Adams County
Legal Journal

ol. 37 January 5, 1996 No. 32, pp. 175–178

NEW ADVERTISING RATES EFFECTIVE JANUARY 1, 1996

Decedent's Estate Notice	$40.**50**
Corporation Notice	40.**50**
Fictitious Name	40.**50**
Change of Name	40.**50**
Guardianship Account	40.**50**
Trust Account	40.**50**

THE ABOVE FIXED PRICE LEGAL ADVERTISING RATES INCLUDE ONE PROOF OF PUBLICATION AND **MUST BE PAID FOR IN ADVANCE**. ALL OTHER LEGAL ADVERTISING WILL BE BILLED IN THE SAME AMOUNT CHARGED BY THE GETTYSBURG TIMES PLUS $2.00 FOR PROOF OF PUBLICATION.

PLEASE KEEP FOR FUTURE REFERENCE

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 112 Baltimore Street, Gettysburg, PA 17325.

Business Office – 112 Baltimore Street, Gettysburg, PA 17325. Telephone: (717) 334-1193

Second-class postage paid at Gettysburg, PA 17325.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 95-S-717 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of January, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE TWO TRACTS OF LAND SITUATE, LYING AND BEING IN FREEDOM TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

LOT NO. 1: BEGINNING at a point about 136 feet from the west bank of Marsh Creek at corner of land now or formerly of C.B. Dougherty and William D. Gilbert; thence South, 50 feet to line of land now or formerly of B.F. Reaser; thence West, 60 feet to land now or formerly of Robert C. Witherow; thence North, 50 feet to land now or formerly of C.B. Dougherty; thence East, 60 feet to the place of BEGINNING.

LOT NO. 2: BEGINNING at a driven iron pin on line near west bank of Marsh Creek; thence by land now or formerly of Frank Reaser; West 138 feet to a pin; thence by land now or formerly of R.C. Witherow, North 2 1/2 degrees East, 50 feet to a pin; thence by land now or formerly of William Gilbert East 136 feet to a pin; thence by land now or formerly of E.H. Markley, Trustee, South 50 feet to the place of BEGINNING.

LOT NO. 2: being known as Lot No. 17 on plan of lots as surveyed and laid out by S. M. Miller, on September 12, 1922.

BEING the same which Barbara Ann Orndorff, unmarried, by deed dated June 22, 1984 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 381 at page 1105, conveyed unto Frank J. Kelly and Gladys M. Moser, now married and known as Gladys M. Kelly.

BEING the same which Frank J. Kelly and Gladys M. Kelly, formerly Gladys M. Moser, husband and wife, by deed dated April 22, 1992 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Record Deed Book 623 at page 831, conveyed unto Gladys M. Kelly, married.

SEIZED and taken into execution as the property of **Frank J. Kelly and Misty Stitely as Administratrix of the Estate of Gladys M. Kelly,** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
November 8, 1995.

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 February 15, 1996, 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.

12/22, 29, 1/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 95-S-964 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot or parcel of land situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Northeast side of Prince Street at corner of Lot No. 38; thence along said Lot No. 38, North 60 degrees 18 minutes 20 seconds East, 154.75 feet to the rear of Lot No. 21; thence along the rear of Lot No. 21 and Lot No. 20, North 29 degrees 41 minutes 40 seconds West, 50 feet to a corner of Lot No. 40; thence along Lot No. 40, South 60 degrees 18 minutes 20 seconds West, 154.75 feet to a point at the Northeast side of Prince Street; thence along the Northeast side of Prince Street, South 29 degrees 41 minutes 40 seconds East 50 feet to the place of BEGINNING.

The above described lot of ground being known on a plan of lots of the William V. Sneeringer Tract, developed by I. H. Crouse and Sons (as revised by survey of Leroy H. Winebrenner, Registered Surveyor, and drawn by Herbert S. Plunkert, dated November 4, 1950) as Lot No. 39 and being also known as 441 Prince Street.

BEING all and the same land conveyed unto Albert E. Whitestone and Karen L. Whitestone, husband and wife, by virtue of a Deed from R. LaRuth Stavely, widow, by her deed dated September 3, 1992, which deed is recorded in the office of the Recorder of Deeds of Adams County in Book 641 at page 585.

SEIZED and taken into execution as the property of **Albert E. Whitestone and Karen L. Whitestone,** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
December 11, 1995.

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 March 4, 1996, 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.

1/5, 12, 19

BRANDT VS. GIANT FOOD STORES, INC.

Proving negligence in a supermarket slip and fall case is often a heavy burden on a plaintiff even in a meritorious case and under some circumstances the difficulties of proof of negligence may be insurmountable.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 94-S-170, THELMA BRANDT VS. GIANT FOOD STORES, INC.

Jared W. Ingersoll, Esq., for Plaintiff
George B. Faller, Jr., Esq., for Defendant

OPINION ON MOTION FOR NEW TRIAL

Spicer, P.J., June 27, 1995.

On March 22, 1994, a jury returned a verdict absolving defendant of negligence. Post-verdict motions followed. Only the court's jury instructions have been transcribed.

As the undersigned recollects facts proven at trial, plaintiff slipped and fell on a single grape that had somehow fallen from the produce shelf in defendant's Gettysburg store, March 10, 1992. A rubber mat or runner was in place next to the grape counter. The offending grape was on a portion of the floor not covered by the mat. There was no evidence explaining how the grape may have fallen to the floor and no real explanation of why plaintiff, a senior citizen, walked on open floor as opposed to the rubber mat.

The case was presented to the jury on the basis of Restatement of Torts (Second) § 343, which provides:

> A possessor of land is subject to liability for physical harm caused to his invitees by a condition on the land if, but only if, he
>
> (a) knows or by the exercise of reasonable care would discover the condition, and should realize that it involves an unreasonable risk of harm to such invitees, and
>
> (b) should expect that they will not discover or realize the danger, or will fail to protect themselves against it, and
>
> (c) fails to exercise reasonable care to protect them against the danger.

At the conclusion of testimony, plaintiff requested the following jury instruction:

> If the underlying condition (here, grapes on the floor) was caused by an employee or agent of the defendant, and

> if the condition is of a frequently recurring nature, the jury may, from those facts alone, conclude that the defendant had actual notice; alternatively, if the condition was caused by acts of others, the defendant has a duty to police the premises. Myers v. Penn Traffic Company, 414 Pa.Super. 181, 606 A.2d 926 (1992), citing Restatement (2nd) Torts, § 343-344. Further, with respect to conditions caused by third parties, where the defendant has failed to give adequate warning to enable visitors to avoid harm or otherwise to protect them, liability can attach even though the accident occurs within moments after the condition is caused by the third party. Miller v. Peter J. Schmidt & Co., Inc., 405 Pa.Super. 502, 592 A.2d 1324 (1991).

The court refused the instruction because there was no evidence from which the jury could have determined that a store employee caused the condition.

Superior Court, in an en banc decision in Myers v. Penn Traffic Co., 414 Pa.Super. 181, 606 A.2d 926 (1992) upheld summary judgment in a slip and fall case premised upon allegations of a floor made unsafe by either wax or grapes. The court recognized that "proving negligence in a supermarket slip and fall case is "often a heavy burden on a plaintiff even in a meritorious case[, a]nd... under some circumstances the difficulties of proof of negligence may be insurmountable..." De Clerico v. Gimbel Brothers, Inc., 160 Pa.Super. 197, 199, 50 A.2d 716, 717 (1947)." 606 A.2d at 932.

Indeed, there are many examples of cases based on grapes souring in slip and fall cases. Summary judgment was granted Myers, supra. A compulsory non-suit was upheld in Martino v. Great Atlantic and Pacific Tea, Co., 419 Pa. 229, 213 A.2d 608 (1965).

We start by examining our refusal to instruct the jury it could find actual knowledge on the part of defendant if the conditions were caused by an employee.

Instructions generally tracked the Restatement, supra., and framed the issue as involving defendant's duty to police the premises. The jury was told that it stood to reason that frequency would increase defendant's duty to police or inspect the premises.[1]

Plaintiff argues that she was entitled to her requested instructions, citing testimony by Brian Tressler that grapes could fall either as a

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[1] This was the approach argued as controlling in Judge Wieand's dissent in Myers. Obviously, being a dissent, it was more plaintiff-oriented than the majority opinion.

result of employee handling or customer handling.[2] She argues that this testimony warranted instructions that: a) frequency of occurrences caused by customers placed on defendant a heightened duty of inspection; and b) frequency of occurrences caused by employees placed defendant on actual notice.

The court refused to instruct the jury that negligence could be inferred even though only moments transpired between the spillage and plaintiff's accident. Instead, as previously mentioned, we framed the issue as involving defendant's duty to police its store. A great deal of testimony described policies and practices in this regard. No evidence would have justified the charge requested by plaintiff.

Plaintiff argues that she was entitled to have the jury informed that it might find actual notice if spillage was caused by an employee. Again, there was no evidence upon which the jury could have found such causation. Both Supreme Court and Superior Court have addressed this issue. The majority opinion in Myers, supra., contains the following:

> Appellant contends that the holding in Clark should be controlling in the present case on the basis of Mr. Hunter's testimony that replenishing the produce cases makes a mess. Appellant contends that this testimony reveals that, as in Clark, the antecedent actions of the store's employees caused the dangerous condition. In the present case, however, nothing in the record supports an inference that the grape was on the floor because the store's employees dropped it there when putting produce in the cases. It is just as likely that another customer of the store dropped the grape on the floor. Without evidence that one or the other of these two equally likely occurrences causes the grape to be on the floor, there is no issue to be tried. Any decision would be based on mere speculation. See Martino v. Great Atlantic & Pacific Tea Company, 419 Pa. 229, 213 A.2d 608 (1965).

606 A.2d 930

An interesting question, which we do not need to address[3] is whether frequency of occurrences, no matter by whom caused, may justify an

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[2] Testimony has not been transcribed. However, although the exact language used cannot be quoted, we recall the witness admitting on cross examination that grapes fell to the floor fairly frequently and that employees were sometimes responsible.

[3] Plaintiff has not argued that frequency, standing alone justifies a finding of actual knowledge. To the contrary, she asserts that frequency of spills caused by employees amounts to actual knowledge or notice.

inference of actual knowledge. Although some language in Myers, supra., might suggest that it does not matter who caused grapes to fall and that frequency may support a finding of actual knowledge, holdings are contra. Plaintiff was not allowed to proceed to trial in Myers despite deposition testimony by employees that produce on the floor was a constant, day long problem. The court emphasized that no testimony indicated that the bins had been filled, i.e., that spills were caused by employees. In Martino, supra., evidence was presented that produce frequently fell to the floor. Supreme Court said it was just as likely that customers caused the spills as employees and upheld a nonsuit.

For reasons discussed, we deny plaintiff's motion for a new trial.

Accordingly, the attached order is entered.

ORDER OF COURT

AND NOW, this 27th day of June, 1995, plaintiff's post-verdict motions are denied.

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 EUGENE L. CRUMLING, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: David C. Crumling, 419B Peace Circle, New Oxford, PA 17350
Attorney: W. W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF VERNA A. SCHWARTZ, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Representative: PNC Bank, N.A., 10 York Street, Gettysburg, PA 17325
Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF HAROLD RAYMOND HEVERLY, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executrix: Nola Mummert, 51 Wheatland Drive, Gettysburg, PA 17325
Attorney: Harold N. Fitzkee, Jr.

THIRD PUBLICATION

ESTATE OF ALMA WEIKERT CROUSE, DEC'D
Late of the Borough of Littlestown, Adams County, Pennsylvania
Executrix: Elizabeth C. Ross, 540 Cabot Drive, Hockessin, DE 19707
Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF MELVIN OVERHOLTZER, JR., DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325
Attorney: Pyle and Entwistle, 33 West Middle Street, Gettysburg, PA 17325

ESTATE OF JOHN FREDERICK ROBINSON, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executrix: Mary Lou Seamens, 2476 Chambersburg Road, Biglerville, PA 17307
Attorney: Jeffery M. Cook, 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF JOSEPH A. ROBINSON, DEC'D
Late of the Borough of New Oxford, Adams County, Pennsylvania
Executors: James R. Robinson, 517 Berlin Road, New Oxford, PA 17350; Joseph A. Robinson, Jr., 5721 Kenwood Avenue, Harrisburg, PA 17112
Attorney: Ronald J. Hagarman, Esquire, 110 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, January 16, 1996, at 9:00 o'clock a.m.

REAVER—Orphans' Court Action Number OC-147-95. The First and Final Account of Leroy B. Reaver and Janet M. Gebhart, Executors of the Estate of Dorothy A. Reaver, deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania.

SIMPSON—Orphans' Court Action Number OC-148-95. The First and Final Account of Adams County National Bank, Executor of the Will of Ruby V. Simpson, deceased, late of Straban Township, Adams County, Pennsylvania.

WATSON—Orphans' Court Action Number OC-149-95. The First and Final Account of George S. Lambert, Executor of the Will of Beulah M. Watson, deceased, late of Hamiltonban Township, Adams County, Pennsylvania.

BREIGHNER—Orphans' Court Action Number OC-154-95. The First and Final Account of G. Levon Crouse, Executrix of the Will of M. Olive Breighner, deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania.

LANDIS—Orphans' Court Action Number OC-160-95. The First and Final Account of Betty Lou Shriner, Virginia L. Sites and James M. Landis, Jr., Executors of the Last Will and Testament of James M. Landis, Sr., deceased, late of the Borough of Fairfield, Adams County, Pennsylvania.

REBERT—Orphans' Court Action Number OC-157-95. The First and Final Account of Pearl A. Rebert and John Thomas Rebert, Executors of the Estate of John G. Rebert, deceased, late of Conewago Township, Adams County, Pennsylvania.

KIME—Orphans' Court Action Number OC-158-95. The First and Final Account of Sheila F. Bowmaster and Lynn F. Kime, Executors of the Estate of Evelyn E. Kime, deceased, late of Tyrone Township, Adams County, Pennsylvania.

FREEMAN—Orphans' Court Action Number OC-161-95. The First and Final Account of Adams County National Bank, Executor of the Last Will and Testament of William E. Freeman, deceased, late of McSherrystown Borough, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

1/5, 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 93-S-372 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground on Harbaugh Valley Road, Liberty Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a railroad spike in the centerline of Harbaugh Valley Road on line of land of Virginia E. Rentsel; thence along said Rentsel land and passing through a steel rod in the centerline of a 20-foot wide right-of-way 94.34 feet from the beginning of this course, South 88 degrees 24 minutes 20 seconds East, 411.43 feet to an existing steel rod in a stone row on line of land of William Newlin; thence along said Newlin land, South 01 degree 50 minutes 35 seconds West, 165.12 feet to an existing corner post; thence continuing along said Newlin land, North 86 degrees 26 minutes 50 seconds West, 340.60 feet to a steel rod in a fence line; thence North 28 degrees 49 minutes 30 seconds West, 140.35 feet to a p.k. nail in the centerline of Harbaugh Valley Road; thence in the centerline of Harbaugh Valley Road, North 02 degrees 55 minutes 05 seconds East, 32.46 feet to the above described place of BEGINNING. CONTAINING 1.398 acres.

The above description was taken from a survey of the property of Virginia E. Rentsel prepared by J. Riley Redding, Registered Professional Land Surveyor, and dated February 23, 1990.

SEIZED and taken into execution as the property of **Gary W. McCallister and Shirley A. McCallister**, and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
December 15, 1995.

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 March 4, 1996, 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.

1/5, 12, 19

COURT OF COMMON PLEAS
OF ADAMS COUNTY,
COMMONWEALTH OF PENNSYLVANIA
ORPHANS' COURT DIVISION

In re: Estate of Margaret M. Irvin, of the Borough of Gettysburg, Adams County, Pennsylvania, an incompetent.

No.

Second and Final Account of Adams County National Bank, guardian.

NOTICE

NOTICE HEREBY IS GIVEN that Adams County National Bank, Guardian of the Estate of Margaret M. Irvin, an imcompetent, has filed its Second and Final Account showing no balance for distribution as such Guardian in the Office of the Clerk of Courts of Common Pleas of Adams County, Commonwealth of Pennsylvania, Orphans' Court Division, and that the same will be presented to said Court for confirmation of the Account January 16, 1996, at 9:00 o'clock a.m., at the Adams County Courthouse, Gettysburg, Pennsylvania.

Peggy J. Breighner
Clerk of said Court

Bulleit, Schultz & Thrasher
Attorneys

12/29 & 1/5

Adams County Legal Journal

Vol. 37 January 12, 1996 No. 33, pp. 179–182

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Second-class postage paid at Gettysburg, PA 17325.

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ALL that lot or parcel of land situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Northeast side of Prince Street at corner of Lot No. 38; thence along said Lot No. 38, North 60 degrees 18 minutes 20 seconds East, 154.75 feet to the rear of Lot No. 21; thence along the rear of Lot No. 21 and Lot No. 20, North 29 degrees 41 minutes 40 seconds West, 50 feet to a corner of Lot No. 40; thence along Lot No. 40, South 60 degrees 18 minutes 20 seconds West, 154.75 feet to a point at the Northeast side of Prince Street; thence along the Northeast side of Prince Street, South 29 degrees 41 minutes 40 seconds East 50 feet to the place of BEGINNING.

The above described lot of ground being known on a plan of lots of the William V. Sneeringer Tract, developed by I. H. Crouse and Sons (as revised by survey of Leroy H. Winebrenner, Registered Surveyor, and drawn by Herbert S. Plunkert, dated November 4, 1950) as Lot No. 39 and being also known as 441 Prince Street.

BEING all and the same land conveyed unto Albert E. Whitestone and Karen L. Whitestone, husband and wife, by virtue of a Deed from R. LaRuth Stavely, widow, by her deed dated September 3, 1992, which deed is recorded in the office of the Recorder of Deeds of Adams County in Book 641 at page 585.

SEIZED and taken into execution as the property of **Albert E. Whitestone and Karen L. Whitestone,** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
December 11, 1995.

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1/5, 12, 19

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on November 22, 1995, pursuant to the Fictitious Names Act, setting forth that Stewart E. Fink, 1570 Town Hill Road, York Springs, Pennsylvania 17372 is the only person owning or interested in a business, the character of which is PLC Programming, software installation, training, control systems wiring, and other computer services, and that the name, style and designation under which said business is and will be conducted is CPU ELECTRONIC SERVICES, and the address of the principal office or place of business is 1570 Town Hill Road, York Springs, Pennsylvania 17372.

John C. Zepp, III, Esq.
P.O. Box 204
York Springs, PA 17372

1/12

INCORPORATION NOTICE

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

T. W. Cattle, Incorporated
25 Railroad Lane
Orrtanna, PA 17353

1/12

NOTICE OF INTENTION TO INCORPORATE

NOTICE IS HEREBY GIVEN, pursuant to the Pennsylvania Business Corporation Law, 15 Pa. C.S.A. § 1307, of the intention to file Articles of Incorporation. The name of the proposed corporation is SMALL'S GENERAL CONTRACTING, INC. The proposed corporation is to be organized under the Business Corporation Law of 1988.

Wolfe & Rice
47 West High Street
Gettysburg, PA 17325
Attorneys for Applicant

1/12

PURDHAM VS. GARY AND DELL'S RESTAURANT

1. Summary judgment may appropriately be entered on the basis of depositions and admissions of a party and his witnesses but only in clear cases, which are free from doubt, and where no material factual issue exists.
2. For liability to attach, a landowner must know or should know of a dangerous condition, expect that customers will not discover or realize danger, and fail to exercise due care.
3. It is settled law that a violation of a safety code standard is evidence of negligence if the code were in force at the time of the accident.
4. Violation of a statute setting safety standard is negligence per se.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 94-S-14, KENNETH G. PURDHAM VS. GARY AND DELL'S RESTAURANT.

James K. Reed, Esq., for Plaintiff
William A. Addam, Esq., for Defendant

OPINION ON MOTION FOR SUMMARY JUDGMENT

Spicer, P.J., July 14, 1995.

Defendant moves for summary judgment in this slip and fall action. For reasons later explained, the court refuses the motion.

Defendant relies primarily upon plaintiff's depositional testimony, arguing that it fails to establish causal negligence, as a matter of law. Review of the deposition reveals that plaintiff was a customer at defendant's place of business March 29, 1992. When he and his party left the restaurant, it was raining and "the lady said why don't we take the handicap ramp down." (p. 8) He said the ramp was constructed of treated lumber, which becomes slick when wet and was not painted with non-skid material. He also said the handrail was 18 inches shorter than the ramp and the ramp was too steep to comply with federal and state regulations. On July 5, 1995, he filed an affidavit giving measurements upon which he computed a ris- percent. Provisions of 71 P.S. § 1455.2 (c)(1) set a maximum rise of 8.33 percent for such ramps.

At first, plaintiff said he and his wife "slipped and we fell and she fell on top of me when it happened." (p. 9)

Later, he said "I don't know if I slipped or how I fell. I just know the ramp was not right. First off, you don't put treated lumber on a handicap ramp."

Still later, he said he thought his wife did "slip first and I grabbed for her and I went down and she went on me, but I am not positive." (p. 14)

Plaintiff injured his ankle.

Defendant's motion is based on this uncertainty.

It would now seem that summary judgment may appropriately be entered on the basis of depositions and admissions of a party and his witnesses. Porterfield v. Trustees of Hosp. of Univ., ___Pa.Super.___, 657 A.2d 1293 (1995). However, such judgment may be entered only in clear cases, which are free from doubt, and where no material factual issue exists. If an examination of the record reveals a factual issue, summary judgment may not be entered. Marks v. Tasman, 527 Pa. 132, 589 A.2d 205 (1991). In that case, a person who was legally blind, fell on sidewalk. The cause and location of the fall could not be established with certainty. In holding that a factual issue existed, Supreme Court relied on the well known principle that plaintiff is entitled to all reasonable inferences that may be drawn from the evidence when summary judgment is considered.

Of course, the mere occurrence of an accident and the existence of a dangerous condition is not sufficient for liability to attach. A landowner must know or should know of a dangerous condition, expect that customers will not discover or realize danger, and fail to exercise due care. Myers v. Penn Traffic Co., 414 Pa.Super. 181, 606 A.2d 926 (1992).

Plaintiff spoke of the ramp's non-compliance with pertinent standards. Apparently, this led the owner, on the evening to the accident, to question plaintiff's expertise. It is settled law that a violation of a safety code standard is evidence of negligence, if the code were in force at the time of the accident. Dunkle v. West Penn Power Co., 400 Pa.Super. 334, 583 A.2d 814 (1990). Even when a BOCA code was adopted subsequent to an incident, Superior Court held that a landowner could be liable for an accident occurring on a steep ramp, if he knew about the condition and could reasonably anticipate customer being distracted. Zito v. Merit Outlet Stores, 436 Pa.Super. 213, 647 A.2d 573 (1994).

The holding seems pertinent when we consider that plaintiff used the ramp, at the suggestion of "a lady," because it was raining and the ramp afforded a quicker route to the parking lot. Under these circumstances, a jury might find that defendant could anticipate plaintiff would be distracted.

More forcefully, violation of a statute setting safety standard is negligence per se. See Centolanza v. Lehigh Valley Dairies, Inc. 430 Pa.Super. 463, 635 A.2d 143 (1993).

Supreme Court, in Marks v. Tasman, supra., said: "From this, it logically and reasonably could be inferred that appellant tripped on the large hole in the sidewalk. This evidence, if believed, is sufficient to establish that appellant fell because of defect in the sidewalk, thus creating a genuine issue of material fact for trial." 589 A.2d at 207

There are enough facts to support a jury's finding that the ramp was improperly constructed, was made slippery by the effect of rain on treated

wood, and that plaintiff fell because of the defects.

The attached order is entered.

ORDER OF COURT

AND NOW, this 14th day of July, 1995, defendant's motion for summary judgment is refused.

COMMONWEALTH VS. POWELL

1. At a Preliminary Hearing, the Commonwealth must only present a prima facie case that a crime was committed and that the Defendant probably committed it.
2. At a Preliminary Hearing, hearsay is admissible, although the Commonwealth may not rest its case entirely on it.
3. Commonwealth may supplement the record at any hearing held on a petition for a writ of habeas corpus.

In the Court of Common Pleas, Adams County, Pennsylvania, Crimi-nal No. CC-258-95, COMMONWEALTH OF PENNSYLVANIA VS. TERRY ROBERT POWELL.

Roy A. Keefer, Esq., District Attorney
Robert Chester, Esq., for Defendant

OPINION ON PRETRIAL APPLICATION

Spicer, P.J., September 6, 1995.

Defendant seeks a dismissal of drug charges, 35 P.S. § 780-113 (a) 16 and 32. His attack is based upon arguments that insufficient evidence was presented at the preliminary hearing and that his arrest warrant was issued on a deficient affidavit. This court conducted a hearing August 23, 1995, at which time defendant sought and was granted permission to proceed pro se. Commonwealth introduced transcripts of a previous suppression hearing and of the preliminary hearing, supplemented the record with a copy of a Pennsylvania State Police laboratory report, then rested.

Both parties asked the court to defer ruling until we had an opportunity to read the transcripts. The parties were given leave to supple-ment their arguments with written statements.

A preliminary hearing is not a trial, and it is not the function of the magistrate to determine guilt or innocence. Commonwealth must only present a prima facie case that a crime was committed and that defendant probably committed it. Commonwealth v. McBride, 528 Pa. 153, 595 A.2d 589 (1991). Hearsay is admissible, although the Commonwealth may not rest its case entirely on it. Commonwealth v. Tyler, 402

Pa.Super. 429, 587 A.2d 326 (1991); Commonwealth ex. rel. Buchanan v. Verbonitz, 525 Pa. 413, 581 A.2d 172 (1991). Commonwealth may also supplement the record at any hearing held on a petition for a writ of habeas corpus. Commonwealth v. Morman, 373 Pa.Super. 360, 541 A.2d 356 (1988); Commonwealth v. Lawson, 437 Pa.Super 521, 650 A.2d 876 (1994).

Evidence was clearly sufficient to justify defendant's further detention. Commonwealth showed that two corrections officers entered defendant's cell at Adams County Prison on October 1, 1994. Seeing what was variously described as either a Tylenol or an aspirin bottle, the officers seized it because it was not supposed to be in the cell. When asked, defendant said the bottle was his and that it contained cotton balls, soaked in alcohol, which he said he used for acne. An analysis showed otherwise, that the balls contained cocaine. Defendant later admitted using cocaine, but argued that Commonwealth could not prove he used the specific cocaine seized by the corrections officers. This, of course, is quite true. The cocaine would not have been available for seizure had it been already used.

Clearly, Commonwealth showed the presence of cocaine and defendant's acknowledgment of ownership. His admissions of use supports the inference that items also taken were paraphernalia.

The attack on the arrest affidavit consists generally of contentions that other evidence may be inconsistent with facts recited in the affidavit. Defendant also argues that Commonwealth alleged posses-sion of crack cocaine, but is/was unable to prove that particular form. The argument misses the point of the statutory proscription, possession of cocaine, in any form, is illegal.

Furthermore, defendant's arrest hardly supports or undermines the prosecution. We have already denied a suppression motion. Defen-dant has pointed to no evidence that resulted from his arrest. He cannot suppress himself as a fruit of an illegal arrest. Commonwealth v. Howard,__Pa.Super.__, 659 A.2d 1018 (1995). Contraband was seized and his acknowledgment of ownership occurred prior to arrest.

Defendant's applications to quash the information and for discharge must be denied. The attached order is entered.

ORDER OF COURT

AND NOW, this 6th day of September, 1995, defendant's applications to quash the information and for discharge are denied.

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 ANGELA GRACE HOUCK, DEC'D
Late of the Borough of Littlestown, Adams County, Pennsylvania
Executrix: Sherry L. Stone, 3502 Littlestown Pike, Westminster, MD 21158
Attorney: Audrey E. Woloshin

ESTATE OF GLADYS P. TEAL, DEC'D
Late of Mt. Pleasant Township, Adams County, Pennsylvania
Executors: Margaret J. and Harry N. Small, P.O. Box 4, New Oxford, PA 17350
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF JAMES KENNETH ZEIGLER a/k/a KENNY ZEIGLER, DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Executrix: Oneda M. Rohrer, 7015 York Road, Abbottstown, PA 17301
Attorney: Charles W. Wolf, 112 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF EUGENE L. CRUMLING, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: David C. Crumling, 419B Peace Circle, New Oxford, PA 17350
Attorney: W. W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF VERNA A. SCHWARTZ, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Representative: PNC Bank, N.A., 10 York Street, Gettysburg, PA 17325
Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF HAROLD RAYMOND HEVERLY, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executrix: Nola Mummert, 51 Wheatland Drive, Gettysburg, PA 17325
Attorney: Harold N. Fitzkee, Jr.

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, January 16, 1996, at 9:00 o'clock a.m.

REAVER—Orphans' Court Action Number OC-147-95. The First and Final Account of Leroy B. Reaver and Janet M. Gebhart, Executors of the Estate of Dorothy A. Reaver, deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania.

SIMPSON—Orphans' Court Action Number OC-148-95. The First and Final Account of Adams County National Bank, Executor of the Will of Ruby V. Simpson, deceased, late of Straban Township, Adams County, Pennsylvania.

WATSON—Orphans' Court Action Number OC-149-95. The First and Final Account of George S. Lambert, Executor of the Will of Beulah M. Watson, deceased, late of Hamiltonban Township, Adams County, Pennsylvania.

BREIGHNER—Orphans' Court Action Number OC-154-95. The First and Final Account of G. Levon Crouse, Executrix of the Will of M. Olive Breighner, deceased, late of Mt. Pleasant Township, Adams County, Pennsylvania.

LANDIS—Orphans' Court Action Number OC-160-95. The First and Final Account of Betty Lou Shriner, Virginia L. Sites and James M. Landis, Jr., Executors of the Last Will and Testament of James M. Landis, Sr., deceased, late of the Borough of Fairfield, Adams County, Pennsylvania.

REBERT—Orphans' Court Action Number OC-157-95. The First and Final Account of Pearl A. Rebert and John Thomas Rebert, Executors of the Estate of John G. Rebert, deceased, late of Conewago Township, Adams County, Pennsylvania.

KIME—Orphans' Court Action Number OC-158-95. The First and Final Account of Sheila F. Bowmaster and Lynn F. Kime, Executors of the Estate of Evelyn E. Kime, deceased, late of Tyrone Township, Adams County, Pennsylvania.

FREEMAN—Orphans' Court Action Number OC-161-95. The First and Final Account of Adams County National Bank, Executor of the Last Will and Testament of William E. Freeman, deceased, late of McSherrystown Borough, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 93-S-372 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground on Harbaugh Valley Road, Liberty Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a railroad spike in the centerline of Harbaugh Valley Road on line of land of Virginia E. Rentsel; thence along said Rentsel land and passing through a steel rod in the centerline of a 20-foot wide right-of-way 94.34 feet from the beginning of this course, South 88 degrees 24 minutes 20 seconds East, 411.43 feet to an existing steel rod in a stone row on line of land of William Newlin; thence along said Newlin land, South 01 degree 50 minutes 35 seconds West, 165.12 feet to an existing corner post; thence continuing along said Newlin land, North 86 degrees 26 minutes 50 seconds West, 340.60 feet to a steel rod in a fence line; thence North 28 degrees 49 minutes 30 seconds West, 140.35 feet to a p.k. nail in the centerline of Harbaugh Valley Road; thence in the centerline of Harbaugh Valley Road, North 02 degrees 55 minutes 05 seconds East, 32.46 feet to the above described place of BEGINNING. CONTAINING 1.398 acres.

The above description was taken from a survey of the property of Virginia E. Rentsel prepared by J. Riley Redding, Registered Professional Land Surveyor, and dated February 23, 1990.

SEIZED and taken into execution as the property of **Gary W. McCallister and Shirley A. McCallister**, and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
December 15, 1995.

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 March 4, 1996, 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.

1/5, 12, 19

Adams County
Legal Journal

Vol. 37 January 19, 1996 No. 34, pp. 183–188

NEW ADVERTISING RATES EFFECTIVE JANUARY 1, 1996

Decedent's Estate Notice	$40.50
Corporation Notice	40.50
Fictitious Name	40.50
Change of Name	40.50
Guardianship Account	40.50
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THE ABOVE FIXED PRICE LEGAL ADVERTISING RATES INCLUDE ONE PROOF OF PUBLICATION AND **MUST BE PAID FOR IN ADVANCE**. ALL OTHER LEGAL ADVERTISING WILL BE BILLED IN THE SAME AMOUNT CHARGED BY THE GETTYSBURG TIMES PLUS $2.00 FOR PROOF OF PUBLICATION.

PLEASE KEEP FOR FUTURE REFERENCE

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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Business Office – 112 Baltimore Street, Gettysburg, PA 17325. Telephone: (717) 334-1193

Second-class postage paid at Gettysburg, PA 17325.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 95-S-964 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot or parcel of land situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Northeast side of Prince Street at corner of Lot No. 38; thence along said Lot No. 38, North 60 degrees 18 minutes 20 seconds East, 154.75 feet to the rear of Lot No. 21; thence along the rear of Lot No. 21 and Lot No. 20, North 29 degrees 41 minutes 40 seconds West, 50 feet to a corner of Lot No. 40; thence along Lot No. 40, South 60 degrees 18 minutes 20 seconds West, 154.75 feet to a point at the Northeast side of Prince Street; thence along the Northeast side of Prince Street, South 29 degrees 41 minutes 40 seconds East 50 feet to the place of BEGINNING.

The above described lot of ground being known on a plan of lots of the William V. Sneeringer Tract, developed by I. H. Crouse and Sons (as revised by survey of Leroy H. Winebrenner, Registered Surveyor, and drawn by Herbert S. Plunkert, dated November 4, 1950) as Lot No. 39 and being also known as 441 Prince Street.

BEING all and the same land conveyed unto Albert E. Whitestone and Karen L. Whitestone, husband and wife, by virtue of a Deed from R. LaRuth Stavely, widow, by her deed dated September 3, 1992, which deed is recorded in the office of the Recorder of Deeds of Adams County in Book 641 at page 585.

SEIZED and taken into execution as the property of **Albert E. Whitestone and Karen L. Whitestone,** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
December 11, 1995.

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 March 4, 1996, 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.

1/5, 12, 19

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with and approved by the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on the 12th day of December, 1995, for the purpose of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the Pennsylvania Business Corporation Law of 1933, P.L. 364, as amended. The name of the corporation is ALL THAT JAZZ DANCE STUDIO INC. The purpose of the corporation is to engage in and to do any and all business for which Pennsylvania business corporations may be lawfully formed, including but not limited to the operation of a school of dance. The location and post office address of its initial registered office is 5660 Hanover Road, Hanover, PA 17331.

John J. Mooney, III, Esquire
250 York Street
Hanover, PA 17331

1/19

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on December 6, 1995. The name of the corporation is CHRONIGER ENTERPRISES, INC. The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

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

1/19

FARMERS BANK AND TRUST COMPANY OF HANOVER VS. POIST

1. A motion to strike a judgment operates as a demurrer to the record and will be granted only if the irregularity or defect appears on the face of the record; moreover, the defect must be alleged in the application.

2. Courts have inherent power to correct records, including directing that pleadings erroneously filed in one case be transferred to another.

3. The power to transfer pleadings erroneously filed in one case to another case is a judicial, not an administrative function.

4. The Court cannot treat a motion to strike as interchangeable with a motion to open.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 91-S-221, FARMERS BANK AND TRUST COMPANY OF HANOVER VS. GEORGE H. POIST AND KAREN S. POIST.

Matthew L. Guthrie, Esq,. for Plaintiff
Michael D. Bart, Esq., for Defendant

OPINION ON PETITION TO STRIKE JUDGMENT

Spicer, P.J., July 17, 1995.

This is defendants' second appearance before this court to request that a judgment be set aside. Facts are recited in an opinion authored by the Honorable John D. Kuhn, issued December 29, 1992. Plaintiff sued defendants on a promissory note, seeking $21,486.34. Judgment was entered on admissions in the answer filed April 24, 1991. In paragraph three of that pleading, defendants averred: "It is denied that $21,486.34 was the entire balance due and payable on said date, but rather it is asserted that the unpaid balance as of September 4, 1990, was $17,023.87." (¶3; 4-24-91).

Defendants obtained new counsel after this admission and requested permission to file an amended answer.

A little more background may be helpful in understanding the somewhat erratic fashion with which this case has proceeded. After the original answer was filed, the case was placed on the trial list and a pretrial conference occurred September 13, 1991. It was at that time that defendants' present counsel requested leave to amend the answer and deny all liability. In fact, defendants wanted to assert a counterclaim against plaintiff. Many times, requests for amendments are granted almost as of course during a pretrial conference, but since this request changed the entire tone of the proceedings, a more cautious approach was adopted.

Later, January 22, 1992, the court determined that plaintiff's arguments related to the merits of the allegations, not defendants' right to

amend nor any prejudice that might ensue from granting the request, and granted defendants permission to amend. Unfortunately, the order did not specify a time limit in which the action was to be accomplished. Defendants waited until May 18, 1992 to comply. 'Twas too late. Plaintiff, apparently willing to settle for the admitted sum had already (May 1, 1992) praeciped for judgment of $17,023.87.

The stage was set for defendants' first request for relief from a default judgment. In the course of proceedings, it was discovered that the Answer, New Matter and Counterclaim was unverified.

Some reason for defense counsel's tardiness appears in Judge Kuhn's opinion of December 29, 1992, wherein it was observed that defense counsel sent this last pleading to plaintiff's counsel instead of to the Prothonotary. For reasons explained in his opinion (December 29, 1992), Judge Kuhn opened judgment and directed defendants to file a verification to the amended answer within fourteen days.

Reconstructing facts, it is apparent that defendants acted more promptly than theretofore. However, lacking was attention to detail. Defense counsel admits that his verified answer was filed to the wrong case. As the record in the action sub judice may have indicated no compliance with Judge Kuhn's order, plaintiff again entered judgment on January 15, 1993 in the amount of $17,023.87.

Old habits seem hard to break. Defendants waited until January 3, 1995, to react, moving to strike the judgment. Since this was the only motion filed, the sole question presented is whether the record reflects compliance with Judge Kuhn's order.

The answer may be both yes and no. As it now appears, the record indicates that a verified answer, new matter and counterclaim was filed January 12, 1993. The only patent hint that things might not be as they seem is a correction in the case number on the notice and cover page. It clearly appears that a typewritten "92", as in 92-S-221, was inked out and "91" was substituted.

Otherwise, the Prothonotary's docket, as presently constituted, clearly dictates that the judgment should be stricken.

However, it is obvious that not all is as it seems.

A motion to strike a judgment operates as a demurrer to the record and will be granted only if the irregularity or defect appears on the face of the record. Moreover, the defect must be alleged in the application. Manor Building Corp. v. Manor Complex Assoc., 435 Pa.Super. 246, 645 A.2d 843 (1994) (en banc).

Paragraph eleven of defendants' motion, filed May 4, 1995, states:

on January 12, 1993, Defendants filed, and currently possess, a time-stamped, true and correct copy of a verified Answer, New Matter

and Counterclaim, the original of same not having been docketed and filed in error in the wrong Prothonotary's file, due to a typographical error on the Notice of Defendants' Answer, New Matter and Counterclaim.

A praecipe to strike the default judgment was filed January 3, 1995, and recited "[a]s the docket has been corrected to reflect the filing of a verified answer..."

These allegations, amounting to admissions, are properly considered in determining the motion to strike. 12 Standard Pennsylvania Practice 2d § 71.170 (p. 289).

This being the case, it is clear that the record, as properly constituted, supports entry of the default judgment.

Courts have inherent power to correct records, including directing that pleadings erroneously filed in one case be transferred to another 1 Pennsylvania Standard Practice 2d § 2:108. While no precise procedure has been established, it seems clear this is a judicial, not an administrative function. Hearings may be required, when rights of the opposing party are involved. Petitions and rules have been suggested as a proper vehicle to accomplish correction. id. § 2:114.

Obviously, the Prothonotary should not have perfunctorily corrected the record in this case. It was not the Prothonotary's error which led to improper filing.[1] Just as obviously, if defendants wished to argue equities and fairness, they should have filed a motion to open.[2] We cannot treat a motion to strike as interchangeable with a motion to open. U.K. LaSalle Inc., v. Lawless, 421 Pa.Super. 496, 618 A.2d 447 (1992)

The attached order is entered.

ORDER OF COURT

AND NOW, this 17th day of July, 1995, the motion to strike judgment is refused.

---

[1] That officer has little discretion in such cases. She is required to accept legal papers for filing under Pa R.C.P. 205.2 and it was counsel who identified an improper file in which the pleading was to be docketed.

[2] However, delay would certainly have been considered. We should also mention that nothing in the file indicates that plaintiff was ever served with the verified Answer, New Matter and Counterclaim. Plaintiff's counsel stated, during oral argument, that he did not remember being served. Both counsel have been extremely candid with the court. Defense counsel admitted, during oral argument, that the pleading was filed in the wrong case and that the Prothonotary later transferred it.

COMMONWEALTH VS. CLAYPOOL

1. Trials cannot be sidetracked by inquiries into whether a witness lied about something not germane to the case.

2. Admissibility of conduct as indicative of a state of mind is usually determined on a case by case basis, with ordinary experience being the guide and to be admissible as such, the conduct must have occurred under highly reliable circumstances which would render the inferences to be drawn more probable than not.

In the Court of Common Pleas, Adams County, Pennsylvania, Criminal No. CC-813-94, COMMONWEALTH OF PENNSYLVANIA VS. WAYNE E. CLAYPOOL.

Roy A. Keefer, Esq., District Attorney
Gates & Mooney, Attorney for Defendant

OPINION ON POST-SENTENCE MOTIONS

Spicer, P.J., September 28, 1995.

Defendant was charged with committing inappropriate sexual acts with his step-daughter and was found guilty of indecent assault and corruption of the morals of a minor by a jury on April 20, 1995. A presentence investigation was then ordered and sentencing deferred until May 31, 1995. On that occasion, the court ruled that, for purposes of sentencing, counts one and three merged with count two, and sentenced him to serve a term of not less than two months nor more than twenty-three months in Adams County Prison. Payment of fines, costs and fees was also ordered.

Defendant has filed post-sentence motions in the nature of a motion for a new trial and for a modification of sentence. The former motion is based upon what defendant perceives as trial errors. The second rests upon defendant's assertion that it has been the practice of this court to sentence at the bottom range of the guidelines and, therefore, non-confinement should have been ordered.

Defendant misperceives this court's practice. While it may be true that many plea agreements fall into the bottom range, this is not always true. More importantly, we emphatically decline to be bound by counsel's perceptions as to this court's sentencing policy and practice. We are free to reject plea arrangements, and often do.

When defendants go to trial, we order and consider presentence investigations as well as the factors described in the Sentencing Code. In this case, we feel the punishment was deserved, appropriate and, if anything, somewhat light. As in most cases of this type, the victim's

reputation and character were attacked by defendant and the rest of her family. While exercising allocution at sentence, defendant turned to the victim, who was sitting in the courtroom, and bitterly attempted to rebuke her. The sentences fell within the standard guideline ranges. There is no basis for modification.

Defendant contends that two evidentiary rulings were wrong. He objects to rebuttal testimony, which he says involved collateral issues.

During presentation of defendant's case, his wife (the victim's mother) testified on direct that the victim was not subjected to physical punishment and that disciplinary practice usually consisted of requiring her daughter to stay in the house for misconduct. (N.T. 86). During his testimony, defendant was asked about her testimony (N.T. 102) and confirmed that grounding was the punishment utilized for disciplinary purposes.

It is true, as defendant suggests, that a witness may not be contradicted on a collateral matter. Trials cannot be sidetracked by inquiries into whether a witness lied about something not germane to the case. A collateral matter is one which has no relationship to the matter at trial. Commonwealth v. Johnson, 536 Pa. 153, 638 A.2d 940 (1994). The test is whether the fact upon which error is predicated has been produced into evidence for any purpose independent of the contradiction. Hammel v. Christian, 416 Pa. Super. 78, 610 A.2d 979, (1992). The Commonwealth did not introduce the subject of discipline. Defendant did and cannot now argue he should have been insulated from contradiction.

During the course of trial, Defendant offered the testimony of Beth Schull, one of the victim's peers and a member of her church. The following proffer occurred:

> MR. GATES: Beth is one of the friends from church that she apparently told her story to and Beth had indicated that if it is not true, that you should go to the alter (sic) and pray and ask your stepfather's forgiveness and in fact Amy did go to the alter (sic) and pray and she said she was afraid to go tell her stepfather and apologize to her stepfather.
>
> (N.T. 67)

Later, counsel clarified the offer to include that "they went together to the church alter (sic) and prayed. Beth did not hear what Amy prayed about." id.

Although defendant couches his arguments in terms of tacit admissions, this does not fall into the usual form of such admissions. A tacit admission may be inferred from silence when a person hears statements incriminating in nature, which naturally call for a denial, and fails to make such denial when he or she has both the opportunity and liberty to do so. Commonwealth v. O'Kicki, 408 Pa. Super 518, 597 A.2d 152, (1991). See also, II Wigmore on Evidence, Chadbourn Revision, § 292 (Little, Brown and Co., 1979). Rather, this has to be viewed as conduct amounting to a prior inconsistent statement. Admissibility of conduct as indicative of a state of mind is usually determined on a case by case basis, with ordinary experience being the guide. id, §267. To be admissible as such, the conduct must have occurred under highly reliable circumstances which would render the inferences to be drawn more probable than not. Commonwealth v. Johnson, supra. The circumstances were neither reliable nor does the fact that both girls went to the altar and prayed support an inference that the victim admitted she was lying.[1]

Defendant certainly used other tools to attack his step-daughter's credibility. He called another church member who said he watched, after being told about defendant's conduct, and saw nothing to indicate that abuse was occurring. Another said the victim's reputation for veracity was bad. The victim's mother said she didn't believe her daughter. Defendant produced character witnesses. Therefore, evidence about going to the altar was cumulative and its exclusion is not grounds for a new trial. See Soda v. Baird, 411 Pa. Super 80, 600 A.2d 1274, (1991).

Defendant's post-verdict motions are denied.

ORDER OF COURT

AND NOW, this 28th day of September, 1995, defendant's post-sentence motions are denied. Execution of defendant's sentence is delayed for a period of thirty days. If he has taken no appeal within that time he is directed to report to Adams County Prison, October 30, 1995, no later than 6:00 P.M.

---

[1] Testimony made it quite clear that the victim complained frequently to members of her church about defendant's conduct. It is also quite clear that nobody believed her. This writer's experience is that groups dedicated to the salutary goal of maintaining family integrity often view accusations tending to undermine solidarity with suspicion and hostility. This attitude would make an interesting lesson, using Romans 7:18-21 as the text.

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 RUTH A. COLE, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Executor: Edward A. Herring, 50 Ragged Edge Road, Orrtanna, PA 17353
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CHARLOTTE H. HARBOLD, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Executor: Randall S. Harbold, 801 Lakeview Drive, Lancaster, PA 17601
Attorney: Clayton R. Wilcox, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF MARES SHERMAN, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325
Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF LUTHER JUNIOR SPEELMAN a/k/a LUTHER J. SPEELMAN, DEC'D
Late of Union Township, Adams County, Pennsylvania
Executrix: Linda Speelman, 3086 Baltimore Pike, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esquire, 110 Baltmore Street, Gettysburg, PA 17325

ESTATE OF DOROTHY G. WILLIAMS, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: E. Louise Williams, 415 Table Rock Road, Gettysburg, PA 17325
Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF ANGELA GRACE HOUCK, DEC'D
Late of the Borough of Littlestown, Adams County, Pennsylvania
Executrix: Sherry L. Stone, 3502 Littlestown Pike, Westminster, MD 21158
Attorney: Audrey E. Woloshin

ESTATE OF GLADYS P. TEAL, DEC'D
Late of Mt. Pleasant Township, Adams County, Pennsylvania
Executors: Margaret J. and Harry N. Small, P.O. Box 4, New Oxford, PA 17350
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF JAMES KENNETH ZEIGLER a/k/a KENNY ZEIGLER, DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Executrix: Oneda M. Rohrer, 7015 York Road, Abbottstown, PA 17301
Attorney: Charles W. Wolf, 112 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF EUGENE L. CRUMLING, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: David C. Crumling, 419B Peace Circle, New Oxford, PA 17350
Attorney: W. W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF VERNA A. SCHWARTZ, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Representative: PNC Bank, N.A., 10 York Street, Gettysburg, PA 17325
Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 93-S-372 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 1996, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground on Harbaugh Valley Road, Liberty Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a railroad spike in the centerline of Harbaugh Valley Road on line of land of Virginia E. Rentsel; thence along said Rentsel land and passing through a steel rod in the centerline of a 20-foot wide right-of-way 94.34 feet from the beginning of this course, South 88 degrees 24 minutes 20 seconds East, 411.43 feet to an existing steel rod in a stone row on line of land of William Newlin; thence along said Newlin land, South 01 degree 50 minutes 35 seconds West, 165.12 feet to an existing corner post; thence continuing along said Newlin land, North 86 degrees 26 minutes 50 seconds West, 340.60 feet to a steel rod in a fence line; thence North 28 degrees 49 minutes 30 seconds West, 140.35 feet to a p.k. nail in the centerline of Harbaugh Valley Road; thence in the centerline of Harbaugh Valley Road, North 02 degrees 55 minutes 05 seconds East, 32.46 feet to the above described place of BEGINNING. CONTAINING 1.398 acres.

The above description was taken from a survey of the property of Virginia E. Rentsel prepared by J. Riley Redding, Registered Professional Land Surveyor, and dated February 23, 1990.

SEIZED and taken into execution as the property of **Gary W. McCallister and Shirley A. McCallister,** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
December 15, 1995.

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 March 4, 1996, 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.

1/5, 12, 19

Adams County
Legal Journal

Vol. 37 January 26, 1996 No. 35, pp. 189–192

NEW ADVERTISING RATES EFFECTIVE JANUARY 1, 1996

Decedent's Estate Notice	$40.50
Corporation Notice	40.50
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Change of Name	40.50
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THE ABOVE FIXED PRICE LEGAL ADVERTISING RATES INCLUDE ONE PROOF OF PUBLICATION AND **MUST BE PAID FOR IN ADVANCE**. ALL OTHER LEGAL ADVERTISING WILL BE BILLED IN THE SAME AMOUNT CHARGED BY THE GETTYSBURG TIMES PLUS $2.00 FOR PROOF OF PUBLICATION.

PLEASE KEEP FOR FUTURE REFERENCE

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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Business Office – 112 Baltimore Street, Gettysburg, PA 17325. Telephone: (717) 334-1193

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FICTITIOUS NAME NOTICE

NOTICE IS GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on December 18, 1995, pursuant to the Fictitious Name Act, setting forth that Doretha M. Burger, of 544 West King Street, Abbottstown, PA 17301, is the only person owning or interested in a business, the character of which is the sale of antiques and that the name, style and designation under which said business is and will be conducted is SHAKER BOX ANTIQUES and the location where said business is and will be conducted is 6415 York Road, New Oxford, PA 17350.

Rudisill, Guthrie, Nonemaker,
Guthrie & Yingst
Solicitor

1/26

COMMONWEALTH VS. KRYSTAL CADILLAC-OLDSMOBILE-GMC TRUCK, INC. ET AL.

On a request for sanctions for failure to adequately answer Interrogatories the Court will consider (1) prejudice caused plaintiff and whether the prejudice can be cured; (2) willfulness or bad faith in failing to comply with the discovery order, i.e. the merits of their excuse; (3) the number of discovery violations; and (4) the importance of the failure.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 93-S-941, COMMONWEALTH OF PENNSYLVANIA ACTING BY ATTORNEY GENERAL ERNEST D. PREATE, JR. VS. KRYSTAL CADILLAC-OLDSMOBILE-GMC TRUCK, INC. AND KRYSTAL JEEP EAGLE, INC. AND HARRY PAPPAS.

Stephen M. Hladik, Esq., Deputy Attorney General
Rodney Rexrode, Esq., for Defendants

SECOND OPINION ON REQUEST FOR DISCOVERY

Spicer, P.J., July 24, 1995.

On October 28, 1994, this court observed that defendants had evidenced a long history of non-compliance with discovery requests. The subject of that observation was documents requested by the Commonwealth in this Unfair Trade Practice case. Presently, we deal with Commonwealth's attempts to have its interrogatories answered.

Argument on Commonwealth's motion to compel answers was scheduled for June 23, 1995. On the morning of argument, defense counsel provided a set of answers to the deputy attorney general assigned this case. The deputy complained that the answers were incomplete, sketchy and unsatisfactory. The court entered the following order:

> AND NOW, this 23rd day of June, 1995, it appears that the attorney for Harry Pappas handed Mr. Hladik an answer to interrogatories this morning. Mr. Hladik has complained that the answers are incomplete. It is obvious that the focus of argument has radically changed. Therefore, argument is continued until July 11, 1995, at 9:00 A.M., at which time the answers filed will be considered.

Commonwealth now argues that sanctions should be imposed.

We have reviewed the answers and find most to be inadequate. In answer to questions asking the identity of trial witnesses, defendants generally answered "Not determined at this time. Will advise when determined". (See, e.g. interrogatory 3) The same is true of exhibits

(6) writing (7) and admissions (8). Defendants said they would provide answer 10 (14) later.

When plaintiff asked the names and location of other car dealerships in which Harry Pappas has had an interest or was employed by, defendants responded:

> This question has nothing to do with the matter before the court and, therefore, does not require a response. (10)

The same or similar responses were given to a variety of other inquiries. (see, 13, 17, 19 and 20)

Defendants gave no answer to question 15. When plaintiff requested a description of the Extended Service Policy offered to customers, (16), defendants said: "The dealership offered several extended service policies for the customer to choose from".

This case has been pending since October 22, 1993. Plaintiff filed its twenty questions February 23, 1995. No objections were filed until answers were filed June 19, 1995. Defendants seek to employ those answers as objections and limit the scope of discovery.

Responses to three inquiries are arguably adequate. One and two were answered by "none" and twelve was answered. As matters stand, plaintiff has gained no meaningful information with which to prepare for trial. Requests for continuances and protests of surprise lurk by the wayside, waiting to ambush the orderly development of this case.

As to defendants' objections, however phrased, we rule that defendants have given up any right to protest about scope or relevancy by failing to timely lodge objections. Lane v. Hartfield Accident and Indemnity, 6 D&C 4th 537 (1990).

Turning to plaintiff's request for sanctions, we consider the factors enunciated by Superior Court in Steinfurth v. LaManna, 404 Pa.Super. 384, 590 A.2d 1286 (1991) and Grunde v. Huff, 433 Pa.Super. 94, 639 A.2d 1227 (1994).

> 1. Prejudice caused plaintiff and whether the prejudice can be cured.

Obviously, prejudice may result from defendants' failure to identify witnesses. Question three relates to non-expert witnesses, five to experts. Six and seven refer to exhibits, books, magazines, pamphlets and other writing. Through its answers, defendants' attempt to reserve for future decision selection of such witnesses and exhibits.

Failure to identify documents and personnel used in the business could hamper effective presentation of plaintiff's case.

Common sense tells us that a business charged with unfair trade practices may stall and hope to obfuscate issues and proof as long as

permitted. The legislature has recognized the importance of ending unfair practices by enacting the Unfair Trade Practices and Consumer Protections Law, 73 P.S. § 201-1 et seq. Any effective enforcement action, it seems to us, involves gathering of information. Often, the only person having real proof of the nature, extent and frequency of disfavored practices will be the defendants. Commonwealth may be required to force defendants to disgorge relevant information.

Prejudice to plaintiff is obvious. It can only be avoided by prompt divulgence of all requested information.

> 2. Willfulness or bad faith in failing to comply with the discovery order, i.e. the merits of their excuse.

As pointed out, defendants waited until argument was scheduled to file inadequate responses. No excuse has been submitted. We do not deal with long, complex and burdensome questions.

On the other hand, there have been no prior orders regarding the interrogatories.

> 3. The number of discovery violations. Repeated abuses are disapproved.

We have previously issued sanctions in other discovery matters. Defendants have established a trend, if not a pattern, of waiting until argument or hearing and then providing inadequate information.

> 4. The importance of evidence precluded by sanctions in light of the failure.

Obviously, if we preclude evidence because of the inadequate responses, trial should be short and end favorably to plaintiff. However, such punishment may very well fit the crime in a case such as this.

We are not optimistic about defendants' future reactions, but believe sanctions are inappropriate at the present time. Defendants must be given an opportunity to comply with a specific court order with knowledge that failure will result in the sanctions requested by plaintiff.

In order that there be no misunderstanding, failure by defendants to respond fully and adequately to interrogatories will result in preclusion of omitted evidence. If defendants do not provide names of witnesses and/or provide copies of exhibits, it will be viewed as a waiver of the right to present evidence. Failure by defendants to provide descriptions, or copies, of all extended service policies (number 16) offered to customers may support an inference that defendants failed to comply with service policies.

For reasons explained, the attached order is entered.

ORDER OF COURT

AND NOW, this 24th day of July 1994, defendants are directed to provide complete and detailed responses to all interrogatory questions except 1, 2 and 12 within 30 days or else face sanctions as discussed in the attached opinion.

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF JOHN H. AIKEN, DEC'D
Late of Highland Township, Adams County, Pennsylvania
Executor: Adams County National Bank, Trust Office, Lincoln Square, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esquire, 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PAUL E. ALTOFF, DEC'D
Late of the Borough of Littlestown, Adams County, Pennsylvania
Executrix: Margaret Mary Altoff, 103 West Barre Street, Baltimore, MD 21201
Attorney: David K. James, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SARAH E. BALTZLEY, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Executrix: Nancy M. Herring, P.O. Box 35, 1221 Old Route 30, Cashtown, PA 17310
Attorney: Robert E. Campbell, Campbell, White & George, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF FREDERICK A. LASH, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executor: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325
Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARGARET R. LOEFFEL, DEC'D
Late of the Borough of Littlestown, Adams County, Pennsylvania
Executrix: Margaret Adams Rineman, P.O. Box 1207, 411 Maple Avenue, Hanover, PA 17331
Attorney: Ronald J. Hagarman, Esquire, 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF COREAN R. McMILLION, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executrix: Marguerite E. Davies, 100 Golf Circle, Bernville, PA 19506
Attorney: Bigham & Raffensperger, Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF BERNARD P. MURREN, DEC'D
Late of Mt. Pleasant Twp., Adams County, Pennsylvania
Executors: Teresa C. Glass, 544 Brickcrafters Rd., New Oxford, PA 17350; Gerald A. Murren, 600 Bender Rd., Hanover, PA 17331
Attorney: Bigham & Raffensperger, Attorneys at Law, 16 Lincoln Sq., Gettysburg, PA 17325

ESTATE OF J. DONALD SMITH, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Thomas E. Smith, 28 Laurel Woods Lane, Hanover, PA 17331
Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF RUTH A. COLE, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Executor: Edward A. Herring, 50 Ragged Edge Road, Orrtanna, PA 17353
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CHARLOTTE H. HARBOLD, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Executor: Randall S. Harbold, 801 Lakeview Drive, Lancaster, PA 17601
Attorney: Clayton R. Wilcox, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF MARES SHERMAN, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325
Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF LUTHER JUNIOR SPEELMAN a/k/a LUTHER J. SPEELMAN, DEC'D
Late of Union Township, Adams County, Pennsylvania
Executrix: Linda Speelman, 3086 Baltimore Pike, Gettysburg, PA 17325
Attorney: Ronald J. Hagarman, Esquire, 110 Baltmore Street, Gettysburg, PA 17325

ESTATE OF DOROTHY G. WILLIAMS, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executrix: E. Louise Williams, 415 Table Rock Road, Gettysburg, PA 17325
Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF ANGELA GRACE HOUCK, DEC'D
Late of the Borough of Littlestown, Adams County, Pennsylvania
Executrix: Sherry L. Stone, 3502 Littlestown Pike, Westminster, MD 21158
Attorney: Audrey E. Woloshin

ESTATE OF GLADYS P. TEAL, DEC'D
Late of Mt. Pleasant Township, Adams County, Pennsylvania
Executors: Margaret J. and Harry N. Small, P.O. Box 4, New Oxford, PA 17350
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF JAMES KENNETH ZEIGLER a/k/a KENNY ZEIGLER, DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Executrix: Oneda M. Rohrer, 7015 York Road, Abbottstown, PA 17301
Attorney: Charles W. Wolf, 112 Baltimore Street, Gettysburg, PA 17325