

**ESTATE OF RICHARD T. CROUSE, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Virginia V. Crouse, 1710 Ridge Road, Gettysburg, PA 17325

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

**ESTATE OF CARRIE E. SHULL a/k/a CARRIE ELLEN SHULL, DEC'D**

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

Executrix: Betty V. Shull, Whispering Pines Nursing Home, 400 North Main Street, York Springs, PA 17372

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

**ESTATE OF MARY A. STULTZ, DEC'D**

Late of Freedom Township, Adams County, Pennsylvania

Executrix: Marlene M. Holt, 55 Wenschhof Road, Fairfield, PA 17320

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

**THIRD PUBLICATION**

**ESTATE OF EMMA J. DEANER, DEC'D**  
Late of Cumberland Township, Adams County, Pennsylvania

Personal Representatives: Richard E. Deaner and Kathryn E. Weikert, c/o Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

Attorney: Patterson & Kiersz, P.C., 239-B East Main Street, Waynesboro, PA 17268-1681

**ESTATE OF THEODORE GOUGH, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Administratrix: Michelle L. Jardine, 11 Hopewell Road, Apt. J, Williamsport, MD 21795

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

**ESTATE OF GRACE E. KANE, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executors: Michael D. Kane, 450 Rake Factory Road, Biglerville, PA 17307; Patricia Kane, 450 Rake Factory Road, Biglerville, PA 17307

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

**ESTATE OF BEATRICE O. MILLER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Myrlene M. Small, 2220 Broadway, Hanover, PA 17331

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-296 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground, Situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, being (Lot No. 11) of Colonial Ridge Subdivision, more particularly bounded and described as follows:

BEGINNING at an iron pin on the edge of a 50 foot right of way known as Cannon Lane at the corner of Lot No. 10, as shown on the hereinafter identified draft of survey; thence by Lot No. 10 and running through the center of a party wall in a four unit townhouse separating Lot No. 10 and the lot hereby conveyed, North 42 degrees 17 minutes 22 seconds West, 125.00 feet to a point on line of Lot No. 8, as shown on said survey; thence by Lot No. 8, North 47 degrees 42 minutes 38 seconds East, 20.0 feet to a point at the corner of Lot No. 12, as shown on said survey; thence by Lot No. 12 and running through the center of a party wall in a four unit townhouse separating Lot No. 12 and the lot hereby conveyed, South 42 degrees 17 minutes 22 seconds East, 125.00 feet to an iron pin on the edge of a 50 foot right of way known as Cannon Lane; thence by same, along Cannon Lane, South 47 degrees 42 minutes 38 seconds West, 20.0 feet to an iron pin on the edge of a 50 foot right of way known as Cannon Lane at the corner of Lot No. 10, as shown on said survey, the point and place of BEGINNING. CONTAINING 2,500 square feet.

TITLE TO SAID PREMISES IS VESTED IN David E. Hadlock By Deed from Thomas P. Gebhart and Mary L. Gebhart, his wife dated 10/26/95 and recorded 10/27/95 in Record Book 1100, Page 274.

Tax Parcel: #11-10

Premises Being: 3 Cannon Lane, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **David E. Hadlock** 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 January 27, 2003, 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.

10/25, 11/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-873 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of January, 2003, 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 or parcel of land, situate, lying and being in Hamiltonban Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike in Pennsylvania Legislative Route 01001 at southernmost corner of Lot No. 3, now or formerly of Dale K. McDannell, Jr.; thence in Route 01001, South 58 degrees 39 minutes 20 seconds West 90 feet to a railroad spike at Lot No. 1; thence by Lot No. 1, North 26 degrees 02 minutes 00 seconds West 337.33 feet, passing through a reference iron pin 70 feet from the place of beginning, to an iron pin at land now or formerly of Ronald Kirby; thence by said land of Kirby, Charles Mundorf and Andrew Strasbaugh, North 49 degrees 00 minutes 40 seconds East 170 feet to an iron pin at Lot No. 3, aforesaid; thence by Lot No. 3, South 14 degrees 43 minutes 00 seconds East 380.26 feet, passing through a reference iron pin 70 feet from next mentioned point, to a railroad spike in Route 01001, the place of BEGINNING. CONTAINING 1.102 acres.

The above description was taken from a draft survey prepared by Boyer-Place Surveys, Inc. dated July 18, 1973.

Under and subject to any and all covenants, conditions, reservations, restrictions, limitations, right-of-ways, objections, easements, agreements, etc., as they appear of record.

TITLE TO SAID PREMISES IS VESTED IN Joseph E. Haines and Joseph E. Haines, Jr., as Joint Tenants With Right of Survivorship by Deed from Joseph F. Haines and Sandra K. Haines, husband and wife dated 10/6/2000, recorded 10/10/2000, in Record Book 2142, Page 78.

Premises being: 1691 Orttanna Road, Orttanna, PA 17353

Tax Parcel No. C2-118

SEIZED and taken into execution as the property of **Joseph E. Haines & Joseph E. Haines, 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 January 27, 2003, 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.

10/25, 11/1 & 8

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that on October 4, 2002 Articles of Incorporation of a corporation known as THE KENDI CORP., have been filed with the Department of State, Harrisburg, Pennsylvania, for the purpose of obtaining a certificate of incorporation of a proposed business corporation under the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, known as the "Business Corporation Law" approved December 21, 1988, P.L. 1444, its amendments and supplements.

The purpose for which said corporation is formed are that: The corporation shall have unlimited power to engage in and do any lawful act concerning any and all lawful business for which corporations may be incorporated under the Act of December 21, 1988, P.L. 1444, its amendments and supplements, under the provisions of which said Act this corporation is incorporated.

The location and post office address of the initial registered office of said corporation is 7 East Summit Drive, Littlestown, PA 17340.

10/25