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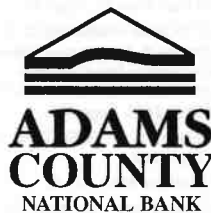
October 5, 2001

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-301 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 October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin on the southern property line of a public road or street in the development known as Woodcrest Estates herebelow further identified, said point being at the northwest corner of Lot No. 28 on the Plan of Lots below identified (now or formerly of Richard Sanders and wife); thence by said Lot No. 28, South 31 degrees 37 minutes West, 110 feet to an iron pin on line of land of the U.S. Government; thence by said last-mentioned land, North 58 degrees 23 minutes West, 145 feet to the southernmost corner of Lot No. 30 (now or formerly of Thomas J. Muenzenmeyer); thence by said Lot No. 30, North 69 degrees 37 minutes East, 139.5 feet to an iron pin at curve in said public road or street; thence by the southern property line of said public road or street, South 58 degrees 23 minutes East, 58.2 feet to the place of BEGINNING.

The above description was taken from a draft of survey by LeRoy H. Winebrenner, C.S., dated August 18, 1971, designating the above as Lot No. 29, which is the same lot shown on said Plan of Lots of Woodcrest Estates, recorded in Miscellaneous Book EE at page 315.

TITLE TO SAID PREMISES IS VESTED IN Judith Lanyon Lewis, single by Deed from Alice Kerr Laird, single dated 4/24/92 recorded 4/27/92 in Record Book 624 Page 78.

SEIZED and taken into execution as the property of **Judith Lanyon Lewis** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 19, 2001, and distribution will be made in accordance with said schedule, unless

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

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

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

9/21, 28 & 10/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-586 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development Plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69, Page 23 (together with all amendments and supplements, thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 33 as more fully bounded and described in such Plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania in Record Book 1271, Page 34.

TOGETHER with the limited common elements appurtenant as more fully shown of Plan Book 71, Page 34.

TITLE TO SAID PREMISES IS VESTED IN Francis K. Kadish and Wendy S. Kadish, his wife by Deed Corrective from dated 2/15/2000, recorded 3/23/2000, in Record Book 2018, Page 327.

Premises being: 77 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. MAP #(1)-52

SEIZED and taken into execution as

the property of **Francis & Wendy Kadish** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 23, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/21, 28 & 10/5

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 Friday, October 12, 2001, at 9:00 o'clock a.m.

HORWEDEL—Orphans' Court Action Number OC-102-01. The First and Final Account of Francis E. Horwedel, Executor of the Estate of Evelyn K. Horwedel, deceased, late of Cumberland Township, Adams County, Pennsylvania.

REDDEN—Orphans' Court Action Number OC-103-01. The First and Final Account of Wayne B. Ogburn, Jr., Executor of the Estate of Lena M. Redden, deceased, late of Cumberland Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

9/28 & 10/5

LOVE VS. CUMMINGS ET AL

1. Even before the Code of Professional Responsibility or the Rules of Professional Conduct were adopted, the common law recognized that a lawyer could not undertake to represent an interest adverse to a former client in a matter substantially related to that for which the lawyer had previously represented the client.

2. ...a former client seeking to disqualify a law firm from representing an adverse party on the basis of its past relationship with a member of the law firm has the burden of proving: (1) that the past attorney/client relationship existed which was adverse to a subsequent representation by a law firm of the other client; (2) that the subject matter of the relationship was substantially related; (3) that a member of the law firm, as attorney for the adverse party, acquired knowledge of confidential information from or concerning the former client, actually by operation of law...

3. Two different tests have been utilized in this Commonwealth to determine whether an easement has been created by implication: the traditional test and the Restatement of Property test...

4. Where an owner of land subjects part of it to an open visible, permanent and continuous servitude or easement in favor of another part and then aliens either, the purchaser takes subject to the burden or the benefit as the case may be, and this irrespective of whether or not the easement constituted a necessary right of way...

5. The Restatement of Property test "emphasizes a balancing approach, designed to ascertain the actual or implied intention of the parties."... "No single factor under the Restatement approach is dispositive." Section 476 of the Restatement of Property designates the following factors as important in determining whether an easement by implication exists:

- (a) whether the claimant is the conveyor or the conveyee
- (b) the terms of the conveyance,
- (c) the consideration given for it,
- (d) whether the claim is made against a simultaneous conveyance,
- (e) the extent of necessity of the easement to the claimant,
- (f) whether reciprocal benefits result to the conveyor,
- (g) the manner on which the land was used prior to its conveyance, and
- (h) the extent to which the manner or prior use was or might have been known to the parties.

6. ...In addition, this court has noted that "the extent to which an easement is necessary under the circumstances is a factor heavily weighed in determining whether an easement should be implied."...

7. An easement by implication would have arisen only at the time which ownership of the two parcels in question first became separated.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 97-S-917, VIRGIL LOVE AND SUZETTE R. LOVE VS. FLOYD E. CUMMINGS, ALICE R. MILLER, MARY M. REDDING, AND C. E. WILLIAMS SONS, INC.

John J. Mooney, III, Esq., for Plaintiffs
Henry O. Heiser, III, Esq., for Defendants
Kuhn, J., January 30, 2001

MEMORANDUM OPINION

Before the Court for disposition is Plaintiffs' Motion to Disqualify Counsel in which they seek to have Henry O. Heiser, III, prohibited from representing Defendants in this matter. The following background is garnered from the record.

In early 1990, the law office of Swope, Heiser & McQuaide was representing Robert Dwight Selby, now Virgil Love (Plaintiff) in a real estate transaction. Mr. Selby was purchasing an 11.21 acre parcel of real estate situate in Straban and Mt. Joy Townships through an 18 month option agreement with the Western Pennsylvania Conservancy. He was familiar with the property and had been spending time at the property performing repairs. Access to the property is via a private dirt road which exits onto Highland Avenue. Situate along the private road and beginning at Highland Avenue was property then owned by Fil Nas Corporation and Defendants, Cummings, Miller, Redding and C.E. Williams Sons, Inc.

Prior to settlement, Mr. Love was aware that the only access to the property was via the private road and that some of the properties adjacent to the road did not enjoy a legal right-of-way. In fact, as early as 1988, Mr. Love communicated with Ms. Miller requesting that she join with him in securing a legal right-of-way and offered to pay legal expenses she might incur. Several weeks before settlement, Mr. Love reviewed the purchase with Harold A. Eastman, Jr., an attorney in the office of Swope, Heiser and McQuaide. During that discussion Mr. Love advised Mr. Eastman of his interest in having owners of all the properties along the private road join in an action to pursue legal access to and from Highland Avenue.

Settlement on the purchase occurred February 2, 1990, in the office of Swope, Heiser & McQuaide. At that time, Attorney Eastman reviewed a Lienholder's Certificate of Title Examination with Mr. Love on which was noted by Special Exception "1. The premises does not abut a public highway. Access is by a private road only. The right of use of this private road may be in dispute." There is some dispute whether Mr. Love received a copy of the title binder or the lien certificate although a copy of the same was in the attorney's file. Attorney Eastman did not recall the specifics of the discussions at settlement but he did recall there were discussions concerning the issue of access to the property. Mr. Love agrees that he

discussed the access issue with Attorney Eastman but was never told he might have to pay for a right-of-way in the future. Attorney Eastman has not been associated with the firm of Swope, Heiser & McQuaide since October, 1997.

Plaintiffs were not represented by Swope, Heiser & McQuaide in any matter before or after the aforementioned transaction. Henry O. Heiser, Esquire, was a partner in Swope, Heiser & McQuaide during that time, although he did not personally represent Mr. Love. Currently, Attorney Heiser is a sole practitioner.

At some point, apparently in or about 1996, Plaintiffs were hindered in getting to their property because a gate had been erected at the Redding property. A letter was written to Plaintiff by Attorney Heiser as counsel for Ms. Redding.

On June 6, 1997, Plaintiffs bought a 7.31 acre parcel formerly owned by Fil-Nas Corporation, situate on the western side of the private road at the corner of Highland Avenue and Hanover Road. In that matter Plaintiffs were represented by Ralph Oyler, Esquire. They had to obtain a right-of-way from C.E. Williams, Inc. (represented by Robert Campbell, Esquire) for access over the private road.

On September 29, 1997, Plaintiffs (represented by John J. Mooney, III, Esquire) initiated the above captioned Quiet Title action seeking a 15-foot wide access across Defendants' property via the private road to their property purchased in 1990. On July 27, 1998, Attorney Mooney wrote to Attorney Heiser advising, inter alia, that he had been instructed to file a motion to disqualify Attorney Heiser's firm because that office represented Mr. Love when he purchased the property. Nothing further occurred in that regard. On October 20, 1997, Attorney Heiser wrote to Attorney Mooney that he was representing Cummings, Miller and Redding and that he believed the matter could be resolved amicably. On June 1, 1998, Attorney Heiser filed an Answer to the Complaint on behalf of his clients. A survey of the private road was made but settlement was not achieved.

A pre-trial conference was held on September 9, 1998. It was agreed that the Court would conduct a view of the roadway and determine whether it runs through unenclosed woodland. After the Court entered its finding on that issue, the parties would have 45 days to complete discovery depositions. Attorney Heiser indicated that his clients were not opposed to Plaintiffs' access via the private road but

wanted some compensation and maintenance contribution. On November 18, 1998, the Court determined that the private roadway did not pass through enclosed woodland. Discovery depositions were taken on February 16, 1999, of Redding and a non-party witness, and on June 14, 1999, of Cummings, Miller and another non-party witness.

A subsequent pre-trial conference was held April 5, 2000. Attorney Heiser again expressed what his clients were seeking. A non-jury trial was set for December 5, 2000, on the sole issue of implied easement by necessity.

On October 30, 2000, Plaintiffs filed a Motion to Disqualify Counsel wherein they seek to have Attorney Heiser removed as counsel for Defendants, Cummings, Miller and Redding, alleging therein a conflict of interest under Rules 1.7 and 1.9 of the Code of Professional Responsibility.¹ A hearing on the Motion was held December 15, 2000.

It has long been held that a lawyer has a fiduciary duty to keep his client's confidences. *Maritrans v. Pepper Hamilton & Scheetz*, 602

¹ RULE 1.7 CONFLICT OF INTEREST: GENERAL RULE

- (a) A lawyer shall not represent a client if the representation of that client will be directly adverse to another client, unless:
- (1) the lawyer reasonably believes the representation will not adversely affect the relationship with the other client; and
 - (2) each client consents after consultation.
- (b) lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless:
- (1) the lawyer reasonably believes the representation will not be adversely affected; and
 - (2) the client consents after full disclosure and consultation. With representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

RULE 1.9 CONFLICT OF INTEREST: FORMER CLIENT

A lawyer who has formerly represented a client in a matter shall not thereafter:

- (a) represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client consents after a full disclosure of the circumstances and consultation; or
- (b) use information relating to the representation to the disadvantage of the former client except as Rule 1.6 would permit with respect to a client or when the information has become generally known.

A.2d 1277, 1283 (Pa. 1992). Even before the Code of Professional Responsibility or the Rules of Professional Conduct were adopted, the common law recognized that a lawyer could not undertake to represent an interest adverse to a former client in a matter substantially related to that for which the lawyer had previously represented the client. 602 A.2d at 1284. Thus, if a former client imparts confidential information to his lawyer to aid the lawyer in dealing with particular issues and those confidences could be used against the client in a subsequent matter, there is a substantial relationship between the matters and disqualification is required. *Triffin v. DiSalvo*, 643 A.2d 118, 120 (Pa. Super. 1994).

A comprehensive statement of the law in this area was set forth in *Estate of Pew*, 655 A.2d 521, 545-6 (Pa. Super. 1994) wherein it was written,

An attorney is prohibited from undertaking a representation adverse to a former client in a matter “substantially related” to that in which the attorney previously had served the client. *Maritrans v. Pepper, Hamilton & Scheetz, supra.*, 529 Pa. at 256, 602 A.2d at 1284. The fact that two representations involved similar or related facts is not, in itself, sufficient to warrant the finding of a substantial relationship so as to disqualify the attorney from representation, but, rather the test is whether information acquired by an attorney in his former representation is substantially related to the subject matter of subsequent representation. If the attorney might have acquired confidential information related to the subsequent representation, Pennsylvania Rule of Professional Conduct 1.9 would prevent the attorney from representing the second client. ...Confidential information gained by one member of a law firm is imputable to other members of the same law firm... Therefore,...a former client seeking to disqualify a law firm from representing an adverse party on the basis of its past relationship with a member of the law firm has the burden of proving: (1) that the past attorney/client relationship existed which was adverse to a subsequent representation by the law firm of the other client; (2) that the subject matter of the relationship was substantially related; (3) that a member

of the law firm, as attorney for the adverse party, acquired knowledge of confidential information from or concerning the former client, actually by operation of law... (citations omitted).

With these guidelines in mind, we conclude that Plaintiffs' motion to disqualify Attorney Heiser from representing his clients must be denied. There is no question that there had been an attorney-client relationship between Mr. Love and Attorney Heiser's law firm. The scope of the original representation was to perform a title search and to represent Mr. Love in the purchase of real estate. During the course of that representation, an attorney in the office of Swope, Heiser & McQuaide advised Mr. Love that access to the property was only by use of a private road and that use may be in dispute. By his own admissions and even before being represented by Attorney Heiser's firm, Mr. Love was aware that access was by the private roadway and that a "legal right-of-way" might have to be obtained. More than 10 years has passed since that representation ended and Plaintiffs filed the instant motion. During that time they bought other real estate adjacent to the private road and were represented by a different law office.

The instant representation involves Plaintiffs' attempt to secure legal permission to access their property by way of the private road. By agreement of counsel, the sole issue to resolve in the instant action is whether Plaintiffs are entitled to an implied easement. Recently, Superior Court had occasion to set out the law on such easements in *Phillippi v. Knotter*, 748 A.2d 757, 761-2 (2000). There it was noted that,

"an easement by implication can be found to exist where the intent of the parties is demonstrated by the terms of the grant, the property's surroundings and any other res gestae of the transaction." ...Two different tests have been utilized in this Commonwealth to determine whether an easement has been created by implication: the traditional test and the Restatement of Property test... The Pennsylvania Supreme Court defined the traditional test as follows:

It has long been held in this Commonwealth that although the language of a granting clause does not

contain an express reservation of an easement in favor of the grantor, such an interest may be reserved by implication, and this is notwithstanding that the easement is not essential for the beneficial use of the property...The circumstances which give rise to an impliedly reserved easement have been concisely put by Chief Justice Horace Stern...:

“[w]here an owner of land subjects part of it to an open, visible, permanent and continuous servitude or easement in favor of another part and then aliens either, the purchaser takes subject to the burden or the benefit as the case may be, and this irrespective of whether or not the easement constituted a necessary right of way.” ...

...Our Supreme Court further stated:

Easements by implied reservation...are based on the theory that continuous use of a permanent right-of-way gives rise to the implication that the parties “intended that such use would continue, notwithstanding the absence of necessity for the use.

...

The Restatement of Property test “emphasizes a balancing approach, designed to ascertain the actual or implied intention of the parties.”...“No single factor under the Restatement approach is dispositive.” *Id.* Section 476 of the Restatement of Property designates the following factors as important in determining whether an easement by implication exists:

- (a) whether the claimant is the conveyor or the conveyee,
- (b) the terms of the conveyance,
- (c) the consideration given for it,
- (d) whether the claim is made against a simultaneous conveyance,
- (e) the extent of necessity of the easement to the claimant,

- (f) whether reciprocal benefits result to the convey-
or and the conveyee,
- (g) the manner on which the land was used prior to
its conveyance, and
- (h) the extent to which the manner or prior use was
or might have been known to the parties.

...In addition, this court has noted that “[t]he extent to which an easement is necessary under the circumstances is a factor heavily weighed in determining whether an easement should be implied.”...

An easement by implication could have arisen only at the time at which ownership of the two parcels in question first became separated ... (citations omitted).

See also *Bucciarelli v. DeLisa*, 691 A.2d 446 (Pa. 1997).

Plaintiffs have not alleged nor have they proven that anyone in the office of Swope, Heiser & McQuaide was privy to any confidential information regarding Plaintiffs generally nor any specific confidential information that would be relevant to Plaintiffs’ burden to prove an easement by implication. This is not surprising. Title records, surveys, maps, and testimony of prior owners relevant to establish the easement can hardly be considered confidential information. Absent evidence of the exchange of such confidences, Plaintiffs fail in their effort to establish a conflict of interest that would require disqualification of counsel.

We note in passing Plaintiffs’ argument that Attorney Eastman failed to investigate whether a prescriptive easement was available for the benefit of their property, perhaps, to their detriment because they were seeking marketable title. That, however, begs the question before the Court. We are not presently addressing whether counsel acted negligently. Instead, we focus on whether Plaintiffs imparted confidences to counsel which could be used against them in their effort to establish an easement by implication. Whether counsel breached a contractual duty to the client regarding marketable title is irrelevant to that inquiry.

Accordingly, we enter the attached Order.

ORDER OF COURT

AND NOW, this 30th day of January, 2001, Plaintiffs’ Motion to Disqualify Counsel, filed October 30, 2000, is hereby denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-441 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the northerly right of way line of Oxwood Circle in the Borough of New Oxford, County of Adams and State of Pennsylvania known and numbered as Lot No. 19 on a final plan of lots for Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58, page 41A, more fully bounded and described as follows, to-wit:

BEGINNING at a point on the northerly right of way line of Oxwood Circle, at a corner of Lot No. 20 on said plan; thence extending along the said Lot No. 20 North 13 degrees 48 minutes 06 seconds East 125 to a point; thence South 76 degrees 11 minutes 54 seconds East 20 feet to a point, at a corner of Lot No. 18 on said plan; thence extending along the said Lot No. 18 South 13 degrees 48 minutes 06 seconds West 125 feet to a point on the northerly right of way line of Oxwood Circle; thence extending along the said right of way line North 76 degrees 11 minutes 54 seconds West 20 feet to the point and place of BEGINNING.

Tax Parcel 007-0094

Being known as 19 Oxwood Circle, New Oxford, PA 17350

SEIZED and taken into execution as the property of **James Starnor** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 12, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/21, 28 & 10/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-684 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Easterly right of way line of Kinneman Road in the Township of Abbotstown, Adams County, Pennsylvania known and numbered as Lot No. 34 on a final plan of Abbots Manor Phase I recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Easterly right of way line of Kinneman Road at a corner of Lot No. 35 on said plan; thence extending along the said right of way line North 1 degree 23 minutes 20 seconds East 85 feet to a point at a corner of Lot No. 33 on said Plan; thence extending along the said Lot No. 33 South 88 degrees 36 minutes 40 seconds East 120 feet to a point; thence South 1 degree 23 minutes 20 seconds West 85 feet to a point at a corner of Lot No. 35 on said plan; thence extending along the said Lot No. 35 North 88 degrees 36 minutes 40 seconds West 120 feet to the point and place of BEGINNING.

CONTAINING 10,200 Square Feet.

HAVING thereon erected a dwelling known as 76 Kinneman Road, Abbotstown, Pennsylvania 17301.

TITLE TO SAID PREMISES IS VESTED IN Ronald E. Moats and Ronda J. Moats, as joint tenants with right of survivorship by Deed from The Secretary of Housing and Urban Development dated 10/3/2000 and recorded 10/6/2000 in Record Book 2140, Page 219.

Premises being: 76 Kinneman Road, Abbotstown, PA 17301

Tax Parcel No. (1) 005-0032

SEIZED and taken into execution as the property of **Ronald E. & Ronda L. Moats** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, 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.

10/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-1070 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, 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 parcel of ground situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 129 on a plan of lots of Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book 4, page 233.

IT BEING the same premises which Robert J. Brogan and Deborah A. Brogan, his wife, by their deed dated September 19, 1997, and recorded September 22, 1997, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1442, page 190, granted and conveyed to Marvin L. Blevins.

Street Address: 129 Heritage Drive, Gettysburg, PA 17325

District: Map: 8 Parcel Number: 50

SEIZED and taken into execution as the property of **Marvin L. Blevins** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/28, 10/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-631 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land with the improvements thereon erected, situate, lying and being in Germany Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING for a point at an iron pin on the centerline of Township Road and lands now or late of St. Aloysius Cemetery; thence along said lands, South sixty-eight (68) degrees East, one hundred twenty-five (125) feet to an iron pin at lands now or late of Paul S. Beecher; thence South twenty-five (25) degrees sixteen (16) minutes West, one hundred (100) feet to an iron pin; thence by lands of the same, North sixty-eight (68) degrees West, one hundred twenty-five (125) feet to an iron pin on the centerline of said Township Road; thence along the centerline of said Township Road, North twenty-five (25) degrees sixteen (16) minutes East, one hundred (100) feet to an iron pin; the place of BEGINNING. CONTAINING .2876 acres of land as per survey made May 3, 1995, by J.H. Rite, Registered Engineer, appearing in Field Book No. 16, Page 77.

BEING KNOWN AS: 50 Bittle Road, Littlestown, PA 17340

PROPERTY ID# J17-122

TITLE TO SAID PREMISES IS VESTED IN Darryl A. Williams by deed from Bankers Trust Company of California dated 7/19/00 and recorded 8/10/00 in Deed Book 2104 Page 232.

SEIZED and taken into execution as the property of Darryl A. Williams and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/28, 10/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-514 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 November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Hamiltonban Township, now being Carroll Valley Borough, Adams County, Pennsylvania, being Lot No. 202 in Section J, bounded and described as follows:

BEGINNING at a point in the cul-de-sac of Field Trail at Lot No. 201; thence in the cul-de-sac and by said Lot North 3 degrees 11 minutes 40 seconds West, 200 feet to Lot No. 187; thence by said Lot and by Lot No. 186 South 87 degrees 23 minutes 40 seconds East, 231.11 feet to lands of George C. Steinberger; thence by said lands South 23 degrees 45 minutes West, 213.34 feet to Lot No. 203; thence by said Lot in the cul-de-sac of said Field Trail, North 87 degrees 23 minutes 40 seconds West, 133.94 feet to the place of BEGINNING.

HAVING erected thereon a dwelling known as 15 Field Trail, and being Tax I.D. No. 2-141.

BEING the same premises which United Companies Lending Corporation, by its Attorney-in-Fact, Federal National Mortgage Association, by Deed dated September 29, 1998 and recorded in the Office of the Recorder of Deeds of Adams County on October 2, 1998, in Deed Book Volume 1672, Page 246, granted and conveyed unto Neil E. Shriner and Stacey R. Shriner.

SEIZED and taken into execution as the property of Neil E. & Stacey R. Shriner and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 3, 2001, 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.

10/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-566 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 October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the southerly side of Oxwood Circle in the Borough of New Oxford, County of Adams and Commonwealth of Pennsylvania known and numbered as Lot No. 21 on a final plan of Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58 Page 41A, more fully bounded and described as follows, to wit:

BEGINNING at a point on the southerly right of way line of Oxwood Circle at a corner of Lot No. 20 on said plan; thence extending along the right of way line South 76 degrees 11 minutes 54 seconds East 20 feet to a corner of Lot No. 22 on said plan; thence extending along the said Lot No. 22 South 13 degrees 48 minutes 06 seconds West 125 feet to a point; thence North 76 degrees 11 minutes 54 seconds West 20 feet to a corner of Lot No. 20 in said plan; thence extending along the said Lot No. 20 North 13 degrees 48 minutes 05 seconds East 125 feet to the point and place of BEGINNING.

Premises being: 23 Oxwood Circle, New Oxford, PA 17350

Tax Parcel No. #7-91

SEIZED and taken into execution as the property of Harold E. & Cathleen M. Mott and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 19, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/28, 10/5 & 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 PAUL R. DEYARMIN, SR.,
DEC'D

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

Executors: Mark R. Deyarmin, 2476
Brookmar Drive, York, PA 17404;
Douglas A. Deyarmin, 101
Meadowdale Drive, Downingtown,
PA 19355

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

SECOND PUBLICATION

ESTATE OF RALPH W. CHAPDELAINE,
DEC'D

Late of Cumberland Township, Adams
County, Pennsylvania

Administrator: Colleen R. Hartman, 19
Spruce Drive, Gettysburg, PA 17325

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

ESTATE OF LILLIAN B. STOCKHAM,
DEC'D

Late of Reading Township, Adams
County, Pennsylvania

Executors: Helen L. Shireman, 4960
Carlisle Pike, New Oxford, PA
17350; Charles E. Stockham, 55
Browns Dam Road, New Oxford, PA
17350; Edwin H. Stockham, 5820
Melville Road, Sykesville, MD
21784

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

ESTATE OF DOLORES D. WAGNER,
DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executrices: Shirley A. Bollinger, 5471
Lake Drive, Spring Grove, PA
17362; Darlene D. Miner, 70 Oak
Hill Drive, Hanover, PA 17331

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

ESTATE OF WILBUR K. WINGERD,
DEC'D

Late of Franklin Township, Adams
County, Pennsylvania

Executor: Farmers and Merchants
Trust Company of Chambersburg,
20 South Main Street, P.O. Box "T",
Chambersburg, PA 17201

Attorney: George E. Wenger, Jr., Esq.,
Hoskinson & Wenger, 147 East
Washington Street, Chambersburg,
PA 17201

THIRD PUBLICATION

ESTATE OF MABEL J. ANGEL, DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executrix: Susan Birgensmith, 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 NORMAN E. FRIDINGER,
DEC'D

Late of Hamilton Township, Adams
County, Pennsylvania

Executor: PNC Bank, P.O. Box 308,
Camp Hill, PA 17001-0308,
Attention: Linda J. Lundberg,
Assistant Vice President.

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

ESTATE OF CLYDE P. ORNER, DEC'D

Late of Butler Township, Adams
County, Pennsylvania

Executor: James H. Siglin, 485
Redwood Drive, Lancaster, PA
17603

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

ESTATE OF DORIS MAE STIVERSON,
DEC'D

Late of Huntington Township, Adams
County, Pennsylvania

Administratrix: Carole A. Brunner, 35
Georgetown Rd., Gardners, PA
17324

Attorney: George F. Douglas III, Esq.,
Douglas, Douglas & Douglas, P.O.
Box 261, Carlisle, PA 17013

Adams County Legal Journal

Vol. 43

October 12, 2001

No. 20, pp. 115-117

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-770 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Tax Parcel No. K-11-70

ALL THAT CERTAIN lot, parcel, piece of ground with the improvements thereon erected situate in Oxford Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center of the Lincoln Highway (US Route 30) at the corner of lands now or late of Francis J. Yake Jr.; thence along the land now or late of Francis J. Yake Jr., South Twenty-six (26) degrees Thirty-eight (38) minutes Zero (0) seconds East, Two Hundred Twenty-six and Fifty-six hundredths (226.56) feet to an iron pin; thence along lands now or late of Stewart V. Walker, South Seventy-two (72) degrees Zero (0) minutes Zero (0) seconds West, Two Hundred Thirty and Thirty-seven hundredths (230.37) feet to a point in concrete; thence along lands now or late of Cindy A. Black, North Eighteen (18) degrees Zero (0) minutes Zero (0) seconds West, Two Hundred (200) feet to an iron pin; thence continuing along said lands North Twenty-six (26) degrees Thirty-eight (38) minutes Zero (0) seconds West, Twenty-five and Twenty-seven hundredths (25.27) feet to a point Seventy-two (72) degrees Zero (0) minutes Zero (0) seconds East, Two Hundred (200) feet to the place of BEGINNING.

THIS DESCRIPTION combines Parcels 1 and 2 of a prior deed. The part of the premises (formerly known as Parcel 2) is subject to restrictions as contained in Deed Book 230 page 7.

BEING the same premises which Deborah C.C. Gibbons, a single woman, by her deed dated February 19, 1998 and recorded February 20, 1998 in the Office of the Recorder of Deeds for Adams County in Deed Book 1523 page 319, granted and conveyed to Gary L. Landis, a single man.

ALSO BEING the same premises which Merle C. Weant and Gloria A. Weant, his wife by deed dated February 19, 1998 and recorded in the Office of the Recorder of Deeds for Adams County in Deed Book 1634 page 57,

confirmed by Order of The Bankruptcy Court, granted and conveyed their undivided two-thirds interest to Gary L. Landis, a single man.

Tax Parcel No. J6-23

ALL the following described two (2) tracts of land:

TRACT NO. 1: ALL that certain tract of land situate, lying and being in Reading Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stone and land formerly of David Brown, now of Haines B. Dicks; thence south eighty-eight and one-half (88 1/2) degrees east ninety-six and four-tenths (96.4) perches to a stone; thence due south, fifteen and four-tenths (15.4) perches to a stone; thence by land now or formerly of A. D. Brown and land formerly of Andrew Brown, now of H. D. Brown, south eighty-eight and one-half (88 1/2) degrees east, sixty-four (64) perches to a stone; thence by land now or formerly of George Bell, Esq., north one (1) degree West, twenty-one and eight-tenths (21.8) perches to a stone; thence north by land of the same sixty-six (66) degrees west, twelve (12) perches to a stone; thence north thirteen and one-half (13 1/2) degrees East, sixty (60) perches to a stone and lands of the same; thence north seventy-four (74) degrees west, eighteen and eight-tenths (18.8) perches to a stone; thence north twenty-five (25) degrees east, forty-one and five-tenths (41.5) perches to a stone; thence by same north seventy-six and one-half (76 1/2) degrees west, fifty (50) perches to a stone; thence by land formerly of Elijah Myers, now H. J. Brown, south twenty-five (25) degrees west, sixty-six (66) perches to a stone; thence by lands of the same north forty-five and one-half (45 1/2) degrees west, thirty-seven and five-tenths (37.5) perches to a stone; thence south sixty-five (65) degrees west, sixty-one and seven-tenths (61.7) perches to a stone; thence south one and one-half (1 1/2) degrees west, sixty-three and five-tenths (63.5) perches to a stone, the place of BEGINNING. CONTAINING ninety-three (93) acres and forty-eight (48) perches of land, more or less.

IT BEING the same tract of land which Florence V. Tribit, now Florence V. Stephens and Dean T. Stephens, her husband, by their deed dated October 30, 1954 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Deed Book Vol. 208 at page 193, sold and conveyed

unto Eugene C. Lemmon and Irene E. Lemmon, his wife, as tenants by the entireties.

TRACT NO. 2: ALL that farm in Reading Township, Adams County, Pennsylvania, containing approximately 115.831 Acres and consisting of three contiguous parts or parcels, more particularly bounded and described as follows:

Part No. 1: BEGINNING at a stone in the state highway leading from York Springs to East Berlin at corner of land now or formerly of Walter Lemmon; thence in said highway and along said land and land now or formerly of F. Robert Seaman, South 44 1/2 degrees East 29.9 perches to a point; thence along said last mentioned land North 42 1/2 degrees East 34.5 perches to a post at corner of Part No. 2 hereof; thence along Part No. 2 hereof South 75 degrees East 81.8 perches to a post at corner of Part No. 3 hereof; thence along Part No. 3 hereof South 50 1/2 degrees West 44.85 perches to a post; thence along land formerly of W. Archer Hess South 13 1/2 degrees West 18.5 perches to a point in the aforementioned state highway leading from York Springs to East Berlin; thence in said highway and along said land formerly of W. Archer Hess South 73 1/2 degrees East 16.4 perches, to a point in the highway; thence along lands now or formerly of Joseph Stoner, South 50 1/2 degrees West 43.8 perches to stone in a road; thence in said road and continuing along same South 9 1/2 degrees East 53.3 perches to a stone in the intersection of two roads; thence in another road and along land now or formerly of Allen Schroyer North 74 3/4 degrees West 88.14 perches to a point in the middle of the road; thence along land now or formerly of Roy Brown North 9 1/2 degrees East 23.5 perches to a white oak; thence continuing along same North 89 degrees West 66.7 perches to a stone; thence along land now or formerly of Walter Lemmon North 14 3/4 degrees East 86 perches to a stone; thence continuing along same South 83 3/4 degrees East 20.4 perches to a stone; thence continuing along same North 68 1/2 degrees East 35 perches to the stone in the state highway, the place of BEGINNING. CONTAINING 100 Acres and 128 Perches.

The above description was obtained from a draft of survey prepared by P.S. Orner, County Surveyor, dated October 26, 1951.

(continued on page 2)

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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Part No. 2: BEGINNING at a point at corner of Part No. 1 hereof; thence along land now or formerly of F. Robert Seaman North 36 degrees East 15.75 perches to an iron pin; thence continuing along same, South 79 degrees 15 minutes 90 perches to an iron pin; thence along land now or formerly of Earl Sponseller South 16 degrees 15 minutes East 16.73 perches to a post; thence along Part No. 3 hereof and Part No. 1 hereof, North 78 degrees 30 minutes West 103.8 perches to the point and place of BEGINNING. CONTAINING 8 Acres and 133 Perches.

The above description was obtained from a draft of survey prepared by LeRoy H. Winebrenner, County Surveyor, dated June 16, 1961.

Part No. 3: BEGINNING at a pin at a corner of Part No. 1 hereof; thence along Part No. 1 hereof North 49 degrees 30 minutes East 728 feet to a point at corner of Part No. 1 hereof and on line of Part No. 2 hereof; thence along Part No. 2 hereof South 75 degrees East 367.12 feet to a point; thence along lands now or formerly of Joseph Stoner South 15 degrees East 99 feet to an existing post; thence continuing along same South 50 degrees 30 minutes West 589 feet to a pin; thence along land now or formerly of W. Hess North 79 degrees 7 minutes West 487.4 feet to the point and place of BEGINNING. CONTAINING 6.2 Acres.

The above description was obtained from a draft of survey prepared by George M. Wildasin, dated September 9, 1961.

SEIZED and taken into execution as the property of **E. Matthew & Emily D. Stambaugh** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, 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.

10/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-495 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described real estate, lying and being situate in Hamiltonban Township, Adams County, Pennsylvania, with a property address of 2498 Iron Springs Road, Fairfield, Pennsylvania, bounded and described as follows:

BEGINNING at an existing iron pin at North edge of the wearing surface of the public road leading from Greenstone to Iron Springs; thence across said road and along the southerly edge of said public road, South 69 degrees East 453.2 feet to an iron pin; thence along the easterly side of a private entrance road South 25 degrees 30 minutes West 406.2 feet to an iron pin at a post; thence along a line of posts South 66 degrees 46 minutes West 169.8 feet to an iron pin at a post; thence continuing along a line of posts, South 75 degrees 59 minutes West 88.6 feet to an iron pin; thence North 58 degrees 38 minutes West, 61 feet to an iron pin at the eastern right of way of Western Maryland Railway Co.; thence along the eastern right of way of Western Maryland Railway Co., by a curve to the left whose radius is 603.14 feet and whose arc is 626.36 feet to an iron pin on said right of way at the North Edge of the first mentioned public road; thence South 86 degrees 17 minutes East 112.9 feet to the point, the place of BEGINNING. CONTAINING 4.1 acres, more or less. The above description was obtained from a draft of survey prepared by Harry Knox, Registered Engineer, dated July 1, 1966.

BEING the same real estate which Lawrence V. Young, Trustee in Bankruptcy for Wahoo Mountain Enterprises, Inc., successor by merger and reorganization of Blue Ridge Pipe & Nipple Co., conveyed to Zefer Operations, Inc. by deed dated November 8, 1996, and recorded in Adams County Deed Book Volume 1301, Page 216.

The above-described real estate includes an area described as follows:

BEGINNING at a set iron pin at the intersection point of the southerly side of Iron Springs Road (SR 3014) and the eastwardly property line of Grantor's rail

corridor, thence along a curve to the right having a radius of 218.16 feet and an arc length of 134.50 feet to a set iron pin with a chord bearing of South 89 degrees 37 minutes 24 seconds East with a chord of 132.38 feet, said line is twenty-five feet from the centerline of Iron Springs Road; thence leaving said road and along land of Grantee South 48 degrees 19 minutes 40 seconds East a distance of 327.45 feet to a point; thence along the land of Grantee and through two existing buildings, South 81 degrees 7 minutes 5 seconds West a distance of 253.83 feet to a point along the eastwardly property line of Grantor's rail corridor, said point is North 81 degrees 7 minutes 5 seconds East a distance of 30.07 feet from an existing P.K. Nail in the center of rails; thence along the eastwardly property line of Grantor's rail corridor on a curve to the left having a radius of 603.14 feet and an arc length of 289.78 feet with a chord bearing of North 26 degrees 4 minutes 57 seconds West with a chord of 287.00 feet to the Point of BEGINNING.

CONTAINING 1.0705 acres, more or less, and shown as "Parcel A" on plat dated November 11, 1996, prepared by Larry S. Garver, PLS, Garver Surveying, Waynesboro, Pennsylvania, incorporated herein by reference.

BEING real estate which CSX Transportation, Inc. quit claimed to Zefer Operations, Inc. by deed dated March 12, 1997, and recorded in Adams County Deed Book Volume 1347, Page 090.

SEIZED and taken into execution as the property of **Zefer Operations, Inc.** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2001, 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.

10/12, 19 & 26

COMMONWEALTH VS. DRAKE

1. ...the double jeopardy provisions of both the United States and Pennsylvania Constitutions are co-extensive and that both protect an individual against a second prosecution for the same offense for which a conviction has already occurred.

2. ...the "principles of double jeopardy only operate to bar double prosecutions for a single offense."

3. Each event (the theft in Maryland, the possession in Adams County, and the entry into New Jersey) constituted separate criminal episodes, initiated and completed in separate jurisdictions.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-619-00, COMMONWEALTH VS. GERALD LOWELL DRAKE.

Paul Dean, Esq., Assistant District Attorney, for Commonwealth
Anthony Miley, Esq., for Defendant

Kuhn, J., February 9, 2001

MEMORANDUM OPINION

Defendant has filed a motion to dismiss this case on the basis of double jeopardy. The relevant facts are uncontroverted. On March 13, 2000, Defendant stole three horses from a farm in Frederick County, Maryland and the same day he transported them to a location in Adams County. Two days later, Defendant transported the horses to New Jersey where they were sold at an auction.

Defendant was charged with, pleaded guilty to, and was sentenced for theft of the horses in Maryland. In addition, he was charged with, pleaded guilty to, and was sentenced for Theft (Bringing Stolen Horses Into State) in New Jersey.

Defendant has been charged in Adams County with Theft by Receiving, 18 Pa. C.S.A. §3925(a), involving the same horses.¹ He challenges the Commonwealth's ability to pursue this charge by claiming that he would be subject to double jeopardy.

We believe that this issue must be decided adversely to Defendant based upon the reasoning set forth in *Commonwealth v. Hudak*, 675 A.2d 1263 (Pa. Super. 1996). In April, 1994, Hudak was charged in Allegheny County with theft by receiving in connection with a car he

¹Interestingly, the Affidavit of Probable Cause filed by Officer Holler dated June 22, 2000, alleges that the horses were in Adams County March 13-15, 2000. Nevertheless, the Criminal Complaint and the Information allege that Defendant committed the offense in Adams County during April and May, 2000.

had stolen in Westmoreland County. In June, 1994, he pleaded guilty to and was sentenced on that charge. In July, 1994, Hudak was charged with theft by unlawful taking and theft by receiving in Westmoreland County in connection with the same vehicle. He was convicted of those charges in Westmoreland County after the trial court rejected a double jeopardy motion. The Westmoreland County court did merge the receiving charge into the theft charge for sentencing purposes.

On appeal the Superior Court first addressed the question of merger. The Court agreed that the receiving and theft charges in Westmoreland County were properly merged for sentencing purposes but rejected the argument that the Westmoreland prosecution should have been barred on merger principles because of the sentence previously imposed in Allegheny County. Superior Court then noted that the double jeopardy provisions of both the United States and Pennsylvania Constitutions are co-extensive and that both protect an individual against a second prosecution for the same offense for which a conviction has already occurred. The Court observed that,

In the present case, although the same car was involved in both offenses, Hudak retained or possessed the stolen car in two different counties on two different dates; thus, the elements of RSP were established in each jurisdiction. Accordingly, we find that the facts support a determination that the Allegheny and Westmoreland County prosecutions involved separate and distinct criminal offenses stemming from separate criminal episodes, initiated and completed in two different counties. Because the “principles of double jeopardy only operate to bar double prosecutions for a single offense[.]” *Id.* at ____, 667 A.2d at 1143, we must conclude that Hudak’s prosecution in Westmoreland County for RSP in connection with the automobile was not barred on those principles.

675 A.2d at 1265.

Likewise, the same principles apply here. Defendant was charged with the unlawful taking of the horses in Maryland. The act of possessing property in Adams County which Defendant knows is stolen is a separate act, as is taking those same horses across state lines into

New Jersey. Each event (the theft in Maryland, the possession in Adams County, and the entry into New Jersey) constituted separate criminal episodes, initiated and completed in separate jurisdictions.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 9th day of February, 2001, Defendant's Motion to Dismiss on the Grounds of Double Jeopardy, filed January 11, 2001, is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-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 2nd day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Carroll Valley, Adams County, Pennsylvania, more particularly known as Lot No. 23CR of Section A, and more particularly bounded and described as follows:

BEGINNING at a point in the center of Cross Trail at Lot No. 22CR; thence by said lot, South 88 degrees 26 minutes 40 seconds West, 200 feet to Lot No. 56; thence by a portion of said lot, North 01 degree 33 minutes 20 seconds West, 100 feet to Lot No. 24CR; thence by said lot, North 88 degrees 26 minutes 40 seconds East, 200 feet to a point in the center of said Cross Trail; thence in said Cross Trail, South 01 degree 33 minutes 20 seconds East, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section A, Chamita", and dated March 10, 1965, prepared by Gordon L. Brown, R.S., recorded in Adams County Miscellaneous Docket 3 at page 733.

BEING known as 3 Cross Trail, Fairfield, PA 17320.

BEING the same premises which Richard McCleaf, single, by Deed dated May 27, 1988 and recorded May 27, 1988, recorded in the Office of the Recorder of Deeds of Adams County in Deed Book 490 Page 244 granted and conveyed unto John D. Gageby and Mary C. Gageby, husband and wife.

TOGETHER with a right-of-way and easement over the private road indicated on said lot plan recorded in Miscellaneous Book 3 at page 733, for means of ingress, egress and regress.

RESERVING, however, unto Charnita, Inc., its successors and assigns, a right-of-way and easement over said private roads indicated on said lot plan recorded in Miscellaneous Book 3 at page 733, to be used forever in common with the Grantee, their heirs and assigns, for means of ingress, egress and regress.

SUBJECT, HOWEVER, to the reservations, restrictions and conditions more particularly set forth at length in the deed which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 265 at page 25.

SEIZED and taken into execution as the property of **John D. & Mary Gageby** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, 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.

10/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-1070 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, 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 parcel of ground situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 129 on a plan of lots of Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book 4, page 233.

IT BEING the same premises which Robert J. Brogan and Deborah A. Brogan, his wife, by their deed dated September 19, 1997, and recorded September 22, 1997, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1442, page 190, granted and conveyed to Marvin L. Blevins.

Street Address: 129 Heritage Drive, Gettysburg, PA 17325

District: Map: 8 Parcel Number: 50

SEIZED and taken into execution as the property of **Marvin L. Blevins** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/28, 10/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-514 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 November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Hamiltonpan Township, now being Carroll Valley Borough, Adams County, Pennsylvania, being Lot No. 202 in Section J, bounded and described as follows:

BEGINNING at a point in the cul-de-sac of Field Trail at Lot No. 201; thence in the cul-de-sac and by said Lot North 3 degrees 11 minutes 40 seconds West, 200 feet to Lot No. 187; thence by said Lot and by Lot No. 186 South 87 degrees 23 minutes 40 seconds East, 231.11 feet to lands of George C. Steinberger; thence by said lands South 23 degrees 45 minutes West, 213.34 feet to Lot No. 203; thence by said Lot in the cul-de-sac of said Field Trail, North 87 degrees 23 minutes 40 seconds West, 133.94 feet to the place of BEGINNING.

HAVING erected thereon a dwelling known as 15 Field Trail, and being Tax I.D. No. 2-141.

BEING the same premises which United Companies Lending Corporation, by its Attorney-in-Fact, Federal National Mortgage Association, by Deed dated September 29, 1998 and recorded in the Office of the Recorder of Deeds of Adams County on October 2, 1998, in Deed Book Volume 1672, Page 246, granted and conveyed unto Neil E. Shriner and Stacey R. Shriner.

SEIZED and taken into execution as the property of **Neil E. & Stacey R. Shriner** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 3, 2001, 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.

10/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-684 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Easterly right of way line of Kinneman Road in the Township of Abbottstown, Adams County, Pennsylvania known and numbered as Lot No. 34 on a final plan of Abbotts Manor Phase I recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Easterly right of way line of Kinneman Road at a corner of Lot No. 35 on said plan; thence extending along the said right of way line North 1 degree 23 minutes 20 seconds East 85 feet to a point at a corner of Lot No. 33 on said Plan; thence extending along the said Lot No. 33 South 88 degrees 36 minutes 40 seconds East 120 feet to a point; thence South 1 degree 23 minutes 20 seconds West 85 feet to a point at a corner of Lot No. 35 on said plan; thence extending along the said Lot No. 35 North 88 degrees 36 minutes 40 seconds West 120 feet to the point and place of BEGINNING.

CONTAINING 10,200 Square Feet.

HAVING thereon erected a dwelling known as 76 Kinneman Road, Abbottstown, Pennsylvania 17301.

TITLE TO SAID PREMISES IS VESTED IN Ronald E. Moats and Ronda J. Moats, as joint tenants with right of survivorship by Deed from The Secretary of Housing and Urban Development dated 10/3/2000 and recorded 10/6/2000 in Record Book 2140, Page 219.

Premises being: 76 Kinneman Road, Abbottstown, PA 17301

Tax Parcel No. (1) 005-0032

SEIZED and taken into execution as the property of **Ronald E. & Ronda L. Moats** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, 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.

10/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-566 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 October, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the southerly side of Oxwood Circle in the Borough of New Oxford, County of Adams and Commonwealth of Pennsylvania known and numbered as Lot No. 21 on a final plan of Oxford Commons recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 58 Page 41A, more fully bounded and described as follows, to wit;

BEGINNING at a point on the southerly right of way line of Oxwood Circle at a corner of Lot No. 20 on said plan; thence extending along the right of way line South 76 degrees 11 minutes 54 seconds East 20 feet to a corner of Lot No. 22 on said plan; thence extending along the said Lot No. 22 South 13 degrees 48 minutes 06 seconds West 125 feet to a point; thence North 76 degrees 11 minutes 54 seconds West 20 feet to a corner of Lot No. 20 in said plan; thence extending along the said Lot No. 20 North 13 degrees 48 minutes 05 seconds East 125 feet to the point and place of BEGINNING.

Premises being: 23 Oxwood Circle, New Oxford, PA 17350

Tax Parcel No. #7-91

SEIZED and taken into execution as the property of **Harold E. & Cathleen M. Mott** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 19, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/28, 10/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-631 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land with the improvements thereon erected, situate, lying and being in Germany Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING for a point at an iron pin on the centerline of Township Road and lands now or late of St. Aloysius Cemetery; thence along said lands, South sixty-eight (68) degrees East, one hundred twenty-five (125) feet to an iron pin at lands now or late of Paul S. Beecher; thence South twenty-five (25) degrees sixteen (16) minutes West, one hundred (100) feet to an iron pin; thence by lands of the same, North sixty-eight (68) degrees West, one hundred twenty-five (125) feet to an iron pin on the centerline of said Township Road; thence along the centerline of said Township Road, North twenty-five (25) degrees sixteen (16) minutes East, one hundred (100) feet to an iron pin; the place of BEGINNING, CONTAINING 2876 acres of land as per survey made May 3, 1995, by J.H. Rite, Registered Engineer, appearing in Field Book No. 16, Page 77.

BEING KNOWN AS: 50 Bittle Road, Littlestown, PA 17340

PROPERTY ID# J17-122

TITLE TO SAID PREMISES IS VESTED IN Darryl A. Williams by deed from Bankers Trust Company of California dated 7/19/00 and recorded 8/10/00 in Deed Book 2104 Page 232.

SEIZED and taken into execution as the property of **Darryl A. Williams** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/28, 10/5 & 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 CATHERINE D. BOLIN, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Sharon S. Opfer, 4352 The Woods Road #7, Kitty Hawk, NC 27949

Attorney: Keith A. Hassler, Esq., 9 North Beaver Street, York, PA 17401

ESTATE OF MABEL W. GUTHRIE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: PNC Bank, N.A., Attn: Linda J. Lundberg, P.O. Box 308, Camp Hill, PA 17001

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

ESTATE OF DONALD O. WEANER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Freda K. Weaner, 1317 Bendersville-Wenksville Road, Aspers, PA 17304

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

SECOND PUBLICATION

ESTATE OF PAUL R. DEYARMIN, SR., DEC'D

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

Executors: Mark R. Deyarmin, 2476 Brookmar Drive, York, PA 17404; Douglas A. Deyarmin, 101 Meadowdale Drive, Downingtown, PA 19355

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

THIRD PUBLICATION

ESTATE OF RALPH W. CHAPDELAINE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrator: Colleen R. Hartman, 19 Spruce Drive, Gettysburg, PA 17325

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

ESTATE OF LILLIAN B. STOCKHAM, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executors: Helen L. Shireman, 4960 Carlisle Pike, New Oxford, PA 17350; Charles E. Stockham, 55 Browns Dam Road, New Oxford, PA 17350; Edwin H. Stockham, 5820 Melville Road, Sykesville, MD 21784

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

ESTATE OF DOLORES D. WAGNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrices: Shirley A. Bollinger, 5471 Lake Drive, Spring Grove, PA 17362; Darlene D. Miner, 70 Oak Hill Drive, Hanover, PA 17331

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

ESTATE OF WILBUR K. WINGERD, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Farmers and Merchants Trust Company of Chambersburg, 20 South Main Street, P.O. Box "T", Chambersburg, PA 17201

Attorney: George E. Wenger, Jr., Esq., Hoskinson & Wenger, 147 East Washington Street, Chambersburg, PA 17201

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-940 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 November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate on the northwest side of a 30-foot wide gravel road (which gravel road leads from State Highway Route 233 running from Caledonia to Pine Grove) in Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center line of the 30-foot wide road aforesaid at lands now or formerly of Lowell C. Heefner, said point being South 50 degrees West, 1346.5 feet from an iron pin, which iron pin is on the State Forest Boundary Line; thence by lands now or formerly of Lowell C. Heefner, and through a stake at the side of the road, North 40 degrees West, 313 feet, more or less, through a stake on the bank of a mountain creek to a point in the center of said creek; thence down said creek in a northeasterly direction for a distance of 100 feet, more or less, to a point in said creek at lands now or formerly of Jacob O. Funk; thence by said lands and through a stake on the bank of the creek, South 40 degrees East, 330 feet, more or less, through a stake on the side of the road to a point in the center line of the 30-foot wide road aforesaid; thence in the center line of said road, South 50 degrees West, 100 feet to a point, the place of BEGINNING. CONTAINING 0.7 acre, more or less.

HAVING ERECTED THEREON a dwelling known as 124 Norris Road, Biglerville, Pennsylvania.

BEING THE SAME PREMISES WHICH Roberta L. Page, by her Deed dated April 30, 1998 and recorded May 12, 1998 in Adams County Deed Book 1578, Page 259, granted and conveyed unto Darren S. Woodring and Tiffani R. Woodring.

SEIZED IN EXECUTION AS THE PROPERTY OF DARREN S. WOODRING AND TIFFANI R. WOODRING UNDER ADAMS COUNTY JUDGMENT NO. 00-S-940.

MAP & PARCEL #C5-12

SEIZED and taken into execution as the property of **Darren S. & Tiffani R. Woodring** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 3, 2001, 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.

10/12, 19 & 26

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth for **BERWICK PULMONOLOGY, INC.**, on September 26, 2001.

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

10/12

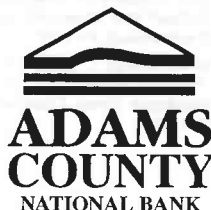
FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S.A. §§301, *et seq.*, that an Application to conduct business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of **LADY LUCK FARM** was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania, on September 13, 2001. The business is located at 445 Chestnut Hill Road, Aspers, Pennsylvania. The name and address of the persons who are party to the registration is Jere D. Lady and Rose M. Lady, of 445 Chestnut Hill Road, Aspers, Pennsylvania, and Craig E. Lady, of 2469 Heidlersburg Road, Gettysburg, Pennsylvania, partners pursuant to a Pennsylvania partnership.

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

10/12

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



Member FDIC

Adams County Legal Journal

Vol. 43

October 19, 2001

No. 21, pp. 118-120

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-770 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Tax Parcel No. K-11-70

ALL THAT CERTAIN lot, parcel, piece of ground with the improvements thereon erected situate in Oxford Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center of the Lincoln Highway (US Route 30) at the corner of lands now or late of Francis J. Yake Jr.; thence along the land now or late of Francis J. Yake Jr., South Twenty-six (26) degrees Thirty-eight (38) minutes Zero (0) seconds East, Two Hundred Twenty-six and Fifty-six hundredths (226.56) feet to an iron pin; thence along lands now or late of Stewart V. Walker, South Seventy-two (72) degrees Zero (0) minutes Zero (0) seconds West, Two Hundred Thirty and Thirty-seven hundredths (230.37) feet to a point in concrete; thence along lands now or late of Cindy A. Black, North Eighteen (18) degrees Zero (0) minutes Zero (0) seconds West, Two Hundred (200) feet to an iron pin; thence continuing along said lands North Twenty-six (26) degrees Thirty-eight (38) minutes Zero (0) seconds West, Twenty-five and Twenty-seven hundredths (25.27) feet to a point Seventy-two (72) degrees Zero (0) minutes Zero (0) seconds East, Two Hundred (200) feet to the place of BEGINNING.

THIS DESCRIPTION combines Parcels 1 and 2 of a prior deed. The part of the premises (formerly known as Parcel 2) is subject to restrictions as contained in Deed Book 230 page 7.

BEING the same premises which Deborah C.C. Gibbons, a single woman, by her deed dated February 19, 1998 and recorded February 20, 1998 in the Office of the Recorder of Deeds for Adams County in Deed Book 1523 page 319, granted and conveyed to Gary L. Landis, a single man.

ALSO BEING the same premises which Merle C. Weant and Gloria A. Weant, his wife by deed dated February 19, 1998 and recorded in the Office of the Recorder of Deeds for Adams County in Deed Book 1634 page 57,

confirmed by Order of The Bankruptcy Court, granted and conveyed their undivided two-thirds interest to Gary L. Landis, a single man.

Tax Parcel No. J6-23

ALL the following described two (2) tracts of land:

TRACT NO. 1: ALL that certain tract of land situate, lying and being in Reading Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stone and land formerly of David Brown, now of Haines B. Dicks; thence south eighty-eight and one-half (88 1/2) degrees east ninety-six and four-tenths (96.4) perches to a stone; thence due south, fifteen and four-tenths (15.4) perches to a stone; thence by land now or formerly of A. D. Brown and land formerly of Andrew Brown, now of H. D. Brown, south eighty-eight and one-half (88 1/2) degrees east, sixty-four (64) perches to a stone; thence by land now or formerly of George Bell, Esq., north one (1) degree West, twenty-one and eight-tenths (21.8) perches to a stone; thence north by land of the same sixty-six (66) degrees west, twelve (12) perches to a stone; thence north thirteen and one-half (13 1/2) degrees East, sixty (60) perches to a stone and lands of the same; thence north seventy-four (74) degrees west, eighteen and eight-tenths (18.8) perches to a stone; thence north twenty-five (25) degrees east, forty-one and five-tenths (41.5) perches to a stone; thence by same north seventy-six and one-half (76 1/2) degrees west, fifty (50) perches to a stone; thence by land formerly of Elijah Myers, now H. J. Brown, south twenty-five (25) degrees west, sixty-six (66) perches to a stone; thence by lands of the same north forty-five and one-half (45 1/2) degrees west, thirty-seven and five-tenths (37.5) perches to a stone; thence south sixty-five (65) degrees west, sixty-one and seven-tenths (61.7) perches to a stone; thence south one and one-half (1 1/2) degrees west, sixty-three and five-tenths (63.5) perches to a stone, the place of BEGINNING. CONTAINING ninety-three (93) acres and forty-eight (48) perches of land, more or less.

IT BEING the same tract of land which Florence V. Tribit, now Florence V. Stephens and Dean T. Stephens, her husband, by their deed dated October 30, 1954 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Deed Book Vol. 208 at page 193, sold and conveyed

unto Eugene C. Lemmon and Irene E. Lemmon, his wife, as tenants by the entireties.

TRACT NO. 2: ALL that farm in Reading Township, Adams County, Pennsylvania, containing approximately 115.831 Acres and consisting of three contiguous parts or parcels, more particularly bounded and described as follows:

Part No. 1: BEGINNING at a stone in the state highway leading from York Springs to East Berlin at corner of land now or formerly of Walter Lemmon; thence in said highway and along said land and land now or formerly of F. Robert Seaman, South 44 1/2 degrees East 29.9 perches to a point; thence along said last mentioned land North 42 1/2 degrees East 34.5 perches to a post at corner of Part No. 2 hereof; thence along Part No. 2 hereof South 75 degrees East 81.8 perches to a post at corner of Part No. 3 hereof; thence along Part No. 3 hereof South 50 1/2 degrees West 44.85 perches to a post; thence along land formerly of W. Archer Hess South 13 1/2 degrees West 18.5 perches to a point in the aforementioned state highway leading from York Springs to East Berlin; thence in said highway and along said land formerly of W. Archer Hess South 73 1/2 degrees East 16.4 perches, to a point in the highway; thence along lands now or formerly of Joseph Stoner, South 50 1/2 degrees West 43.8 perches to stone in a road; thence in said road and continuing along same South 9 1/2 degrees East 53.3 perches to a stone in the intersection of two roads; thence in another road and along land now or formerly of Allen Schroyer North 74 3/4 degrees West 88.14 perches to a point in the middle of the road; thence along land now or formerly of Roy Brown North 9 1/2 degrees East 23.5 perches to a white oak; thence continuing along same North 89 degrees West 66.7 perches to a stone; thence along land now or formerly of Walter Lemmon North 14 3/4 degrees East 86 perches to a stone; thence continuing along same South 83 3/4 degrees East 20.4 perches to a stone; thence continuing along same North 68 1/2 degrees East 35 perches to the stone in the state highway, the place of BEGINNING. CONTAINING 100 Acres and 128 Perches.

The above description was obtained from a draft of survey prepared by P.S. Orner, County Surveyor, dated October 26, 1951.

(continued on page 2)

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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Part No. 2: BEGINNING at a point at corner of Part No. 1 hereof; thence along land now or formerly of F. Robert Seaman North 36 degrees East 15.75 perches to an iron pin; thence continuing along same, South 79 degrees 15 minutes 90 perches to an iron pin; thence along land now or formerly of Earl Sponseller South 16 degrees 15 minutes East 16.73 perches to a post; thence along Part No. 3 hereof and Part No. 1 hereof, North 78 degrees 30 minutes West 103.8 perches to the point and place of BEGINNING. CONTAINING 8 Acres and 133 Perches.

The above description was obtained from a draft of survey prepared by LeRoy H. Winebrenner, County Surveyor, dated June 16, 1961.

Part No. 3: BEGINNING at a pin at a corner of Part No. 1 hereof; thence along Part No. 1 hereof North 49 degrees 30 minutes East 728 feet to a point at corner of Part No. 1 hereof and on line of Part No. 2 hereof; thence along Part No. 2 hereof South 75 degrees East 367.12 feet to a point; thence along lands now or formerly of Joseph Stoner South 15 degrees East 99 feet to an existing post; thence continuing along same South 50 degrees 30 minutes West 589 feet to a pin; thence along land now or formerly of W. Hess North 79 degrees 7 minutes West 487.4 feet to the point and place of BEGINNING. CONTAINING 6.2 Acres.

The above description was obtained from a draft of survey prepared by George M. Wildasin, dated September 9, 1961.

SEIZED and taken into execution as the property of E. Matthew & Emily D. Stambaugh and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, 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.

10/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-495 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described real estate, lying and being situate in Hamiltonban Township, Adams County, Pennsylvania, with a property address of 2498 Iron Springs Road, Fairfield, Pennsylvania, bounded and described as follows:

BEGINNING at an existing iron pin at North edge of the wearing surface of the public road leading from Greenstone to Iron Springs; thence across said road and along the southerly edge of said public road, South 69 degrees East 453.2 feet to an iron pin; thence along the easterly side of a private entrance road South 25 degrees 30 minutes West 406.2 feet to an iron pin at a post; thence along a line of posts South 66 degrees 46 minutes West 169.6 feet to an iron pin at a post; thence continuing along a line of posts, South 75 degrees 59 minutes West 88.6 feet to an iron pin; thence North 58 degrees 38 minutes West, 61 feet to an iron pin at the eastern right of way of Western Maryland Railway Co.; thence along the eastern right of way of Western Maryland Railway Co., by a curve to the left whose radius is 603.14 feet and whose arc is 626.36 feet to an iron pin on said right of way at the North Edge of the first mentioned public road; thence South 86 degrees 17 minutes East 112.9 feet to the point, the place of BEGINNING. CONTAINING 4.1 acres, more or less. The above description was obtained from a draft of survey prepared by Harry Knox, Registered Engineer, dated July 1, 1966.

BEING the same real estate which Lawrence V. Young, Trustee in Bankruptcy for Wahoo Mountain Enterprises, Inc., successor by merger and reorganization of Blue Ridge Pipe & Nipple Co., conveyed to Zefer Operations, Inc. by deed dated November 8, 1996, and recorded in Adams County Deed Book Volume 1301, Page 216.

The above-described real estate includes an area described as follows:

BEGINNING at a set iron pin at the intersection point of the southerly side of Iron Springs Road (SR 3014) and the eastwardly property line of Grantor's rail

corridor, thence along a curve to the right having a radius of 218.16 feet and an arc length of 134.50 feet to a set iron pin with a chord bearing of South 89 degrees 37 minutes 24 seconds East with a chord of 132.38 feet, said line is twenty-five feet from the centerline of Iron Springs Road; thence leaving said road and along land of Grantee South 48 degrees 19 minutes 40 seconds East a distance of 327.45 feet to a point; thence along the land of Grantee and through two existing buildings, South 81 degrees 7 minutes 5 seconds West a distance of 253.83 feet to a point along the eastwardly property line of Grantor's rail corridor, said point is North 81 degrees 7 minutes 5 seconds East a distance of 30.07 feet from an existing P.K. Nail in the center of rails; thence along the eastwardly property line of Grantor's rail corridor on a curve to the left having a radius of 603.14 feet and an arc length of 289.78 feet with a chord bearing of North 26 degrees 4 minutes 57 seconds West with a chord of 287.00 feet to the Point of BEGINNING.

CONTAINING 1.0705 acres, more or less, and shown as "Parcel 'A'" on plat dated November 11, 1996, prepared by Larry S. Garver, PLS, Garver Surveying, Waynesboro, Pennsylvania, incorporated herein by reference.

BEING real estate which CSX Transportation, Inc. quit claimed to Zefer Operations, Inc. by deed dated March 12, 1997, and recorded in Adams County Deed Book Volume 1347, Page 090.

SEIZED and taken into execution as the property of Zefer Operations, Inc. and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2001, 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.

10/12, 19 & 26

BENNETT VS. JUZELENOS

1. Generally, an attorney who purports to settle a case involving an interest in land must have written authority signed by his clients.

2. In Pennsylvania, consentable lines may be established by dispute and compromise. This method requires, 1), a dispute with regard to the location of a common boundary line; 2), the establishment of a line in compromise of the dispute; and 3), the consent of both parties to that line and the giving up of their respective claims which are inconsistent therewith.

3. ...the general need (is) for a written agreement to settle adverse claims to land...it is otherwise, however, as to a submission to arbitration of the question of a disputed boundary between adjacent landowners, this being placed on the same basis as an oral agreement between the parties fixing a disputed boundary, which is, as a general rule, upheld.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 98-S-420, GERALD R. BENNETT AND ELEANOR W. BENNETT VS. CHARLES P. JUZELENOS AND YOLANDA JUZELENOS.

Harold A. Eastman, Jr., Esq., for Plaintiffs

John A. Wolfe, Esq., for Defendants

Spicer, P.J., February 28, 2001

OPINION

This case presently is before the court on plaintiffs' request to enforce a settlement.

Plaintiffs filed their action in equity on April 30, 1998 seeking reformation of three deeds. They alleged that Frederick W. Forkel and Grace L. Forkel, grantors common to both themselves and defendants, divided a farm into three separate tracts, and that the boundary between the two larger tracts was determined by a survey by J.H. Rife that was later found to be incorrect. Plaintiffs were the grantees of one of these tracts and defendants the other. According to both deeds attached to the complaint (exhibits C and D), the common boundary ran from a point "in or near the center of a 50 foot wide lane, thence in and along said center of said 50 foot wide lane" to a point in L.R. 01027.¹

Plaintiffs also allege that they obtained title to the third and smaller tract and that the description was determined by the incorrect survey.

¹The road is also identified as S.R. 2010, Orphanage Road.

Based upon their determination that the Rife survey contained mistakes regarding the actual location, and therefore the length, of the boundary, plaintiffs had the land resurveyed. They alleged a mutual mistake by the parties and the Forkels and sought a reformation of the deeds to conform to the actual location of the boundary.

Settlement negotiations began and culminated in a proposal that was accepted by both counsel. However, defendants refused to perform, contending that they never authorized the settlement and did not agree to it.

The undersigned conducted a hearing on January 30, 2001 and determined that the settlement was sufficiently proven, even though the formal, written agreement was never signed. The sole issue reserved for argument was whether the lack of defense counsel's written authority barred enforcement of the settlement agreement negotiated by defendants' former counsel, under the Statute of Frauds, 33 Pa.C.S.A. §1.

Generally, an attorney who purports to settle a case involving an interest in land must have written authority signed by his clients. *Austin J. Richards, Inc. v. McClafferty*, 371 Pa.Super. 269, 538 A.2d 11, alloc. dn. 520 Pa. 570, 549 A.2d 131 (1998); *Gogel v. Blazofsky*, 187 Pa. Super. 32, 142 A.2d 313 (1958). The latter case involved a lane that crossed a portion of an adjoining property owned by Gogel. Gogel brought an action in ejection and Blazofsky alleged adverse possession. Counsel arrived at a settlement essentially providing for purchase by Blazofsky for \$500.00, with Gogel reserving a right of way for life. Blazofsky refused to perform and Superior Court upheld the refusal, holding that counsel could not bind his clients without written authority.

Defendants argue that this case is similar enough to the situation at bar to be binding. However, the case obviously involved a conveyance of land and does not control the outcome of the issue presently under consideration.

Plaintiffs argue that neither the settlement nor the present action involves an interest in land, pointing out that courts in equity have historically reformed deed descriptions upon finding mistakes. While this is true, *Dadonna v. Thorpe*, Pa. Super. , 749 A.2d 475 (2000), alloc. dn. 761 A.2d 550 (2000), it does not necessarily follow that a lawyer may settle the case without written authority.

Counsel have not cited and the court's research does not disclose any Pennsylvania decisions precisely on point. We have, therefore, looked both to the law in our own and other jurisdictions.

It would seem that the Statute does not bar oral settlements of boundary disputes, not because a court has the power to adjudicate them, but because the law recognizes oral accords in this area. In Pennsylvania, consentable lines may be established by dispute and compromise. *Schimp v. Allaman*, 442 Pa. Super. 365, 659 A.2d 1032 (1995); *Jedlicka v Clemmer*, 450 Pa. Super. 647, 677 A.2d 1232 (1996). This method requires, 1), a dispute with regard to the location of a common boundary line; 2), the establishment of a line in compromise of the dispute; and 3), the consent of both parties to that line and the giving up of their respective claims which are inconsistent therewith.

One authority points out the general need is for a written agreement to settle adverse claims to land, then goes on to say, "It is otherwise, however, as to a submission to arbitration of the question of a disputed boundary between adjacent landowners, this being placed on the same basis as an oral agreement between the parties fixing a disputed boundary, which is, as a general rule, upheld." (footnotes omitted) 72 Am Jur 2d *Statute of Frauds* §125.

We adopt this reasoning and hold that the settlement agreement is enforceable despite the absence of written authority on the part of defendants' former counsel.

ORDER

AND NOW, this 28th day of February, 2001, the court finds the settlement to be enforceable and directs the parties to proceed to effectuate it.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-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 2nd day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Carroll Valley, Adams County, Pennsylvania, more particularly known as Lot No. 23CR of Section A, and more particularly bounded and described as follows:

BEGINNING at a point in the center of Cross Trail at Lot No. 22CR; thence by said lot, South 88 degrees 26 minutes 40 seconds West, 200 feet to Lot No. 56; thence by a portion of said lot, North 01 degree 33 minutes 20 seconds West, 100 feet to Lot No. 24CR; thence by said lot, North 88 degrees 26 minutes 40 seconds East, 200 feet to a point in the center of said Cross Trail; thence in said Cross Trail, South 01 degree 33 minutes 20 seconds East, 100 feet to the place of BEGINNING.

The above description was taken from a plan of lots labeled "Section A, Charnita", and dated March 10, 1965, prepared by Gordon L. Brown, R.S., recorded in Adams County Miscellaneous Docket 3 at page 733.

BEING known as 3 Cross Trail, Fairfield, PA 17320.

BEING the same premises which Richard McCleaf, single, by Deed dated May 27, 1988 and recorded May 27, 1988, recorded in the Office of the Recorder of Deeds of Adams County in Deed Book 490 Page 244 granted and conveyed unto John D. Gageby and Mary C. Gageby, husband and wife.

TOGETHER with a right-of-way and easement over the private road indicated on said lot plan recorded in Miscellaneous Book 3 at page 733, for means of ingress, egress and regress.

RESERVING, however, unto Charnita, Inc., its successors and assigns, a right-of-way and easement over said private roads indicated on said lot plan recorded in Miscellaneous Book 3 at page 733, to be used forever in common with the Grantee, their heirs and assigns, for means of ingress, egress and regress.

SUBJECT, HOWEVER, to the reservations, restrictions and conditions more particularly set forth at length in the deed which is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 265 at page 25.

SEIZED and taken into execution as the property of **John D. & Mary Gageby** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, 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.

10/5, 12 & 19

NOTICE

NOTICE IS HEREBY GIVEN that on September 12, 2001, the Borough Council of the Borough of New Oxford, Adams County, Pennsylvania filed a Petition to Decrease Number of Councilmen in the Court of Common Pleas of Adams County, Pennsylvania. The Borough Council has petitioned the Court of Common Pleas to reduce the number of councilmen from seven (7) to five (5). A hearing on said Petition to Decrease Number of Councilmen will be held in Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania 17325 on the 16th day of November, 2001 in Courtroom Number 1, 2 or 3 at 9:00 A.M.

Copies of the Petition are available for review at the New Oxford Borough Office, located at 124 North Peters Street, New Oxford, Pennsylvania 17350; at the Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania 17325 in the Law Library located on the third floor of the Courthouse from 8:30 A.M. to 4:30 P.M.; at the office of Harold A. Eastman, Jr., Solicitor for the Borough of New Oxford, 220 Baltimore Street, Gettysburg, Pennsylvania 17325, weekdays 9:00 A.M. to 12:00 P.M. and 1:00 P.M. to 5:00 P.M.

10/19

NOTICE

NOTICE IS HEREBY GIVEN that Matthew D. Fogal intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 16th day of November, 2001, 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.

10/19, 26 & 11/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-514 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 November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in Hamiltonban Township, now being Carroll Valley Borough, Adams County, Pennsylvania, being Lot No. 202 in Section J, bounded and described as follows:

BEGINNING at a point in the cul-de-sac of Field Trail at Lot No. 201; thence in the cul-de-sac and by said Lot North 3 degrees 11 minutes 40 seconds West, 200 feet to Lot No. 187; thence by said Lot and by Lot No. 186 South 87 degrees 23 minutes 40 seconds East, 231.11 feet to lands of George C. Steinberger; thence by said lands South 23 degrees 45 minutes West, 213.34 feet to Lot No. 203; thence by said Lot in the cul-de-sac of said Field Trail, North 87 degrees 23 minutes 40 seconds West, 133.94 feet to the place of BEGINNING.

HAVING erected thereon a dwelling known as 15 Field Trail, and being Tax I.D. No. 2-141.

BEING the same premises which United Companies Lending Corporation, by its Attorney-in-Fact, Federal National Mortgage Association, by Deed dated September 29, 1998 and recorded in the Office of the Recorder of Deeds of Adams County on October 2, 1998, in Deed Book Volume 1672, Page 246, granted and conveyed unto Neil E. Shriner and Stacey R. Shriner.

SEIZED and taken into execution as the property of **Neil E. & Stacey R. Shriner** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 3, 2001, 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.

10/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-684 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Easterly right of way line of Kinneman Road in the Township of Abbottstown, Adams County, Pennsylvania known and numbered as Lot No. 34 on a final plan of Abbotts Manor Phase I recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Easterly right of way line of Kinneman Road at a corner of Lot No. 35 on said plan; thence extending along the said right of way line North 1 degree 23 minutes 20 seconds East 85 feet to a point at a corner of Lot No. 33 on said Plan; thence extending along the said Lot No. 33 South 88 degrees 36 minutes 40 seconds East 120 feet to a point; thence South 1 degree 23 minutes 20 seconds West 85 feet to a point at a corner of Lot No. 35 on said plan; thence extending along the said Lot No. 35 North 88 degrees 36 minutes 40 seconds West 120 feet to the point and place of BEGINNING.

CONTAINING 10,200 Square Feet.

HAVING thereon erected a dwelling known as 76 Kinneman Road, Abbottstown, Pennsylvania 17301.

TITLE TO SAID PREMISES IS VESTED IN Ronald E. Moats and Ronda J. Moats, as joint tenants with right of survivorship by Deed from The Secretary of Housing and Urban Development dated 10/3/2000 and recorded 10/6/2000 in Record Book 2140, Page 219.

Premises being: 76 Kinneman Road, Abbottstown, PA 17301

Tax Parcel No. (1) 005-0032

SEIZED and taken into execution as the property of **Ronald E. & Ronda L. Moats** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, 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.

10/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-492 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of November, 2001, 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 piece, parcel or tract of land, together with the improvements thereon, situate, lying and being in Oxford Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING for a point on the western property line of Pine Lane at corner of Lot No. 81 on the hereinafter referred to plan of lots; thence along Lot No. 81, South sixty-five (65) degrees eleven (11) minutes forty (40) seconds West, one hundred seven and five one-hundredths (107.05) feet to a point on the rear property line of Lot No. 77; thence along Lot No. 77, North eighteen (18) degrees thirty-seven (37) minutes twenty-six (26) seconds West, twenty-seven and sixty-two one-hundredths (27.62) feet to a point at Lot No. 78; thence along Lot No. 78, North three (3) degrees twenty-one (21) minutes fifty-six (56) seconds West, fifty and eighty-two one-hundredths (50.82) feet to a point at Lot No. 79; thence along Lot No. 79, North forty-nine (49) degrees fifty-four (54) minutes fifty-seven (57) seconds East, seventy-eight and two one-hundredths (78.02) feet to a point on the western property line of Pine Lane; thence along the western property line of Pine Lane, by a curve to the right, the radius of which is four hundred forty-eight and ninety-six one-hundredths (448.96) feet, for an arc length of ninety-six and five one-hundredths (96.05) feet and having a long chord bearing and distance of South thirty (30) degrees fifty-six (56) minutes (4) seconds East, ninety-five and eighty-seven one-hundredths (95.87) feet to a point at Lot No. 81, the point and place of BEGINNING. CONTAINING 8,042.908 square feet or 0.185 acres. BEING Lot No. 80 on a plan of lots of Oxford Estates dated September 11, 1984, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 40, at page 119.

BEING known as 22 Pine Lane.

PARCEL No. 8-127.

BEING THE SAME PREMISES which Oxford Estates, a General Partnership, by Deed dated July 30, 1985 and recorded August 2, 1985 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 405, Page 1111, granted and conveyed

unto Scott A. Gilmore and Lisa L. Gilmore, husband and wife.

UNDER AND SUBJECT to the restrictions, covenants, conditions and easements as now appear of record.

SEIZED and taken into execution as the property of **Scott A. & Lisa L. Gilmore** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2001, 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.

10/19, 26 & 11/2

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) have filed in the Office of the Secretary of the Commonwealth of Pennsylvania, on Sept. 4, 2001, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of **SHALL WE DANCE**, with its principal place of business at 115 Cherry Lane, Abbottstown, PA 17301. The names and addresses of the persons owning or interested in said business are Bart A. Guastella and Nancy L. Guastella, residing at 115 Cherry Lane, Abbottstown, PA. The character or nature of the business is to teach Ballroom, Latin or Swing dancing.

10/19

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 September 27, 2001.

The name of the corporation is **HAWKINS MEDIA GROUP, INC.**

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

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

10/19

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 CARL E. BOLLINGER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Cynthia Sue Staub, 3292 Carlisle Pike, New Oxford, PA 17350

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

ESTATE OF EMMA S. STORIE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Elind Murphy, 9807 Connecticut Ave., Kensington, MD 20895; John Nichols, 301 B South Queen St., Littlestown, PA 17340

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

ESTATE OF CHARLES E. TRONE, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Co-Executors: Virginia Forsythe, Rear 120 Broadway, Hanover, PA 17331; Bradley Wolf, 501 South Street, McSherrystown, PA 17344

Attorney: Judith Koper Morris, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF CATHERINE D. BOLIN, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Sharon S. Opfer, 4352 The Woods Road #7, Kitty Hawk, NC 27949

Attorney: Keith A. Hassler, Esq., 9 North Beaver Street, York, PA 17401

ESTATE OF MABEL W. GUTHRIE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: PNC Bank, N.A., Attn: Linda J. Lundberg, P.O. Box 308, Camp Hill, PA 17001

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

ESTATE OF DONALD O. WEANER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Freda K. Weaner, 1317 Bendersville-Wenksville Road, Aspers, PA 17304

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

THIRD PUBLICATION

ESTATE OF PAUL R. DEYARMIN, SR., DEC'D

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

Executors: Mark R. Deyarmin, 2476 Brookmar Drive, York, PA 17404; Douglas A. Deyarmin, 101 Meadowdale Drive, Downingtown, PA 19355

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-840 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 December, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land Situate on the Northerly right of way line of Abbots Drive in the Borough of Abbottstown, County of Adams and State of Pennsylvania, known and numbered as Lot No. 3 on a plan of lots for Abbots Manor Phase I recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Abbots Drive at a corner of Lot No. 2 on said plan; thence extending along the said Lot No. 2 North 15 degrees 39 minutes 50 seconds West 122.86 feet to a point; thence extending along lands now or formerly of Homer Forbes North 70 degrees 28 minutes 30 seconds East 140.30 feet to a point; thence South 9 degrees 25 minutes 50 seconds West 157.95 feet to a point on the Northerly right of way line of Abbots Drive; thence extending along the Northerly right of way line of Abbots Drive on a line curving to the left having a radius of 225 feet, an arc distance of 85 feet with a chord bearing South 84 degrees 36 minutes 30 seconds West 84.49 feet to the point and place of BEGINNING.

CONTAINING 14,927 sq. feet.

Tax Parcel # 3-105

SEIZED and taken into execution as the property of **John L. Langkam IV** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 31, 2001, 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.

10/19, 26 & 11/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-940 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 November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate on the northwest side of a 30-foot wide gravel road (which gravel road leads from State Highway Route 233 running from Caledonia to Pine Grove) in Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center line of the 30-foot wide road aforesaid at lands now or formerly of Lowell C. Heefner, said point being South 50 degrees West, 1346.5 feet from an iron pin, which iron pin is on the State Forest Boundary Line; thence by lands now or formerly of Lowell C. Heefner, and through a stake at the side of the road, North 40 degrees West, 313 feet, more or less, through a stake on the bank of a mountain creek to a point in the center of said creek; thence down said creek in a northeasterly direction for a distance of 100 feet, more or less, to a point in said creek at lands now or formerly of Jacob O. Funk; thence by said lands and through a stake on the bank of the creek, South 40 degrees East, 330 feet, more or less, through a stake on the side of the road to a point in the center line of the 30-foot wide road aforesaid; thence in the center line of said road, South 50 degrees West, 100 feet to a point, the place of BEGINNING. CONTAINING 0.7 acre, more or less.

HAVING ERECTED THEREON a dwelling known as 124 Norris Road, Biglerville, Pennsylvania.

BEING THE SAME PREMISES WHICH Roberta L. Page, by her Deed dated April 30, 1998 and recorded May 12, 1998 in Adams County Deed Book 1578, Page 259, granted and conveyed unto Darren S. Woodring and Tiffani R. Woodring.

SEIZED IN EXECUTION AS THE PROPERTY OF DARREN S. WOODRING AND TIFFANI R. WOODRING UNDER ADAMS COUNTY JUDGMENT NO. 00-S-940.

MAP & PARCEL #C-12

SEIZED and taken into execution as the property of **Darren S. & Tiffani R. Woodring** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 3, 2001, 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.

10/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-396 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate on the Southeast side of No. 479 in Conewago Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the South side of Township Road No. 479 at lands now or formerly of Donald B. Smith, also known as Lot No. 29, said point being North forty-two (42) degrees fifty (50) minutes East, one hundred eighty-seven and thirty-one hundredths (187.31) feet from the intersecting property lines of Township Road No. 479 and Oak Drive; thence along the South property line of Township Road No. 479, North forty-two (42) degrees (50) minutes East, seventy (70) feet to a point at lands now or formerly of George A. Good, also known as Lot No. 31; thence along said Lot No. 31, South forty-seven (47) degrees ten (10) minutes East, one hundred ninety-six and seventy-six hundredths (196.76) feet to a point at other lands now or formerly of Donald B. Smith, also known as Lot No. 42; thence along Lot No. 42 and Lot No. 43, South forty-two degrees fifty (50) minutes West, seventy (70) feet to a point at said lands now or formerly of Donald B. Smith, also known as Lot No. 29, thence along Lot No. 29, North forty-seven (47) degrees ten (10) minutes West, one hundred ninety-six and seventy-six hundredths (296.76) feet to a point and the place of BEGINNING. (CONTAINING 13,773 square feet.) (The above description was taken from a draft of survey dated November 11, 1968, prepared by Charles C. Funke, Jr., Registered Engineer, being known as Lot No. 30.)

SUBJECT, NEVERTHELESS, to the conditions, covenants and restrictions recorded in Record Book 273, page 898.

TITLE TO SAID PREMISES IS VESTED IN Scott A. Sterner and Paige P. Sterner, husband and wife by Deed from Gregory P. Ernst and Regina C. Ernst, husband and wife dated 6/14/93, recorded 6/17/93, in Record Book 739, Page 349.

Premises being: 71 Peanut Drive, Hanover, PA 17331

Tax Parcel No. 21-13

SEIZED and taken into execution as the property of **Scott A. & Paige P. Sterner** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2001, 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.

10/19, 26 & 11/2

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on August 9, 2001, for the purpose of obtaining a Certificate of Incorporation of a business Corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177.

The name of the corporation is M. C. TAYLOR, INC.

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

M. C. TAYLOR, INC.
120 Kevin Drive
New Oxford, PA 17350-9194

10/19

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on October 3, 2001, an Application for registration of a Fictitious Name was filed with the Department of State, Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, pursuant to the Fictitious Name Act, setting forth that Ski Liberty Operating Corp. is the entity interested in a business known as LIBERTY MOUNTAIN RESORT, the character of which is operation of a ski and resort area, which business is 78 Country Club Trail, Fairfield, PA 17320.

Blakey, Yost, Bupp & Hershner, LLP
Albert G. Blakey, Solicitor

10/19

Adams County Legal Journal

Vol. 43

October 26, 2001

No. 22, pp. 121-124

CONTINUING LEGAL EDUCATION PROGRAM

Internet Gambling - A Growing Concern

November 1, 2001 – 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 0, Ethics – 1

Boundary Law In Pennsylvania

November 13, 2001 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

The Real Estate Development Transaction:

Undeveloped Property

November 27, 2001 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Preparing LLC Documents in Pennsylvania

December 19, 2001 – 9:00 a.m. - 12:00 p.m.

Credits: Substantive Law – 3, Ethics – 0

Satellite Presentation at Gettysburg College Library

Media Theater

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

NOTICE: P.B.I. will cancel any program which does not have at least two persons pre-registered at least 10 days in advance.

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-492 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of November, 2001, 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 piece, parcel or tract of land, together with the improvements thereon, situate, lying and being in Oxford Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING for a point on the western property line of Pine Lane at corner of Lot No. 81 on the hereinafter referred to plan of lots; thence along Lot No. 81, South sixty-five (65) degrees eleven (11) minutes forty (40) seconds West, one hundred seven and five one-hundredths (107.05) feet to a point on the rear property line of Lot No. 77; thence along Lot No. 77, North eighteen (18) degrees thirty-seven (37) minutes twenty-six (26) seconds West, twenty-seven and sixty-two one-hundredths (27.62) feet to a point at Lot No. 78; thence along Lot No. 78, North three (3) degrees twenty-one (21) minutes fifty-six (56) seconds West, fifty and eighty-two one-hundredths (50.82) feet to a point at Lot No. 79; thence along Lot No. 79, North forty-nine (49) degrees fifty-four (54) minutes fifty-seven (57) seconds East, seventy-eight and two one-hundredths (78.02) feet to a point on the western property line of Pine Lane; thence along the western property line of Pine Lane, by a curve to the right, the radius of which is four hundred forty-eight and ninety-six one-hundredths (448.96) feet, for an arc length of ninety-six and five one-hundredths (96.05) feet and having a long chord bearing and distance of South thirty (30) degrees fifty-six (56) minutes (4) seconds East, ninety-five and eighty-seven one-hundredths (95.87) feet to a point at Lot No. 81, the point and place of BEGINNING. CONTAINING 8,042.908 square feet or 0.185 acres. BEING Lot No. 80 on a plan of lots of Oxford Estates dated September 11, 1984, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 40, at page 119.

BEING known as 22 Pine Lane.

PARCEL No. 8-127.

BEING THE SAME PREMISES which Oxford Estates, a General Partnership, by Deed dated July 30, 1985 and recorded August 2, 1985 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 405, Page 1111, granted and conveyed unto Scott A. Gilmore and Lisa L. Gilmore, husband and wife.

UNDER AND SUBJECT to the restrictions, covenants, conditions and easements as now appear of record.

SEIZED and taken into execution as the property of **Scott A. & Lisa L. Gilmore** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2001, 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.

10/19, 26 & 11/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-940 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 November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate on the northwest side of a 30-foot wide gravel road (which gravel road leads from State Highway Route 233 running from Caledonia to Pine Grove) in Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center line of the 30-foot wide road aforesaid at lands now or formerly of Lowell C. Heefner, said point being South 50 degrees West,

1346.5 feet from an iron pin, which iron pin is on the State Forest Boundary Line; thence by lands now or formerly of Lowell C. Heefner, and through a stake at the side of the road, North 40 degrees West, 313 feet, more or less, through a stake on the bank of a mountain creek to a point in the center of said creek; thence down said creek in a northeasterly direction for a distance of 100 feet, more or less, to a point in said creek at lands now or formerly of Jacob O. Funk; thence by said lands and through a stake on the bank of the creek, South 40 degrees East, 330 feet, more or less, through a stake on the side of the road to a point in the center line of the 30-foot wide road aforesaid; thence in the center line of said road, South 50 degrees West, 100 feet to a point, the place of BEGINNING. CONTAINING 0.7 acre, more or less.

HAVING ERECTED THEREON a dwelling known as 124 Norris Road, Biglerville, Pennsylvania.

BEING THE SAME PREMISES WHICH Roberta L. Page, by her Deed dated April 30, 1998 and recorded May 12, 1998 in Adams County Deed Book 1578, Page 259, granted and conveyed unto Darren S. Woodring and Tiffani R. Woodring.

SEIZED IN EXECUTION AS THE PROPERTY OF **DARREN S. WOODRING AND TIFFANI R. WOODRING UNDER ADAMS COUNTY JUDGMENT NO. 00-S-940.**

MAP & PARCEL #C5-12

SEIZED and taken into execution as the property of **Darren S. & Tiffani R. Woodring** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 3, 2001, 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.

10/12, 19 & 26

ERIE INS. VS. FORD MOTOR CO.

1. A court should not sustain a preliminary objection in the nature of a demurrer unless it is clear that the law will not permit recovery.

2. Recovery in tort is barred in product liability actions between commercial enterprises where the only damage alleged is to the product itself, whether or not the defect posed a risk of other damage or injury or manifested itself in a sudden and calamitous occurrence.

3. The distinction that the law has drawn between tort recovery for physical injuries and warranty recovery for economic loss is not arbitrary and does not rest on the 'luck' of one plaintiff in having an accident causing physical injury. The distinction rests, rather, on an understanding of the nature of the responsibility a manufacturer must undertake in distributing his products.

4. Where injury is only to the product itself the reasons for imposing a duty in tort are weak and those for leaving a party to its contractual remedy are strong.

5. Where an allegedly defective product causes damage only to itself, and other consequential damages resulting from the loss of the use of the product, the law of contract is the proper arena for redressing the harm because in such a case, the damages alleged relate specifically to product quality and value as to which the parties have had the opportunity to negotiate and contract in advance.

6. However, where other property is injured, such damage may be considered so akin to personal injury that the two are treated alike.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 00-S-968, ERIE INSURANCE GROUP, AS SUBROGEE OF ERNEST V. SILLIK, JR. AND DONNA M. SILLIK, VS. FORD MOTOR COMPANY.

John W. Popilock, Esq., for Plaintiff

Nancy R. Winschel, Esq., and Richard J. Kabbert, Esq., for Defendant
Spicer, P. J., March 21, 2001

OPINION ON PRELIMINARY OBJECTIONS

Plaintiff, acting as subrogee on behalf of its insured, filed a complaint September 29, 2000 against defendant manufacturer to recover from a fire that destroyed insured's 1997 Mercury Mystique and personal property that was in the vehicle. Plaintiff raises claims of breach of warranty, negligence and strict liability¹ alleging the fire was the result of faulty wiring within the vehicle.

¹ Pennsylvania Supreme Court adopted Section 402A of the Restatement in *Webb v. Zern*, 422 Pa. 424, 220 A.2d 853 (1966).

Section 402A of the Restatement (Second) of Torts, provides in relevant part:

(1) One who sells any product in a defective condition unreasonably dangerous to the user or consumer or to his property is subject to liability for physical harm thereby caused to the ultimate user or consumer, **or his property**, if ... Section 402A of the Restatement (Second) of Torts (1965).

Defendant has filed preliminary objections in the nature of demurrers as to counts sounding in negligence and strict liability. Defendant asks the court to dismiss tort claims with prejudice because of the economic loss doctrine. It argues that plaintiff is not entitled to recover purely economic damages arising out of the fire and implies that plaintiff has alleged damages to personal property located within the car only to avoid the doctrine.

A court should not sustain a preliminary objection in the nature of a demurrer unless it is clear that the law will not permit recovery. *Small v. Horn*, 554 Pa. 600, 722 A.2d 664 (1998).

Although, Superior Court has upheld dismissal of a complaint in a factually similar case, *Jones v. General Motors Corp*, 428 Pa. Super 544, 631 A.2d 665 (1993), the case did not involve property other than the motor vehicle. Our Supreme Court has yet to rule on the doctrine². Superior Court's first pronouncement is found in *REM Coal Company, Inc. v. Clark Equipment Company*³, 386 Pa. Super. 401, 563 A.2d 128 (1989), where the court reviewed the history of the doctrine and adopted the standard expressed by the U.S. Supreme Court in *East River S.S. Corp. v. Transamerica Delval, Inc.*⁴, 476 U.S. 858, 106 S.Ct. 2295, 90 L.Ed. 2d 865 (1986): "recovery in tort is barred in product liability actions between commercial enterprises⁵

²The doctrine applies to causes sounding in both negligence and strict liability. See also 4 Standard Pennsylvania Practice 2d §23.6 (page 323).

³This case involved an action between a strip mining business and the manufacturer and seller of the front end loader that caught on fire, resulting in damage to the loader itself.

⁴An admiralty case also involving two commercial enterprises. Plaintiff and defendant contracted for construction of four supertankers. Plaintiff brought products liability action after discovering turbines were defective seeking the cost of repair and income lost while tankers were out of service.

⁵The *REM* court noted that the dispute was between two commercial enterprises, as was the case in *East River*, and declined to answer any questions regarding disputes between non-commercial parties. However, our Superior Court later found that the rationale behind *REM* was equally applicable to disputes involving claims brought by individuals. *Jones v. General Motors Corp*, supra.

where the only damage alleged is to the product itself⁶, whether or not the defect posed a risk of other damage or injury or manifested itself in a sudden and calamitous occurrence.”

Justice Blackman writing for the Supreme Court explained:

“The distinction that the law has drawn between tort recovery for physical injuries and warranty recovery for economic loss is not arbitrary and does not rest on the ‘luck’ of one plaintiff in having an accident causing physical injury. The distinction rests, rather, on an understanding of the nature of the responsibility a manufacturer must undertake in distributing his products.” Citing *Seely v. White Motor Company*, 63 Cal. 2d, at 18, 403 P.2d, at 151.

“Where injury is only to the product itself the reasons for imposing a duty in tort are weak and those for leaving a party to its contractual remedy are strong.” *East River*, 476 U.S. at 871, L.Ed.2d at 877. Offering further explanation Superior Court has said:

In the *East River* case, the Supreme Court emphasized that where an allegedly defective product causes damage only to itself, and other consequential damages resulting from the loss of the use of the product, the law of contract is the proper arena for redressing the harm because in such a case, the damages alleged relate specifically to product quality and value as to which the parties have had the opportunity to negotiate and contract in advance. They have allocated the risks of possible types of losses, and agreed on the level of quality that will be given for the price demanded. When the product fails to conform and only economic losses result, the parties’ recovery one against the other for economic losses should be limited to an action on the contract and no additional recovery in

⁶More recently, the U.S. Supreme Court has clarified what constitutes “the product itself” in *Saratoga Fishing Co. v. J.M. Martinac & Co.*, 520 U.S. 875, 117 S.Ct. 1783, 138 L.Ed.2d 76 (1997). In this case, an individual purchased a boat then added additional equipment to it. The boat was then sold and subsequently sank as the result of a fire in the engine room caused by a defectively designed hydraulic system. The Supreme Court held that plaintiff could recover for the physical damage caused to the equipment as it constituted “other property.” Added equipment that played no causal role in the accident that damaged the product is recoverable in tort.

negligence or strict liability is permitted. *New York State Elec. Corp. v. Westinghouse Elec. Corp.*, 387 Pa. Super. 537, 550-51, 564 A.2d 919, 925-926 (1989).

However, where other property is injured, such damage may be considered so akin to personal injury that the two are treated alike. *East River*, citing *Seely* at 152.

There is no Pennsylvania appellate authority on point. While the *REM* and *Jones* cases, *supra*, adopted the U.S. Supreme Court's analysis as to damages to the chattel alone, neither case involved additional property.

Section 402A ostensibly authorizes recovery for damages other than to the product in question. It is clear that damage to property in the plaintiff's subrogor's automobile does not involve the type of harm that contract law was designed to redress. It is equally clear that §402A is designed to reduce to irrelevancy considerations of warranty and contract law. See comment to the section on pages 355 and 356. Thus, commercial law and tort law are designed to provide distinct remedies. There is no reason to disallow recovery when unequivocally stated policy reasons expressed in *REM* and *Jones*, *supra*, are inapplicable. There is equally no reason for abrogating those policies merely because some other property was damaged.

Accordingly, the attached order is entered.

ORDER

AND NOW, this 21st day of March, 2001, defendant's preliminary objections are sustained as to the 1997 Mercury Mystique, but denied as to the other property. Defendant shall have twenty (20) days in which to file an answer.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-770 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Tax Parcel No. K-11-70

ALL THAT CERTAIN lot, parcel, piece of ground with the improvements thereon erected situate in Oxford Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center of the Lincoln Highway (US Route 30) at the corner of lands now or late of Francis J. Yake Jr.; thence along the land now or late of Francis J. Yake Jr., South Twenty-six (26) degrees Thirty-eight (38) minutes Zero (0) seconds East, Two Hundred Twenty-six and Fifty-six hundredths (226.56) feet to an iron pin; thence along lands now or late of Stewart V. Walker, South Seventy-two (72) degrees Zero (0) minutes Zero (0) seconds West, Two Hundred Thirty and Thirty-seven hundredths (230.37) feet to a point in concrete; thence along lands now or late of Cindy A. Black, North Eighteen (18) degrees Zero (0) minutes Zero (0) seconds West, Two Hundred (200) feet to an iron pin; thence continuing along said lands North Twenty-six (26) degrees Thirty-eight (38) minutes Zero (0) seconds West, Twenty-five and Twenty-seven hundredths (25.27) feet to a point Seventy-two (72) degrees Zero (0) minutes Zero (0) seconds East, Two Hundred (200) feet to the place of BEGINNING.

THIS DESCRIPTION combines Parcels 1 and 2 of a prior deed. The part of the premises (formerly known as Parcel 2) is subject to restrictions as contained in Deed Book 230 page 7.

BEING the same premises which Deborah C.C. Gibbons, a single woman, by her deed dated February 19, 1998 and recorded February 20, 1998 in the Office of the Recorder of Deeds for Adams County in Deed Book 1523 page 319, granted and conveyed to Gary L. Landis, a single man.

ALSO BEING the same premises which Merle C. Weant and Gloria A. Weant, his wife by deed dated February 19, 1998 and recorded in the Office of the Recorder of Deeds for Adams County in Deed Book 1634 page 57, confirmed by Order of the Bankruptcy Court, granted and conveyed their undivided two-thirds interest to Gary L. Landis, a single man.

Tax Parcel No. J6-23

ALL the following described two (2) tracts of land:

TRACT NO. 1: ALL that certain tract of land situate, lying and being in Reading Township, Adams County, Pennsylvania,

bounded and described as follows, to wit:

BEGINNING at a stone and land formerly of David Brown, now of Haines B. Dicks; thence south eighty-eight and one-half (88 1/2) degrees east ninety-six and four-tenths (96.4) perches to a stone; thence due south, fifteen and four-tenths (15.4) perches to a stone; thence by land now or formerly of A. D. Brown and land formerly of Andrew Brown, now of H. D. Brown, south eighty-eight and one-half (88 1/2) degrees east, sixty-four (64) perches to a stone; thence by land now or formerly of George Bell, Esq., north one (1) degree West, twenty-one and eight-tenths (21.8) perches to a stone; thence north by land of the same sixty-six (66) degrees west, twelve (12) perches to a stone; thence north thirteen and one-half (13 1/2) degrees East, sixty (60) perches to a stone and lands of the same; thence north seventy-four (74) degrees west, eighteen and eight-tenths (18.8) perches to a stone; thence north twenty-five (25) degrees east, forty-one and five-tenths (41.5) perches to a stone; thence by same north seventy-six and one-half (76 1/2) degrees west, fifty (50) perches to a stone; thence by land formerly of Elijah Myers, now H. J. Brown, south twenty-five (25) degrees west, sixty-six (66) perches to a stone; thence by lands of the same north forty-five and one-half (45 1/2) degrees west, thirty-seven and five-tenths (37.5) perches to a stone; thence south sixty-five (65) degrees west, sixty-one and seven-tenths (61.7) perches to a stone; thence south one and one-half (1 1/2) degrees west, sixty-three and five-tenths (63.5) perches to a stone, the place of BEGINNING. CONTAINING ninety-three (93) acres and forty-eight (48) perches of land, more or less.

IT BEING the same tract of land which Florence V. Tribit, now Florence V. Stephens and Dean T. Stephens, her husband, by their deed dated October 30, 1954 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Deed Book Vol. 208 at page 193, sold and conveyed unto Eugene C. Lemmon and Irene E. Lemmon, his wife, as tenants by the entireties.

TRACT NO. 2: ALL that farm in Reading Township, Adams County, Pennsylvania, containing approximately 115.831 Acres and consisting of three contiguous parts or parcels, more particularly bounded and described as follows:

Part No. 1: BEGINNING at a stone in the state highway leading from York Springs to East Berlin at corner of land now or formerly of Walter Lemmon; thence in said highway and along said land and land now or formerly of F. Robert Seaman, South 44 1/2 degrees East 29.9 perches to a point; thence along said last mentioned land North 42 1/2 degrees East 34.5 perches to a post at corner of Part No. 2 hereof; thence along Part No. 2 hereof South 75

degrees East 81.8 perches to a post at corner of Part No. 3 hereof; thence along Part No. 3 hereof South 50 1/2 degrees West 44.85 perches to a post; thence along land formerly of W. Archer Hess South 13 1/2 degrees West 18.5 perches to a point in the aforementioned state highway leading from York Springs to East Berlin; thence in said highway and along said land formerly of W. Archer Hess South 73 1/2 degrees East 16.4 perches, to a point in the highway; thence along lands now or formerly of Joseph Stoner, South 50 1/2 degrees West 43.8 perches to stone in a road; thence in said road and continuing along same South 9 1/2 degrees East 53.3 perches to a stone in the intersection of two roads; thence in another road and along land now or formerly of Allen Schroyer North 74 3/4 degrees West 88.14 perches to a point in the middle of the road; thence along land now or formerly of Roy Brown North 9 1/2 degrees East 23.5 perches to a white oak; thence continuing along same North 89 degrees West 66.7 perches to a stone; thence along land now or formerly of Walter Lemmon North 14 3/4 degrees East 86 perches to a stone; thence continuing along same South 83 3/4 degrees East 20.4 perches to a stone; thence continuing along same North 68 1/2 degrees East 35 perches to the stone in the state highway, the place of BEGINNING. CONTAINING 100 Acres and 128 Perches.

The above description was obtained from a draft of survey prepared by P.S. Orner, County Surveyor, dated October 26, 1951.

Part No. 2: BEGINNING at a point at corner of Part No. 1 hereof; thence along land now or formerly of F. Robert Seaman North 36 degrees East 15.75 perches to an iron pin; thence continuing along same, South 79 degrees 15 minutes 90 perches to an iron pin; thence along land now or formerly of Earl Sponseller South 16 degrees 15 minutes East 16.73 perches to a post; thence along Part No. 3 hereof and Part No. 1 hereof, North 78 degrees 30 minutes West 103.8 perches to the point and place of BEGINNING. CONTAINING 8 Acres and 133 Perches.

The above description was obtained from a draft of survey prepared by LeRoy H. Winebrenner, County Surveyor, dated June 16, 1961.

Part No. 3: BEGINNING at a pin at a corner of Part No. 1 hereof; thence along Part No. 1 hereof North 49 degrees 30 minutes East 728 feet to a point at corner of Part No. 1 hereof and on line of Part No. 2 hereof; thence along Part No. 2 hereof South 75 degrees East 367.12 feet to a point; thence along lands now or formerly of Joseph Stoner South 15 degrees East 99 feet to an existing post; thence continuing along same South 50 degrees 30 minutes West 589 feet to a pin; thence along land now or formerly of W. Hess North 79 degrees 7 minutes

(continued on page 4)

West 487.4 feet to the point and place of BEGINNING. CONTAINING 6.2 Acres.

The above description was obtained from a draft of survey prepared by George M. Wildasin, dated September 9, 1961.

SEIZED and taken into execution as the property of **E. Matthew & Emily D. Stambaugh** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 26, 2001, 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.

10/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-495 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described real estate, lying and being situate in Hamiltonban Township, Adams County, Pennsylvania, with a property address of 2498 Iron Springs Road, Fairfield, Pennsylvania, bounded and described as follows:

BEGINNING at an existing iron pin at North edge of the wearing surface of the public road leading from Greenstone to Iron Springs; thence across said road and along the southerly edge of said public road, South 69 degrees East 453.2 feet to an iron pin; thence along the easterly side of a private entrance road South 25 degrees 30 minutes West 406.2 feet to an iron pin at a post; thence along a line of posts South 66 degrees 46 minutes West 169.6 feet to an iron pin at a post; thence continuing along a line of posts, South 75 degrees 59 minutes West 88.6 feet to an iron pin; thence North 58 degrees 38 minutes West, 61 feet to an iron pin at the eastern right of way of Western Maryland Railway Co.; thence along the eastern right of way of Western Maryland Railway Co., by a curve to the left whose radius is 603.14 feet and whose arc is 626.36 feet to an iron pin on said right of way at the North Edge of the first mentioned public road; thence South 86 degrees 17 minutes East 112.9 feet to the point, the place of

BEGINNING. CONTAINING 4.1 acres, more or less. The above description was obtained from a draft of survey prepared by Harry Knox, Registered Engineer, dated July 1, 1966.

BEING the same real estate which Lawrence V. Young, Trustee in Bankruptcy for Wahoo Mountain Enterprises, Inc., successor by merger and reorganization of Blue Ridge Pipe & Nipple Co., conveyed to Zefer Operations, Inc. by deed dated November 8, 1996, and recorded in Adams County Deed Book Volume 1301, Page 216.

The above-described real estate includes an area described as follows:

BEGINNING at a set iron pin at the intersection point of the southerly side of Iron Springs Road (SR 3014) and the eastwardly property line of Grantor's rail corridor, thence along a curve to the right having a radius of 218.16 feet and an arc length of 134.50 feet to a set iron pin with a chord bearing of South 89 degrees 37 minutes 24 seconds East with a chord of 132.38 feet, said line is twenty-five feet from the centerline of Iron Springs Road; thence leaving said road and along land of Grantee South 48 degrees 19 minutes 40 seconds East a distance of 327.45 feet to a point; thence along the land of Grantee and through two existing buildings, South 81 degrees 7 minutes 5 seconds West a distance of 253.83 feet to a point along the eastwardly property line of Grantor's rail corridor, said point is North 81 degrees 7 minutes 5 seconds East a distance of 30.07 feet from an existing P.K. Nail in the center of rails; thence along the eastwardly property line of Grantor's rail corridor on a curve to the left having a radius of 603.14 feet and an arc length of 289.78 feet with a chord bearing of North 26 degrees 4 minutes 57 seconds West with a chord of 287.00 feet to the Point of BEGINNING.

CONTAINING 1.0705 acres, more or less, and shown as "Parcel A" on plat dated November 11, 1996, prepared by Larry S. Garver, PLS, Garver Surveying, Waynesboro, Pennsylvania, incorporated herein by reference.

BEING real estate which CSX Transportation, Inc. quit claimed to Zefer Operations, Inc. by deed dated March 12, 1997, and recorded in Adams County Deed Book Volume 1347, Page 090.

SEIZED and taken into execution as the property of **Zefer Operations, Inc.** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2001, 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.

10/12, 19 & 26

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Pennsylvania's "Fictitious Names Act", 54 Pa. C.S.A. §§ 301 et seq., of the filing of an Application for Registration of Fictitious Name under the said Act. The fictitious name is ECOWATER SYSTEMS. The address of the principal office or place of business to be carried on, under or through the fictitious name is NicMar, Inc., of 999 Baltimore Road, York Springs, Adams County, Pennsylvania 17372. The name and address of the person or entity which is party to the registration is NicMar, Inc. of 999 Baltimore Road, York Springs, Adams County, Pennsylvania 17372. An application for registration under the Fictitious Names Act of the said fictitious name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on September 27, 2001.

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

10/26

NOTICE

NOTICE IS HEREBY GIVEN that Matthew D. Fogal intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 16th day of November, 2001, 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.

10/19, 26 & 11/2

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that K & B AUTO BODY, INC. has been incorporated under the provisions of the Pennsylvania Corporation Law of 1988.

John James Mooney, III, Esq.
Mooney & Associates
Attorneys at Law
230 York Street
Hanover, PA 17331

10/26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-396 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of November, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate on the Southeast side of No. 479 in Conewago Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the South side of Township Road No. 479 at lands now or formerly of Donald B. Smith, also known as Lot No. 29, said point being North forty-two (42) degrees fifty (50) minutes East, one hundred eighty-seven and thirty-one hundredths (187.31) feet from the intersecting property lines of Township Road No. 479 and Oak Drive; thence along the South property line of Township Road No. 479, North forty-two (42) degrees (50) minutes East, seventy (70) feet to a point at lands now or formerly of George A. Good, also known as Lot No. 31; thence along said Lot No. 31, South forty-seven (47) degrees ten (10) minutes East, one hundred ninety-six and seventy-six hundredths (196.76) feet to a point at other lands now or formerly of Donald B. Smith, also known as Lot No. 42; thence along Lot No. 42 and Lot No. 43, South forty-two degrees fifty (50) minutes West, seventy (70) feet to a point at said lands now or formerly of Donald B. Smith, also known as Lot No. 29, thence along Lot No. 29, North forty-seven (47) degrees ten (10) minutes West, one hundred ninety-six and seventy-six hundredths (296.76) feet to a point and the place of BEGINNING. (CONTAINING 13,773 square feet.) (The above description was taken from a draft of survey dated November 11, 1968, prepared by Charles C. Funke, Jr., Registered Engineer, being known as Lot No. 30.)

SUBJECT, NEVERTHELESS, to the conditions, covenants and restrictions recorded in Record Book 273, page 898.

TITLE TO SAID PREMISES IS VESTED IN Scott A. Sterner and Paige P. Sterner, husband and wife by Deed from Gregory P. Ernst and Regina C. Ernst, husband and wife dated 6/14/93, recorded 6/17/93, in Record Book 739, Page 349.

Premises being: 71 Peanut Drive, Hanover, PA 17331

Tax Parcel No. 21-13

SEIZED and taken into execution as the property of **Scott A. & Paige P. Sterner** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on December 10, 2001, 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.

10/19, 26 & 11/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-573 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 December, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the northerly right of way line of Abbotts Drive in the Borough of Abbottstown, County of Adams and State of Pennsylvania known and numbered as Lot No. 39 on a final plan of lots for Abbotts Manor Phase II recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Plan Book 73, page 43, more fully bounded and described as follows, to wit:

BEGINNING at a point on the northerly right of way line of Abbotts Drive, at a corner of Lot No. 40 on said plan; thence extending along the said right of way line South 30 degrees 57 minutes 33 seconds West 86.43 feet to a point, at a corner of Lot No. 38 on said plan; thence extending along the said Lot No. 38 North 35 degrees 47 minutes 14 seconds West 202.48 feet to a point; thence North 64 degrees 04 minutes 00 seconds East 62.30 feet to a point, at a corner of Lot No. 40 on said plan; thence extending along the said Lot No. 40 South 42 degrees 18 minutes 30 seconds East 158.72 feet to the point and place of BEGINNING.

CONTAINING 12,783 Sq. Ft. .293 Ac.

HAVING ERECTED THEREON a dwelling known as 163 Abbotts Drive, Abbottstown, Pennsylvania.

BEING THE SAME PREMISES WHICH Garland Construction, Inc. by Deed dated December 30, 1998 and recorded January 15, 1999 in Adams County Deed Book 1745, Page 266, granted and conveyed unto Armando G. Delpielago, Sr. and Aida D. Delpielago.

SEIZED IN EXECUTION AS THE PROPERTY OF **ARMANDO G. DELPIELAGO, SR. AND AIDA G. DELPIELAGO** ADAMS COUNTY JUDGMENT NO. 01-S-573

MAP & PARCEL #5-51

SEIZED and taken into execution as the property of **Aida G. Delpielago & Armando G. Delpielago** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 31, 2001, 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.

10/26, 11/2 & 9

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on September 6, 2001.

The name of the corporation is **TAYLOR'S TRANSFER SERVICE, INC.**

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

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

10/26

NOTICE

NOTICE IS HEREBY GIVEN that Articles of Amendment were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on August 23, 2001.

By said Articles, the name of the corporation has been changed from **Ecowater Systems of York Springs, Inc.** to **NICMAR, INC.**

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

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

10/26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-4 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of December, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania, which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69, Page 23 (together with all the amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 4, as more fully bounded and described in such plan, together with a proportionate undivided interest in the Common Elements as defined in a Declaration Plan recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania in Record Book 1271, Page 34.

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

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

HAVING ERECTED THEREON a dwelling known as 8 Fiddler Drive, New Oxford, Pennsylvania.

BEING THE SAME PREMISES WHICH Philip R. Garland T/D/B/A Garland Construction by Deed dated June 2, 1999 and recorded August 20, 1999 in Adams County Deed Book 1898, Page 260, granted and conveyed unto John A. Kidwell.

SEIZED IN EXECUTION AS THE PROPERTY OF JOHN A. KIDWELL A/K/A JOHN KIDWELL UNDER ADAMS COUNTY JUDGMENT NO. 01-S-4.

MAP & PARCEL #1-52-004

SEIZED and taken into execution as the property of **John A. Kidwell a/k/a John Kidwell** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 31, 2001, 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.

10/26, 11/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-727 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 December, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of real estate lying and being situate in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point along the right-of-way line of North Gala and corner of Lot No. 407 on subdivision plan hereinafter referred to; thence along the right-of-way line of North Gala, North 29 degrees 56 minutes 53 seconds East, 20.00 feet to a point at corner of Lot No. 405 on subdivision plan hereinafter referred to; thence along Lot 405, South 60 degrees 03 minutes 07 seconds East 100.00 feet to a point along line of lands of Weinberg and D & D Partnership, designated as Future Phase II of the Appler Development; thence along last mentioned lands, South 29 degrees 56 minutes 53 seconds West, 20.00 feet to a point at corner of Lot No. 407, aforesaid; thence along Lot No. 407, North 60 degrees 03 minutes 07 seconds West, 100.00 feet to a point along the right-of-way line of North Gala, the point and place of BEGINNING. CONTAINING 2,000 square feet.

BEING designated as Lot No. 406 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated July 15, 1994, as revised, Project No. 921060, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, Page 89.

BEING part of the same real estate conveyed by deed of David S. Weinberg, individually, and David S. Weinberg and Delbert S. Null, co-partners, trading as D & D Partnership to Appler Properties, LLC dated March 3, 1998, and recorded in Adams County Deed Book Volume 1531, page 255.

SUBJECT TO all easements, conditions and restrictions of record, including but not limited to those set forth on the

aforementioned Plan and prior Deeds of record.

HAVING ERECTED THEREON a dwelling known as 59 North Gala, Littlestown, Pennsylvania.

BEING THE SAME PREMISES WHICH Appler Properties, LLC, by Deed dated November 5, 1998 and recorded November 20, 1998 in Adams County Deed Book 1706, Page 231, granted and conveyed unto James R. Woodie and Jaime S. Woodie.

SEIZED IN EXECUTION AS THE PROPERTY OF JAMES R. WOODIE AND JAIME S. WOODIE UNDER ADAMS COUNTY JUDGMENT NO. 00-S-727.

MAP & PARCEL #4-56

SEIZED and taken into execution as the property of **James R. Woodie & Jaime S. Woodie** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 31, 2001, 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.

10/26, 11/2 & 9

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 ROBERT L. BAKER, DEC'D

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

Co-Executors: Ricky L. Baker, 17 Summer Dr., Gettysburg, PA 17325; Jacqui L. Hart, 45 Brown's Dam Rd., Lot #124, New Oxford, PA 17350

Attorney: Ralph D. Oyler, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF FRANCES HERPEL MANN, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: Frederick R. Mann, 426 Rt. 194 N. Abbottstown, PA 17301

ESTATE OF ROGER KENT REED, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Robert J. Reed, 8600 McDonogh Road, Owings Mills, MD 21117; Tamara S. Reed, 3612 Briars Road, Brookville, MD 20833

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

ESTATE OF ANNA MAE RHODES, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Glenn C. Heller, 80 Knox Road, Gettysburg, PA 17325; Janet M. Hartman, P.O. Box 24, Cashtown, PA 17310

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

SECOND PUBLICATION

ESTATE OF CARL E. BOLLINGER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Cynthia Sue Staub, 3292 Carlisle Pike, New Oxford, PA 17350

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

ESTATE OF EMMA S. STORIE, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Elind Murphy, 9807 Connecticut Ave., Kensington, MD 20895; John Nichols, 301 B South Queen St., Littlestown, PA 17340

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

ESTATE OF CHARLES E. TRONE, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Co-Executors: Virginia Forsythe, Rear 120 Broadway, Hanover, PA 17331; Bradley Wolf, 501 South Street, McSherrystown, PA 17344

Attorney: Judith Koper Morris, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF CATHERINE D. BOLIN, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Sharon S. Opfer, 4352 The Woods Road #7, Kitty Hawk, NC 27949

Attorney: Keith A. Hassler, Esq., 9 North Beaver Street, York, PA 17401

ESTATE OF MABEL W. GUTHRIE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: PNC Bank, N.A., Attn: Linda J. Lundberg, P.O. Box 308, Camp Hill, PA 17001

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

ESTATE OF DONALD O. WEANER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Freda K. Weaner, 1317 Bendersville-Wenksville Road, Aspers, PA 17304

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-840 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 December, 2001, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land Situate on the Northerly right of way line of Abbotts Drive in the Borough of Abbottstown, County of Adams and State of Pennsylvania, known and numbered as Lot No. 3 on a plan of lots for Abbotts Manor Phase I recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Abbotts Drive at a corner of Lot No. 2 on said

plan; thence extending along the said Lot No. 2 North 15 degrees 39 minutes 50 seconds West 122.86 feet to a point; thence extending along lands now or formerly of Homer Forbes North 70 degrees 28 minutes 30 seconds East 140.30 feet to a point; thence South 9 degrees 25 minutes 50 seconds West 157.95 feet to a point on the Northerly right of way line of Abbotts Drive; thence extending along the Northerly right of way line of Abbotts Drive on a line curving to the left having a radius of 225 feet, an arc distance of 85 feet with a chord bearing South 84 degrees 36 minutes 30 seconds West 84.49 feet to the point and place of BEGINNING.

CONTAINING 14,927 sq. feet.

Tax Parcel # 3-105

SEIZED and taken into execution as the property of John L. Langkam IV and to be sold by me

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

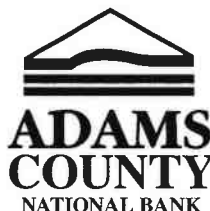
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 31, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser 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.

10/19, 26 & 11/2

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



Member FDIC