

Adams County Legal Journal

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-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 10th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or piece of ground situate in Biglerville Borough, County of Adams, Commonwealth of Pennsylvania, more particularly bounded and described in accord with a final subdivision plan prepared by Boyer Surveys, dated February 16, 1990, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 54 at Page 89, and being designated as Lot No. 4 thereon; bounded and described as follows:

BEGINNING at a chisel mark set on the curb line of Fourth Street at the Southern side of Lot No. 5 as shown on said plan; thence along the Southern edge of said Lot No. 5, North 87 degrees 10 minutes 00 seconds East, 130.00 feet to a point; thence by same, South 2 degrees 50 minutes 00 seconds East, 20.00 feet to a point on the Northern edge of Lot No. 3 as shown on said plan; thence along said Lot No. 3, South 87 degrees 10 minutes 00 seconds West, 130.00 feet to a chisel mark set on the curb line of Fourth Street; thence along same, North 2 degrees 50 minutes 00 seconds West, 20.00 feet to a chisel mark set at the point and place of BEGINNING.

Map #4 Parcel 88

TITLE TO SAID PREMISES IS VESTED IN Kelly L. Elicker, by Deed from J. Larry Boyer and Martha R. Boyer, husband and wife, dated 8/1/2002 and recorded 8/5/2002 in Record Book 2754, Page 337.

Premises being: 12 4th Street, Biglerville, PA 17307

SEIZED and taken into execution as the property of **Kelly L. Elicker a/k/a Kelly L. Hansford** 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 3, 2005, 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.

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-230 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT IMPROVED lot of ground situate on the West side of Friendly Drive, in Conewago Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the West side of Friendly Drive at lands now or formerly of Gary W. Hubbard and Patricia A. Hubbard, also known as Lot No. 15, Block A; thence along the West side of Friendly Drive, North 30 degrees 55 minutes 20 seconds East, 100 feet to a point on the West side of Friendly Drive at corner of lot now or formerly of Richard J. Neiderer and Barbara A. Neiderer, Lot No. 1, Phase I, Chapel View; thence by lands now or formerly of Richard J. Neiderer and Barbara A. Neiderer, Lot No. 1, Phase I, Chapel View, North 59 degrees 4 minutes 40 seconds West, 175 feet to a point at lands now or formerly of Ronald C. Kerrigan, Lot No. 11, Block A; thence by lands now or formerly of Ronald C. Kerrigan, Lot No. 11, Block A, South 30 degrees 55 minutes 20 seconds West, 100 feet to a point at Lot No. 15, Block A, lands now or formerly of Gary W. Hubbard and Patricia A. Hubbard aforesaid; thence by lands now or formerly of Gary W. Hubbard and

Patricia A. Hubbard, Lot No. 15, Block A, South 59 degrees 4 minutes 40 seconds East, 175 feet to a point on the West side of Friendly Drive, the place of BEGINNING. CONTAINING 17,500 square feet.

SEIZED and taken into execution as the property of **Aaron Mellinger** 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 10, 2005, 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.

10/22, 29 & 11/5

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 September 10, 2004, for conducting business under the assumed or fictitious name of WINTERBRAND. The address of the principal office or place of business to be carried on under or through the fictitious name is: 46 Gettysburg St., P.O. Box 310, Arendtsville, PA 17303. The name and address of the only entity which is a party to the registration is: A.P.M., Inc., 46 Gettysburg St., P.O. Box 310, Arendtsville, PA 17303.

John W. Phillips, Esq.
Attorney

11/5

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-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 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a corner on West High Street and lands now or formerly of Joseph Hockensmith; thence along lands now or formerly of the said Joseph Hockensmith in a Northerly direction, two hundred four (204) feet, more or less to a public alley; thence along said public alley in an Easterly direction sixty (60) feet to lands now or formerly of Agnes Breighner; thence along lands now or formerly of the said Agnes Breighner in a Southerly direction one hundred ninety (190) feet, more or less, to West High Street; thence along said West High Street in a Westerly direction sixty (60) feet to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Steven D. Piper by Deed from Thomas E. Sheely and Doris L. Sheely, Co-Administrators of the Estate of Steven P. Sheely dated 5/18/2001 and recorded 5/21/2001 in Record Book 2289 Page 76.

Premises being: 318 West High Street, New Oxford, PA 17350

Tax Parcel No. 83, Map 4

SEIZED and taken into execution as the property of **Steven D. Piper** 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 10, 2005, 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.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-549 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of improved real estate situate in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to-wit:

BEGINNING for the Southeastern corner hereof at a leitz spike in the center of the Belmont Road (Township Road T-348), located North 14 degrees 19 minutes 45 seconds East, 113.92 feet from an existing railroad spike in the center of said Belmont Road at the Southeastern corner of the original tract of Dean R. Gardner et al, and at a corner of lands now or formerly of Ray Baker; thence through the original tract of Dean R. Gardner et al, for the next three courses, running through a copperweld rod 36.7 feet from the beginning of this course, North 76 degrees 42 minutes 50 seconds West, 292 feet to a steel rod at the Southwestern corner hereof; thence North 14 degrees 19 minutes 45 seconds East, 150 feet to a steel rod at the Northwestern corner hereof; thence running through a steel rod 25 feet from the end of this course, South 76 degrees 42 minutes 50 seconds East, 292 feet to a leitz spike in the center of said Belmont Road at the Northeastern corner hereof; thence running in the center of Belmont Road, South 14 degrees 19 minutes 45 seconds West, 150 feet to the above described place of BEGINNING.

CONTAINING 1.005 Acres.

THE above description was taken from a draft of survey of Adams County

Surveyors, dated May 28, 1986, being Tract No. 2 thereon, and duly filed in the Office of the Recorder of Deeds of Adams County, Pennsylvania, on June 16, 1986 and recorded in Plat Book 44 at page 26.

TITLE TO SAID PREMISES IS VESTED IN John F. Kaczorowski by Deed from James S. MacPherson and Barbara E. MacPherson dated 5/23/1997 and recorded 5/27/1997 in Record Book 1378 Page 120.

Premises being: 306 Belmont Road, Gettysburg, PA 17325

Tax Parcel No. 79 Map #E11

SEIZED and taken into execution as the property of **John F. Kaczorowski** 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 10, 2005, 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.

10/29, 11/5 & 12

NOTICE

NOTICE IS HEREBY GIVEN that DAVID M. McGLAUGHLIN, ESQUIRE, intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 30th day of November, 2004, 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.

10/29, 11/5 & 12

COMMONWEALTH VS. BALDWIN

1. Evidence of another distinct crime is inadmissible solely to show a defendant's propensity to commit the instant crime. Nevertheless, evidence of other crimes is admissible to demonstrate motive, intent, absence of mistake or accident, common scheme, plan or design embracing the commission of two or more crimes so related to each other that proof of one tends to prove the others, or the identity of the person charged with the commission of the crime on trial.

2. Three more exceptions to the general rule of exclusion of prior crimes include, (1) to impeach the credibility of a defendant who testifies in his/her trial; (2) in situations where a defendant's prior criminal history had been used by him/her to threaten the victim; and (3) in situations where the distinct crimes were part of a chain or sequence of events which formed the history of the case and were part of its natural development.

3. The prejudice Rule 583 addresses is that which would occur if the evidence tended to convict the defendant only by showing his/her propensity to commit crimes, or because the jury was incapable of separating the evidence.

4. When determining what constitutes a "single criminal episode," the court must consider the temporal relationship between the acts in question and the logical relationship between those acts.

5. In deciding whether acts are "logically related" to one another, a court should inquire into whether there is a substantial duplication of factual and/or legal issues presented by the offenses. If such substantial duplication exists, then the offenses are logically related and must be prosecuted at one trial.

6. The two-month time lapse between the two offenses does not render consolidation of the offenses improper. Pennsylvania courts have consistently upheld the consolidation of offenses having occurred within a similar time span.

In the Court of Common Pleas of Adams County, Pennsylvania,
Criminal, No. CC-276-03, COMMONWEALTH VS. CEDRIC
BALDWIN.

Shawn Wagner, Esq., Attorney General's Office, for Commonwealth
Steve Rice, Esq., for Defendant.

Kuhn, P.J., November 5, 2003

MEMORANDUM OPINION

Before the Court for disposition is Defendant's Omnibus Pre-trial Motion, filed October 23, 2003.¹ Defendant raises two issues; severance and remand for a preliminary hearing. For reasons set forth herein, the motion is denied.

¹Defendant, through prior counsel on August 4, 2003, filed a Motion to Suppress Improper Identification of Defendant and amended that motion on August 7, 2003. Defendant appeared with present counsel on October 24, 2003, and withdrew these motions.

By way of background, on January 28, 2003, a criminal complaint was filed by the Pennsylvania State Police charging Defendant with unlawful delivery of crack cocaine on November 8, 2001 and January 7, 2002. Specifically, Commonwealth alleges that on November 8, 2001, Trooper Ammons was using a confidential informant in the Gettysburg area. The informant placed a telephone call to "Otto" after which the trooper provided the informant with \$100.00. The informant and the trooper drove to the Silk Mill Apartments in Gettysburg and upon entering the parking lot were met by Defendant. The trooper observed Defendant deliver a quantity of suspected crack cocaine to the informant in exchange for the \$100.00.

On January 7, 2002, the same informant again called "Otto" and arranged the purchase of crack cocaine. The trooper provided the informant with \$100.00 and they drove to the Silk Mill Apartments. Defendant exited the building, met the informant, re-entered the building with the informant and shortly thereafter, both exited the building. The informant had two separate quantities of crack cocaine, one of which was returned to Defendant in the presence of the trooper.

On January 9, 2002, the same informant called "Otto" to arrange another purchase. When the trooper and the informant arrived at the Silk Mill Apartments, Defendant was arrested for the two earlier deliveries.

Defendant contends that each delivery should be tried separately because of the lapse of time between the deliveries, the lack of logical connection, and the potential prejudice. Commonwealth argues that these deliveries were part of one criminal episode, they involve common facts and witnesses, and that the first delivery is part of the natural chain of events for the second delivery.

Rules 582 and 583 of the Pennsylvania Rules of Criminal Procedure set out the standards for joinder and severance of offenses, respectively. Rule 582 states, in pertinent part:

- (1) Offenses charged in separate indictments or informations may be tried together if: (a) the evidence of each of the offenses would be admissible in a separate trial for the other and is capable of separation by the jury so that there is no danger of confusion;...

Pa.R.Crim.P. 582. Rule 583 states, in pertinent part, “The court may order separate trials of offenses...if it appears that any party may be prejudiced by the offenses...being tried together.” Pa.R.Crim.P. 583. Pursuant to these rules, this Court must determine whether the evidence of each of the offenses would be admissible in a separate trial for the other, whether the evidence is capable of separation by the jury so as to avoid danger of confusion, and, if the answers to the above inquiries are in the affirmative, whether the defendant will be unduly prejudiced by the consolidation of the offenses. See *Commonwealth v. Burton*, 770 A.2d 771, 778 (Pa. Super. 2001).

In addressing whether the evidence for each of the two offenses would be admissible in a separate trial of the other, we recognize that evidence of another distinct crime is inadmissible solely to show a defendant’s propensity to commit the instant crime. Nevertheless, evidence of other crimes is admissible to demonstrate motive, intent, absence of mistake or accident, common scheme, plan or design embracing the commission of two or more crimes so related to each other that proof of one tends to prove the others, or the identity of the person charged with the commission of the crime on trial; that is, where there is such a logical connection between the offenses that proof of one will naturally tend to show that the accused is the person who committed the other. *Commonwealth v. Collins*, 703 A.2d 418, 422-23 (Pa. 1997), citing *Commonwealth v. Lark*, 543 A.2d 491, 496-97 (Pa. 1988); *Commonwealth v. Boyle*, 733 A.2d 633, 636 (Pa. Super. 1999). Three more exceptions to the general rule of exclusion of prior crimes include, (1) to impeach the credibility of a defendant who testifies in his/her trial; (2) in situations where a defendant’s prior criminal history had been used by him/her to threaten the victim; and (3) in situations where the distinct crimes were part of a chain or sequence of events which formed the history of the case and were part of its natural development. *Boyle*, 733 A.2d at 636; see *Lark*, 543 A.2d at 497-98.

We find that the two drug transactions reveal a common scheme, whereby the confidential informant and Defendant set up a deal for a specified dollar amount (\$100.00) of a controlled substance by calling Defendant’s telephone number. During each phone conversation, they arranged for the meeting place to be the Silk Mill Apartments (Defendant subsequently met with the confidential informant outside of the building). On each occasion, Defendant delivered the drug to

the confidential informant and was paid in cash provided by Trooper Ammons. These two drug deliveries were related and revealed a common scheme of Defendant delivering the controlled substance to the confidential informant at a predetermined meeting place when the specified amount of money was offered. See *Boyle*, 733 A.2d at 636-37; *Commonwealth v. Johnson*, 517 A.2d 1311, (Pa. Super. 1986). The evidence associated with Defendant's activities in each drug offense does not tend to show his propensity to commit other crimes; instead, it reveals the likelihood that he was involved in the other related crime, and therefore would be admissible in a trial for the other.

In addition, the evidence of either drug offense would be admissible in the trial for the other to prove his intent to deliver a controlled substance. Defendant is charged with possession with intent to deliver a controlled substance/delivery of a controlled substance for both incidents. Therefore, evidence of either offense would be admissible at a separate trial for the other as tending to prove that intent. See *Johnson*, 517 A.2d at 1314; *Commonwealth v. Slyman*, 483 A.2d 519, 531 (Pa. Super. 1984). Finally, we note that if Defendant testified in each drug case, the evidence of the other offense would be admissible to impeach his credibility. See *Boyle*, 733 A.2d at 637.

Also, there is no likelihood that the jury will be confused with regard to the evidence associated with Defendant's alleged offenses on November 8, 2001 and January 7, 2002. In *Taylor; supra*, the court ruled that the facts and elements associated with the defendant's delivery of drugs to a police informant on three separate occasions were easily separable in the minds of the jury since, for each offense, the issue was whether the defendant delivered a specific controlled substance on that particular occasion. Similarly, in this case, Defendant is charged with delivering a controlled substance to a police informant on two particular occasions. Therefore, each offense is easily capable of being separated in the minds of the jury because the issue in each instance is whether Defendant delivered a specific controlled substance on that occasion.

Furthermore, Defendant has not shown this Court how he will be prejudiced by the consolidation of the two offenses. The prejudice Rule 583 addresses is that which would occur if the evidence tended

to convict the defendant only by showing his/her propensity to commit crimes, or because the jury was incapable of separating the evidence. See *Burton*, 770 A.2d at 779. Based upon the above discussion, these concerns do not exist in this case. Thus, there is no prejudice in the consolidation of the two offenses into one trial.

Moreover, consolidation is appropriate in this matter pursuant to Section 110 of the Pennsylvania Crimes Code, which sets forth a rule for compulsory joinder as follows:

Although a prosecution is for a violation of a different provision of the statutes than a former prosecution or is based on different facts, it is barred by such former prosecution under the following circumstances:

- (1) The former prosecution resulted in an acquittal or in a conviction as defined in section 109 of this title...and the subsequent prosecution is for:...
- (ii) any offense based on the same conduct or arising from the same criminal episode, if such offense was known to the appropriate prosecuting officer at the time of the commencement of the first trial and was within the jurisdiction of a single court unless the court ordered a separate trial of the charge of such offense[.]

18 Pa.C.S. §110(1)(ii); *Hude*, 458 A.2d at 181; *Commonwealth v. Travaglia*, 723 A.2d 190, 193 (Pa. Super. 1998). The court in *Hude* stated that the above provision was designed to serve two policy considerations:

- (1) to protect a person accused of crimes from governmental harassment of being forced to undergo successive trials for offenses stemming from the same criminal episode; and (2) as a matter of judicial administration and economy, to assure finality without unduly burdening the judicial process by repetitious litigation.

458 A.2d at 180.

In the case *sub judice*, the issue is whether the two drug transactions constitute a “single criminal episode.” Pennsylvania courts have concluded that when determining what constitutes a “single criminal episode,” the court must consider the temporal relationship

between the acts in question and the logical relationship between those acts. *Commonwealth v. M.D.P.*, 831 A.2d 714, 718-19 (Pa. Super. 2003) citing to *Commonwealth v. Spotz*, 759 A.2d 1280 (Pa. 2000); *Travaglia*, 723 A.2d at 194. In deciding whether acts are “logically related” to one another, a court should inquire into whether there is a substantial duplication of factual and/or legal issues presented by the offenses. *M.D.P.*, 831 A.2d at 719. If such substantial duplication exists, then the offenses are logically related and must be prosecuted at one trial. *Travaglia*, 723 A.2d at 194.

First, the two-month time lapse between the two offenses does not render consolidation of the offenses improper. Pennsylvania courts have consistently upheld the consolidation of offenses having occurred within a similar time span. See *Commonwealth v. Hude*, 458 A.2d 177 (Pa. 1983) (consolidation of drug offenses occurring between October 1974 and January 1975); *Commonwealth v. Johnson*, 517 A.2d 1311 (Pa. Super. 1986) (consolidation of drug offenses occurring between November 11, 1982 and February 16, 1983); *Commonwealth v. Taylor*, 445 A.2d 174 (Pa. Super. 1982) (consolidation of drug offenses occurring between April 6 and June 1, 1978). Thus, although the two offenses occurred over a span of two months, this lapse in time does not require severance of the offenses.

Moreover, the two offenses are logically related as they involve marked factual similarities as well as the same legal issues. Both incidents involved the same witnesses (Pennsylvania State Police trooper, confidential informant, lab technician, and telephone representative), the same location (Silk Mill Apartments), and, as previously discussed, the same arrangement for each drug transaction. Likewise, the same legal issues are presented in each case; that is, whether Defendant had possession of a controlled substance with the intent to deliver it to the confidential informant and that such delivery occurred. Therefore, a logical relationship between the two incidents clearly exists. Hence, under Section 110, both the November 8, 2001 and January 7, 2002 drug offenses must be consolidated and prosecuted in one trial, as they are so temporarily and logically inter-related. To rule otherwise would not only result in a disservice to judicial economy, but also would bar a successive prosecution of the other severed offense. See *Hude*, *supra*.

Defendant also contends that this case should be remanded for another preliminary hearing. Apparently, on March 19, 2003 at the preliminary hearing, Defendant's former counsel² had a discussion with Deputy Attorney General Shawn Wagner. Defendant claims that his counsel gave him the impression that if he agreed to waive his preliminary hearing the Commonwealth would offer him two 2-5 year sentences concurrent with any sentence he was then serving.³ He argues that because he has not been offered that plea agreement he should be entitled to a remand for the hearing he waived. Attorney Wagner acknowledged having a conversation with Attorney Ahmad but states that he told defense counsel that he would make no deal at the preliminary hearing, that if Defendant litigated the case there would be no plea agreement, that any offer would not be concurrent with any other sentence Defendant is serving but, that he would consider having sentences on these two deliveries served concurrently with each other.

Defendant did not testify to exactly what Attorney Ahmad told him before he waived the preliminary hearing nor was former counsel called for that purpose. There certainly is disagreement as to what was offered or not offered. Under the circumstances, I do not find that Defendant was coerced or tricked into waiving his hearing. He was represented by counsel and had the opportunity to confirm any understanding but failed to do so.

Furthermore, Defendant cannot demonstrate any prejudice. Trooper Ammons was the only person Commonwealth intended to call as a witness at the preliminary hearing. The background of each delivery is not complicated. Defendant has received discovery from Commonwealth.

ORDER

AND NOW, this 5th day of November, 2003, Defendant's Omnibus Pre-Trial Motion, filed on October 23, 2003, is denied.

² Anser Ahmad, Esquire

³ Purportedly, Defendant was sentenced to a term of imprisonment of 20-40 years in York County.

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 ADELE J. CHRISTOPHER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Anna Mae Hunter, 48 Pegrarn St., Gettysburg, PA 17325

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

ESTATE OF JAMES A. CRAMER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Administratrices: Janice Proctor, 14963 Vireo Court, Woodbridge, VA 22193; Cathy L. Jordan, 5263 Daybreak Lane, Woodbridge, VA 22193

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

ESTATE OF MARY E. HIKES, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Adams County National Bank, Attn: Paul H. Ketterman, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF GEORGE L. HIMES, JR., DEC'D

Late of Butler Township, Adams County, Pennsylvania

Administratrix: Victoria J. Himes, 263 Chestnut Hill Road, Aspers, PA 17304

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

ESTATE OF JOANNA M. SELBY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Carolyn J. Fanus, 1270 Baer Avenue, Hanover, PA 17331; Wayne P. Fanus, 1270 Baer Avenue, Hanover, PA 17331

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

SECOND PUBLICATION

ESTATE OF PAUL E. CRUM, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executors: Roger E. Crum, 1681 Carlisle Road, Aspers, PA 17304; Delmar A. Crum, 112 Artillery Drive, Gettysburg, PA 17325

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

ESTATE OF LOUISE A. DEE, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executors: Ann Marie Dee, 69 Lynwood Avenue, Franklin Park, NJ 08823; Thomas James Dee, Jr., 617 Heritage Drive, Gettysburg, PA 17325

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

ESTATE OF GRACE E. MYERS, DEC'D

Late of Union Township, Adams County, Pennsylvania

Personal Representatives: Richard F. Myers, 115 Pine Grove Rd., Hanover, PA 17331; Joyce A. Rager, 50 Valley Dr., Hanover, PA 17331

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

ESTATE OF BERNARD J. STORM, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executors: Thomas J. Miller, 852 Fair Avenue, Hanover, PA 17331; Betty L. Millhimes, 3808 Carlisle Pike, New Oxford, PA 17350

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF HARRY E. BAUGHER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Connie J. Leathery, c/o 29 North Duke Street, York, PA 17401

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

ESTATE OF CAROLYN BROWN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Gwenn Forsythe, 1065 Bingham Road, Orrtanna, PA 17353

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

ESTATE OF HELEN E. DAINTY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator: R. Richard Starner, Jr., 2924 Sunset Drive, Dallastown, PA 17313

ESTATE OF GEORGE F. ELLINGER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Lani E. Lindeman, 249 Ridge Avenue, Gettysburg, PA 17325

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

ESTATE OF HENRIETTA M. GAMBRILL, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Cynthia A. Bushey, 660 Mehrling Rd., Littlestown, PA 17340

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

ESTATE OF MELVIN G. GARRETT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

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

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

(continued on page 4)

THIRD PUBLICATION (continued)

ESTATE OF RITA AGNES McMASTER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Robert McMaster, 2581 Old Harrisburg Rd., Lot 13, Gettysburg, PA 17325; Albert McMaster, 825 Low Dutch Road, Gettysburg, PA 17325

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

ESTATE OF ANNA-MARIE NEAL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Keith R. Nonemaker, Esq., 40 York Street, Hanover, PA 17331

Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

ESTATE OF GLENN W. PIFER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: James Pifer, 4912 Zeiglers Church Road, Spring Grove, PA 17362

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

ESTATE OF BEATRICE M. RICKRODE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Donna J. Yake, c/o 141 Broadway, Suite 230, Hanover, PA 17331

Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF A. FLORENCE SMITH a/k/a ANNA FLORENCE SMITH, DEC'D

Late of York Springs Borough, Adams County, Pennsylvania

Executors: Robert E. Smith, 640 Bultonwood Rd., York Springs, PA 17372; Lois Ann Moore, 1975 Freysville Road, York, PA 17402

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

ESTATE OF JANE M. STALLSMITH, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: James A. Roth, 209 Second Avenue, Hanover, PA 17331

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

ESTATE OF JOHN D. STEM, JR., DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Terry L. Stem, 5 Ski Run Trail, Fairfield, PA 17320

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

ESTATE OF NOAH M. STREVIG, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

James N. Strevig, Susan J. Rabert, Joyce E. Feeser, Edward L. Strevig, c/o James N. Strevig, 58 Mummert Drive, Littlestown, PA 17340

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

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, November 16, 2004, at 9:00 a.m.

FLICKINGER—Orphans' Court Action Number OC-92-04. The First and Final Account of Sterling Financial Trust Company, Executor Under the Last Will and Testament of Edwin M. Flickinger, Sr., deceased, late of the Borough of York Springs, Adams County, Pennsylvania.

BURNITE—Orphans' Court Action Number OC-98-04. The First and Final Account of Martha B. Alston, Executrix of the Estate of David C. Burnite, deceased, late of Straban Township, Adams County, Pennsylvania.

MILLER—Orphans' Court Action Number OC-100-04. The First and Final Account of Jennings Brian Martin, Executor of the Last Will and Testament of Mary R. Miller, deceased, late of Germany Township, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

11/5 & 12

FICTITIOUS NAME NOTICE

Katrina McClelland of 730 Plum Run Road, New Oxford, Pennsylvania, did file in the Office of the Secretary of the Commonwealth of Pennsylvania on September 22, 2004, registration of the fictitious name HORSE TACK CO., under which she intends to do business at 730 Plum Run Road, New Oxford, Pennsylvania, pursuant to the provisions of the Act of Assembly of December 21, 1988, known as the "Fictitious Names Act."

CGA Law Firm
29 N. Duke Street
York, PA 17401

11/5

FICTITIOUS NAME NOTICE

Katrina McClelland of 730 Plum Run Road, New Oxford, Pennsylvania, did file in the Office of the Secretary of the Commonwealth of Pennsylvania on September 22, 2004, registration of the fictitious name KABAR TACK AND FEED, under which she intends to do business at 730 Plum Run Road, New Oxford, Pennsylvania, pursuant to the provisions of the Act of Assembly of December 21, 1988, known as the "Fictitious Names Act."

CGA Law Firm
29 N. Duke Street
York, PA 17401

11/5

Adams County Legal Journal

Vol. 46

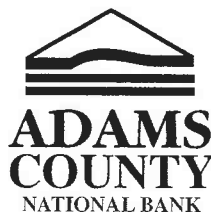
November 12, 2004

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WASHINGTON MUTUAL VS. GUTHRIE ET AL

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. 04-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 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a corner on West High Street and lands now or formerly of Joseph Hockensmith; thence along lands now or formerly of the said Joseph Hockensmith in a Northerly direction, two hundred four (204) feet, more or less to a public alley; thence along said public alley in an Easterly direction sixty (60) feet to lands now or formerly of Agnes Breighner; thence along lands now or formerly of the said Agnes Breighner in a Southerly direction one hundred ninety (190) feet, more or less, to West High Street; thence along said West High Street in a Westerly direction sixty (60) feet to the place of BEGINNING.

TITLE TO SAID PREMISES IS VESTED IN Steven D. Piper by Deed from Thomas E. Sheely and Doris L. Sheely, Co-Administrators of the Estate of Steven P. Sheely dated 5/18/2001 and recorded 5/21/2001 in Record Book 2289 Page 76.

Premises being: 318 West High Street, New Oxford, PA 17350

Tax Parcel No. 83, Map 4

SEIZED and taken into execution as the property of **Steven D. Piper** 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 10, 2005, 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.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-549 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of improved real estate situate in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to-wit:

BEGINNING for the Southeastern corner hereof at a leitz spike in the center of the Belmont Road (Township Road T-348), located North 14 degrees 19 minutes 45 seconds East, 113.92 feet from an existing railroad spike in the center of said Belmont Road at the Southeastern corner of the original tract of Dean R. Gardner et al, and at a corner of lands now or formerly of Ray Baker; thence through the original tract of Dean R. Gardner et al, for the next three courses, running through a copperweld rod 36.7 feet from the beginning of this course, North 76 degrees 42 minutes 50 seconds West, 292 feet to a steel rod at the Southwestern corner hereof; thence North 14 degrees 19 minutes 45 seconds East, 150 feet to a steel rod at the Northwestern corner hereof; thence running through a steel rod 25 feet from the end of this course, South 76 degrees 42 minutes 50 seconds East, 292 feet to a leitz spike in the center of said Belmont Road at the Northeastern corner hereof; thence running in the center of Belmont Road, South 14 degrees 19 minutes 45 seconds West, 150 feet to the above described place of BEGINNING.

CONTAINING 1,005 Acres.

THE above description was taken from a draft of survey of Adams County

Surveyors, dated May 28, 1986, being Tract No. 2 thereon, and duly filed in the Office of the Recorder of Deeds of Adams County, Pennsylvania, on June 16, 1986 and recorded in Plat Book 44 at page 26.

TITLE TO SAID PREMISES IS VESTED IN John F. Kaczorowski by Deed from James S. MacPherson and Barbara E. MacPherson dated 5/23/1997 and recorded 5/27/1997 in Record Book 1378 Page 120.

Premises being: 306 Belmont Road, Gettysburg, PA 17325

Tax Parcel No. 79 Map #E11

SEIZED and taken into execution as the property of **John F. Kaczorowski** 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 10, 2005, 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.

10/29, 11/5 & 12

NOTICE

NOTICE IS HEREBY GIVEN THAT DAVID M. MCGLAUGHLIN, ESQUIRE, intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 30th day of November, 2004, 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.

10/29, 11/5 & 12

WASHINGTON MUTUAL VS. GUTHRIE ET AL

1. Any party may move for summary judgment in whole or in part as a matter of law whenever (1) there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert reports.

2. If a party wishes to answer a responsive pleading in accord with Pa.R.C.P. 1029(c) they may do so as long as reasonable investigation is done in good faith and the information is not of public record or clear that the party must have known the truth.

3. Defendant's averment of lack of knowledge is insufficient and will be considered an admission by the court because the information was of public record, easily ascertainable.

4. Parties seeking to avoid the entry of summary judgment against them may not rest upon the averments contained in their pleadings. On the contrary, they are required to show, by depositions, answers to interrogatories, admissions or affidavits, that there is a genuine issue for trial.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 03-S-378, WASHINGTON MUTUAL BANK FA, VS. CHARLES E. GUTHRIE AND STEVE HAMMER.

Jill M. Wineka, Esq., for Plaintiff

Wendy Weikal-Beauchat, Esq., for Defendants

Bigham, J., November 18, 2003

OPINION STATEMENT OF FACTS

In this ejectment action, Washington Mutual Bank, FA, ("Plaintiff"), asks the Court to grant summary judgment in its favor based upon Steve Hammer's, ("Defendant"), admissions of the factual averments in the Complaint and the failure of the Defendant to allege a valid defense.

On March 28, 2003, the property located at 780 Company Farm Road, Aspers, Pennsylvania 17304 was sold by the Sheriff of Adams County at a Sheriff's sale. The Sheriff's sale was held by virtue of a Writ of Execution issued from the foreclosure action of Plaintiff and the prior owner, Charles E. Guthrie, ("Defendant Guthrie").^{1,2} Plaintiff purchased the property at the Sheriff's sale.

¹ Writ of Execution was issued out of the Court of Common Pleas of Adams County, No. 2002-S-911 at the suit of Washington Mutual Bank, FA vs. Charles E. Guthrie.

² Defendant Guthrie has filed no pleadings in this action and Defendant Hammer alleges that his whereabouts are unknown.

Defendant Hammer was in possession of the property allegedly as a tenant of Defendant Guthrie and therefore made a party to the action by Praecepte filed April 17, 2003 in compliance with Pennsylvania Rules of Civil Procedure, 410 (b)(2). Allegedly, Defendant has tried to negotiate possession with Plaintiff, in the form of an offer to purchase the property for \$138,000.

Due to Defendant's continued occupancy of the property at issue Plaintiff filed a Complaint in Ejectment. In response, Defendant filed an Answer with New Matter. Plaintiff filed a reply to the New Matter. Subsequently, Plaintiff filed a Motion for Summary Judgment, affidavit, and Brief supporting the Summary Judgment Motion. Defendant responded with an Answer to Plaintiff's Motion for Summary Judgment and a Brief in Response to Plaintiff's Motion for Summary Judgment.

"[A]ny party may move for summary judgment in whole or in part as a matter of law whenever, (1) there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert reports." *Pa.R.C.P. 1035.2 (1)*. The trial court must, "resolve all doubts against the moving party and examine the record in a light most favorable to the non-moving party." *Horne v. Haladay*, 728 A.2d 954, 955 (Pa.Super. 1999). The record that the trial court must examine in determining if summary judgment is proper includes, pleading, depositions, answers to interrogatories, admissions, affidavits and reports by expert witnesses. *Pa.R.C.P. 1035.1*. The record in the instant case consists of: Plaintiff's Complaint, Defendant's Answer to Plaintiff's Complaint and New Matter, Plaintiff's Reply to Defendant's New Matter, Plaintiff's Motion for Summary Judgment and Defendant's Answer to Plaintiff's Motion for Summary Judgment.

Plaintiff argues Summary Judgment is warranted in this case by reason of the Defendant's admissions and his failure to plead a valid defense. The Court agrees. Defendant has admitted in his Answer the identity of the parties; the identity of the property and also that he remains the occupant of the property. However, Defendant does not admit or deny that the property in question was sold at a sheriff's sale to Plaintiff; instead Defendant states that he is without knowledge to form a belief as to the accuracy of the Plaintiff's allegations.

LEGAL DISCUSSION

Pennsylvania Rule of Civil Procedure 1029 (1) provides that, “[a] responsive pleading shall admit or deny each averment of fact in the preceding pleading or any part thereof to which it is responsive.” *Pa.R.C.P. 1029(1)*. Additionally, Pa.R.C.P. 1029(c) provides that, “[a] statement by a party that after reasonable investigation the party is without knowledge or information sufficient to form a belief as to the truth of an averment shall have the effect of a denial.” *Pa.R.C.P. 1029 (1)(c)*. If a party wishes to answer a responsive pleading in accord with Pa.R.C.P. 1029(c) they may do so as long as reasonable investigation is done in good faith and the information is not of public record or clear that the party must have known the truth. *Equibank v. Interstate Motels, Inc.*, 25 Pa. D & C. 3d 149, 152 (Ct. of Common Pleas, Somerset, 1982).

Defendant’s averment of lack of knowledge is insufficient and will be considered an admission by the court because the information was of public record, easily ascertainable. Whether or not the property located at 780 Company Farm Road was sold at sheriff sale and who purchased it are matters of public record. The Defendant could have determined the accuracy of the Plaintiff’s allegations by simply inquiring at the office of the Recorder of Deeds. Therefore, Defendant’s averment is insufficient as a denial and can be considered an admission by the Court. *Strank v. Mercy Hosp. of Johnstown*, 102 A2d. 170, 171,172 (Pa., 1954). Accordingly, summary judgment may be granted because the Defendant’s Answer admits all the Plaintiff’s material allegations and there remains no genuine issue of material fact.

Additionally, summary judgment can be properly granted in the present case because, “parties seeking to avoid the entry of summary judgment against them may not rest upon the averments contained in their pleadings. On the contrary, they are required to show, by depositions, answers to interrogatories, admissions or affidavits, that there is a genuine issue for trial.” *Washington Fed. Sav. and Loan Ass’n v. Stein*, 315 A.2d 980, 981 (Pa. Super. 1986). The Defendant has not produced any of the above documents for review by the Court to prevent summary judgment from being granted.

For the reasons set forth above the attached order granting the Plaintiff’s Motion for Summary Judgment is entered.

ORDER OF COURT

AND NOW, this 18th day of November 2003, the Plaintiff's Motion for Summary Judgment is granted.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-806 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate in Latimore Township, Adams County, Pennsylvania, bounded and described in accordance with the Final Plan of Greenfield Estates, which plan is dated August 17, 1979 and recorded in the Office of the Recorder of Deeds of Adams County in Plat Book 31 at page 40, as follows, to wit:

BEGINNING at a point on the dedicated right-of-way line of Wright Road, T-648, at the Southwest corner of Lot No. 18 on the aforesaid plan; thence along Lot No. 18, South 49 degrees 36 minutes 14 seconds East 387.98 feet to a point at a corner on Lot No. 11 on the aforesaid plan; thence along Lot No. 11, South 65 degrees 00 minutes 15 seconds West 150.71 feet to a point at a corner on Lot No. 16 on the aforesaid plan; thence along Lot No. 16, North 51 degrees 53 minutes 24 seconds West 325.41 feet to a point on the dedicated right-of-way line of said Wright Road, T-648; thence along the dedicated right-of-way line of said road North 40 degrees 22 minutes 00 seconds East 148.71 feet to a point; thence continuing on a curve to the right of an arc having a bearing of North 38 degrees 15 minutes 35 seconds East 1.83 feet to a point at the Southwest corner of Lot No. 18 on said Plan, the Place of BEGINNING.

BEING Lot No. 17 on the aforesaid Plan and containing 1.170 acres, more or less.

Vesting Information:

Vested by: Special Warranty Deed dated 9/22/95, given by Gregory Evans and Rosemary E. Evans, husband and wife to Richard E. Leatherman, Jr., and Mary E. Leatherman, husband and wife recorded 9/22/95 in Book: 1086 Page 143 Instrument #: 25341

Premises being: 67 Wright Road, York Springs, PA 17372

Map 23-J03 Parcel 0060

SEIZED and taken into execution as the property of **Richard Leatherman, a/k/a Richard E. Leatherman, a/k/a Richard E. Leatherman, Jr. & Mary E. Leatherman** 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 10, 2005, 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.

11/12, 19 & 24

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, November 16, 2004, at 9:00 a.m.

FLICKINGER—Orphans' Court Action Number OC-92-04. The First and Final Account of Sterling Financial Trust Company, Executor Under the Last Will and Testament of Edwin M. Flickinger, Sr., deceased, late of the Borough of York Springs, Adams County, Pennsylvania.

BURNITE—Orphans' Court Action Number OC-98-04. The First and Final Account of Martha B. Alston, Executrix of the Estate of David C. Burnite, deceased, late of Straban Township, Adams County, Pennsylvania.

MILLER—Orphans' Court Action Number OC-100-04. The First and Final Account of Jennings Brian Martin, Executor of the Last Will and Testament of Mary R. Miller, deceased, late of Germany Township, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-803 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Menallen Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a stone for a corner in the public road; thence running along said road North 14 degrees West 7.4 perches to an iron pin in said road; thence South 70-3/4 degrees West 8 perches to an iron pipe; thence along said lands now or formerly of Dr. Bender South 30-3/4 degrees East 7.4 perches to an iron pin; thence along lands now or formerly of C. Naylor North 70-3/4 degrees East 7.9 perches to the place of BEGINNING.

CONTAINING 59 perches

BEING KNOWN AS: 1626 Center Mills Road, Aspers, PA 17304

Map & Parcel ID: (29) 001-0004

SEIZED and taken into execution as the property of **Oswald L. Armstrong & Janice Armstrong** 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 10, 2005, 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.

11/12, 19 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

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

The above description was taken from draft of survey prepared by Gettysburg Engineering Co. Inc., dated September 3, 4, 1969.

TITLE TO SAID PREMISES IS VESTED IN Fred J. Rogers and Melissa A. Rogers, his wife, by Deed from Vicki L. Arndt, single woman, dated 5/29/1998, recorded 6/8/1998 in Record Book 1596 page 132.

Tax Parcel: H2-27A

Premises being: 210 Goodyear Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Fred John Rogers & Melissa A. Rogers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 10, 2005, 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.

11/12, 19 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-46 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of January, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot or ground situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point in the center of Township Road No. T-478, designated the Hill Road, at the Northwestern corner of Lot No. 124 now or formerly owned by Rickey Lee Martin; thence by said Martin lot, South fifty-nine (59) degrees fifty-eight (58) minutes twenty-six (26) seconds East, two hundred thirty (230) feet; thence by other lands now or formerly of George A. Smith and Margaret H. Smith, South thirty (30) degrees one (01) minute thirty-four (34) seconds West, one hundred seventy-three and seventy-four hundredths (173.74) feet to a point at line of lands now or formerly of W. H. Meyers; thence by said Meyers Land, North fifty (50) degrees thirty-six (36) minutes twelve (12) seconds West, one hundred twenty-six and seventeen hundredths (126.17) feet; thence by same, North sixty-eight (68) degrees fifty-eight (58) minutes five (05) seconds West, one hundred six and eighty-three hundredths (106.83) feet to a point in the center of said Township Road No. T-478; thence along the center of said Township Road No. T-478, North thirty (30) degrees one (01) minute thirty-four (34) seconds East, one hundred sixty-nine and ninety hundredths (169.90) feet to the point in the center of said Township Road No. T-478, the place of BEGINNING. CONTAINING 37,396 square feet.

The above description is taken from a draft of survey made May 25, 1973, by J. H. Rife, R.E., designated File No. C-580 (Section 2), revised July 3, 1973, on which said lot is designated as Lot No. 123, which draft was recorded as a Final Plan of Subdivision of George A. Smith in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 3 at page 12.

IT BEING the same tract of land which George A. Smith and Margaret H. Smith, husband and wife, by their deed dated October 11, 1977 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Deed Book 333, page 1108, granted and conveyed unto Julie A. Clabaugh, now Julie A. Ripple, who joined by her husband Chester G. Ripple are Grantors herein.

Premises being: 105 Hill Road, Hanover, PA 17331

Tax Parcel No. J13-57J

SEIZED and taken into execution as the property of **David W. Hahn, Sr. a/k/a David W. Hahn & Sandra D. Hahn** 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 31, 2005, 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.

11/12, 19 & 24

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 **FOOTHILLS ANTIQUE GALLERY** was filed with the Department of State, Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania. The business is located at 2720 Chambersburg Road, Biglerville, Adams County, Pennsylvania. The name and address of the person who is party to the registration is: Daniel I. Keys, P.O. Box 176, McKnightstown, PA, 17343.

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

11/12

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF RAYMOND D. BOYD, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Sharon E. Boyd, 25 Bowers Road, Gettysburg, PA 17325

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

ESTATE OF MARY G. POIST, DEC'D

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

Co-Executors: Donald F. Poist & Jane M. Poist, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF JAMES E. RIFE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: Tony E. Rife, c/o 29 North Duke Street, York, PA 17401

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

SECOND PUBLICATION

ESTATE OF ADELE J. CHRISTOPHER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Anna Mae Hunter, 48 Pegram St., Gettysburg, PA 17325

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

ESTATE OF JAMES A. CRAMER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Administratrices: Janice Proctor, 14963 Vireo Court, Woodbridge, VA 22193; Cathy L. Jordan, 5263 Daybreak Lane, Woodbridge, VA 22193

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

ESTATE OF MARY E. HIKES, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Adams County National Bank, Attn: Paul H. Ketterman, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF GEORGE L. HIMES, JR., DEC'D

Late of Butler Township, Adams County, Pennsylvania

Administratrix: Victoria J. Himes, 263 Chestnut Hill Road, Aspers, PA 17304

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

ESTATE OF JOANNA M. SELBY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Carolyn J. Fanus, 1270 Baer Avenue, Hanover, PA 17331; Wayne P. Fanus, 1270 Baer Avenue, Hanover, PA 17331

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

THIRD PUBLICATION

ESTATE OF PAUL E. CRUM, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executors: Roger E. Crum, 1681 Carlisle Road, Aspers, PA 17304; Delmar A. Crum, 112 Artillery Drive, Gettysburg, PA 17325

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

ESTATE OF LOUISE A. DEE, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executors: Ann Marie Dee, 69 Lynwood Avenue, Franklin Park, NJ 08823; Thomas James Dee, Jr., 617 Heritage Drive, Gettysburg, PA 17325

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

ESTATE OF GRACE E. MYERS, DEC'D

Late of Union Township, Adams County, Pennsylvania

Personal Representatives: Richard F. Myers, 115 Pine Grove Rd., Hanover, PA 17331; Joyce A. Rager, 50 Valley Dr., Hanover, PA 17331

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

ESTATE OF BERNARD J. STORM, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executors: Thomas J. Miller, 852 Fair Avenue, Hanover, PA 17331; Betty L. Millhimes, 3808 Carlisle Pike, New Oxford, PA 17350

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-243 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of January, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described tract of land situate, lying and being in Mount Pleasant Township, Adams County, Pennsylvania, bounded, as follows, to wit:

BEGINNING at a point in the center line of Pennsylvania Department of Transportation Legislative Route 116 at a corner of lands now or formerly of Cyril N. McMaster; thence along said lands now or formerly of Cyril N. McMaster and through an iron pin set back twenty-five (25) feet from the said point of beginning North forty-eight (48) degrees forty-five (45) minutes zero (0) seconds East four hundred thirty-three and three one-hundredths (433.03) feet to an iron pin at a corner of lands now or formerly of Richard J. Miller; thence along said lands now or formerly of Richard J. Miller South forty-eight (48) degrees twenty (20) minutes thirty-six (36) seconds East two hundred sixty-two and forty-four one-hundredths (262.44) feet to an iron pin and a corner of lands now or formerly of Rodney E. Ernst; thence along said lands now or formerly of Rodney E. Ernst, South twenty-eight (28) degrees thirty-seven (37) minutes forty-seven (47) seconds West one hundred ninety-nine and twenty-six one-hundredths (199.26) feet to a point in the center line of Pennsylvania Department of Transportation Legislative Route 116, the said last course passing through an iron pin located North twenty-eight (28) degrees thirty-seven (37) minutes forty-seven (47) seconds East feet from the terminus of the said course; thence in, along, and through the center line of said Pennsylvania Department of Transportation Legislative Route 116 North eighty-one (81) degrees twenty-nine (29) minutes zero (0) seconds West four hundred thirty and ninety-three one-hundredths (430.93) feet to a point and place of BEGINNING.

CONTAINING 2.220 acres.

ALSO excepting thereout and therefrom that portion of subject premises conveyed to Steven Henschke in Deed Book 307. Page 137, 1.22 acres.

Tax Parcel #H14-2A

TITLE TO SAID PREMISES IS VESTED IN David L. Rider and Nancy E. Rider, His Wife by Deed from Francis S. Dayhoff and Helen I. Dayhoff, his wife

dated 10/11/1972 and recorded 10/18/1972 in Deed Book 303, Page 277.

Tax Parcel: H14-2A

Premises Being: 2310 Hanover Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **David L. Rider a/k/a David Rider & Nancy E. Rider a/k/a Nancy Rider** 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 31, 2005, 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.

11/12, 19 & 24

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 04-S-1078

IN THE MATTER OF: PETITION FOR
CHANGE OF NAME OF JOHN JOSEPH
KAUFFMAN

NOTICE

NOTICE IS HEREBY GIVEN that on October 21, 2004, the Petition of John Joseph Kauffman was filed in the above-named court requesting an Order to change the name of John Joseph Kauffman to Sandra Lynn Kauffman.

The Court has scheduled a date of November 30, 2004 at 9:00 o'clock a.m. In Courtroom #2 of the Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania as the time and place for the hearing on said Petition, when and where all interested persons may appear and show cause, if any, why the request of the Petitioner should not be granted.

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

11/12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1133 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of January, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Carroll Valley Borough (formerly Hamiltonban Township), Adams County, Pennsylvania, being Lot No. 196, Section J, bounded and described as follows:

BEGINNING at a point in the center of Meadow Trail at Lot No. 195; thence by said lot, North 3 degrees 11 minutes 40 seconds West, 200 feet to Lot No. 193; thence by said lot, South 87 degrees 23 minutes 40 seconds East, 100 feet to Lot No. 197; thence by said Lot, South 3 degrees 11 minutes 40 seconds East, 200 feet to a point in the center of said Meadow Trail; thence in said Meadow Trail, North 87 degrees 23 minutes 40 seconds West, 100 feet to the place of BEGINNING.

Map 2, Parcel 135

Premises known as: 3 Field Trail (formerly Meadow Trail), Fairfield, PA 17320

SEIZED and taken into execution as the property of **Kenneth D. Brown, Sr. & Jacquelyn B. Brown** 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 31, 2005, 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.

11/12, 19 & 24

Adams County Legal Journal

Vol. 46

November 19, 2004

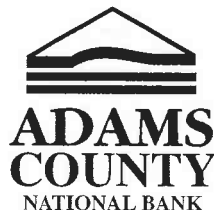
No. 26, pp. 169-170

IN THIS ISSUE

SCHULTZ VS. SCHULTZ

Commitment:

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-806 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate in Latimore Township, Adams County, Pennsylvania, bounded and described in accordance with the Final Plan of Green-Field Estates, which plan is dated August 17, 1979 and recorded in the Office of the Recorder of Deeds of Adams County in Plat Book 31 at page 40, as follows, to wit:

BEGINNING at a point on the dedicated right-of-way line of Wright Road, T-648, at the Southwest corner of Lot No. 18 on the aforesaid plan; thence along Lot No. 18, South 49 degrees 36 minutes 14 seconds East 387.98 feet to a point at a corner on Lot No. 11 on the aforesaid plan; thence along Lot No. 11, South 65 degrees 00 minutes 15 seconds West 150.71 feet to a point at a corner on Lot No. 16 on the aforesaid plan; thence along Lot No. 16, North 51 degrees 53 minutes 24 seconds West 325.41 feet to a point on the dedicated right-of-way line of said Wright Road, T-648; thence along the dedicated right-of-way line of said road North 40 degrees 22 minutes 00 seconds East 148.71 feet to a point; thence continuing on a curve to the right of an arc having a bearing of North 38 degrees 15 minutes 35 seconds East 1.83 feet to a point at the Southwest corner of Lot No. 18 on said Plan, the Place of BEGINNING.

BEING Lot No. 17 on the aforesaid Plan and containing 1.170 acres, more or less.

Vesting Information:

Vested by: Special Warranty Deed dated 9/22/95, given by Gregory Evans and Rosemary E. Evans, husband and wife to Richard E. Leatherman, Jr., and Mary E. Leatherman, husband and wife recorded 9/22/95 in Book: 1086 Page 143 Instrument #: 25341

Premises being: 67 Wright Road, York Springs, PA 17372

Map 23-J03 Parcel 0060

SEIZED and taken into execution as the property of **Richard Leatherman, a/k/a Richard E. Leatherman, Jr. & a/k/a Richard E. Leatherman, Jr. & Mary E. Leatherman** 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 10, 2005, 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.

11/12, 19 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

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

aforesaid; thence in said road South 68 degrees 23 minutes 20 seconds East, 105.46 feet to a spike in said road; thence in such road South 73 degrees 12 minutes 20 seconds East 144.54 feet to a point at the intersection of the aforesaid roads, the place of BEGINNING.

THE above description was taken from draft of survey prepared by Gettysburg Engineering Co. Inc., dated September 3, 4, 1969.

TITLE TO SAID PREMISES IS VESTED IN Fred J. Rogers and Melissa A. Rogers, his wife, by Deed from Vicki L. Ardt, single woman, dated 5/29/1998, recorded 6/8/1998 in Record Book 1596 page 132.

Tax Parcel: H2-27A

Premises being: 210 Goodyear Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Fred John Rogers & Melissa A. Rogers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 10, 2005, 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.

11/12, 19 & 24

SCHULTZ VS. SCHULTZ

1. In equitable distribution, potential tax liability can be considered in two limited circumstances: (1) if a taxable event such as a sale or other transfer of property is required by the award of equitable distribution, or (2) if it is certain to occur shortly thereafter.

2. Potential tax liability is not to be considered by the court where there is merely a likelihood or possibility that a taxable event will occur and the court is left to speculate what the tax consequences are.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 00-S-1233, GEORGETTE M. SCHULTZ VS. WARD M.
SCHULTZ.

Patrick W. Quinn, Esq., for Plaintiff
Andrew B. Brown, Esq., for Defendant
Thomas R. Campbell, Esq., Master
Bigham, J., November 25, 2003

OPINION

Georgette M. Schultz, (hereinafter referred to as "Plaintiff") and Ward M. Schultz, (hereinafter referred to as "Defendant") were married on August 12, 1989 and subsequently separated on December 24, 2000. A Master's Hearing concerning equitable distribution was conducted on May 21, 2003 resulting in the filing of a Master's Report and Recommendation on October 9, 2003. The Plaintiff timely filed Objections and Exceptions to the Master's Report and a Brief supporting those Objections and Exceptions. The Defendant timely filed a Reply Brief in Opposition to the Plaintiff's Objections and Exceptions. On November 24, 2003 the Court heard oral argument between the parties.

The Master's valuation of \$80,157 for the total marital estate is undisputed by the parties. The Master proposed a distribution of 55% to the Plaintiff and 45% to the Defendant. The Plaintiff's share was to be funded in part by a portion of the Defendant's Smith Barney IRA account in the amount of \$44,084.70.

The Plaintiff has two exceptions to the Master's Report and Recommendation. The Court will not address the Plaintiff's second exception as it was subsequently withdrawn. The first exception is that the Master erred in not taking into account the tax implications to the Plaintiff, when the Master assigned the Smith Barney account to Plaintiff in equitable distribution as part of the Plaintiff's 55%

distribution of the net marital estate, when there are ample funds in equity in the marital residence to give to Plaintiff without any tax consequences and when Defendant also has to give Plaintiff an additional \$12,460.50 from the refinancing of the marital residence.

The Pennsylvania Supreme Court has determined that potential tax liability can be considered in two limited circumstances: (1) “[i]f a taxable event such as a sale or other transfer of property is required by the award of equitable distribution,” or (2), if it “is certain to occur shortly thereafter.” *Hovis v Hovis*, 541 A.2d 1378, 1380, (Pa. 1988).

The Plaintiff argues that she will be forced to liquidate the IRA and by doing so will suffer adverse tax consequences. Instantly, the requirements of *Hovis* are not met despite the existence of the possibility of the Plaintiff needing to liquidate the IRA because the Master’s equitable distribution scheme does not require the liquidation of the IRA nor is it certain to occur shortly. *Id.* Potential tax liability is not to be considered by the court, “where there is merely a likelihood or possibility that a taxable event will occur [and] the court is left to speculate [what] the tax consequences” are. *Id.*

Consequently, the Plaintiff’s objections to the Divorce Master’s Report and Recommendation are overruled.

ORDER OF COURT

AND NOW this 25th day of November 2003, after oral argument and consideration of the Plaintiff’s Brief in Support of Objections and Exceptions to the Masters Report filed October 9, 2003 and the Defendant’s Reply Brief in Opposition to the Plaintiff’s Objections and Exceptions filed November 14, 2003, IT IS ORDERED THAT the Plaintiff’s objections to the Divorce Master’s Report and Recommendation are overruled.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-46 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of January, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot or ground situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point in the center of Township Road No. T-478, designated the Hill Road, at the Northwestern corner of Lot No. 124 now or formerly owned by Rickey Lee Martin; thence by said Martin lot, South fifty-nine (59) degrees fifty-eight (58) minutes twenty-six (26) seconds East, two hundred thirty (230) feet; thence by other lands now or formerly of George A. Smith and Margaret H. Smith, South thirty (30) degrees one (01) minute thirty-four (34) seconds West, one hundred seventy-three and seventy-four hundredths (173.74) feet to a point at line of lands now or formerly of W. H. Meyers; thence by said Meyers land, North fifty (50) degrees thirty-six (36) minutes twelve (12) seconds West, one hundred twenty-six and seventeen hundredths (126.17) feet; thence by same, North sixty-eight (68) degrees fifty-eight (58) minutes five (05) seconds West, one hundred six and eighty-three hundredths (106.83) feet to a point in the center of said Township Road No. T-478; thence along the center of said Township Road No. T-478, North thirty (30) degrees one (01) minute thirty-four (34) seconds East, one hundred sixty-nine and ninety hundredths (169.90) feet to the point in the center of said Township Road No. T-478, the place of BEGINNING. CONTAINING 37,396 square feet.

The above description is taken from a draft of survey made May 25, 1973, by J. H. Rife, R.E., designated File No. C-580 (Section 2), revised July 3, 1973, on which said lot is designated as Lot No. 123, which draft was recorded as a Final Plan of Subdivision of George A. Smith in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 3 at page 12.

IT BEING the same tract of land which George A. Smith and Margaret H. Smith, husband and wife, by their deed dated October 11, 1977 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Deed Book 333, page 1108, granted and conveyed unto Julie A. Clabaugh, now Julie A. Ripple, who joined by her husband Chester G. Ripple are Grantors herein.

Premises being: 105 Hill Road, Hanover, PA 17331

Tax Parcel No. J13-57J

SEIZED and taken into execution as the property of **David W. Hahn, Sr. a/k/a David W. Hahn & Sandra D. Hahn** 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 31, 2005, 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.

11/12, 19 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-243 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of January, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described tract of land situate, lying and being in Mount Pleasant Township, Adams County, Pennsylvania, bounded, as follows, to wit:

BEGINNING at a point in the center line of Pennsylvania Department of Transportation Legislative Route 116 at a corner of lands now or formerly of Cyril N. McMaster; thence along said lands now or formerly of Cyril N. McMaster and through an iron pin set back twenty-five (25) feet from the said point of beginning North forty-eight (48) degrees forty-five (45) minutes zero (0) seconds East four hundred thirty-three and three one-hundredths (433.03) feet to an iron pin at a corner of lands now or formerly of Richard J. Miller; thence along said lands now or formerly of Richard J. Miller South forty-eight (48) degrees twenty (20) minutes thirty-six (36) seconds East two hundred sixty-two and forty-four one-hundredths (262.44) feet to an iron pin and a corner of lands now or formerly of Rodney E. Ernst; thence along said lands now or formerly of Rodney E. Ernst, South twenty-eight (28) degrees thirty-seven (37) minutes forty-seven

(47) seconds West one hundred ninety-nine and twenty-six one-hundredths (199.26) feet to a point in the center line of Pennsylvania Department of Transportation Legislative Route 116, the said last course passing through an iron pin located North twenty-eight (28) degrees thirty-seven (37) minutes forty-seven (47) seconds East feet from the terminus of the said course; thence in, along, and through the center line of said Pennsylvania Department of Transportation Legislative Route 116 North eighty-one (81) degrees twenty-nine (29) minutes zero (0) seconds West four hundred thirty and ninety-three one-hundredths (430.93) feet to a point and place of BEGINNING.

CONTAINING 2.220 acres.

ALSO excepting thereout and therefrom that portion of subject premises conveyed to Steven Henschke in Deed Book 307, Page 137, 1.22 acres.

Tax Parcel #H14-2A

TITLE TO SAID PREMISES IS VESTED IN **David L. Rider** and **Nancy E. Rider**. His Wife by Deed from **Francis S. Dayhoff** and **Helen I. Dayhoff**, his wife dated 10/11/1972 and recorded 10/18/1972 in Deed Book 303, Page 277.

Tax Parcel: H14-2A

Premises Being: 2310 Hanover Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **David L. Rider a/k/a David Rider & Nancy E. Rider a/k/a Nancy Rider** 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 31, 2005, 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.

11/12, 19 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-826 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of January, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot, parcel, piece of ground situate in Reading Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a steel pin set Twenty-five (25) feet from the center line of State Highway Route 234, said steel pin being a corner of land now or late of George C. Kimmel and the Southwest corner of the tract herein conveyed; thence by said Kimmel land, North seventeen (17) degrees fifty-seven (57) minutes West, one hundred eighty-five and forty-two hundredths (185.42) feet to a steel pin at corner of land now or late of Charles R. Keller; thence by said Keller land, North fifty-two (52) degrees forty-five (45) minutes East, sixty-six and fifty-eight hundredths (66.58) feet to a steel pin at the Northwest corner of Lot No. 2 on Plan of Lots of Charles R. Keller; thence by said Lot No. 2, South thirty-seven (37) degrees fifteen (15) minutes East, one hundred seventy-five (175) feet to a steel pin set twenty-five (25) feet from the center line of State Highway Route 234; thence along said State Highway Route 234, South fifty-two (52) degrees forty-five (45) minutes West, one hundred twenty-seven and nine tenths (127.9) feet to a steel pin, the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a draft of survey dated August 4, 1956, by J.H. Rife, R.E., and designated as Lot No. 1 on said survey.

HAVING erected thereon a dwelling known as 60 Stoney Point Road, New Oxford, PA 17350

Parcel No. J08-0016A

BEING the same premises which Kermit V. Bluhm and Glenda G. Bluhm, by their Deed dated 12/29/2001 and recorded on 01/22/2002, in the Adams County, Pennsylvania, in the Recorder of Deeds Office in Deed Book Volume 2543, page 333, granted and conveyed unto Kevin J. Crouse and Traci L. Crouse, husband and wife.

SEIZED and taken into execution as the property of Kevin J. Crouse & Traci L. Crouse 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 31, 2005, 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.

11/19, 24 & 12/3

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, for KHUSHI ENTERPRISE, INC. on November 9, 2004. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

McNees Wallace & Nurick LLC
Attorneys at Law
100 Pine Street
Harrisburg, PA 17101

11/19

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on October 14, 2004, under the provisions of the Business Corporation Law of 1988, as amended.

The name of the corporation is IAN BRADSHAW PHOTOGRAPHY, LTD.

The corporation is incorporated under the laws of the Commonwealth of Virginia, pursuant to Chapter 9 of Title 13.1 of the Code of Virginia.

The address of its principal office under the laws of Virginia is 788 Bunker Hill Road, Mount Solon, Virginia 22843.

The address of the corporation's proposed registered office in this Commonwealth is 51 Cedar Lane, Dover, Pennsylvania 17315.

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

11/19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-803 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Menallen Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a stone for a corner in the public road; thence running along said road North 14 degrees West 7.4 perches to an iron pin in said road; thence South 70-3/4 degrees West 8 perches to an iron pipe; thence along said lands now or formerly of Dr. Bender South 30-3/4 degrees East 7.4 perches to an iron pin; thence along lands now or formerly of C. Naylor North 70-3/4 degrees East 7.9 perches to the place of BEGINNING.

CONTAINING 59 perches

BEING KNOWN AS: 1626 Center Mills Road, Aspers, PA 17304

Map & Parcel ID: (29) 001-0004

SEIZED and taken into execution as the property of Oswald L. Armstrong & Janice Armstrong 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 10, 2005, 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.

11/12, 19 & 24

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 LEONIDE V. BOWLING, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: David P. Knox, 1275 Old Harrisburg Road, Gettysburg, PA 17325

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

ESTATE OF IRMA L. SHORB, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Brenda L. Lenahan, 516 Dundee Road, Glencoe, IL 60022; Barbara L. Ziegler, 5125 E. 6th Avenue, Denver, CO 80220

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

ESTATE OF STANLEY L. SHORB, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Brenda L. Lenahan, 516 Dundee Road, Glencoe, IL 60022; Barbara L. Ziegler, 5125 E. 6th Avenue, Denver, CO 80220

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF RAYMOND D. BOYD, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Sharon E. Boyd, 25 Bowers Road, Gettysburg, PA 17325

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

ESTATE OF MARY G. POIST, DEC'D

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

Co-Executors: Donald F. Poist & Jane M. Poist, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF JAMES E. RIFE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: Tony E. Rife, c/o 29 North Duke Street, York, PA 17401

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

THIRD PUBLICATION

ESTATE OF ADELE J. CHRISTOPHER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Anna Mae Hunter, 48 Pegram St., Gettysburg, PA 17325

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

ESTATE OF JAMES A. CRAMER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Administratrices: Janice Proctor, 14963 Vireo Court, Woodbridge, VA 22193; Cathy L. Jordan, 5263 Daybreak Lane, Woodbridge, VA 22193

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

ESTATE OF MARY E. HIKES, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Adams County National Bank, Attn: Paul H. Ketterman, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF GEORGE L. HIMES, JR., DEC'D

Late of Butler Township, Adams County, Pennsylvania

Administratrix: Victoria J. Himes, 263 Chestnut Hill Road, Aspers, PA 17304

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

ESTATE OF JOANNA M. SELBY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Carolyn J. Fanus, 1270 Baer Avenue, Hanover, PA 17331; Wayne P. Fanus, 1270 Baer Avenue, Hanover, PA 17331

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

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 04-S-1125

STEPHEN J. KNIGHT and BARBARA J.
KNIGHT, Plaintiffs

vs.

PATRICK S. SMITH, his heirs, successors
and assigns, and ESTATE OF MARY E.
SMITH, DONNA J. SMITH, EXECUTOR,
Defendants

NOTICE

TO: Unknown heirs of Patrick S. Smith
and assigns and personal representative
and any unknown persons having or
claiming an apparent interest in title to
certain property situate in the Township
of Oxford, Adams County, Pennsylvania

On November 2nd, 2004, Plaintiff filed
a Complaint in the Court of Common
Pleas of Adams County, Pennsylvania,
docketed to No. 04-S-1125, which is an
action to quiet title against you, setting
forth that they are the owners of the
premises described below, and that their
title to said premises is superior to any
one else's title. The premises in question
is described as follows:

Tract No. 1 BEGINNING at a point in
the center line of Township T-481, which
point is South fifty (50) degrees East,
four hundred (400) feet from a point in
said Township Road on the boundary
line between the original tract of which
this lot is part and lands now or formerly
of Thomas L. Gray, thence in and along
the center of said Township Road T-481,
South fifty (50) degrees East, one hun-
dred (100) feet to a point in the center of
said Township Road, thence by lands
now or formerly of Patrick S. Smith,
South forty (40) degrees West two hun-
dred sixty-five and twenty-eight hun-
dredths (265.28) feet through a steel pin
on the banks of Conewago Creek to a
point in said Conewago Creek, thence
running in said Conewago Creek and by
lands now or formerly of Thomas L.
Gray, North sixty-nine (69) degrees forty-
five (45) minutes West seventy-two and
eighty-one hundredths (72.81) feet to a
point in said Conewago Creek, thence in
said Creek and by lands of same, North
forty-one (41) degrees West thirty-one
and eighty-six hundredths (31.86) feet to
a point in said Conewago Creek, thence
through a steel pin near the banks of said
Conewago Creek and by other lands
now or formerly of Patrick S. Smith North
forty (40) degrees East, two hundred
eighty-four and eighty-seven hundredths
(284.87) feet through another steel pin
sixteen and five tenths (16.5) feet from
the end of said line to the point in the
center of said Township Road, the place
of BEGINNING.

The description herein is taken from a
draft of survey made August 6, 1959, by
J. H. Rife, R. E.

BEING THE SAME WHICH The Tax
Claim Bureau of Adams County,
Pennsylvania, by its deed dated
February 6, 1975, and recorded in the
Office of the Recorder of Deeds of
Adams County, Pennsylvania, in Deed
Book 317 at page 301, granted and con-
veyed unto Samuel Sneeringer, one of
the parties of the first part herein.

NOTICE

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

YOU ARE DIRECTED AND NOTIFIED
TO file a written response to the said
Complaint on or before twenty (20) days
from the date of publication of this Notice
or a judgment will be entered against you
for the relief requested in the Complaint
and you will be forever barred from bring-
ing any action in ejectment or asserting
any right, lien, title, or interest in the
premises described above.

SAID COMPLAINT requests the Court
to decree that the rights of the
Defendants in the above-described
premises are released and/or extin-
guished. Further, said Complaint
requests the Court to decree that the fee
simple title to the above-described pre-
mises is in Plaintiffs Stephen J. Knight and
Barbara J. Knight.

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

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, Pennsylvania 17325
Telephone No. (717) 337-9846

Larry W. Wolf, Esq.
Attorney for Plaintiffs
215 Broadway
Hanover, PA 17331
(717) 632-0067, I.D. No. 21509

11/19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execu-
tion, Judgment No. 03-S-1133 issu-
ing out of the Court of Common Pleas of
Adams County, and to me directed, will
be exposed to Public Sale on Friday, the
7th day of January, 2005, at 10:00
o'clock in the forenoon at the Sheriff's
Office located in the Courthouse,
Borough of Gettysburg, Adams County,
PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and
being in Carroll Valley Borough (formerly
Hamilton Township), Adams County,
Pennsylvania, being Lot No. 196, Section
J, bounded and described as follows:

BEGINNING at a point in the center of
Meadow Trail at Lot No. 195; thence by
said lot, North 3 degrees 11 minutes 40
seconds West, 200 feet to Lot No. 193;
thence by said lot, South 87 degrees 23
minutes 40 seconds East, 100 feet to Lot
No. 197; thence by said Lot, South 3
degrees 11 minutes 40 seconds East,
200 feet to a point in the center of said
Meadow Trail; thence in said Meadow
Trail, North 87 degrees 23 minutes 40
seconds West, 100 feet to the place of
BEGINNING.

Map 2, Parcel 135

Premises known as: 3 Field Trail (for-
merly Meadow Trail), Fairfield, PA 17320

SEIZED and taken into execution as
the property of **Kenneth D. Brown, Sr. &
Jacquelyn B. Brown** 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 31, 2005,
and distribution will be made in accor-
dance with said schedule, unless excep-
tions are filed thereto within 10 days after
the filing thereof. Purchaser must settle
for property on or before filing date.

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

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

11/12, 19 & 24

Adams County Legal Journal

Vol. 46

November 24, 2004

No. 27, pp. 171-176

IN THIS ISSUE

COMMONWEALTH VS. MYERS

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-243 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of January, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described tract of land situate, lying and being in Mount Pleasant Township, Adams County, Pennsylvania, bounded, as follows, to wit:

BEGINNING at a point in the center line of Pennsylvania Department of Transportation Legislative Route 116 at a corner of lands now or formerly of Cyril N. McMaster; thence along said lands now or formerly of Cyril N. McMaster and through an iron pin set back twenty-five (25) feet from the said point of beginning North forty-eight (48) degrees forty-five (45) minutes zero (0) seconds East four hundred thirty-three and three one-hundredths (433.03) feet to an iron pin at a corner of lands now or formerly of Richard J. Miller; thence along said lands now or formerly of Richard J. Miller South forty-eight (48) degrees twenty (20) minutes thirty-six (36) seconds East

two hundred sixty-two and forty-four one-hundredths (262.44) feet to an iron pin and a corner of lands now or formerly of Rodney E. Ernst; thence along said lands now or formerly of Rodney E. Ernst, South twenty-eight (28) degrees thirty-seven (37) minutes forty-seven (47) seconds West one hundred ninety-nine and twenty-six one-hundredths (199.26) feet to a point in the center line of Pennsylvania Department of Transportation Legislative Route 116, the said last course passing through an iron pin located North twenty-eight (28) degrees thirty-seven (37) minutes forty-seven (47) seconds East feet from the terminus of the said course; thence in, along, and through the center line of said Pennsylvania Department of Transportation Legislative Route 116 North eighty-one (81) degrees twenty-nine (29) minutes zero (0) seconds West four hundred thirty and ninety-three one-hundredths (430.93) feet to a point and place of BEGINNING.

CONTAINING 2.220 acres.

ALSO excepting thereout and therefrom that portion of subject premises conveyed to Steven Henschke in Deed Book 307, Page 137, 1.22 acres.

Tax Parcel #H14-2A

TITLE TO SAID PREMISES IS VESTED IN David L. Rider and Nancy E.

Rider, His Wife by Deed from Francis S. Dayhoff and Helen I. Dayhoff, his wife dated 10/11/1972 and recorded 10/18/1972 in Deed Book 303, Page 277.

Tax Parcel: H14-2A

Premises Being: 2310 Hanover Road, Gettysburg, PA 17325

SEIZED and taken into execution as the property of David L. Rider a/k/a David Rider & Nancy E. Rider a/k/a Nancy Rider 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 31, 2005, 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.

11/12, 19 & 24

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-806 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate in Latimore Township, Adams County, Pennsylvania, bounded and described in accordance with the Final Plan of Green-Field Estates, which plan is dated August 17, 1979 and recorded in the Office of the Recorder of Deeds of Adams County in Plat Book 31 at page 40, as follows, to wit:

BEGINNING at a point on the dedicated right-of-way line of Wright Road, T-648, at the Southwest corner of Lot No. 18 on the aforesaid plan; thence along Lot No. 18, South 49 degrees 36 minutes 14 seconds East 387.98 feet to a point at a corner on Lot No. 11 on the aforesaid plan; thence along Lot No. 11, South 65 degrees 00 minutes 15 seconds West 150.71 feet to a point at a corner on Lot No. 16 on the aforesaid plan; thence along Lot No. 16, North 51 degrees 53 minutes 24 seconds West 325.41 feet to a point on the dedicated right-of-way line of said Wright Road, T-648; thence along the dedicated right-of-way line of said road North 40 degrees 22 minutes 00 seconds East 148.71 feet to a point; thence continuing on a curve to the right of an arc having a bearing of North 38 degrees 15 minutes 35 seconds East 1.83 feet to a point at the Southwest corner of Lot No. 18 on said Plan, the Place of BEGINNING.

BEING Lot No. 17 on the aforesaid Plan and containing 1.170 acres, more or less.

Vesting Information:

Vested by: Special Warranty Deed dated 9/22/95, given by Gregory Evans and Rosemary E. Evans, husband and wife to Richard E. Leatherman, Jr., and Mary E. Leatherman, husband and wife recorded 9/22/95 in Book: 1086 Page 143 Instrument #: 25341

Premises being: 67 Wright Road, York Springs, PA 17372

Map 23-J03 Parcel 0600

SEIZED and taken into execution as the property of **Richard Leatherman, a/k/a Richard E. Leatherman, a/k/a Richard E. Leatherman, Jr. & Mary E. Leatherman** 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 10, 2005, 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.

11/12, 19 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

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

aforesaid; thence in said road South 68 degrees 23 minutes 20 seconds East, 105.46 feet to a spike in said road; thence in such road South 73 degrees 12 minutes 20 seconds East 144.54 feet to a point at the intersection of the aforesaid roads, the place of BEGINNING.

THE above description was taken from draft of survey prepared by Gettysburg Engineering Co. Inc., dated September 3, 4, 1969.

TITLE TO SAID PREMISES IS VESTED IN Fred J. Rogers and Melissa A. Rogers, his wife, by Deed from Vicki L. Ardnt, single woman, dated 5/29/1998, recorded 6/8/1998 in Record Book 1596 page 132.

Tax Parcel: H2-27A

Premises being: 210 Goodyear Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Fred John Rogers & Melissa A. Rogers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 10, 2005, 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.

11/12, 19 & 24

COMMONWEALTH VS. MYERS

1. When the police stop a vehicle in this Commonwealth for investigatory purposes, the vehicle and its occupants are considered “seized” and the vehicle stop is subject to constitutional constraints.

2. An investigatory stop of a vehicle is constitutionally permissible when it is supported by a reasonable suspicion that criminal activity is afoot.

3. The Superior Court has upheld a vehicle stop based upon an officer’s opinion that the vehicle was travelling at excessive speeds.

4. Improper trial court ruling constitutes harmless error if defendant suffers no prejudice or prejudice is so minor it could not have contributed to the verdict.

5. Evidence is relevant if it tends to establish some fact material to the case, or if it tends to make a fact at issue more or less probable.

6. Although flight (from the scene) alone is not enough from which to infer consciousness of guilt, flight prompted by subjective consideration related to a crime is sufficient.

7. Appellate courts have upheld the admission of prejudicial evidence when it is “part of the sequence of events forming the history of the case as a part of the natural development of the facts.”

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-214-03, COMMONWEALTH OF PENNSYLVANIA VS. ERNEST MYERS.

Brian T. Coffey, Esq., Assistant District Attorney, for Commonwealth
Kristin Rice, Esq., for Defendant

George, J., December 9, 2003

OPINION PURSUANT TO PA.R.A.P. 1925

This matter comes before the Court following Ernest Myers’s (hereinafter referred to as “Myers”) conviction at jury trial of theft by receiving stolen property as a misdemeanor of the third degree. Following his conviction, Myers filed a timely appeal raising the following three issues:

1. The trial court erred in finding that Myers’s vehicle was stopped based upon probable cause;
2. The trial court erred in finding that a search warrant issued in this matter was supported by an affidavit containing adequate probable cause; and
3. The trial court erred in denying Myers’s Motion in Limine which attempted to preclude evidence concerning his actions immediately prior to his arrest.

A brief review of the background of this matter is necessary to evaluate the issues raised by Myers.

On February 12, 2003 at approximately 6:56 p.m., Officer Clifford Weikert of the Carroll Valley Borough Police Department, while in a marked vehicle on routine patrol, observed a red Dodge Sundance unoccupied and parked in a no-parking zone along Northern Pike Trail. As he proceeded down the roadway past the vehicle, Officer Weikert observed a black male individual wearing a dark stocking cap and dark clothing walking towards the vehicle. As Officer Weikert passed this individual, Officer Weikert observed the individual bend over and apparently cover his face from Officer Weikert's view. Alerted by these actions, Officer Weikert proceeded down the road, immediately turned his vehicle around and returned towards the area where he observed the individual and the vehicle. As he headed towards the parked vehicle, Officer Weikert observed the red Dodge Sundance pass him at a high rate of speed. Based upon the distance between the location where Officer Weikert initially observed Myers, the location of the parked vehicle and the amount of time that passed while Officer Weikert turned his vehicle around, Officer Weikert opined that the individual must have sprinted to the vehicle since the time of his initial observation. When the Dodge Sundance passed the police vehicle, Officer Weikert once again turned his vehicle around in order to follow the Dodge Sundance. While following the vehicle, he estimated it was traveling at a rate of speed of 40 miles per hour in a 25 mile per hour zone.

Officer Weikert indicated that at the time he observed the individual walking along the roadway he was aware of a description of a suspect from a February 5, 2003 incident in which a known eyewitness described a person involved in an attempted burglary. Specifically, Officer Weikert was aware that the suspect involved in the February 5, 2003 incident was wearing charcoal gray clothing, a dark blue cap and was a black male between 5'6" and 5'10" in height. This description matched the observations Officer Weikert made on February 12, 2003. Officer Weikert was also aware that several weeks prior to this incident there were a number of burglary or criminal trespass related incidents occurring in the Carroll Valley Borough area. They are as follows:

- a. A burglary on January 15, 2003 in the neighboring municipality of Hamiltonban Township;
- b. Three burglaries or attempted burglaries on January 23, 2003 occurring in Carroll Valley; one of which was four miles from where the Dodge Sundance was observed and

the remaining two were approximately two miles from where the Dodge Sundance was observed;

- c. A burglary investigation concerning the entry of a residence on January 30, 2003 on Knoxlyn Road approximately ten miles from where the Dodge Sundance was observed; and
- d. Two burglary related investigations from incidents occurring on February 5, 2003 in Carroll Valley Borough; one which was within a half mile of the location where the Dodge Sundance was observed and the remaining one was the incident during which the eyewitness obtained the description of the subject in her home.

Prior to the stop of the individual's vehicle, Officer Weikert was also aware that the investigation into the criminal incidents set forth above revealed that each of the incidents occurred between the hours of 6:00 p.m. and 9:00 p.m. which was a time consistent with the time of Officer Weikert's observation of the subject in dark clothing. According to Officer Weikert, the recent number of burglaries within the Carroll Valley area was excessive and unusual based upon his experience as a Carroll Valley police officer and his familiarity with the area.

Based upon the foregoing information, Officer Weikert initiated a traffic stop of the vehicle. At the time of the traffic stop, Officer Weikert observed in plain view a large screwdriver within the vehicle which appeared to him to be consistent with a screwdriver capable of making pry marks found at the scenes of the criminal incidents referenced above. Officer Weikert identified the driver as Myers and took him into custody on outstanding warrants from a neighboring jurisdiction. As a result of a search incident to his arrest, several items of rare United States currency and a savings bond titled in another's name were recovered from Myers's person. The screwdriver was seized, the vehicle was impounded and a search warrant was obtained to search the vehicle. During the subsequent search, a number of pieces of jewelry were found in the front console and seized as evidence.

Myers's initial issue challenges the legality of the vehicle stop and seeks suppression of evidence derived from that stop. Unquestionably, when the police stop a vehicle in this Commonwealth for investigatory purposes, the vehicle and its occupants are considered "seized" and the vehicle stop is subject to constitutional constraints. *Commonwealth v. Knotts*, 663 A.2d 216, 218

(Pa.Super. 1995). As the Pennsylvania Superior Court recently summarized:

An investigatory stop of an automobile is justified only when it is based upon objective facts creating a reasonable suspicion the vehicle's occupants are presently involved in criminal activity. . . . To meet this standard, the officer must point to specific articulable facts which, together with the rational inferences therefrom, reasonably warrant the intrusion.

Commonwealth v. Swartz, 787 A.2d 1021, 1024 (Pa.Super. 2001) (citations omitted).

Thus, an investigatory stop of a vehicle is constitutionally permissible when it is supported by a reasonable suspicion that criminal activity is afoot. *Commonwealth v. Goodwin*, 750 A.2d 795, 798 (Pa. 2000).¹

Instantly, when Officer Weikert first observed Myers's vehicle he was aware that an unusually high number of burglaries had occurred within the previous 28-day period within a ten-mile radius of his location. Importantly, he observed the vehicle illegally parked at a time consistent with the time frame when the other burglaries in the area were believed to have occurred. In close proximity to the vehicle, he observed Myers wearing clothing consistent with descriptions of clothing worn by the suspect in one of the reported burglaries. Myers's actions in shielding his face from view and hurrying to his vehicle after Officer Weikert passed him only raised the suspicion that criminal activity was afoot. Under these circumstances, Officer Weikert has articulated specific facts which, together with rational inferences therefrom, reasonably warrant an investigatory stop.

Moreover, Officer Weikert's observations of Myers as he drove from the scene present a sufficient basis to conduct a vehicle stop. Specifically, Officer Weikert testified that he observed the vehicle travelling at 40 miles per hour in a 25-mile per hour zone.

¹At the time of the filing of his omnibus pre-trial motion, Myers raised his claims under both Article One, Section Eight of the Pennsylvania Constitution and the Fourth Amendment of the United States Constitution. However, in his Statement of Matters Complained of on Appeal, Myers fails to specify the basis for his claim. Regardless, the distinction is immaterial since Pennsylvania has consistently followed Fourth Amendment jurisprudence in stop and frisk cases. *Goodwin*, 750 A.2d at 797 n.3.

Pennsylvania law is clear that a police officer may properly conduct a traffic stop when the stop is supported by articulable and reasonable grounds to suspect that a violation of the Pennsylvania Motor Vehicle Code has occurred. 75 Pa.C.S.A. § 6308; *Commonwealth v. Benton*, 655 A.2d 1030, 1033 (Pa.Super. 1995). Notably, the Superior Court has upheld a vehicle stop based upon an officer's opinion that the vehicle was travelling at excessive speeds. See *Commonwealth v. McElroy*, 630 A.2d 35, 40 (Pa.Super. 1993). In doing so, the Superior Court recognized that while the police officer's opinion testimony alone is insufficient to sustain a conviction for speeding, an officer's opinion does amount to "reasonable and articulable grounds to suspect a violation of the Vehicle Code". *Id.* Thus, Officer Weikert's stop of Myers's vehicle survives constitutional scrutiny and was legally permissible.

The second issue raised by Myers questions whether the affidavit in support of the search warrant for the search of Myers's vehicle established probable cause for the issuance of the search warrant. Although the Court ruled that the affidavit effectively established probable cause for issuance of the search warrant, a majority of the items seized as a result of the search warrant were suppressed on other grounds following the suppression hearing. The only items which were not suppressed were two screwdrivers, one of which was in plain view at the time of the original traffic stop. However, immediately prior to trial, the Court granted Myers's Motion in Limine seeking to preclude admission of the screwdrivers on relevancy grounds. As a result, evidence seized by the police as a result of the search warrant in question was never presented to the jury at Myers's trial. Thus, the merits of Myers's claim deserves no further discussion and is not a basis for appellate relief. See *Commonwealth v. Williams*, 573 A.2d 536, 538-39 (Pa. 1990) (stating improper trial court ruling constitutes harmless error if defendant suffers no prejudice or prejudice is so minor it could not have contributed to the verdict).

The final issue raised by Myers questions the trial court's denial of his Motion in Limine in which he attempted to preclude trial evidence concerning his actions immediately prior to the vehicle stop. It is well settled in this Commonwealth that admission of evidence at trial is committed to the sound discretion of the trial court. *Commonwealth v. Cohen*, 605 A.2d 1212, 1218 (Pa. 1992). Myers argues that the trial court abused its discretion since his actions

immediately prior to his arrest are irrelevant as they are not circumstantially related to the intent required for theft by receiving stolen property and, therefore, any probative value is outweighed by prejudice to him.

Evidence is relevant if it tends to establish some fact material to the case, or if it tends to make a fact at issue more or less probable. Pa.R.Evid. 401; *Commonwealth v. Scott*, 389 A.2d 79, 82 (Pa. 1978). Myers's efforts to shield his face from Officer Weikert's view and his hasty departure from the scene are evidence of consciousness of guilt. See *Commonwealth v. Williams*, 615 A.2d 716, 721 (Pa. 1992) (stating defendant's flight from scene may constitute consciousness of guilt); *Commonwealth v. Toro*, 638 A.2d 991, 998 (Pa. 1994) (stating use of different names during contact with the police may be evidence of consciousness of guilt); *Commonwealth v. Brown*, 676 A.2d 1178, 1183 (Pa. 1996) (stating efforts to conceal appearance or identity may be consciousness of guilt). Although flight alone is not enough from which to infer consciousness of guilt, flight prompted by subjective consideration related to a crime is sufficient. *Commonwealth v. Hargrave*, 745 A.2d 20, 23-24 (Pa.Super. 2000). Instantly, at the time of his arrest, Myers was found to have on his person property which was the subject of a theft in a neighboring county. This same property was the basis for the current conviction against him, and is evidence of subjective knowledge of his criminal behavior.

Moreover, our appellate courts have upheld the admission of prejudicial evidence when it is "part of the sequence of events forming the history of the case as a part of the natural development of the facts . . ." *Commonwealth v. Dupont*, 730 A.2d 970, 980 (Pa.Super. 1999); see also *Commonwealth v. Melson*, 637 A.2d 633, 642 (Pa.Super. 1994). The circumstances of Officer Weikert's observations of and subsequent interactions with Myers were admissible to show the "complete story" of events leading to the discovery of Myers's possession of stolen property.

Finally, trial counsel is unable to articulate any prejudice substantially outweighing the probative value of this evidence. Although counsel's efforts to sanitize the evidence submitted to the jury is understandable, once stripped of the boilerplate language, these arguments reveal that the only prejudice to Myers is the admissibility of the inculpatory evidence. This is not a basis for relief. As such, the evidence is properly admissible.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-46 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of January, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot or ground situate, lying and being in Mt. Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point in the center of Township Road No. T-478, designated the Hill Road, at the Northwestern corner of Lot No. 124 now or formerly owned by Rickey Lee Martin; thence by said Martin lot, South fifty-nine (59) degrees fifty-eight (58) minutes twenty-six (26) seconds East, two hundred thirty (230) feet; thence by other lands now or formerly of George A. Smith and Margaret H. Smith, South thirty (30) degrees one (01) minute thirty-four (34) seconds West, one hundred seventy-three and seventy-four hundredths (173.74) feet to a point at line of lands now or formerly of W. H. Meyers; thence by said Meyers land, North fifty (50) degrees thirty-six (36) minutes twelve (12) seconds West, one hundred twenty-six and seventeen hundredths (126.17) feet; thence by same, North sixty-eight (68) degrees fifty-eight (58) minutes five (05) seconds West, one hundred six and eighty-three hundredths (106.83) feet to a point in the center of said Township Road No. T-478; thence along the center of said Township Road No. T-478, North thirty (30) degrees one (01) minute thirty-four (34) seconds East, one hundred sixty-nine and ninety hundredths (169.90) feet to the point in the center of said Township Road No. T-478, the place of BEGINNING CONTAINING 37,396 square feet.

The above description is taken from a draft of survey made May 25, 1973, by J. H. Rife, R.E., designated File No. C-580 (Section 2), revised July 3, 1973, on which said lot is designated as Lot No. 123, which draft was recorded as a Final Plan of Subdivision of George A. Smith in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 3 at page 12.

IT BEING the same tract of land which George A. Smith and Margaret H. Smith, husband and wife, by their deed dated October 11, 1977 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Deed Book 333, page 1108, granted and conveyed unto Julie A. Clabaugh, now Julie A. Ripple, who joined by her husband Chester G. Ripple are Grantors herein.

Premises being: 105 Hill Road, Hanover, PA 17331

Tax Parcel No. J13-57J

SEIZED and taken into execution as the property of David W. Hahn, Sr. a/k/a David W. Hahn & Sandra D. Hahn 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 31, 2005, 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.

11/12, 19 & 24

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

NO. 04-S-1132

IN RE PETITION FOR CHANGE OF
NAME OF CLARENCE EUGENE
BAKER

NOTICE

NOTICE IS HEREBY GIVEN that on November 5, 2004, the petition of Clarence Eugene Baker was filed in the above-named Court, requesting an Order to change the name of Clarence Eugene Baker to Jimmy Eugene Baker.

The Court has fixed the day of February 14, 2005 at 9:00 a.m. in Courtroom Number 2 of the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Pennsylvania as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

Peterson & Peterson
Attorneys at Law
515 Carlisle Street
Hanover, PA 17331
(717) 632-7171

11/24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1133 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of January, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Carroll Valley Borough (formerly Hamiltonban Township), Adams County, Pennsylvania, being Lot No. 196, Section J, bounded and described as follows:

BEGINNING at a point in the center of Meadow Trail at Lot No. 195; thence by said lot, North 3 degrees 11 minutes 40 seconds West, 200 feet to Lot No. 193; thence by said lot, South 87 degrees 23 minutes 40 seconds East, 100 feet to Lot No. 197; thence by said Lot, South 3 degrees 11 minutes 40 seconds East, 200 feet to a point in the center of said Meadow Trail; thence in said Meadow Trail, North 87 degrees 23 minutes 40 seconds West, 100 feet to the place of BEGINNING.

Map 2, Parcel 135

Premises known as: 3 Field Trail (formerly Meadow Trail), Fairfield, PA 17320

SEIZED and taken into execution as the property of Kenneth D. Brown, Sr. & Jacquelyn B. Brown 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 31, 2005, 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.

11/12, 19 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-826 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of January, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot, parcel, piece of ground situate in Reading Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a steel pin set Twenty-five (25) feet from the center line of State Highway Route 234, said steel pin being a corner of land now or late of George C. Kimmel and the Southwest corner of the tract herein conveyed; thence by said Kimmel land, North seventeen (17) degrees fifty-seven (57) minutes West, one hundred eighty-five and forty-two hundredths (185.42) feet to a steel pin at corner of land now or late of Charles R. Keller; thence by said Keller land, North fifty-two (52) degrees forty-five (45) minutes East, sixty-six and fifty-eight hundredths (66.58) feet to a steel pin at the Northwest corner of Lot No. 2 on Plan of Lots of Charles R. Keller; thence by said Lot No. 2, South thirty-seven (37) degrees fifteen (15) minutes East, one hundred seventy-five (175) feet to a steel pin set twenty-five (25) feet from the center line of State Highway Route 234; thence along said State Highway Route 234, South fifty-two (52) degrees forty-five (45) minutes West, one hundred twenty-seven and nine tenths (127.9) feet to a steel pin, the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a draft of survey dated August 4, 1956, by J.H. Rife, R.E., and designated as Lot No. 1 on said survey.

HAVING erected thereon a dwelling known as 60 Stoney Point Road, New Oxford, PA 17350

Parcel No. J08-0016A

BEING the same premises which Kermit V. Bluhm and Glenda G. Bluhm, by their Deed dated 12/29/2001 and recorded on 01/22/2002, in the Adams County, Pennsylvania, in the Recorder of Deeds Office in Deed Book Volume 2543, page 333, granted and conveyed unto Kevin J. Crouse and Traci L. Crouse, husband and wife.

SEIZED and taken into execution as the property of Kevin J. Crouse & Traci L. Crouse 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 31, 2005, 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.

11/19, 24 & 12/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-893 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of January, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an existing P.K. nail in the centerline of New Chester Road (T-514) at corner of land now or formerly of Donna Melhorn, thence along said Melhorn land and passing through an existing steel rod 35.00 feet from the beginning hereof, South 74 degrees 21 minutes 10 seconds East, 70.00 feet to an existing steel rod; thence continuing along the same, South 64 degrees 41 minutes 40 seconds East, 264.82 feet to an existing steel rod; thence continuing along the same, North 15 degrees 38 minutes 50 seconds East, 64.43 feet to an existing steel rod at corner of land of Alfred F. Weaver; thence along said Weaver land, North 42 degrees 21 minutes 25 seconds East, 44.77 feet to a steel rod; thence continuing along the same, South 74 degrees 21 minutes 10 seconds East, 307.27 feet to a steel rod; thence continuing along the same, South 15 degrees 38 minutes 50 seconds West, 200.00 feet to an angle iron on line of land now or formerly of Mark K. Widerman; thence along said Widerman land and passing through a steel rod 328.39 feet from the beginning hereof and passing through an existing steel rod 35.00 feet from the end hereof, North 74 degrees 21 minutes 10 seconds West, 703.39 feet to an existing railroad spike in the centerline of New Chester Road aforesaid; thence continuing in the centerline of New Chester Road, North 33

degrees 04 minutes 10 seconds East, 146.73 feet to the point and place of BEGINNING CONTAINING 2.500 acres.

THE above description was taken from a preliminary and Final Plan of property of Alfred F. Weaver, by Adams County Surveyors, dated September 26, 1995 and recorded in Adams County Plat Book 68, Page 65, being Lot No. 3 thereon.

Map I-10, Parcel 68.

TITLE TO SAID PREMISES IS VESTED IN James K. Weaver and Tracy L. Weaver, husband and wife by Deed from Alfred F. Weaver and Regina A. Weaver, husband and wife dated 3/8/1996 and recorded 3/20/1996, in Record Book 1161 Page 328.

Premises being: 595 New Chester Road, New Oxford, PA 17350

Tax Parcel No. 68 MAP I-10

SEIZED and taken into execution as the property of James K. Weaver & Tracy Weaver a/k/a Tracy L. Weaver 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 31, 2005, 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.

11/24, 12/3 & 10

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in Pennsylvania Department of State for ROMA INVESTMENT INC, in accordance with the provision of the Pennsylvania Business Corporation Law of 1988.

Meghna Mehta 413 York Street Gettysburg, PA 17325

11/24

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 GERTRUDE L. DANISON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administratrix: Carole F. Taylor, c/o Marc W. Witzig, Esq., Cunningham & Chernicoff, P.C., 2320 North Second Street, Harrisburg, PA 17110

Attorney: Marc W. Witzig, Esq., Cunningham & Chernicoff, P.C., 2320 North Second Street, Harrisburg, PA 17110

ESTATE OF ANN L. FALLON, DEC'D

Late of Union Township, Adams County, Pennsylvania

Louis Joseph Fallon, Jr., 48 Ashfield Drive, Littlestown, PA 17340

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

ESTATE OF CHARLES S. FROCK, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Beverly Ann McGurk, 3606 Pleasant Valley Road, York, PA 17402

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

ESTATE OF WILLIAM A. YOST, DEC'D

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

Personal Representative: Jeanne Anna Yost, 11978 Arlington Mill Road, Union Bridge, MD 21791

Attorney: William S. Dick, Esq., Dick, Stein & Schemel, LLP, 13 W. Main Street, Suite 210, Waynesboro, PA 17268

SECOND PUBLICATION

ESTATE OF LEONIDE V. BOWLING, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: David P. Knox, 1275 Old Harrisburg Road, Gettysburg, PA 17325

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

ESTATE OF IRMA L. SHORB, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Brenda L. Lenahan, 516 Dundee Road, Glencoe, IL 60022; Barbara L. Ziegler, 5125 E. 6th Avenue, Denver, CO 80220

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

ESTATE OF STANLEY L. SHORB, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Brenda L. Lenahan, 516 Dundee Road, Glencoe, IL 60022; Barbara L. Ziegler, 5125 E. 6th Avenue, Denver, CO 80220

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF RAYMOND D. BOYD, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Sharon E. Boyd, 25 Bowers Road, Gettysburg, PA 17325

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

ESTATE OF MARY G. POIST, DEC'D

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

Co-Executors: Donald F. Poist & Jane M. Poist, c/o William W. Hafer, Esq., 215 Baltimore Street, Hanover, PA 17331

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

ESTATE OF JAMES E. RIFE, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: Tony E. Rife, c/o 29 North Duke Street, York, PA 17401

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-803 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of December, 2004, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in Menallen Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a stone for a corner in the public road; thence running along said road North 14 degrees West 7.4 perches to an iron pin in said road; thence South 70-3/4 degrees West 8 perches to an iron pipe; thence along said lands now or formerly of Dr. Bender South 30-3/4 degrees East 7.4 perches to an iron pin; thence along lands now or formerly of C. Naylor North 70-3/4 degrees East 7.9 perches to the place of BEGINNING.

CONTAINING 59 perches

BEING KNOWN AS: 1626 Center Mills Road, Aspers, PA 17304

Map & Parcel ID: (29) 001-0004

SEIZED and taken into execution as the property of **Oswald L. Armstrong & Janice Armstrong** 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 10, 2005,

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.

11/12, 19 & 24

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation will be filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about November 15, 2004, for the purpose of obtaining a Certificate of Incorporation for a proposed business corporation to be organized under the Pennsylvania Business Corporation Law of 1988. The name of the corporation is **FORD DRYWALL, INCORPORATED**, and the purpose for which it is being organized is for the installation of drywall and related activities permitted by the PA Business Corporation Law, as amended, within and outside the Commonwealth of Pennsylvania, and the corporation shall have unlimited powers to engage in and to do any lawful act concerning any and all business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988, and for these purposes to have, possess, and enjoy all the rights, benefits and

privileges of said Act of Assembly and its supplements and amendments.

The initial registered office of the corporation is 490 Russell Tavern Road, Gettysburg, Pennsylvania.

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

11/24

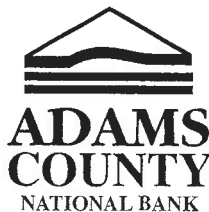
CERTIFICATE OF AUTHORITY AND FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an application has been made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, by **FSA SERVICES, INC.**, a foreign corporation formed under the laws of the State of Maryland, where its principal office is located at 1817 Thames Street, Baltimore, Maryland, 21231, for a Certificate of Authority to do business within the Commonwealth of Pennsylvania under the provisions of the Business Corporation Law of 1988. The proposed registered office of the Corporation in the Commonwealth of Pennsylvania will be located c/o Yellow Dog Antiques, 411 Lincoln Way, New Oxford, PA 17350. **FSA SERVICES, INC.** has also filed an Application for Registration of Fictitious Name under the Fictitious Names Act to conduct business at the same address under the name **FINE SCOTTISH ART**.

Robert S. Collins, Esq.
7 St. Paul Street, Suite 1400
Baltimore, MD 21202

11/24

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



Member FDIC