

# Adams County Legal Journal

Vol. 42

January 5, 2001

No. 32, pp. 176-182

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-787 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of January, 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 those two tracts of land, situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

### TRACT NO. 1:

BEGINNING at an iron pin on the Northwest property line of East King Street, where the same is intersected by the Eastern side of a 16 foot public alley; thence by the Eastern side of said alley, North 25 degrees 15 minutes West, 150 feet to an iron pin; thence through the original tract now or formerly of John W. Messinger and Anna M. Messinger, North 65 degrees 45 minutes East, 44 feet to an iron pin; thence continuing through said original tract, South 25 degrees 15 minutes East, 150 feet to an iron pin on the Northwest property line of E. King Street aforesaid, which iron pin is South 65 degrees 45 minutes West, 22 feet from the Southwest corner of another lot now or formerly of John W. Messinger and wife (Deed Book 248 at page 457); thence along the Northwest side of E. King Street, South 65 degrees 45 minutes West, 44 feet to the above described place of BEGINNING. CONTAINING 6,598.5 square feet.

### TRACT NO. 2:

BEGINNING at an existing iron pipe on the Eastern edge of a 16 foot public alley which is located at the Northwest corner of a lot now or formerly owned by Grantors herein, which is referenced in Adams County Deed Book 321 at page 435; thence continuing along the Eastern edge of the above referenced 16 foot public alley and along lands now or formerly of John W. Messinger and Anna M. Messinger, North 25 degrees 15 minutes 00 seconds West, 114 feet to a steel pin on the Southern edge of a 20 foot public alley at a corner of lands now or formerly of John W. Messinger and Anna M. Messinger; thence continuing along the Southern edge of a 20 foot public alley and by lands now or formerly of John W. Messinger and Anna M. Messinger,

North 65 degrees 30 minutes 00 seconds East, 44 feet to a steel pin on the southern edge of a 20 foot public alley at a corner of lands now or formerly of John W. Messinger and Anna M. Messinger; thence continuing along said same lands, South 25 degrees 15 minutes 00 seconds East, 114.19 feet to an existing iron pipe located at corner of lands now or formerly of the Grantors herein, said line forming the North boundary line of a tract now or formerly of Grantors herein, and more particularly referenced in Adams County Deed Book 321 at page 435, South 65 degrees 45 minutes 00 seconds West, 44 feet to an existing iron pipe on the Eastern edge of a 16 foot public alley, which said pipe is located at the Northwest corner of a tract of lands now or formerly of the Grantors herein, more particularly referenced in Adams County Deed Book 321 at page 435, the place of BEGINNING. CONTAINING 5,020 square feet.

THE above description was taken from a draft of survey prepared by Mort, Brown and Associates, dated April 22, 1986, and identified as Lot No. 1 therein.

SUBJECT, however, to the restriction that neither the Grantors nor Grantee herein, nor their heirs, successors or assigns, shall block or otherwise impede the entrance to a macadam driveway which is located at the Southeastern corner of the above described lot.

BEING the same premises which Tom L. Klepac and Barbara Michelle Johnson-Klepac, by Deed dated August 6, 1998 and recorded in the Office of the Recorder of Deeds of Adams County on August 13, 1998, in Deed Book Volume 1644, Page 52, granted and conveyed unto Michael A. Bialecki.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right title, interest property, claim and demand whatsoever of them, the said Grantors, as well at law as in equity, of, in and to the same.

TO HAVE and to hold the said lot or piece of ground above described with the buildings and improvements thereon

erected, hereditaments and premises hereby granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantee, Grantee's heirs and assigns, to and for the only proper use and behoof of the said Grantee, Grantee's heirs and assigns forever.

Parcel No. 6-31

SEIZED and taken into execution as the property of **Michael E. Bialecki** 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 February 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.

12/22, 29 & 1/5

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-345 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of January, 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 in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a stake along the Southern property line of the Gettysburg-Fairfield State Highway, at the Northwest corner of land of Jay R. Schmitt and wife; thence by said Schmitt land, South 16 degrees 30 minutes East, 120 feet to a stake; thence through the original tract of the Grantor, South 73 degrees 30 minutes West, 219.95 feet to a stake; thence by land of David Swisher, North 25 degrees East, 160.22 feet to a stake on the Southern property line of said Gettysburg-Fairfield State Highway; thence by the Southern property line of said State Highway, North 73 degrees, 30 minutes East, 110 feet to the above described place of BEGINNING.

CONTAINING 72.7 Perches.

HAVING THEREON ERECTED A DWELLING KNOWN AS 986 Fairfield Road, Gettysburg, PA 17325.

BEING THE SAME PREMISES WHICH Gettysburg Construction Company, by their Deed dated November 24, 1971, and recorded in Adams County Recorder of Deeds on November 24, 1971, in Deed Book 296, page 938, granted and conveyed unto William C. Becker (Deceased) and Anna M. Becker.

Map & Parcel # W2-28

SEIZED and taken into execution as the property of **Anna M. Becker** 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 February 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.

12/22, 29 & 1/5

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-457 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of January, 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 piece, parcel or tract of land 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 Northern edge of Drummer Drive at Lot No. 57 of the hereinafter referenced subdivision plan; thence along said Northern edge of Drummer Drive South eighty-seven (87) degrees six (06) minutes thirty-four (34) seconds West, ninety and zero hundredths (90.00) feet to a point at Lot No. 59 of said plan; thence along same North two (02) degrees fifty-three (53) minutes twenty-six (26) seconds West, one hundred thirty-four and thirty-seven hundredths (134.37) feet to a point at Lot No. 60 of said plan; thence along same North eighty-seven (87) degrees six (06) minutes thirty-four (34) seconds East, ninety and zero hundredths (90.00) feet to a point at Lot No. 57 of said plan; thence along same South two (02) degrees fifty-three (53) minutes twenty-six (26) seconds East, one hundred thirty-four and thirty-seven hundredths (134.37) feet to a point on the Northern edge of Drummer Drive, the point and place of BEGINNING.

CONTAINING 12,093 square feet.

THE above described lot being designated as Lot No. 58 on the Subdivision Plan of "South Branch Estates", dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

BEING the same premises which J.A. Myers Building and Development, Inc., William Bast and William Prin, Co-Partners in a joint venture MPR Associates, by Deed dated July 3, 1995

and recorded in the Office of the Recorder of Deeds of Adams County on July 31, 1995 in Deed Book Volume 1060, Page 249, granted and conveyed unto David S. Schreiber and Susan M. Schreiber, husband and wife as Tenants by the Entirety.

Grenen & Birsic, P.C.

By: /s/Kristine M. Faust, Esq.

Attorneys for Plaintiff

One Gateway Center, Nine West  
Pittsburgh, PA 15222  
(412) 281-7650

Parcel No.: 1-83

SEIZED and taken into execution as the property of **David S. Schreiber & Susan M. Schreiber** 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 February 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.

12/22, 29 & 1/5

## LITTLE TEASERS VS. ADAMS COUNTY ZONING HEARING BOARD

1. In zoning cases where the trial court did not receive any additional evidence, its scope of review is limited to determining whether the zoning hearing board committed an error of law or a manifest abuse of discretion.

2. In making this evaluation, the primary guideline is the ordinance itself. Ambiguities or conflicts in the ordinance should be resolved in favor of the landowner.

3. The zoning hearing board is the sole judge of the credibility of the witnesses and the weight to be given their testimony.

4. An abuse of discretion occurs only if the board's findings are not supported by substantive evidence.

5. Evidence is substantial when a reasonable mind could accept it as adequate to support a conclusion.

6. The courts have judicially created a doctrine known as the pending ordinance doctrine to protect municipalities from the establishment of nonconforming uses on the eve of a zoning change. The doctrine provides that an application for zoning relief may be refused if an original or amended zoning ordinance is pending which would prohibit the use of the land for which the application is sought. An ordinance is considered to be pending when the legislative body, in good faith, has resolved to consider a particular scheme of zoning, advertises to the public its intention to hold public hearings, invites public inspection of the ordinance, and proceeds with reasonable dispatch to consider the proposal. Thus, a use which is established after the date of advertising may be denied recognition as a legal non-conforming use after the enactment of the zoning ordinance. The doctrine is not automatically applied, instead, its applicability is left to the discretion of the governing body.

7. In order to establish a prior nonconforming use, the landowner must present objective evidence demonstrating that the subject land was devoted to such use at the time of the enactment of the zoning ordinance....The burden of proving the existence or extent of a nonconforming use rests on the property owner who would claim benefits of the rights accorded the property with that status.

8. Furthermore, the landowner must prove that the use which existed prior to the ordinance was a legal use. The objective evidence required must be physical evidence manifested in the most tangible and palpable form. The evidence must exist somewhere outside the property owners' mind, and even a statement of the landowner's intention is inadequate to establish a nonconforming use.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 99-S-438. LITTLE TEASERS, INC. VS. ZONING  
HEARING BOARD OF ADAMS COUNTY, PENNSYLVANIA.

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

Clayton R. Wilcox, Esq., for Appellee

Thomas R. Campbell, Esq., for County of Adams

Henry O. Heiser, III, Esq., for Mount Pleasant Township

Kuhn, J., November 1, 1999.

## OPINION ON ZONING APPEAL

On May 13, 1999, Appellant, Little Teasers, Inc., filed a Zoning Appeal from a Decision rendered on April 14, 1999, by the Zoning Hearing Board of Adams County. The procedural background begins on September 2, 1998, when the Adams County Commissioners properly voted to advertise its intention to adopt a zoning amendment to zone the Route 30 Corridor in Mount Pleasant Township as Single Family Residential (SFR). The amendment was advertised in the *Evening Sun* on September 7 and 18, 1998, with the public invited to make comment at a hearing to be held on October 7, 1998. Notice was also given that the proposed ordinance was available for public inspection. On October 14, 1998, the Commissioners adopted the zoning amendment as Ordinance No. 4 of 1998, effective that date.

On September 9, 1998, Darren Andrews and Steve Woodall visited the office of the Mount Pleasant Township secretary to obtain whatever permits were needed to operate their business at 4335 York Road, New Oxford, Mount Pleasant Township, Adams County, Pennsylvania. The secretary advised that they must first contact the Adams County Zoning Officer. That same day, Andrews and Woodall visited the office of Robert Thaeler, the Adams County Zoning Officer, seeking an "exemption from the zoning provisions." Mr. Thaeler advised them that evidence of pre-existing use was needed.

On October 26, 1998, the Adams County Zoning Officer issued an Enforcement Notice to Steven M. Woodall that the Little Teasers nightclub located at 4335 York Road, New Oxford, Pennsylvania and within the Route 30 Corridor was in violation of the SFR use regulations under the Adams County Zoning Ordinance. On or about November 23, 1998, a packet of documents was received by Mr. Thaeler containing information purporting to demonstrate use of the subject property prior to September 7, 1998. Subsequently, Little Teasers, Inc. filed an Application for Hearing with the Adams County Zoning Hearing Board claiming that the use allegedly violating the ordinance had existed prior to advertisement of the proposed zoning amendment. A hearing was held before the Board on March 3, 1999. The Findings of Fact and Conclusions of Law entered by the Board are attached hereto as Exhibit "A" and incorporated herein.

## ISSUES

Appellant raises the following issues:

1. That the Board erred in finding that Appellant had not established a pre-existing non-conforming use of the premises prior to September 7, 1998.
2. That the Board improperly applied the pending ordinance doctrine.
3. That the decision of the Board was arbitrary, capricious, and an abuse of discretion.
4. That the actions of the Zoning Officer were arbitrary and capricious in not issuing a certificate of non-conformance to Appellant.

## DISCUSSION

In zoning cases where, as here, the trial court did not receive any additional evidence, its scope of review is limited to determining whether the zoning hearing board committed an error of law or a manifest abuse of discretion. *Hogan, Lepore & Hogan v. Pequa Township Zoning Board*, 162 Pa. Cmwlth. 282, 288, 638 A.2d 464, 467 (1994), alloc. den. 647 A.2d 904; *Manor Healthcare Corp. v. Lower Moreland Township Hearing Board*, 139 Pa. Cmwlth. 206, 217, 590 A.2d 65, 70 (1991). In making this evaluation, the primary guideline is the ordinance itself. Ambiguities or conflicts in the ordinance should be resolved in favor of the landowner. *Wagner v. Littlestown Borough Zoning Hearing Board*, 29 Ad. Co. L.J. 41, 43 (1987). The zoning hearing board is the sole judge of the credibility of the witnesses and the weight to be given their testimony. *Appeal of Lester M. Prange, Inc.*, 166 Pa. Cmwlth. 626, 632-3, 647 A.2d 279, 282 (1994). An abuse of discretion occurs only if the board's findings are not supported by substantive evidence. *Moros v. Pittsburgh Zoning Board of Adjustment*, 107 Pa. Cmwlth. 203, 205, 527 A.2d 1117, 1118 (1987). Evidence is substantial when a reasonable mind could accept it as adequate to support a conclusion. *Valley View Civic Association v. Zoning Board of Adjustment*, 501 Pa. 550, 554-55, 462 A.2d 637, 639-40 (1983) (citations omitted).

Appellant claims that the subject property was used as an adult entertainment/night club facility prior to adoption of the zoning amendment and therefore it is a valid pre-existing non-conforming

use. Before determining whether there was a pre-existing non-conforming use, we must determine when the zoning amendment was applicable to the property.

The courts have judicially created a doctrine known as the pending ordinance doctrine to protect municipalities from the establishment of nonconforming uses on the eve of a zoning change. *Washington Township v. Slate Belt Vehicle Recycling Center, Inc.*, 58 Pa. Cmwlth. 620, 624, 428 A.2d 753, 755 (1981). The doctrine provides that an application for zoning relief may be refused if an original or amended zoning ordinance is pending which would prohibit the use of the land for which the application is sought. An ordinance is considered to be pending when the legislative body, in good faith, has resolved to consider a particular scheme of zoning, advertises to the public its intention to hold public hearings, invites public inspection of the ordinance, and proceeds with reasonable dispatch to consider the proposal. *Hill v. Zoning Hearing Board of Chestnut Township*, 534 Pa. 45, 48, 626 A.2d 510, 512 (1993); *Borough of Edgewood v. Lamanti's Pizzeria*, 124 Pa. Cmwlth. 325, 328, 556 A.2d 22, 23 (1989); *Marinari v. Zoning Hearing Board of New Hanover Township*, 90 Pa. Cmwlth. 601, 604, 496 A.2d 121, 123 (1985), Alloc. den. 554 A.2d 512 (1989); *Appeal of Gillies Corp.*, 59 Pa. Cmwlth. 526, 528-9, 430 A.2d 694, 695 (1981). Thus, a use which is established after the date of advertising may be denied recognition as a legal non-conforming use after the enactment of the zoning ordinance. *Hill, supra.*, 625 A.2d at 512. The doctrine is not automatically applied, instead, its applicability is left to the discretion of the governing body.

Here, the zoning amendment was first advertised on September 7, 1998. The Commissioners made the amendment available for public inspection, held a public hearing and enacted the amendment on October 14, 1998. The County's Enforcement Notice, its appearance at the Board hearing, and as intervenor on appeal clearly indicates its intention to apply the doctrine. Furthermore, no evidence exists that the county would not apply the doctrine. See *Hill, supra.* Based upon the circumstances of this case, the Board was justified in finding that the pending ordinance doctrine was applicable as of September 7, 1998.

We now ascertain whether the Board erred in finding that Appellant had not established a pre-existing non-conforming use of the premises prior to September 7, 1998. It is well settled that,

In order to establish a prior nonconforming use, the landowner must present objective evidence demonstrating that the subject land was devoted to such use at the time of the enactment of the zoning ordinance. . . . The burden of proving the existence or extent of a nonconforming use rests on the property owner who would claim the benefits of the rights accorded the property with that status. *Appeal of Lester M. Prange, Inc., supra.*, 647 A.2d at 281 (citations omitted).

See also, *R.K. Kibblehouse Quarries v. Marlborough Township Zoning Hearing Board*, 157 Pa. Cmwlth. 630, 637, 630 A.2d 937, 941 (1993), Alloc. den. 655 A.2d 996. Furthermore, the landowner must prove that the use which existed prior to the ordinance was a legal use. *Lantos v. Zoning Hearing Board of Haverford Township*, 153 Pa. Cmwlth. 591, 596, 621 A.2d 1208, 1210 (1993). The objective evidence required must be physical evidence manifested in the most tangible and palpable form. *Marshall Chevrolet, Inc. v. Zoning Hearing Board of the City of Reading*, 57 Pa. Cmwlth. 525, 529, 426 A.2d 1236, 1239 (1981). The evidence must exist somewhere outside the property owners' mind, *Id.*, and even a statement of the landowner's intention is inadequate to establish a nonconforming use. *Lower Mount Bethel Township v. Stabler Development Comp.*, 97 Pa. Cmwlth. 195, 200, 509 A.2d 1332, 1334 (1986), Alloc. den. 531 A.2d 1121 (1987).

The Court has carefully reviewed the findings of fact. There are only two findings which are not supported by the record. Finding 14d indicated that "a handwritten sign" was placed on the door of the premises. In fact, the sign was black with orange lettering and the kind commercially sold in home improvement stores (T. 47). Finding 15e indicated that evidence was "too scanty to determine if nude dancing occurred on those first evenings". In fact, Mr. Andrews testified that from the time he considered the premises to be open until the business was cited by the Pennsylvania State Police in October 1998, the premises was operated as a bottle club for persons age 21 years and older and the entertainment format was nude

dancing (T. 78, 105). Otherwise, the findings are supported by the record.

Likewise, we agree that the conclusions are supported by the record. The Board did not err in finding that all documentation and activities up to September 4, 1998, demonstrated an intention to conduct a business at some time in the future. Furthermore, the Board did not err in concluding that whatever took place on the premises from September 4-7, 1998 was insufficient to meet Appellant's burden of showing objective, physical evidence in the most tangible and palpable form. Over those several days 1) Appellant's owners cleaned the premises in a household fashion and brought sound equipment, tables and chairs to the premises, 2) Appellant's owners invited friends to a party over three consecutive nights at which time no more than 12 persons appeared, 3) no signage was visible to the public indicating that the premises was open for Appellant's business, 4) Appellant's owners did not really want members of the public to enter the premises prior to the official grand opening on September 25, 1998, and 5) no more than 6 cars were seen in the parking lot at any one time (T. 43, 47, 55-58, 76, 93-96, 105, 107, 117).

Although not discussed by the Board, we believe that the Board could have also concluded that the use was not a legal use of the premises as of September 7, 1998. The Crimes Code, at 18 Pa. C.S.A. §7329, makes it illegal for a bottle club operator to knowingly permit lewd entertainment on the premises. A bottle club is an establishment operated for pecuniary gain, which has a capacity for 20 or more persons, and where malt beverages are brought into the premises by the patrons. Lewd conduct would include situations where a person is nude and completely exposing themselves. The testimony of Mr. Andrews satisfied each of these elements. Thus, prior to September 7, 1998, the use which Appellant made of the premises was not a legal use and therefore is not entitled to recognition as a pre-existing non-conforming use.

Appellant's claim that the Zoning Officer acted arbitrarily and capriciously is belied by the record and the decisions of the Zoning Hearing Board and this Court.

Appellant's claim that the zoning amendment excludes adult entertainment or nightclubs in any area of the county was not an



issue raised before the Board. The appropriate procedure for raising such an issue is outlined in 53 P.S. §10916.1. Appellant did not avail itself of that procedure. Nevertheless, this zoning amendment only addresses the Route 30 corridor in Mount Pleasant Township and can hardly be recognized as an attempt to exclude a use throughout the county.

Finally, Appellant's claim that the Board was not properly constituted is meritless. It would be assumed that the Board is properly appointed and the burden would be on Appellant to raise that issue. Appellant did not raise that issue before the Board and has offered no basis for one to conclude that the Board was not properly appointed.

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 1st day of November, 1999, the Zoning Appeal filed in this matter by Little Teasers, Inc., is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 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 of ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

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

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

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

BEING known as 210 Goodyear Road, Gardners, PA 17324

TAX PARCEL NO. H-272A

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

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 5, 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.

1/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-932 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 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 in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center line of U.S. Route #140 leading from Littlestown to Two Taverns which point is North 49 degrees 30 minutes 00 seconds West 519.01 feet from the intersection of said U.S. Route #140 and Legislative Route 01079; thence in the center of said U.S. Route #140 North 49 degrees 30 minutes 00 seconds West 245.71 feet to a point; thence North 34 degrees 48 minutes 35 seconds East, and through a steel pin 42.06 feet from said point, a distance of 293.18 feet to a point; thence by land of Grantors South 66 degrees 09 minutes 45 seconds East 144.65 feet to a point; thence by the same South 18 degrees 16 minutes 03 seconds West 359.97 feet through a steel pin to a point in the center of the aforesaid U.S. Route #140, the place of BEGINNING, such last mentioned steel pin being 42.96 feet from such place of BEGINNING. CONTAINING 1.4177 Acres, neat measure.

This description being taken from a draft of survey by J. H. Rife, R.E.

Tax Parcel # H-16-26A

SEIZED and taken into execution as the property of **Loy L. King & Julia C. King** 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 March 5, 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.

1/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-932 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of January, 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 lot or parcel of land situate, lying and being in the Township of Franklin in the development of Gettysburg Mountain Campsites, Inc., County of Adams and State of Pennsylvania, to wit:

LOT No. 24, of Section A, respectively as shown on the survey and original plat of Gettysburg Mountain Campsites, Inc., Adams County, Pennsylvania, made by a Registered Surveyor and of record in the Recorder of Deeds Office of Adams County, Pennsylvania, in Miscellaneous Book No. 4, page 487.

Tax Parcel # 2-25A

The improvements thereon being known as No. 53 Pheasant Trail, Box 448.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 53 Pheasant Trail, Box 448, Orrtanna, PA 17353.

SOLD as the property of Richard J. Smith, Jr. and Ethel Smith.

SEIZED and taken into execution as the property of **Richard J. Smith, Jr. & Ethel M. Smith** 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 February 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.

12/29, 1/5 & 12

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-989 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of January, 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 tract of real estate located in Reading Township, Adams County, Pennsylvania, and more particularly described in accord with a final subdivision plan prepared by Adams County Surveyors, Drawing D-321-A, dated June 30, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 23, page 6, as follows:

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

Tax Parcel #K6-15J

BEING KNOWN AS: 155 Germany Court, East Berlin, PA 17316

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

SEIZED and taken into execution as the property of **Albert E. Pate** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

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

12/29, 1/5 & 12

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-603 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 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.:

Herr's Ridge Road and Old Mill Road, Gettysburg, PA, Tax Map E-13, Parcel 6A

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate, lying and being in Cumberland Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a cotton gin spindle found in the centerline of Herr's Ridge Road, T-338, at corner of lands now or formerly of John Weaver; thence along centerline of said road, South 41 degrees 46 minutes 05 seconds West, 255.21 feet to a P.K. nail found 1.5 feet east of the centerline of aforesaid road; **thence in said road, South 41 degrees 27 minutes 10 seconds West, 492.08 feet to a cotton gin spindle in centerline of said Herr's Ridge Road, T-338, at lands now or formerly of Robert Fitz;** thence along said lands of Robert Fitz and passing through a steel post found 22.70 feet back from the beginning of this course, North 48 degrees 36 minutes 20 seconds West, 227.71 feet to a steel rod found at lands of same; thence along same and lands now or formerly of Garnet Newton and passing through a steel rod found 20.00 feet back from the terminus of this course, South 41 degrees 27 minutes 10 seconds West, 400.00 feet to a cotton gin spindle found near the centerline of Old Mill Road, T-337; thence in and along said Old Mill Road, North 48 degrees 36 minutes 20 seconds West, 197.29 feet to a P.K. nail found 1.00 foot south of the centerline of said Old Mill Road; thence in and along same, North 48 degrees 44 minutes 15 seconds West, 560.79 feet to a cotton gin spindle found in said Old Mill Road at lands now or formerly of W. Richard Schubert; thence along said lands of Schubert and passing through a steel rod found 25.63 feet back from the beginning of this course, North 42 degrees 03 minutes 25 seconds East, 730.00 feet to a pipe found at lands now or formerly of

Melinda H. Davis, et al.; thence along said lands of Davis, North 41 degrees 30 minutes 10 seconds East, 325.00 feet to a pipe found at lands of same; thence along same and lands now or formerly of Donald Doersom, North 39 degrees 54 minutes 30 seconds East, 642.79 feet to a pipe found at lands now or formerly of Dale Hikes; thence along said lands of Hikes, South 45 degrees 38 minutes 30 seconds East, 583.67 feet to a steel rod in concrete found at lands now or formerly of Robert Hand; thence along said lands of Robert Hand, South 42 degrees 12 minutes 55 seconds West, 134.30 feet to a steel rod found at lands of said Hand; thence along same, South 45 degrees 22 minutes 45 seconds East, 99.97 feet to a steel rod found at corner of lands now or formerly of Robert Hand and now or formerly of George Singer; thence along said lands of George Singer and lands now or formerly of John Weaver, South 42 degrees 12 minutes 30 seconds West, 360.03 feet to a steel rod found; thence along said lands of Weaver and passing through a pipe found 24.63 feet back from the terminus of this course, South 45 degrees 14 minutes 05 seconds East, 320.87 feet to a cotton gin spindle found in the centerline of Herr's Ridge Road, T-338, the point and place of BEGINNING. CONTAINING 31.702 acres, more or less. (The foregoing description was taken from a Subdivision Plat prepared by Robert A. Sharrh, P.L.S., dated March 14, 1995, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 66, page 78, and identified as Lot No. 1 thereon.)

SEIZED and taken into execution as the property of **Cannon Ridge Developers** 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 March 5, 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.

12/29, 1/5 & 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 RONALD B. SCOTT, DEC'D**  
Late of Straban Township, Adams County, Pennsylvania

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

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

**ESTATE OF RAYMOND F. STAUB, DEC'D**  
Late of Oxford Township, Adams County, Pennsylvania

Executors: Michael J. Staub, 75 Ruel Avenue, Hanover, PA 17331; Robert W. Staub, 243 South Street, Hanover, PA 17331

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

## SECOND PUBLICATION

**ESTATE OF MARY F. BLACK a/k/a MARY FLORENCE BLACK, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Executors: Darwyn L. Black and Kenneth D. Black, c/o 645 Lindsey Rd., Carlisle, PA 17013

Attorney: William S. Daniels, Esq., Humer & Daniels, 1 W. High St., Ste. 205, Carlisle, PA 17013

## THIRD PUBLICATION

**ESTATE OF CLAIRE T. CHAMBERLAIN a/k/a CLAIRE THERESA CHAMBERLAIN, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Linda Miller, 3081 York Road, Gettysburg, PA 17325

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

**ESTATE OF DOROTHY E. ELICKER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: William H. Bentz and Donna J. Stoudnour, c/o Wm. D. Schrack, III, 124 West Harrisburg Street, Dillsburg, PA 17019-0310

Attorney: Wm. D. Schrack, III, 124 West Harrisburg Street, Dillsburg, PA 17019-0310

**ESTATE OF BERTHA B. ERB, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: James R. Erb, 201 Quail Run, Wyoming, Delaware 19934

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

**ESTATE OF BONNIE L. HAWK, DEC'D**

Late of Union Township, Adams County, Pennsylvania

J. Larry Hawk, 1938 White Hall Road, Littlestown, PA 17340

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

**ESTATE OF JUNIOR RALPH HELLER, DEC'D**

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executors: Raymond E. Heller, 261 Clines Church Road, Aspers, PA 17304; Eugene P. Heller, 380 Potato Road, Aspers, PA 17304

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

**ESTATE OF EDNA C. PLUNKERT, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Merwyn D. Dutterer, 1714 Lauterbach Road, Finksburg, MD 21048

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

**ESTATE OF RELDA G. WILDASIN, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executors: Elsie M. Amspacher, 310 Fleming Avenue, Hanover, PA 17331; Robert Amspacher, Jr., 310 Fleming Avenue, Hanover, PA 17331

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-742 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 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.:

DEFENDANT(S) DONALD L. TABOR  
WRIT NO. 99-S-742  
DEBT \$145,732.72

NAME OF ATTY.(S) BERNSTEIN LAW FIRM, P.C.

SHORT DESCRIPTION

Sit in Twnshp of Reading, being Lt No 240, PB 1, Pg 1. HET a dwg k/a 102 Schofield Rd, East Berlin, PA.

Parcel # 11-128-Lot M-240

SEIZED and taken into execution as the property of Donald L. Tabor 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 March 5, 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.

1/5, 12 & 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 November 16, 2000.

The name of the corporation is DISHA, 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

1/5

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about November 2, 2000, for the incorporation of TOM'S DREAM COMPANY, INC., under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of a retail farm and home center, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 107 N. Washington Street, Gettysburg, Pennsylvania.

Bernard A. Yannetti, Jr., Esq.  
Hartman & Yannetti  
Solicitor

1/5

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an application for registration was or is about to be filed under the Fictitious Name Act 54 PA C.S.A. Sec. 311 in the Department of State, Commonwealth of Pennsylvania, setting forth that Hornbake Family Corporation of 170 Plank Road, Gettysburg, PA 17325 is the only entity owning or interested in a business, the character of which is the rental of personal property and the name, style and designation under which said business is and will be conducted is GETTYSBURG RENTAL CENTER, and the location where said business is located is 720 York Road, Gettysburg, PA 17325.

1/5

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on December 8, 2000, 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 ELITE WOOD CLASSICS, 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.

ELITE WOOD CLASSICS, INC.  
385 Sell Station Road  
Littlestown, PA 17340

1/5

INCORPORATION NOTICE

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

The name of the corporation is ROBERT C. BOEHNER, PC, CPA with its principal office or place of business at 775 Old Harrisburg Road, Gettysburg, PA 17325. The name and address of the owner is Robert C. Bohner, 25 Spring Creek Circle, Gettysburg, PA 17325.

1/5

# Adams County Legal Journal

Vol. 42

January 12, 2001

No. 33, pp. 183-187

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-824 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 February, 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, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a stone at corner of land now or formerly of William Smith Heirs; thence along land now or formerly of William Smith Heirs, South 45 degrees West, 519 feet to a stone at corner of land now or formerly of Grace E. Fox and Raymond B. Fox; thence along land now or formerly of Grace E. Fox and Raymond B. Fox, crossing State Highway Route 01015 leading from Fairfield to Greenstone and crossing Tom's Creek, North 36 1/2 degrees West, 250 feet to center of a big rock at line of land now or formerly of William Smith Heirs; thence by land now or formerly of William Smith Heirs, North 45 degrees East, 519 feet to a stone; thence by land now or formerly of same, crossing Tom's Creek and crossing the aforesaid State Highway, South 36 1/2 degrees East, 250 feet to a stone; the place of BEGINNING.

EXCEPTING, HOWEVER, THEREFROM, that certain lot or piece of land otherwise conveyed by Warren R. Dannelley and Laura M. Dannelley, husband and wife, to Paul C. McLaughlin and wife, dated April 9, 1963 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 243 at page 1023.

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

BEGINNING at the corner of lands of Grantors and said land known as Lot No. 2 on a certain subdivision, thence South 45 degrees 00 minutes 00 seconds East, 50.00 feet to a point; thence South 45 degrees 03 minutes 21 seconds West, 435.05 feet to a point; thence North 45 degrees 00 minutes 00 seconds West, 50.00 feet to a point at the corner of Lot No. 5 thence continuing along Lot No. 5

North 45 degrees 06 minutes 51 seconds East, 213.05 feet to a point at the corner of Lots No. 4 and 5; thence continuing by Lot No. 4 North 45 degrees 00 minutes 00 seconds East, 70.00 feet to a point at the corner of Lots No. 3 and 4; thence continuing by Lot No. 3 North 45 degrees 00 minutes 00 seconds East, 100.00 feet to a point at the corner of Lots No. 2 and 3; thence continuing by Lot No. 2 North 45 degrees 00 minutes 00 seconds East, 52.00 feet to the place of BEGINNING.

The above description is known as Lot No. 7 and was taken from a plan of survey prepared by J. Rex Benchoff, Registered Surveyor, dated October 10, 1989 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 55 at page 66.

BEING THE SAME PREMISES WHICH Title acquired by a Deed dated 9/27/88, and recorded on 9/28/88 in Liber/Book 502, at page 636, made by Laura M. Dannelley.

Additional Deed from James R. Kinsley and Mary R. Kinsley to George W. Nicholas and Mary A. Nicholas dated 11/02/90 and recorded on 11/02/90, in Liber/Book 571, at page 1015.

SEIZED and taken into execution as the property of **George W. Nicholas & Mary C. Nicholas** 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 March 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.

1/12, 19 & 26

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-742 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 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.:

DEFENDANT(S) DONALD L. TABOR  
WRIT NO. 99-S-742

DEBT \$145,732.72

NAME OF ATTY.(S) BERNSTEIN LAW FIRM, P.C.

SHORT DESCRIPTION

Sit in Twnshp of Reading, being Lt No 240, PB 1, Pg 1. HET a dwg k/a 102 Schofield Rd, East Berlin, PA.

Parcel # 11-128-Lot M-240

SEIZED and taken into execution as the property of **Donald L. Tabor** 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 March 5, 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.

1/5, 12 & 19

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

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-359 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 February, 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 piece, parcel or tract of land, 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. 84 on the hereinafter referred to plan of lots; thence along Lot No. 84 South forty-one (41) degrees eighteen (18) minutes fifty-five (55) seconds West, one hundred eight and eight hundredths (108.08) feet to a point in the rear property line of Lot No. 71; thence along a portion of the rear property line of Lot No. 71 and the rear property line of Lot No. 72 North forty-eight (48) degrees forty-five (45) minutes twenty-four (24) seconds West, ninety-four (94.00) feet to a point at Lot No. 73; thence along a portion of the rear property line of Lot No. 73 North eighteen (18) degrees thirty-seven (37) minutes twenty-six (26) seconds West, seventeen (17.00) feet to a point at Lot No. 82, thence along Lot No. 82 North Fifty-seven (57) degrees twenty-three (23) minutes four (04) seconds East, one hundred fourteen and thirty-five hundredths (114.35) feet to a point on the Western property line of Pine Lane, aforesaid; thence along the same by a curve to the left the radius of which is two hundred fifty-two and twenty hundredths (252.20) feet for an arc length of seventy-eight and fifty hundredths (78.50) feet and having a long chord bearing and distance of South thirty-eight (38) degrees forty-five (45) minutes ten (10) seconds East, seventy-eight and eighteen hundredths (78.18) feet to a point, the place of BEGINNING. (CONTAINING 10,533.842 square feet or 0.241 acres.) (Being Lot No. 83 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.)

HAVING THEREON ERECTED A DWELLING KNOWN AS 16 Pine Lane, New Oxford, PA 17350.

BEING THE SAME PREMISES

WHICH Dennis G. Hess and Susan C. Hess, by their Deed dated February 12, 1997 and recorded in Adams County Recorder of Deeds Office on February 19, 1997 in Deed Book 1330, page 98, granted and conveyed unto Luis F. Diaz and Mario B. Jimenez.

Tax Map # 8-124

SEIZED and taken into execution as the property of Luis F. Diaz & Mario B. Jimenez 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 March 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.

1/12, 19 & 26

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 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 of ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

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

seconds East 200.00 feet to a point in the center of Leg. Route No. 01012 aforesaid; thence in said road South 68 degrees 23 minutes 20 seconds East, 105.46 feet to a spike in said road; thence in such road South 73 degrees 12 minutes 20 seconds East 144.54 feet to a point at the intersection of the aforesaid roads, the place of BEGINNING.

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

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

BEING known as 210 Goodyear Road, Gardners, PA 17324

TAX PARCEL NO. H2-27A

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

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 5, 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.

1/5, 12 & 19

## COMMONWEALTH VS. STANLEY

1. Pa. R. Crim. P. 1507 authorizes dismissal of a PCRA petition without a hearing if a judge decides, after reviewing the petition, answer and matters of record, that "there are no genuine issues concerning any material fact and that the defendant is not entitled to post-conviction collateral relief, and no purpose would be served by any further proceedings." The rule requires twenty days' advance notice of intention to dismiss, with reason therefore, but an opinion and order entered after argument will satisfy the rule.

2. To establish eligibility for relief under the Post Conviction Relief Act (PCRA), a defendant must plead and prove by a preponderance of the evidence that his conviction or sentence resulted from one or more of the enumerated errors listed in the Act and that the allegation of error has not been previously litigated or waived. Generally, an issue is waived if defendant could have raised the issue but failed to do so before trial, at trial, during unitary review, or on direct appeal.

3. It is well settled that the statements made during a plea colloquy cannot be contradicted in hopes of advancing a claim for relief under the PCRA. Therefore, even if the claim has not been waived, it is without merit since defendant's own statements indicate he was making a knowing and intelligent plea.

4. When PCRA relief is requested from a guilty plea, the Supreme Court has held that such petitions must be analyzed under 42 Pa. C.S.A. §9543(a)(2)(iii). To be eligible for a hearing, the defendant must allege the plea was unlawfully induced and that circumstances make it likely that the inducement caused him to plead guilty and he is innocent. With regard to sentencing, a claim is cognizable under PCRA if the sentence imposed was greater than the lawful maximum.

5. The issue in a PCRA proceeding is not so much what defendant was told during the plea colloquy, but what he knew. The court can consider matters outside the colloquy proper.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, Nos. CC-462-98, CC-463-98, CC-464-98, CC-465-98, and CC-466-98. COMMONWEALTH OF PENNSYLVANIA VS. ROBERT JAMES STANLEY, II.

Michael A. George, Esq., for Commonwealth

Kristin L. Rice, Esq., for Defendant

Spicer, P.J., November 3, 1999

### OPINION ON MOTION TO DISMISS PCRA PETITION

Commonwealth has moved to dismiss Defendant's first PCRA petition without a hearing. Because we find that a hearing is required, we deny the motion.

On August 6, 1998, defendant appeared before the court *pro se* and pleaded guilty to theft by unlawful taking (462-98), theft by unlawful taking (463-98), forgery (464-98), burglary (465-98), and burglary (466-98). Sentences were imposed by plea agreement of



three and one-half (3 1/2) years to seven (7) years on 462 through 464-98, and four (4) to eight (8) years on 465 and 466-98. The sentences were to run concurrently with each other but consecutively to a sentence imposed in York County in another case.

The defendant filed a timely *pro se* petition under the Post-Conviction Collateral Relief Act (PCRA) on June 9, 1999, counsel was appointed June 12, 1999, and the petition was amended on September 13, 1999. The defendant seeks post-conviction relief on two grounds: a constitutional violation resulting from the denial of defendant's right to counsel and a plea of guilty unlawfully induced resulting from a change in the terms of the plea bargain.

Although the plea colloquy adequately disposes of the second issue, Superior Court's decision in *Commonwealth v. Payson*, filed January 8, 1999, Pa. Super. , 723 A.2d 695 (1999), mandates further consideration of the claim based upon right to counsel.

Pa. R. Crim. P. 1507 authorizes dismissal of a PCRA petition without a hearing if a judge decides, after reviewing the petition, answer and matters of record, that "there are no genuine issues concerning any material fact and that the defendant is not entitled to post-conviction collateral relief, and no purpose would be served by any further proceedings." The rule requires twenty days' advance notice of intention to dismiss, with reason therefore, but an opinion and order entered after argument will satisfy the rule *Commonwealth v. Hardcastle*, 549 Pa. 450, 701 A.2d 541 (1997), *reargument denied* 1/2/98; *Commonwealth v. Lark*, 548 Pa. 441, 698 A.2d 43 (1997).

To establish eligibility for relief under the Post Conviction Relief Act (PCRA), a defendant must plead and prove by a preponderance of the evidence that his conviction or sentence resulted from one or more of the enumerated errors listed in the Act and that the allegation of error has not been previously litigated or waived. 42 Pa. C.S.A. § 9543(a). Generally, an issue is waived if defendant could have raised the issue but failed to do so before trial, at trial, during unitary review, or on direct appeal. 42 Pa. C.S.A. § 9544(b).

Defendant asserts that he was denied the right to counsel because he did not knowingly and voluntarily waive his right to counsel. An examination of the record reveals the following exchange:

**THE COURT:** The plea arrangement basically calls for a total of four to eight years to run consecutively to the York County sentence. That's going to make you ineligible for boot camp. The total then will be aggregated six to 12 years in State Correctional Institution. You'll have the restitution to pay as we have gone over that. There is a possibility of — each felony of the third degree carries \$15,000 possible fine. That's \$45,000. A \$25,000 fine for the burglary one. That is \$60,000 and \$20,000 for the burglary two, \$80,000 possible fines. Do you understand the consequences of your plea of guilty or pleas of guilty?

**THE DEFENDANT:** Yes, Your Honor, I do.

**THE COURT:** Do you think you have any agreements with the Commonwealth about anything that I have not been told about?

**THE DEFENDANT:** No.

**THE COURT:** Do you understand that I am only bound by what I'm told about?

**THE DEFENDANT:** Yes, Your Honor.

**THE COURT:** You are appearing without counsel.

**THE DEFENDANT:** Yes, Your Honor.

**THE COURT:** Have you had any trouble understanding anything that we have talked about?

**THE DEFENDANT:** No.

**THE COURT:** Are you taking any medicine or are you on any kind of a drug or controlled substance at the present time?

**THE DEFENDANT:** No, I am not, Your Honor.

**THE COURT:** Has anybody promised you anything other than this plea arrangement to cause you to plead guilty?

**THE DEFENDANT:** No, Your Honor. I pleaded guilty because the District Attorney promised me three to six

years. There was nothing signed on paper or notarized or legalized.

**THE COURT:** Do you understand that that may have been an agreement with you and the District Attorney but that's not the agreement that was presented to me?

**THE DEFENDANT:** Yes, Your Honor, I understand.

**THE COURT:** And the sentence will be four to eight today.

**THE DEFENDANT:** Yes, Your Honor, I understand.

**THE COURT:** Has anybody pressured you in any way to cause you to plead guilty to these charges?

**THE DEFENDANT:** No, Your Honor.

**THE COURT:** Do you think you understand enough to make an intelligent decision about pleading guilty?

**THE DEFENDANT:** Very much so.

**THE COURT:** Are you pleading guilty because you did actually do the acts that have been described today?

**THE DEFENDANT:** Yes, Your Honor.

**THE COURT:** So you are guilty of these charges?

**THE DEFENDANT:** Yes, Your Honor.

Transcript of plea colloquy August 6, 1998, at pp. 20-22.

If we put aside considerations of counsel, the record clearly establishes that the defendant's plea was made knowingly and intelligently. It is well settled that the statements made during a plea colloquy cannot be contradicted in hopes of advancing a claim for relief under the PCRA. *Commonwealth v. Harris*, 381 Pa. Super. 206, 553 A.2d 428 (1989). Therefore, even if the claim has not been waived, it is without merit since defendant's own statements indicate he was making a knowing and intelligent plea.

Defendant's second claim allegedly challenges the legality of the sentence asserting that the guilty plea was unlawfully induced. When PCRA relief is requested from a guilty plea, the Supreme Court has held that such petitions must be analyzed under 42 Pa. C.S.A. § 9543 (a)(2)(iii). To be eligible for a hearing, the defendant

must allege the plea was unlawfully induced and that circumstances make it likely that the inducement caused him to plead guilty and he is innocent. *Commonwealth v. Laszczyński*, Pa. Super. , 715 A.2d 1185 (1998), *alloc. denied* 732 A.2d 1209 (1998). With regard to sentencing, a claim is cognizable under PCRA if the sentence imposed was greater than the lawful maximum. 42 Pa. C.S.A. § 9543(a)(2)(vii).

Again, referring to the record, the defendant by his own statements knowingly and intelligently entered into the plea agreement and the court imposed the four to eight year sentence. Defendant does not assert that he was innocent, but that the sentence was illegal as a result of change in the terms of the plea agreement. Pa. R. Crim. P. 319 states that when both sides have reached an agreement concerning a plea they shall state on the record in open court the terms of the agreement. "The judge shall then conduct a separate inquiry to determine whether the defendant understands and voluntarily accepts the terms of the plea agreement on which the guilty plea is based." Pa. R. Crim. P. 319(b)(2). The record reveals the terms were presented, a colloquy was conducted and a guilty plea was knowingly and intelligently entered based on the agreement presented. The defendant was then sentenced as agreed to four to eight years, a term not in excess of the lawful maximum. This claim is therefore not cognizable under the PCRA.

Superior Court, in *Commonwealth v. Payson*, supra, held that Pa. R. Crim. P. 318 applies to plea colloquies. Although some of the requirements of that rule were covered in the plea proceedings, not all were. However, other instructions given at formal arraignment may suffice. The issue in a PCRA proceeding is not so much what defendant was told during the plea colloquy, but what he knew. The court can consider matters outside the colloquy proper. *Commonwealth v. Allen*, Pa. , 732 A.2d 582 (1999).

A hearing is required and the attached order is entered.

#### ORDER OF COURT

AND NOW, this 3rd day of November, 1999, the motion to dismiss defendant's PCRA petition without a hearing is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-932 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 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 in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center line of U.S. Route #140 leading from Littlestown to Two Taverns which point is North 49 degrees 30 minutes 00 seconds West 519.01 feet from the intersection of said U.S. Route #140 and Legislative Route 01079; thence in the center of said U.S. Route #140 North 49 degrees 30 minutes 00 seconds West 245.71 feet to a point; thence North 34 degrees 48 minutes 35 seconds East, and through a steel pin 42.06 feet from said point, a distance of 293.18 feet to a point; thence by land of Grantors South 66 degrees 09 minutes 45 seconds East 144.65 feet to a point; thence by the same South 18 degrees 16 minutes 03 seconds West 359.97 feet through a steel pin to a point in the center of the aforesaid U.S. Route #140, the place of BEGINNING, such last mentioned steel pin being 42.96 feet from such place of BEGINNING. CONTAINING 1.4177 Acres, neat measure.

This description being taken from a draft of survey by J. H. Rife, R.E.

Tax Parcel # H-16-26A

SEIZED and taken into execution as the property of **Loy L. King & Julia C. King** 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 March 5, 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.

1/5, 12 & 19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-932 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of January, 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 lot or parcel of land situate, lying and being in the Township of Franklin in the development of Gettysburg Mountain Campsites, Inc., County of Adams and State of Pennsylvania, to wit:

LOT No. 24, of Section A, respectively as shown on the survey and original plat of Gettysburg Mountain Campsites, Inc., Adams County, Pennsylvania, made by a Registered Surveyor and of record in the Recorder of Deeds Office of Adams County, Pennsylvania, in Miscellaneous Book No. 4, page 487.

Tax Parcel # 2-25A

The improvements thereon being known as No. 53 Pheasant Trail, Box 448.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 53 Pheasant Trail, Box 448, Orrtanna, PA 17353.

SOLD as the property of Richard J. Smith, Jr. and Ethel Smith.

SEIZED and taken into execution as the property of **Richard J. Smith, Jr. & Ethel M. Smith** 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 February 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.

12/29, 1/5 & 12

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on December 11, 2000 pursuant to the Fictitious Name Act, setting forth that Robert L. Meckley is the only person owning or interested in a business, the character of which is a blacksmith, and that the name, style and designation under which said business is and will be conducted is PIGEON HILL FORGE, and the location where said business is and will be conducted is 451 Racetrack Road, Abbottstown, PA.

Countess Gilbert Andrews  
By: Sharon E. Myers, Esq.  
Solicitors

1/12

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Sec. 311 of the Act of Assembly of December 16, 1982, 54 PA C.S.A. 311, that an application for registration of a fictitious name was filed on December 20, 2000 with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the conducting of a business under the fictitious name of FLYING BULL SALOON with its principal office or place of business at 229 Table Rock Road, Gettysburg, PA 17325. The names and addresses of all persons owning or interested in said business is: The Address, Inc., a Pennsylvania Corporation, 229 Table Rock Road, Gettysburg, PA 17325.

1/12

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-989 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of January, 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 tract of real estate located in Reading Township, Adams County, Pennsylvania, and more particularly described in accord with a final subdivision plan prepared by Adams County Surveyors, Drawing D-321-A, dated June 30, 1978, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 23, page 6, as follows:

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

Tax Parcel #K6-15J

BEING KNOWN AS: 155 Germany Court, East Berlin, PA 17316

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

SEIZED and taken into execution as the property of **Albert E. Pate** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

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

12/29, 1/5 & 12

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-603 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 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.:

Herr's Ridge Road and Old Mill Road, Gettysburg, PA, Tax Map E-13, Parcel 6A

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate, lying and being in Cumberland Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a cotton gin spindle found in the centerline of Herr's Ridge Road, T-338, at corner of lands now or formerly of John Weaver; thence along centerline of said road, South 41 degrees 46 minutes 05 seconds West, 255.21 feet to a P.K. nail found 1.5 feet east of the centerline of aforesaid road; thence in said road, South 41 degrees 27 minutes 10 seconds West, 492.08 feet to a cotton gin spindle in centerline of said Herr's Ridge Road, T-338, at lands now or formerly of Robert Fitz; thence along said lands of Robert Fitz and passing through a steel post found 22.70 feet back from the beginning of this course, North 48 degrees 36 minutes 20 seconds West, 227.71 feet to a steel rod found at lands of same; thence along same and lands now or formerly of Garnet Newton and passing through a steel rod found 20.00 feet back from the terminus of this course, South 41 degrees 27 minutes 10 seconds West, 400.00 feet to a cotton gin spindle found near the centerline of Old Mill Road, T-337; thence in and along said Old Mill Road, North 48 degrees 36 minutes 20 seconds West, 197.29 feet to a P.K. nail found 1.00 foot south of the centerline of said Old Mill Road; thence in and along same, North 48 degrees 44 minutes 15 seconds West, 560.79 feet to a cotton gin spindle found in said Old Mill Road at lands now or formerly of W. Richard Schubert; thence along said lands of Schubert and passing through a steel rod found 25.63 feet back from the beginning of this course, North 42 degrees 03 minutes 25 seconds East, 730.00 feet to a pipe found at lands now or formerly of

Melinda H. Davis, et al.; thence along said lands of Davis, North 41 degrees 30 minutes 10 seconds East, 325.00 feet to a pipe found at lands of same; thence along same and lands now or formerly of Donald Doersom, North 39 degrees 54 minutes 30 seconds East, 642.79 feet to a pipe found at lands now or formerly of Dale Hikes; thence along said lands of Hikes, South 45 degrees 38 minutes 30 seconds East, 583.67 feet to a steel rod in concrete found at lands now or formerly of Robert Hand; thence along said lands of Robert Hand, South 42 degrees 12 minutes 55 seconds West, 134.30 feet to a steel rod found at lands of said Hand; thence along same, South 45 degrees 22 minutes 45 seconds East, 99.97 feet to a steel rod found at corner of lands now or formerly of Robert Hand and now or formerly of George Singer; thence along said lands of George Singer and lands now or formerly of John Weaver, South 42 degrees 12 minutes 30 seconds West, 360.03 feet to a steel rod found; thence along said lands of Weaver and passing through a pipe found 24.63 feet back from the terminus of this course, South 45 degrees 14 minutes 05 seconds East, 320.87 feet to a cotton gin spindle found in the centerline of Herr's Ridge Road, T-338, the point and place of BEGINNING, CONTAINING 31.702 acres, more or less. (The foregoing description was taken from a Subdivision Plat prepared by Robert A. Sharrah, P.L.S., dated March 14, 1995, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 66, page 78, and identified as Lot No. 1 thereon.)

SEIZED and taken into execution as the property of **Cannon Ridge Developers** 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 March 5, 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.

12/29, 1/5 & 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.**

**THIRD PUBLICATION**

ESTATE OF MARY F. BLACK a/k/a MARY FLORENCE BLACK, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executors: Darwyn L. Black and Kenneth D. Black, c/o 645 Lindsey Rd., Carlisle, PA 17013

Attorney: William S. Daniels, Esq., Humer & Daniels, 1 W. High St., Ste. 205, Carlisle, PA 17013

**FIRST PUBLICATION**

ESTATE OF BLANCHE L. HELLER, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Kermit E. Heller, Jr., c/o Charles E. Shields, III, Esq., 6 Clouser Road, Mechanicsburg, PA 17055

Attorney: Charles E. Shields, III, Esq., 6 Clouser Road, Mechanicsburg, PA 17055

ESTATE OF MICHAELA S. PYLE, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Judith S. Pyle, 1501 Hoffman Home Road, Littlestown, PA 17340

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

**SECOND PUBLICATION**

ESTATE OF RONALD B. SCOTT, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

ESTATE OF RAYMOND F. STAUB, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Michael J. Staub, 75 Ruel Avenue, Hanover, PA 17331; Robert W. Staub, 243 South Street, Hanover, PA 17331

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-831 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 February, 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 tract of land situate, lying and being in Oxford Township, Adams County, Pennsylvania, More particularly bounded and described as follows, to wit:

BEGINNING for a point on the right-of-way line of Kimberly Ann Lane at Lot No. 92 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 92, North eight (08) degrees twenty-six (26) minutes forty-nine (49) seconds West, one hundred twenty (120) feet to a point at Lot No. 106 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 106, North eighty-one (81) degrees thirty-three (33) minutes eleven (11) seconds East, one hundred thirty and twenty-nine hundredths (130.29) feet to a point at Lot No. 94 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 94, South three (03) degrees six (06) minutes sixteen (16) seconds West, one hundred twenty-six and ten hundredths (126.10) feet to a point on the right-of-way line of Kimberly Ann

Lane; thence along the right-of-way line of Kimberly Ann Lane by a curve to the right, having a radius one hundred seventy-five (175.00) feet, an arc length of thirty-five and twenty-eight (35.28) feet and a long chord bearing and distance of South eighty-seven (87) degrees nineteen (19) minutes forty-four (44) seconds West, thirty-five and two hundredths (35.22) feet to a point; thence along the right-of-way line of Kimberly Ann Lane, south eighty-one (81) degrees thirty-three (33) minutes eleven (11) seconds West, seventy (70.00) feet to a point, the point and place of BEGINNING. CONTAINING 14,206 square feet.

MAP & PARCEL NO. 35-013-0090

THE above description being Lot No. 93 on the Final Subdivision Plan of "Colonial Acres", for Delbert Piper, prepared by Mort, Brown and Associates, dated April 1, 1993, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 64 at page 93.

SUBJECT, NEVERTHELESS, to the Protective Covenants of "Colonial Acres" dated December 24, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 898 at page 222.

BEING THE SAME PREMISES WHICH Anthony J. Lawrence and Diane L. Lawrence, by their Deed dated

December 29, 1995 and recorded in Adams County Deed Book 1131, Page 220, granted and conveyed unto James K. Tracey and Beverly A. Tracey.

SEIZED IN EXECUTION AS THE PROPERTY OF JAMES K. TRACEY AND BEVERLY A. TRACEY UNDER ADAMS COUNTY JUDGMENT NO. 97-S-831.

SEIZED and taken into execution as the property of **James K. Tracey & Beverly A. Tracey** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

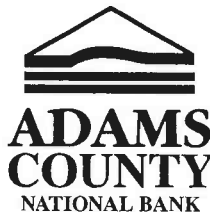
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 12, 2001, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser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

1/12, 19 & 26

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



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# *Adams County* **Legal Journal**

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Vol. 42

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No. 34, pp. 188-193

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## **IN THIS ISSUE**

COMMONWEALTH VS. MURPHY ET AL

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



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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## CONTINUING LEGAL EDUCATION PROGRAM

### *A Practical Approach to Liens on Real Estate*

March 15, 2001 - 9:00 a.m. - 1:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law - 4, Ethics - 0

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

### SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-359 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 February, 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 piece, parcel or tract of land, 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. 84 on the hereinafter referred to plan of lots; thence along Lot No. 84 South forty-one (41) degrees eighteen (18) minutes fifty-five (55) seconds West, one hundred eight and eight hundredths (108.08) feet to a point in the rear property line of Lot No. 71; thence along a portion of the rear property line of Lot No. 71 and the rear property line of Lot No. 72 North forty-eight (48) degrees forty-five (45) minutes twenty-four (24) seconds West, ninety-four (94.00) feet to a point at Lot No. 73; thence along a portion of the rear property line of Lot No. 73 North eighteen (18) degrees thirty-seven (37) minutes twenty-six (26) seconds West, seventeen (17.00) feet to a point at Lot No. 82; thence along Lot No. 82 North Fifty-seven (57) degrees twenty-three (23) minutes four (04) seconds East, one hundred fourteen and thirty-five hundredths (114.35) feet to a point on the Western property line of Pine Lane, aforesaid; thence along the same by a curve to the left the radius of which is two hundred fifty-two and twenty hundredths (252.20) feet for an arc length of seventy-eight and fifty hundredths (78.50) feet and having a long chord bearing and distance of South thirty-eight (38) degrees forty-five (45) minutes

ten (10) seconds East, seventy-eight and eighteen hundredths (78.18) feet to a point, the place of BEGINNING. (CONTAINING 10,533.842 square feet or 0.241 acres.) (Being Lot No. 83 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.)

HAVING THEREON ERECTED A DWELLING KNOWN AS 16 Pine Lane, New Oxford, PA 17350.

BEING THE SAME PREMISES WHICH Dennis G. Hess and Susan C. Hess, by their Deed dated February 12, 1997 and recorded in Adams County Recorder of Deeds Office on February 19, 1997 in Deed Book 1330, page 98, granted and conveyed unto Luis F. Diaz and Mario B. Jimenez.

Tax Map # 8-124

SEIZED and taken into execution as the property of **Luis F. Diaz & Mario B. Jimenez** 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 March 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.

1/12, 19 & 26

### SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-742 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 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.:

DEFENDANT(S) DONALD L. TABOR

WRIT NO. 99-S-742

DEBT \$145,732.72

NAME OF ATTY.(S) BERNSTEIN LAW FIRM, P.C.

#### SHORT DESCRIPTION

Sit in Twntp of Reading, being Lt No 240, PB 1, Pg 1. HET a dwg k/a 102 Schofield Rd, East Berlin, PA.

Parcel # 11-128-Lot M-240

SEIZED and taken into execution as the property of **Donald L. Tabor** 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 March 5, 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.

1/5, 12 & 19

## COMMONWEALTH VS. MURPHY ET AL

1. A motion for judgment on the pleadings is similar to a demurrer. It may be entered where there are no disputed issues of fact and the moving party is entitled to judgment as a matter of law. In determining if there is a dispute as to facts, the court must confine its consideration to the pleadings and relevant documents.

2. Where words of a statute are not explicit, the intention of the Legislature may be ascertained by considering, inter alia, the mischief to be remedied, the object to be attained, and the consequences of a particular interpretation.

3. The object of...consumer protection legislation, is to protect the public from unscrupulous persons and deceptive practices. The goal is not to punish innocent persons who are ignorant of the statute, but, to correct their improper methods.

4. Furthermore, imposition of a civil penalty is a matter of judicial discretion.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 99-S-390. **COMMONWEALTH OF PENNSYLVANIA BY ATTORNEY GENERAL D. MICHAEL FISHER VS. JAMES E. AND TINA L. MURPHY D/B/A NEW OXFORD BODY WORKS.**

Jodi L. Flitton, Esq., Deputy Attorney General

Daniel F. Wolfson, Esq., for Defendants

Kuhn, J., November 5, 1999

### OPINION PURSUANT TO PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS

On April 30, 1999, Plaintiff filed a Complaint in equity seeking to enjoin Defendants from violating provisions of the Health Club Act, 73 P.S. §2161-2177, hereinafter "the HCA", and of the Unfair Trade Practices and Consumer Protection Law, 73 P.S. §201-1, et seq, hereinafter "the UTPCPL", and seeking imposition of a civil penalty. Before the Court for disposition is Plaintiff's Motion for Judgment on the Pleadings filed September 1, 1999, and argued on October 25, 1999. The relevant pleadings consist of the Complaint, Defendants' Amended Answer and New Matter, and Plaintiff's answer to the amended new matter.

Our Superior Court has set forth the standard for ruling on a motion for judgment on the pleadings as follows:

Entry of judgment on the pleadings is permitted under Pa. R.C.P. 1034 which provides for such judgment after the pleadings are closed, but within such time as not to delay trial. A motion for judgment on the pleadings is similar to a demurrer. It may be entered where there are no disputed issues of fact and the moving party is entitled

to judgment as a matter of law. In determining if there is a dispute as to facts, the court must confine its consideration to the pleadings and relevant documents. *Vetter v. Fun Footwear Co.*, 447 Pa. Super. 84, 87, 668 A.2d 529, 530-1 (1995); alloc. den. 676 A.2d 1199 (citations omitted).

The undisputed facts gleaned from the pleadings reveal the following background. On December 23, 1997, Defendants purchased the assets of a health club located at 400 Lincolnway West, New Oxford, Pennsylvania, and known as New Oxford Bodyworks, Inc., pursuant to an Asset Purchase Agreement. The corporation had been owned by Robert and Laura Lippy. Paragraph 4.7 of the Agreement stated that the seller had complied with any law applicable to the operation of the business.

The HCA contains the following relevant provisions:

- 1) Section 2171(a) of the Act requires a health club to file an appropriate bond or irrevocable letter of credit with the Director of the Bureau of Consumer Protection before entering into a health club contract for health club services. Section 2173 of the Act sets forth circumstances under which a health club may receive an exemption from the Director regarding the §2171(a) requirements;
- 2) Section 2163 of the Act sets forth provisions required to be contained in every health club contract; and
- 3) Section 2177 of the Act requires that at least 30 days before advertising or selling services pursuant to a health club contract, the health club is required to register with the Director of the Bureau of Consumer Protection.

During the period January – November 1998, Defendants sold 101 contracts for health club services of between 3-12 months in duration. Before and during that period Defendants failed to register or to file the appropriate bond or irrevocable letter of credit with the Director or receive an exemption from those requirements. In addition, the contracts issued by Defendants failed to include a provision 1) permitting the buyer to cancel the contract without penalty within three business days, 2) granting an extension of the contract equal any period of less than 30 days during which the club facility is temporarily closed, 3) permitting the buyer to cancel the contract if the

club facility closes for more than 30 days and a comparable facility is not substituted within a 10-mile radius, 4) permitting extension of the contract without cost for certain disability which prevents use of the facility, 5) permitting cancellation of the contract where the buyer dies or becomes permanently disabled, 6) permitting cancellation of the contract if the buyer moves more than 25 additional miles from the facility and is unable to transfer the contract to a comparable facility within 5 miles of his new residence, 7) describing how to cancel the contract, 8) setting forth the name and address of the surety or bank from which the club obtained a bond or letter of credit and describing how to obtain a refund, and 9) notifying the buyer he could cancel at any time until provided with a contract which fully complies with the law, in violation of 73 P.S. §2163(a)(2), (3), (4), (5), (6), (7), (8), (10) and (11), respectively.

Based upon the aforementioned background, Plaintiff asserts entitlement to judgment for Defendants' violations of 73 P.S. §2171(a) (Count I), §2163 (Count II), and §2177 (Count III). Defendants counter that despite the technical violations, Plaintiff is not entitled to the relief requested because their conduct of the business was in good faith and without knowledge of any violations of the law.

Section 2175 of the HCA provides:

(a) Unfair Trade Practices – A violation of this act shall constitute a violation of the act of December 17, 1968 (P.L. 1224, No. 387), known as the Unfair Trade Practices and Consumer Protection Law, and shall be subject to the enforcement provisions and private rights of action in that act.

One of the enforcement provisions of the UTPCPL is found in Section 201-4, 73 P.S. §201-4, which authorizes the Attorney General to bring an action in the name of the Commonwealth against any person violating the Act to "restrain by temporary or permanent injunction" such violations. Based upon Defendants' admissions, the Court finds that Defendants have been in violation of the HCA and therefore Plaintiff is clearly entitled to injunctive relief as authorized by 73 P.S. §2175 and 73 P.S. §201-4.

Plaintiff's entitlement to a civil penalty is more complicated. Imposition of a civil penalty is another enforcement provision of the UTPCPL. Section 201-8 of the UTPCPL provides that in an action

brought under Section 201-4 (seeking injunctive relief) if the court finds that a person “is willfully using or has willfully used a method, act or practice declared unlawful” under Section 201-3 the Attorney General may recover a civil penalty not exceeding \$1,000 per violation. Defendants contend that because a civil penalty can only be imposed under the UTPCPL for “willful” violations, it follows that a civil penalty can only be imposed under the HCA if the violations are also willful. Not surprisingly, neither party has cited any case authority for its position that a violation of the HCA does or does not have to be willful before a civil penalty can be imposed.

The HCA itself offers no express guidance regarding this issue. However, two things are clear. First, the HCA does not specifically provide that a violation must be willful before a civil penalty can be imposed. Instead, it simply provides that a violation of the Act will expose the violator to the same enforcement provisions set forth in the UTPCPL. Second, the UTPCPL requires a violation to be willful before a civil penalty can be imposed. In resolving this issue, our focus must be on the intention of the Legislature. 1 Pa. C.S.A. §1921(a). Where words of a statute are not explicit, the intention of the Legislature may be ascertained by considering, *inter alia*, the mischief to be remedied, the object to be attained, and the consequences of a particular interpretation.

The Legislature has indicated that the purpose of the HAC “is to safeguard the public interest against fraud, deceit and financial hardship...by prohibiting...deceptive and unscrupulous practices by which the public has been injured in connection with contracts for health club services”. The purpose, as so expressed, seems directed toward willful acts which are deceptive and fraudulent in nature. This purpose is consistent with the UTPCPL and other acts, the violation of which are declared a violation of the UTPCPL. See Section 204-8(b) of the Cash Consumer Protection Act, 73 P.S. §204-8(b), Section 10 of the Credit Services Act, 73 P.S. §2190, and Section 7137 of the Vehicle Code, 75 Pa. C.S.A. §7137 (relating to tampering with odometers).

The object of the HCA...like other consumer protection legislation, is to protect the public from unscrupulous persons and deceptive practices. The goal is not to punish innocent persons who are ignorant of the statute but, to correct their improper methods. To

adopt Plaintiff's approach that a violation, in and of itself, requires imposition of a civil penalty appears contrary to the presumption that the Legislature does not intend an unreasonable result when enacting a statute 1 Pa. C.S.A. §1922(1), although the Legislature is presumed to favor the public interest as against any private interest, 1 Pa. C.S.A. §1922(5), an interpretation which requires a willful violation before imposition of a civil penalty is not inconsistent with that presumption. The public interest is favored in the enforcement of the HCA by permitting injunctive relief, private actions (73 P.S. §201-9.2), and criminal sanctions (73 P.S. §2175(b) and (c)), as well as civil penalties. The private interest would also be protected by not imposing a strict liability approach. If the Legislature intended a strict approach, there would have been a set or minimum civil penalty to be imposed. Instead, §201-3 allows a civil penalty for any amount up to \$1,000.

Furthermore, imposition of a civil penalty is a matter of judicial discretion, *Commonwealth v. Ted Sopko Auto Sales and Locator*, 719 A.2d 1111, 1114 (Pa. Cmwlth. 1998), and not, as Plaintiff suggests, a matter to be imposed upon the discretion of the Attorney General's Office. In exercising its discretion, the court must certainly consider the willfulness of the defendant's conduct before imposing the amount, if any, of the civil penalty.

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 5th day of November 1999, upon consideration of Plaintiff's Motion for Judgment on the Pleadings filed September 1, 1999, the Court rules that:

1. Plaintiff is entitled to judgment on the issue of whether Defendants violations Section 2171(a) of the Health Club Act, 73 P.S. §2171(a), as alleged in Count I.
2. Plaintiff is entitled to judgment on the issue of whether Defendants violated Section 2163(a)(2), (3), (4), (5), (6), (7), (8), (10) and (11) of the Health Club Act, 73 P.S. §2163(a)(2)-(8) and (10)-(11), as alleged in Count II.
3. Plaintiff is entitled to judgment on the issue of whether Defendants violated Section 2177 of the Health Club Act, 73 P.S. §2177, as alleged in Count III.

4. Pursuant to Section 2175 of the Health Club Act, 73 P.S. §2175, and Section 201-4 of the Unfair Trade Practices and Consumer Protection Law, 73 P.S. §201-4, Defendants are hereby enjoined from further violations of Sections 2163, 2171(a), and 2177 of the Health Club Act, 73 P.S. §2163, §2171(a), and §2177.
5. Plaintiff is not entitled to judgment on the pleadings on its request for imposition of a civil penalty against Defendants pursuant to Section 2175 of the Health Club Act, 73 P.S. §2175, and Section 201-8 of the Unfair Trade Practices and Consumer Protection Law, 73 P.S. §201-8. This request for relief shall be resolved after hearing scheduled at the call of either party where Plaintiff must demonstrate that Defendants' violations of the Health Club Act were willful.



SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-831 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 February, 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 tract of land situate, lying and being in Oxford Township, Adams County, Pennsylvania, More particularly bounded and described as follows, to wit:

BEGINNING for a point on the right-of-way line of Kimberly Ann Lane at Lot No. 92 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 92, North eight (08) degrees twenty-six (26) minutes forty-nine (49) seconds West, one hundred twenty (120) feet to a point at Lot No. 106 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 106, North eighty-one (81) degrees thirty-three (33) minutes eleven (11) seconds East, one hundred thirty and twenty-nine hundredths (130.29) feet to a point at Lot No. 94 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 94, South three (03) degrees six (06) minutes sixteen (16) seconds West, one hundred twenty-six and ten hundredths (126.10) feet to a point on the right-of-way line of Kimberly Ann Lane; thence along the right-of-way line of Kimberly Ann Lane by a curve to the right, having a radius one hundred seventy-five (175.00) feet, an arc length of thirty-five and twenty-eight (35.28) feet and a long chord bearing and distance of South eighty-seven (87) degrees nineteen (19) minutes forty-four (44) seconds West, thirty-five and two hundredths (35.22) feet to a point; thence along the right-of-way line of Kimberly Ann Lane, south eighty-one (81) degrees thirty-three (33) minutes eleven (11) seconds West, seventy (70.00) feet to a point, the point and place of BEGINNING. CONTAINING 14,206 square feet.

MAP & PARCEL NO. 35-013-0090

THE above description being Lot No. 93 on the Final Subdivision Plan of "Colonial Acres", for Delbert Piper, prepared by Mort, Brown and Associates, dated April 1, 1993, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 64 at page 93.

SUBJECT, NEVERTHELESS, to the Protective Covenants of "Colonial Acres" dated December 24, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 898 at page 222.

BEING THE SAME PREMISES WHICH Anthony J. Lawrence and Diane L. Lawrence, by their Deed dated December 29, 1995 and recorded in Adams County Deed Book 1131, Page 220, granted and conveyed unto James K. Tracey and Beverly A. Tracey.

SEIZED IN EXECUTION AS THE PROPERTY OF JAMES K. TRACEY AND BEVERLY A. TRACEY UNDER ADAMS COUNTY JUDGMENT NO. 97-S-831.

SEIZED and taken into execution as the property of James K. Tracey & Beverly A. Tracey 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 March 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.

1/12, 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 SIXEAS PREMIER MARKETING. The address of the principal office or place of business to be carried on under or through the fictitious name is 302 Hills Drive, P.O. Box 3235, Gettysburg, Adams County, Pennsylvania 17325. The name and address of the entity which is party to the registration is Sixeas Premier Marketing, Inc., of 302 Hills Drive, P.O. Box 3235, Gettysburg, Adams County, Pennsylvania 17325. An application for registration under the Fictitious Names Act of the said fictitious name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on December 13, 2000.

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

1/19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-932 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 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 in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center line of U.S. Route #140 leading from Littlestown to Two Taverns which point is North 49 degrees 30 minutes 00 seconds West 519.01 feet from the intersection of said U.S. Route #140 and Legislative Route 01079; thence in the center of said U.S. Route #140 North 49 degrees 30 minutes 00 seconds West 245.71 feet to a point; thence North 34 degrees 48 minutes 35 seconds East, and through a steel pin 42.06 feet from said point, a distance of 293.18 feet to a point; thence by land of Grantors South 66 degrees 09 minutes 45 seconds East 144.65 feet to a point; thence by the same South 18 degrees 16 minutes 03 seconds West 359.97 feet through a steel pin to a point in the center of the aforesaid U.S. Route #140, the place of BEGINNING, such last mentioned steel pin being 42.96 feet from such place of BEGINNING. CONTAINING 1.4177 Acres, neat measure.

This description being taken from a draft of survey by J. H. Rife, R.E.

Tax Parcel # H-16-26A

SEIZED and taken into execution as the property of Loy L. King & Julia C. King 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 March 5, 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.

1/5, 12 & 19

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-851 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 February, 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 tract of land situate on the Northeast side of Main Street in the Borough of York Springs, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a mark in concrete which said mark is situate on the East curb line of Main Street in the Borough aforesaid at lands N/F of Robert C. Hartley and Barbara A. Hartley, said mark in concrete being South 42 Degrees East, 44 feet from another mark in concrete which is situate at the intersection of the South property line of North "B" Street and the eastern curb line of Main Street; thence along lands N/F of Robert C. Hartley and Barbara A. Hartley, North 48 degrees East 153.75 feet to a steel pin on the Western side of a public alley; thence along the western side of said public alley, South 42 degrees East, 23 feet to a steel pin at lands N/F of Irene Kathryn Hursh; thence by lands of Irene Kathryn Hursh, South 48 degrees West 153.75 feet to a mark in concrete on the East curb line of Main Street; thence along the east curb line of Main Street North 42 degrees West, 23 feet to a mark in concrete at lands N/F of Robert C. Hartley and Barbara A. Hartley aforesaid, the point and Place of BEGINNING.

CONTAINING 3,536 square feet, neat measure.

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

THE foregoing description was taken from a draft of survey prepared for William D. Hoffman by J. H. Rife, R.E. dated January 13, 1975.

HAVING THEREON ERECTED A DWELLING KNOWN AS 126 Main Street, York Springs, Pennsylvania 17372.

BEING THE SAME PREMISES WHICH Patricia A. Golden, single person, by her Deed dated September 23, 1991 and recorded in Adams County Recorder of Deeds Office on October 3, 1991, in Deed Book 601, page 781, granted and conveyed unto Donald M. Delpopolo and Dianna L. Delpopolo.

Tax Map # 5-49

SEIZED and taken into execution as the property of **Donald & Dianna Delpopolo** 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 March 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.

1/19, 26 & 2/2

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Fictitious Names Act of 1982-295, as amended, (54 Pa. C.S. Sec. 301, et seq.) of the filing in the Office of the Secretary of the Commonwealth at Harrisburg, Pennsylvania, on the 2nd day of January, 2001, an application for registration for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name of: **MOUSESMALL ENTERPRISES**, with its principal place of business at 2225 Cranberry Road, York Springs, Adams County, Pennsylvania 17372.

The name and address of the only person owning or interested in the said business is: **Barbara A. Black**, 2225 Cranberry Road, York Springs, PA 17372.

Harry M. Baturin, Esq.  
Baturin & Baturin  
717 N. Second Street  
Harrisburg, PA 17102-3202

1/19

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-260 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of February, 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 piece, parcel or tract of land 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 Eastern edge of Drummer Drive at Lot No. 81 of the hereinafter referenced subdivision plan; thence along said Eastern edge of Drummer Drive by a curve to the right whose radius is two hundred thirty-two and sixteen hundredths (232.16) feet and whose long chord bearing is North thirty (30) degrees twenty-six (26) minutes fifty-six (56) seconds East, two hundred twenty-four and thirty-two hundredths (224.32) feet for an arc distance of two hundred thirty-four and eleven hundredths (234.11) feet to a point at Lot No. 83 of said plan; thence along same South thirty (30) degrees thirty-nine (39)

minutes forty-five (45) seconds East, one hundred twenty-eight and thirty-six hundredths (128.36) feet to a point at Lot No. 80 of said plan; thence along same and Lot No. 81 South sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds West, one hundred ninety-seven and forty-two hundredths (197.42) feet to a point at on the Eastern edge of Drummer Drive, the point and place of BEGINNING. CONTAINING 16,982 square feet.

THE above described lot being designated as Lot No. 82 on the Subdivision Plan of "South Branch Estates", dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania. in Plat Book 63, page 93.

TAX PARCEL # 1-112

BEING KNOWN AS: 225 DRUMMER DRIVE, NEW OXFORD, PA 17350

SEIZED and taken into execution as the property of **Jody Livingston** 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 March 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.

1/19, 26 & 2/2

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, that on November 20, 2000, an application was filed under the Fictitious Name Act, No. 1982-295 (54 Pa. C.S. Section 311) in the Office of the Secretary of the Commonwealth of Pennsylvania setting forth that: **Kenneth J. Smith, Barbara L. Smith, John M. Seifert and Robin O. Seifert** are the only persons or entity owning or interested in a business, the character of which is the operation of an apartment complex, and that the name, style and designation under which said business is and will be conducted is **R AND B APARTMENTS** and the location where said business is and will be located is 302 Commerce Street, New Oxford, Pennsylvania.

Stonesifer and Kelley  
Solicitor

1/19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-990 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of February, 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 lot of ground, situate, lying and being in Conewago Township, County of Adams, and Commonwealth of Pennsylvania, known on a plat or general plan of a series of lots, streets, avenues, etc., of lands of the Hanover Improvement Company, as Lot No. 11, adjoining Lot No. 12 on the East, a public alley on the North, Garfield Street on the West, and Linden Avenue on the South.

BEING known as 19 Linden Avenue, Hanover, PA 17331

Property ID No. 8-125

TITLE TO SAID PREMISES IS VESTED IN Linda L. Starnier, widow and Thomas E. Kessel, single by deed from Linda L. King now known as Linda L. Starnier, widow dated 6/3/1999 and recorded n/a in Deed Book 1866 page 281.

SEIZED and taken into execution as the property of **Linda L. Starnier & Thomas E. Kessel** 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 March 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.

1/19, 26 & 2/2

NOTICE

NOTICE IS HEREBY GIVEN that Thomas R. Nell intends to apply in open Court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania on the 5th day of March, 2001, and that he intends to establish legal practice at his law office located at 340 Nell Road, East Berlin, Pennsylvania 17316.

1/19, 26 & 2/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-930 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of February, 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, parcel or piece of land situate in the Borough of Carroll Valley (formerly Hamiltonban Township), County of Adams, and Commonwealth of Pennsylvania, being Lot 90, Section J, bounded and described as follows:

BEGINNING at a point in the center of Main Trail at Lot No. 89; thence by said lot North 87 degrees 23 minutes 40 seconds West, 200 feet to Lot No. 82; thence by said Lot North 3 degrees 11 minutes 40 seconds West, 100 feet to Lot No. 91; thence by said lot South 87 degrees 23 minutes 40 seconds East, 200 feet to a point in the center of said Main Trail; thence in said Main Trail South 3 degrees 11 minutes 40 seconds East, 100 feet to the place of BEGINNING.

THE ABOVE description was taken from a plan of lots labeled "Section J, Chamita Ski Area, Inc.", dated March 20, 1968, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book No. 1, at Page 24.

BEING THE SAME PREMISES which Oscar A. Hollingsworth and Mildred O. Hollingsworth, H/W, by Deed dated 9/29/89 and recorded 9/29/89 in the Office for the Recorder of Deeds in and for the County of Adams, and Commonwealth of Pennsylvania in Record Book Volume 534, Page 1119, granted and conveyed unto James P. Sites and Josephine E. Sites, H/W, mortgagors herein.

HAVING thereon erected a residential property known as 9 Main Trail, Fairfield, PA.

SEIZED and taken into execution as the property of **James P. Sites & Josephine E. Sites** 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 March 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 pur-

chase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/19, 26 & 2/2

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, January 29, 2001.

**KOPP**—Orphans' Court Action Number OC-131-00. The First and Final Account of Susan K. Hyde and Elizabeth A. Staub, Co-Executrices of under the Last Will and Testament of Mary K. Kopp, deceased, late of Conewago Township, Adams County, Pennsylvania.

**KEEFER**—Orphans' Court Action Number OC-135-00. The First and Final Account of Thomas Edward Keefer a/k/a Thomas E. Keefer, Sr. and Mark Stephen Keefer a/k/a Stephen Mark Keefer, Co-Executors of the Estate of Calvin E. Keefer, deceased, late of Mount Joy Township, Adams County, Pennsylvania.

**RANDALL**—Orphans' Court Action Number OC-138-00. The First and Final Account of Phillip Zinn and Edward Zinn, Executors of the Last Will and Testament of Sara S. Randall, deceased, late of Conewago Township, Adams County, Pennsylvania.

**MATHIAS**—Orphans' Court Action Number OC-47-99. The First and Final Account of Robert Earl Mathias, Administrator of the Estate of J. Earl Mathias, deceased, late of Oxford Township, Adams County, Pennsylvania.

**DRACHA**—Orphans' Court Action Number OC-137-00. The First and Final Account of Adams County National Bank, Executor of the Last Will and Testament of Anna B. Dracha, deceased, late of Gettysburg Borough, Adams County, Pennsylvania.

Peggy J. Breighner  
Clerk of Courts

1/19 & 26

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-897 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of February, 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 of ground, situated in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, together with the dwelling erected thereon:

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

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

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

BEING known as 210 Goodyear Road, Gardners, PA 17324

TAX PARCEL NO. H2-27A

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

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 5, 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.

1/5, 12 & 19

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-824 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 February, 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, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a stone at corner of land now or formerly of William Smith Heirs; thence along land now or formerly of William Smith Heirs, South 45 degrees West, 519 feet to a stone at corner of land now or formerly of Grace E. Fox and Raymond B. Fox; thence along land now or formerly of Grace E. Fox and Raymond B. Fox, crossing State Highway Route 01015 leading from Fairfield to Greenstone and crossing Tom's Creek, North 36 1/2 degrees West, 250 feet to center of a big rock at line of land now or formerly of William Smith Heirs; thence by land now or formerly of William Smith Heirs, North 45 degrees East, 519 feet to a stone; thence by land now or formerly of same, crossing Tom's Creek and crossing the aforesaid State Highway, South 36 1/2 degrees East, 250 feet to a stone; the place of BEGINNING.

EXCEPTING, HOWEVER, THEREFROM, that certain lot or piece of land otherwise conveyed by Warren R. Dannelley and Laura M. Dannelley, husband and wife, to Paul C. McGlaughlin and wife, dated April 9, 1963 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 243 at page 1023.

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

BEGINNING at the corner of lands of Grantors and said land known as Lot No. 2 on a certain subdivision, thence South 45 degrees 00 minutes 00 seconds East, 50.00 feet to a point; thence South 45 degrees 03 minutes 21 seconds West, 435.05 feet to a point; thence North 45 degrees 00 minutes 00 seconds West, 50.00 feet to a point at the corner of Lot No. 5 thence continuing along Lot No. 5 North 45 degrees 06 minutes 51 seconds East, 213.05 feet to a point at the corner of Lots No. 4 and 5; thence continuing by Lot No. 4 North 45 degrees 00 minutes 00 seconds East, 70.00 feet to a point at the corner of Lots No. 3 and 4; thence continuing by Lot No. 3 North 45 degrees 00 minutes 00 seconds East, 100.00 feet to a point at the corner of Lots No. 2 and 3; thence continuing by Lot No. 2 North 45 degrees 00 minutes 00 seconds East, 52.00 feet to the place of BEGINNING.

The above description is known as Lot No. 7 and was taken from a plan of survey prepared by J. Flex Benchoff, Registered Surveyor, dated October 10, 1989 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 55 at page 66.

BEING THE SAME PREMISES WHICH Title acquired by a Deed dated 9/27/88, and recorded on 9/28/88 in Liber/Book 502, at page 636, made by Laura M. Dannelley.

Additional Deed from James R. Kinsley and Mary R. Kinsley to George W. Nicholas and Mary A. Nicholas dated 11/02/90 and recorded on 11/02/90, in Liber/Book 571, at page 1015.

SEIZED and taken into execution as the property of **George W. Nicholas & Mary C. Nicholas** 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 March 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.

1/12, 19 & 26

## CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on December 29, 2000, on behalf of M. R. GLAZER, INC., a Maryland Corporation, for the purposes of obtaining a Certificate of Authority to do business in Pennsylvania pursuant to the Pennsylvania Business Corporation Law of 1988, as amended.

The location of the registered office of M. R. Glazer, Inc. in Pennsylvania is 21 South Balder Street, Fairfield, Adams County, Pennsylvania 17320, and its principal activity in the Commonwealth of Pennsylvania is the fabrication of architectural aluminum windows.

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

1/19

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 FRANCIS B. HARTMAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrators C.T.A.: Merial E. Heldt, 31 Twin Lakes Drive, Gettysburg, PA 17325; Rena Susan Rebert, 702 Wright Avenue, Gettysburg, PA 17325

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

ESTATE OF MUSETTA U. HOUCK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrator: N. T. Washburn, 106 Lincolnway West, New Oxford, PA 17350

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

ESTATE OF MARLIN W. KUHN, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Renee B. Kuhn, 2954 Carlisle Road, Gardners, PA 17324

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

ESTATE OF MARY LOUISE NULL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

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

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

SECOND PUBLICATION

ESTATE OF BLANCHE L. HELLER, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Kermit E. Heller, Jr., c/o Charles E. Shields, III, Esq., 6 Clouser Road, Mechanicsburg, PA 17055

Attorney: Charles E. Shields, III, Esq., 6 Clouser Road, Mechanicsburg, PA 17055

ESTATE OF MICHAELA S. PYLE, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Judith S. Pyle, 1501 Hoffman Home Road, Littlestown, PA 17340

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

THIRD PUBLICATION

ESTATE OF RONALD B. SCOTT, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

ESTATE OF RAYMOND F. STAUB, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Michael J. Staub, 75 Ruel Avenue, Hanover, PA 17331; Robert W. Staub, 243 South Street, Hanover, PA 17331

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



# *Adams County* Legal Journal

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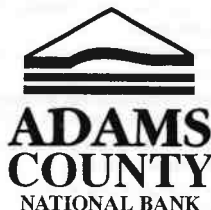
No. 35, pp. 194-199

## **IN THIS ISSUE**

**COMMONWEALTH VS. BENSON**

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## CONTINUING LEGAL EDUCATION PROGRAM

*A Practical Approach to Liens on Real Estate*

March 15, 2001 - 9:00 a.m. - 1:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law - 4, Ethics - 0

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

#### SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-988 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of February, 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 tract of land situated, lying and being in Menallen Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on line of land now or formerly of Menallen Township Election house and at corner of land now or formerly of Peary R. Beamer; thence by said land now or formerly of Peary R. Beamer and crossing Legislative Route 01010 South 53 degrees 00 minutes West 217.8 feet to a point; thence continuing by said land now or formerly of Peary R. Beamer South 49 degrees East 13.9 feet to a point at corner of land now or formerly of Craig E. Manning thence by said land now or formerly of Craig E. Manning South 56 degrees 46 minutes 00 seconds West 250.5 feet to a point at a corner of land now or formerly of James R. Kitchum, thence by said land now or formerly of James R. Kitchum and by land now or formerly of Alex S. Cicheskie and crossing a 33 foot wide private right of way North 55 degrees 56 minutes 10 seconds West 391.5 feet to a point on line of land now or formerly of John V. Lutz; thence by said land now or formerly of John V. Lutz North 52 degrees 52 minutes 00 seconds East 105.0 feet to a pipe found at corner of Lot No. 1 on the hereinafter referred to draft of survey; thence by said Lot No. 1 and re-entering said 33 foot wide right of way; South 33 degrees 43 minutes 45 seconds East 35.38 feet to a pin set in the center line of said right of way; thence in said right of way and

continuing by said Lot No. 1 North 62 degrees 12 minutes 40 seconds East 201.19 feet to a pin set; thence continuing in and by same North 19 degrees 30 minutes 20 seconds East 109.39 feet to a point in said Legislative Route 01010 aforesaid; thence crossing said Legislative Route 01010 and by Lot No. 1 aforesaid North 43 degrees 59 minutes East 50.69 feet to a point on line of land now or formerly of Donald J. Thomas; thence by said land now or formerly of Donald J. Thomas; thence by said land now or formerly of Donald J. Thomas South 58 degrees 50 minutes East 35 feet to a point at corner of land now or formerly of Menallen Township Election House; thence by said land now or formerly of Menallen Township Election House and re-entering said Legislative Route 01010 South 28 degrees 40 minutes West 35 feet to a point in said Legislative Route 01010; thence in said Legislative Route 01010 South 58 degrees 50 minutes East 135 feet to a point; thence leaving said road North 28 degrees 40 minutes East 35 feet to a point at corner of land now or formerly of Menallen Township Election House; thence continuing by same South 58 degrees 50 minutes East 234.5 feet to a point, the place of BEGINNING. CONTAINING 3.30 Acres more or less.

The above description was taken from a draft of survey prepared by George W. Joiner, Sr., dated December 1, 1981.

THE improvements thereon being known as No. 564 Bendersville - Wensville Road.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 564 Bendersville - Wensville Road, Aspers, PA 17304.

SOLD as the property of Charles D. and Virginia A. Riebling.

TAX PARCEL # E05-00-39.

SEIZED and taken into execution as the property of Charles D. Riebling &

Virginia A. Riebling 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 March 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.

1/26, 2/2 & 9

#### FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately Jan. 15, 2001, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of PENNIE'S BARBER SHOP, with its principal place of business at 24 Steelman Marker Rd., Fairfield, PA 17320. The names and addresses of the persons owning or interested in said business are Pennie Keilholtz, residing at 24 Steelman Marker Rd., Fairfield, PA 17320. The character or nature of the business is Barber Styling.

1/26



## COMMONWEALTH VS. BENSON

1. The conspiracy is the crime and that is one, however diverse its objects.
2. A single, continuing conspiracy is demonstrated where the evidence proves that the essential feature of the existing conspiracy was a common plan or scheme to achieve a common, single goal....A single, continuing conspiracy may contemplate a series of offenses, or be comprised of a series of steps in the formation of a larger, general conspiracy....Therefore, where the evidence at trial is sufficient for the jury to infer that the essential features of the existing conspiracy were a common, single, comprehensive goal or end, then the conclusion that the conspiracy was a single, continuing conspiracy is justified.
3. It is well settled that the statements made during a plea colloquy cannot be contradicted in hopes of advancing a claim for relief under the PCRA.
4. The factual basis contemplated by the rules does not mean that the court must determine defendant's guilt beyond a reasonable doubt, and review all evidence relating to guilt or innocence. By pleading guilty, defendant not only admits what the Commonwealth might prove if the case went to trial, but also what he knows happened.
5. Defendant does not even have to admit each and every element of the crime, or direct participation in it.
6. By pleading guilty, defendant generally waives all defects and defenses except those concerning the validity of the plea, the jurisdiction of the court and legality of the sentences.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CC-510-98. **COMMONWEALTH OF PENNSYLVANIA VS. JASON ERIC BENSON.**

Michael A. George, District Attorney, for Commonwealth  
Kristin L. Rice, Esq., for Defendant  
Spicer, P.J., December 2, 1999

### OPINION ON MOTION TO DISMISS PCRA PETITION

Commonwealth has moved to dismiss Defendant's first PCRA petition without a hearing. The petition raises one issue, which the court finds to be legal in nature. Defendant argues that the court lacked authority to sentence him on two counts of conspiracy, because only one was involved. Because we find that the plea colloquy adequately disposes of defendant's claim, we grant Commonwealth's motion.

Defendant appeared with counsel on August 4, 1998 and pleaded guilty to Counts five and six in the Information. Each count charged conspiracy to commit robbery, and were felonies of the first degree. Two concurrent sentences were immediately imposed and reflected a plea agreement of three (3) years to six (6) years. The sentencing

order stated, inter alia, that "It has been specifically pointed out there were two separate agreements and that there was a chronological break between the formation of the two agreements."

The plea colloquy includes the following:

MR. GEORGE: Commonwealth will call CC-510-98, Commonwealth versus Jason Eric Benson.

Mr. Benson is here for arraignment. However, it's my understanding he'll be entering pleas of guilty to count five, criminal conspiracy, and count six, criminal conspiracy, both of which are felonies of the first degree. The information was typed up quickly. There's a duplication on there but I will just indicate to the Court count five refers to Kennie's Market in Gettysburg Borough. Count six, criminal conspiracy, for the Financial Trust Bank also in Gettysburg Borough. On the information being signed by the Defendant, it lists both under both counts.

THE COURT: The Commonwealth is saying there were two separate conspiracies here?

MR. GEORGE: Yes.

THE COURT: You are saying that the general rule no matter how many crimes, there can only be one conspiracy does not apply.

MR. GEORGE: One crime was attempted. After that crime was attempted, they came back and formed another agreement to do another bank at another location, is that correct?

THE DEFENDANT: I guess.

+++++

THE COURT: May I hear the facts please?

MR. GEORGE: On May 19, 1998, a Renee Roscoe walked into Kennie's Market with a handwritten note. The note was given to a cashier. The note said, "Give me all of your money. I have a gun. I will blow your brains out." The cashier delayed by starting conversation. Ms. Roscoe got nervous and left the property.

Approximately 45 minutes later the same woman walked into the Financial Trust Bank located in Gettysburg Borough and handed over a note to a teller at the bank saying, "Give me all of your money. I have a gun." The teller in response gave Ms. Roscoe \$1,995. Ms. Roscoe fled the area.

She was shortly apprehended. Thereafter she indicated to police

that the note was prepared by the Defendant and that the two of them had agreed to commit robbery at Kennie's Market. That note was destroyed.

A second note was written and they went to the Financial Trust Bank. Mr. Benson was subsequently apprehended. He gave a full statement to the police indicating that they had talked about robbing the Kennie's Market, that he had handwritten the note. That upon Kennie's Market being unsuccessful, they met again. Another note was written. They talked about going into Financial Trust. She went into these establishments because he was afraid he would be known, that people might recognize him and that after leaving Financial Trust with the money, he met Ms. Roscoe and received the money and took it and fled the area.

THE COURT: Mr. Benson, is there anything that you want to dispute, question or explain about these facts?

MS. SHEFFER: If you want to, now is the time. Do you want to state anything?

THE DEFENDANT: No.

THE COURT: Do you understand that by pleading guilty, you are admitting that these facts are true?

THE DEFENDANT: Yes.

THE COURT: Do you understand that you are further admitting very important to this case, that you had two agreements with Ms. Roscoe. You had one agreement specifically geared towards Kennie's Market. After that robbery failed, you entered into a new and separate agreement concerning Financial Trust Bank. Do you understand that?

THE DEFENDANT: Yeah.

N.T. pp. 2-5

Pa. R. Crim. P. 1507 authorizes dismissal of a PCRA petition without a hearing if a judge decides, after reviewing the petition, answer and matters of record, that "there are no genuine issues concerning any material fact and that the defendant is not entitled to post-conviction collateral relief, and no purpose would be served by any further proceedings." The rule requires twenty days advance notice of intention to dismiss, with reason therefore, but an opinion and order entered after argument will satisfy the rule *Commonwealth*

v. *Hardcastle*, 549 Pa. 450, 701 A.2d 541 (1997), *reargument denied* 1/2/98; *Commonwealth v. Lark*, 548 Pa. 441, 698 A.2d 43 (1997).

To establish eligibility for relief under the Post Conviction Relief Act (PCRA), a defendant must plead and prove by a preponderance of the evidence that his conviction or sentence resulted from one or more of the enumerated errors listed in the Act and that the allegation of error has not been previously litigated or waived. 42 Pa. C.S.A. § 9543(a). Generally, an issue is waived if defendant could have raised the issue but failed to do so before trial, at trial, during unitary review, or on direct appeal. 42 Pa. C.S.A. § 9544(b).

Defendant attempts to extricate himself from waiver by arguing that his sentences were illegal.

Superior Court has said:

Appellant last contends that the evidence was insufficient to support convictions for separate counts of criminal conspiracy. Appellant relies on §903(c) of the Crimes Code which provides:

**Conspiracy with multiple criminal objectives.-** If a person conspires to commit a number of crimes, he is guilty of only one conspiracy as long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship.

18 Pa.C.S.A. §903(c). We have stated that, which is not new in American jurisprudence, “The conspiracy is the crime and that is one, however diverse its objects” *Braverman v. United States*, 317 U.S. 49, 54, 63 S. Ct. 99, 102, 87 L.Ed. 23 (1942) *quoting Frohwerk v. United States*, 249 U.S. 204, 210, 39 S. Ct. 249, 252, 63 L. Ed. 561 (1919). +++

More recently, the parameters of this principle have been further defined:

A single, continuing conspiracy is demonstrated where the evidence proves that the essential feature of the existing conspiracy was a common plan or scheme to achieve a common, single goal... A single, continuing conspiracy may contemplate a series of offenses, or be comprised of a series of steps in the formation of a larger, general conspiracy... Therefore, where the evidence at trial is sufficient for the jury to infer that the essential features of the existing conspiracy were a common, single, comprehensive goal or end, then the conclusion that the

conspiracy was a single, continuing conspiracy is justified. *United States v. Continental Groups, Inc.*, 456 F. Supp. 704, 716 (E.D. Pa. 1978) aff'd, 603 F.2d 444 (3d Cir. 1979) cert. denied, 444 U.S. 1032, 100 S. Ct. 703, 62 L.Ed. 2d. 668 (1980). *Commonwealth v. Troop*, 391 Pa. Super. 613, 571 A.2d 1084, 1089, 1090, (1990); alloc. dn. 526 Pa. 634, 584 A.2d 317 (1990).

Superior Court went on to uphold two conspiracy convictions the object of each was to purchase cocaine. Although the chronological break involved was longer than the one sub judice, this is not important.

It is well settled that the statements made during a plea colloquy cannot be contradicted in hopes of advancing a claim for relief under the PCRA. *Commonwealth v. Harris*, 381 Pa. Super. 206, 553 A.2d 428 (1989). Nevertheless, Defendant argues that the plea colloquy was defective because the court did not inquire into and consider the contents of his confession. Attaching a copy to his brief, he now contends that he admitted only one conspiracy.

The factual basis contemplated by the rules does not mean that the court must determine defendant's guilt beyond a reasonable doubt, and review all evidence relating to guilt or innocence. By pleading guilty, defendant not only admits what the Commonwealth might prove if the case went to trial, but also what he knows happened. People plead for various reasons and acceptance of a plea agreement is a strong indicator of the voluntariness of a plea. *Commonwealth v. Myers*, 434 Pa. Super. 221, 642 A.2d 1103 (1994). Defendant does not even have to admit each and every element of the crime, or direct participation in it. *Commonwealth v. Fluharty*, 429 Pa. Super. 213, 632 A.2d 312 (1993).

By pleading guilty, defendant generally waives all defects and defenses except those concerning the validity of the plea, the jurisdiction of the court and legality of the sentences. *Commonwealth v. Guth*. Pa. Super, 735 A.2d 709 (1999). The plea transcript clearly establishes all three essentials.

Pa. R.Crim. P. 319 states that when both sides have reached an agreement concerning a plea they shall state on the record in open court the terms of the agreement. "The judge shall conduct a separate inquiry of the defendant on the record to determine whether

the defendant understands and voluntarily accepts the terms of the plea agreement on which the guilty plea is based.” Pa. R. Crim. P. 319(b)(2). The record reveals the terms were presented, a colloquy was conducted and a guilty plea was knowingly and intelligently entered based on the agreement presented. Neither sentence was greater than the lawful maximum. Defendant’s claim is not cognizable under the PCRA. 42 Pa. C.S.A. § 9543(a)(2)(vii).

The attached order is entered.

#### ORDER

AND NOW, this 2nd day of December, Defendant’s PCRA petition is dismissed without a hearing. The Clerk of Courts is directed to provide a copy of the opinion and order to counsel, and to mail a copy to defendant at the state correctional institution where he is housed. Mail shall be by certified mail, return receipt requested. Defendant is notified that he has the right to appeal to Superior Court within the next thirty days. He is given leave to proceed in forma pauperis. He has the right to proceed with assigned counsel and counsel has been assigned.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-831 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 February, 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 tract of land situate, lying and being in Oxford Township, Adams County, Pennsylvania, More particularly bounded and described as follows, to wit:

BEGINNING for a point on the right-of-way line of Kimberly Ann Lane at Lot No. 92 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 92, North eight (08) degrees twenty-six (26) minutes forty-nine (49) seconds West, one hundred twenty (120) feet to a point at Lot No. 106 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 106, North eighty-one (81) degrees thirty-three (33) minutes eleven (11) seconds East, one hundred thirty and twenty-nine hundredths (130.29) feet to a point at Lot No. 94 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 94, South three (03) degrees six (06) minutes sixteen (16) seconds West, one hundred twenty-six and ten hundredths (126.10) feet to a point on the right-of-way line of Kimberly Ann Lane; thence along the right-of-way line of Kimberly Ann Lane by a curve to the right, having a radius one hundred seventy-five (175.00) feet, an arc length of thirty-five and twenty-eight (35.28) feet and a long chord bearing and distance of South eighty-seven (87) degrees nineteen (19) minutes forty-four (44) seconds West, thirty-five and two hundredths (35.22) feet to a point; thence along the right-of-way line of Kimberly Ann Lane, south eighty-one (81) degrees thirty-three (33) minutes eleven (11) seconds West, seventy (70.00) feet to a point, the point and place of BEGINNING. CONTAINING 14,206 square feet.

## MAP &amp; PARCEL NO. 35-013-0090

THE above description being Lot No. 93 on the Final Subdivision Plan of "Colonial Acres", for Delbert Piper, prepared by Mort, Brown and Associates, dated April 1, 1993, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 64 at page 93.

SUBJECT, NEVERTHELESS, to the Protective Covenants of "Colonial Acres" dated December 24, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 898 at page 222.

BEING THE SAME PREMISES WHICH Anthony J. Lawrence and Diane L. Lawrence, by their Deed dated December 29, 1995 and recorded in

Adams County Deed Book 1131, Page 220, granted and conveyed unto James K. Tracey and Beverly A. Tracey.

SEIZED IN EXECUTION AS THE PROPERTY OF JAMES K. TRACEY AND BEVERLY A. TRACEY UNDER ADAMS COUNTY JUDGMENT NO. 97-S-831.

SEIZED and taken into execution as the property of **James K. Tracey & Beverly A. Tracey** 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 March 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.

1/12, 19 & 26

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-851 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 February, 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 tract of land situate on the Northeast side of Main Street in the Borough of York Springs, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a mark in concrete which said mark is situate on the East curb line of Main Street in the Borough aforesaid at lands N/F of Robert C. Hartley and Barbara A. Hartley, said mark in concrete being South 42 Degrees East, 44 feet from another mark in concrete which is situate at the intersection of the South property line of North "B" Street and the eastern curb line of Main Street; thence along lands N/F of Robert C. Hartley and Barbara A. Hartley, North 48 degrees East 153.75 feet to a steel pin on the Western side of a public alley; thence along the western side of said public alley, South 42 degrees East, 23 feet to a steel pin at lands N/F of Irene Kathryn Hursh; thence by lands of Irene Kathryn Hursh, South 48 degrees West 153.75 feet to a mark in concrete on the East curb line of Main Street; thence along the east curb line of

Main Street North 42 degrees West, 23 feet to a mark in concrete at lands N/F of Robert C. Hartley and Barbara A. Hartley aforesaid, the point and Place of BEGINNING.

CONTAINING 3,536 square feet, neat measure.

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

THE foregoing description was taken from a draft of survey prepared for William D. Hoffman by J. H. Rife, R.E. dated January 13, 1975.

HAVING THEREON ERECTED A DWELLING KNOWN AS 126 Main Street, York Springs, Pennsylvania 17372.

BEING THE SAME PREMISES WHICH Patricia A. Golden, single person, by her Deed dated September 23, 1991 and recorded in Adams County Recorder of Deeds Office on October 3, 1991, in Deed Book 601, page 781, granted and conveyed unto Donald M. Delpopolo and Dianna L. Delpopolo.

Tax Map # 5-49

SEIZED and taken into execution as the property of **Donald & Dianna Delpopolo** 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 March 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.

1/19, 26 & 2/2

## NOTICE

NOTICE IS HEREBY GIVEN that Thomas R. Nell intends to apply in open Court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania on the 5th day of March, 2001, and that he intends to establish legal practice at his law office located at 340 Nell Road, East Berlin, Pennsylvania 17316.

1/19, 26 & 2/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-824 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 February, 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, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a stone at corner of land now or formerly of William Smith Heirs; thence along land now or formerly of William Smith Heirs, South 45 degrees West, 519 feet to a stone at corner of land now or formerly of Grace E. Fox and Raymond B. Fox; thence along land now or formerly of Grace E. Fox and Raymond B. Fox, crossing State Highway Route 01015 leading from Fairfield to Greenstone and crossing Tom's Creek, North 36 1/2 degrees West, 250 feet to center of a big rock at line of land now or formerly of William Smith Heirs; thence by land now or formerly of William Smith Heirs, North 45 degrees East, 519 feet to a stone; thence by land now or formerly of same, crossing Tom's Creek and crossing the aforesaid State Highway, South 36 1/2 degrees East, 250 feet to a stone; the place of BEGINNING.

EXCEPTING, HOWEVER, THEREFROM, that certain lot or piece of land otherwise conveyed by Warren R. Dannelley and Laura M. Dannelley, husband and wife, to Paul C. McLaughlin and wife, dated April 9, 1963 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 243 at page 1023.

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

BEGINNING at the corner of lands of Grantors and said land known as Lot No. 2 on a certain subdivision, thence South 45 degrees 00 minutes 00 seconds East, 50.00 feet to a point; thence South 45 degrees 03 minutes 21 seconds West, 435.05 feet to a point; thence North 45 degrees 00 minutes 00 seconds West, 50.00 feet to a point at the corner of Lot No. 5 thence continuing along Lot No. 5 North 45 degrees 06 minutes 51 seconds East, 213.05 feet to a point at the corner of Lots No. 4 and 5; thence continuing by Lot No. 4 North 45 degrees 00 minutes 00 seconds East, 70.00 feet to a point at the corner of Lots No. 3 and 4; thence continuing by Lot No. 3 North 45 degrees 00 minutes 00 seconds East, 100.00 feet to a point at the corner of Lots No. 2 and 3; thence continuing by Lot No. 2 North 45 degrees 00 minutes 00 seconds East, 52.00 feet to the place of BEGINNING.

The above description is known as Lot No. 7 and was taken from a plan of survey prepared by J. Rex Benchoff, Registered Surveyor, dated October 10, 1989 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 55 at page 66.

BEING THE SAME PREMISES WHICH Title acquired by a Deed dated 9/27/88, and recorded on 9/28/88 in Liber/Book 502, at page 636, made by Laura M. Dannelley.

Additional Deed from James R. Kinsley and Mary R. Kinsley to George W. Nicholas and Mary A. Nicholas dated 11/02/90 and recorded on 11/02/90, in Liber/Book 571, at page 1015.

SEIZED and taken into execution as the property of **George W. Nicholas & Mary C. Nicholas** and to be sold by me

Raymond W. Newmann  
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 March 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.

1/12, 19 & 26

IN THE COURT  
OF COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

In re: First and Final Account of PNC Bank, National Association Trustee of the Marian H. Carey Living Trust dated June 24, 1997.

NO. OC-6-01  
Accounting from July 6, 1999 to  
December 13, 2000

TO ALL PERSONS CONCERNED:

NOTICE IS HEREBY GIVEN that the First and Final Account of PNC Bank, NA, Trustee of the Marian H. Carey Living Trust dated June 24, 1997, has been filed in the Office of the Clerk of the Orphans' Court and will be presented to the Court of Common Pleas of Adams County, Pennsylvania, at Gettysburg, Pennsylvania, for confirmation and approval on March 5, 2001, at 9:00 a.m.

Peggy J. Breighner, Clerk  
Hartman & Yannetti, Attorneys

1/26 & 2/2

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION-LAW  
NO. 00-S-643

NATIONSCREDIT HOME EQUITY  
SERVICES CORPORATION, Plaintiff  
vs.

RAISSA CONCANNON, Defendant.

Premises: 847 Old Waynesboro Road,  
Fairfield, PA 17320

TO: Raissa Concannon

You have been named as defendant in a civil action docketed as No. 00-S-643 in the Court of Common Pleas of Adams County and captioned as NationsCredit Home Equity Services Corporation versus Raissa Concannon. Such action is an action in mortgage foreclosure in which plaintiff seeks to foreclose its mortgage against the real property located at 847 Old Waynesboro Road, Hamiltonban Township, Fairfield, PA 17320, being Tax Parcel No. A17-62.

NOTICE

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

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

Lawyer Reference Service  
c/o Court Administrator  
Adams County Courthouse  
111-117 Baltimore Street  
Gettysburg, PA 17325  
Telephone: 717-334-6781

Andrew L. Markowitz, Esq.  
Attorney for Plaintiff  
P.O. Box 373, Lahaska, PA 18931  
(215) 297-0411

1/26



SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-930 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of February, 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, parcel or piece of land situate in the Borough of Carroll Valley (formerly Hamiltonban Township), County of Adams, and Commonwealth of Pennsylvania, being Lot 90, Section J, bounded and described as follows:

BEGINNING at a point in the center of Main Trail at Lot No. 89; thence by said lot North 87 degrees 23 minutes 40 seconds West, 200 feet to Lot No. 82; thence by said Lot North 3 degrees 11 minutes 40 seconds West, 100 feet to Lot No. 91; thence by said lot South 87 degrees 23 minutes 40 seconds East, 200 feet to a point in the center of said Main Trail; thence in said Main Trail South 3 degrees 11 minutes 40 seconds East, 100 feet to the place of BEGINNING.

THE ABOVE description was taken from a plan of lots labeled "Section J, Chamita Ski Area, Inc.", dated March 20, 1968, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book No. 1, at Page 24.

BEING THE SAME PREMISES which Oscar A. Hollingsworth and Mildred O. Hollingsworth, H/W, by Deed dated 9/29/89 and recorded 9/29/89 in the Office for the Recorder of Deeds in and for the County of Adams, and Commonwealth of Pennsylvania in Record Book Volume 534, Page 1119, granted and conveyed unto James P. Sites and Josephine E. Sites, H/W, mortgagors herein.

HAVING thereon erected a residential property known as 9 Main Trail, Fairfield, PA.

SEIZED and taken into execution as the property of **James P. Sites & Josephine E. Sites** 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 March 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.

1/19, 26 & 2/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-928 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of February, 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 of land situate, lying and being in Oxford Township, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING for a point on the right-of-way line of Curtis Drive at Lot No. 161 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 161, South twenty-seven (27) degrees fifty (50) minutes forty-four (44) seconds East, one hundred thirty (130.00) feet to a point at Lot No. 147 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 147, South sixty-two (62) degrees nine (09) minutes sixteen (16) seconds West, one hundred nine and seventy-seven hundredths (109.77) feet to a point on the right-of-way line of Matthew Drive as shown on the hereinafter referenced subdivision plan; thence along said right-of-way line of Matthew Drive, by a curve to the right, having a radius of two hundred twenty-five (225.00) feet, an arc length of forty-eight and sixty-three hundredths (48.63) feet and a long chord bearing and distance of North thirty-four (34) degrees two (02) minutes twelve (12) seconds West, forty-eight and fifty-three hundredths (48.53) feet to a point on the right-of-way line of Matthew Drive; thence further along the said right-of-way line of Matthew Drive, North twenty-seven (27) degrees fifty (50) minutes forty-four (44) seconds West, fifty-six and seventy-five hundredths (56.75) feet to a point at the intersection of Matthew Drive and Curtis Drive; thence along the intersection of Matthew Drive and Curtis Drive, by a curve to the right, having a radius of twenty-five (25.00) feet, an arc length of thirty-nine and twenty-seven hundredths (39.27) feet to a point and a long chord bearing and distance of North seventeen (17) degrees nine (09) minutes sixteen (16) seconds East, thirty-five and thirty-six hundredths (35.36) feet to a point on the right-of-way line of Curtis Drive; thence along the said right-of-way line of Curtis Drive, North sixty-two (62) degrees nine (09) minutes sixteen (16) seconds East, ninety (90.00) feet to a point, the point and place of BEGINNING. CONTAINING 14,732 square feet.

The above description being Lot No. 162 on the Final Subdivision Plan for Delbert Piper "Colonial Acres - Section I", prepared by Mort, Brown and Associates, dated April 1, 1993, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 64 at page 93.

Tax Parcel #13-136

SEIZED and taken into execution as the property of **Michael J. Rice & Lauretta Ann Burgoon** 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 March 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.

1/26, 2/2 & 9

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on December 28th, 2000, a certificate has been filed under Section 311 of the Act 1982-295 (54 Pa.C.S. Section 311), the Fictitious Name Act, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Paul M. Krieger of 311 Tallahassee Boulevard, Abbottstown, Pennsylvania, is the only person owning or interested in a business, the character of which is to assist businesses and individuals in recovering monies due them from various sources and that the name, style and designation under which said business is and will be conducted is PENN-MAR RECOVERY SYSTEMS and the location where said business is and will be located is 311 Tallahassee Boulevard, Abbottstown, Adams County, Pennsylvania 17301.

/s/Paul M. Krieger  
Owner

1/26

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-260 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of February, 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 piece, parcel or tract of land 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 Eastern edge of Drummer Drive at Lot No. 81 of the hereinafter referenced subdivision plan; thence along said Eastern edge of Drummer Drive by a curve to the right whose radius is two hundred thirty-two and sixteen hundredths (232.16) feet and whose long chord bearing is North thirty (30) degrees twenty-six (26) minutes fifty-six (56) seconds East, two hundred twenty-four and thirty-two hundredths (224.32) feet for an arc distance of two hundred thirty-four and eleven hundredths (234.11) feet to a point at Lot No. 83 of said plan; thence along same South thirty (30) degrees thirty-nine (39) minutes forty-five (45) seconds East, one hundred twenty-eight and thirty-six hundredths (128.36) feet to a point at Lot No. 80 of said plan; thence along same and Lot No. 81 South sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds West, one hundred ninety-seven and forty-two hundredths (197.42) feet to a point at on the Eastern edge of Drummer Drive, the point and place of BEGINNING. CONTAINING 16,982 square feet.

THE above described lot being designated as Lot No. 82 on the Subdivision Plan of "South Branch Estates", dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

## TAX PARCEL # 1-112

BEING KNOWN AS: 225 DRUMMER DRIVE, NEW OXFORD, PA 17350

SEIZED and taken into execution as the property of **Jody Livingston** 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 March 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.

1/19, 26 & 2/2

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-359 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 February, 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 piece, parcel or tract of land, 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. 84 on the hereinafter referred to plan of lots; thence along Lot No. 84 South forty-one (41) degrees eighteen (18) minutes fifty-five (55) seconds West, one hundred eight and eight hundredths (108.08) feet to a point in the rear property line of Lot No. 71; thence along a portion of the rear property line of Lot No. 71 and the rear property line of Lot No. 72 North forty-eight (48) degrees forty-five (45) minutes twenty-four (24) seconds West, ninety-four (94.00) feet to a point at Lot No. 73; thence along a portion of the rear property line of Lot No. 73 North eighteen (18) degrees thirty-seven (37) minutes twenty-six (26) seconds West, seventeen (17.00) feet to a point at Lot No. 82, thence along Lot No. 82 North Fifty-seven (57) degrees twenty-three (23) minutes four (04) seconds East, one hundred fourteen and thirty-five hundredths (114.35) feet to a point on the Western property line of Pine Lane, aforesaid; thence along the same by a curve to the left the radius of which is two hundred fifty-two and twenty hundredths (252.20) feet for an arc length of seventy-eight and fifty hundredths (78.50) feet and having a long chord bearing and distance of South thirty-eight (38) degrees forty-five (45) minutes ten (10) seconds East, seventy-eight and eighteen hundredths (78.18) feet to a point, the place of BEGINNING. (CONTAINING 10,533.842 square feet or 0.241 acres.) (Being Lot No. 83 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.)

HAVING THEREON ERECTED A DWELLING KNOWN AS 16 Pine Lane, New Oxford, PA 17350.

BEING THE SAME PREMISES WHICH Dennis G. Hess and Susan C. Hess, by their Deed dated February 12, 1997 and recorded in Adams County Recorder of Deeds Office on February

19, 1997 in Deed Book 1330, page 98, granted and conveyed unto Luis F. Diaz and Mario B. Jimenez.

Tax Map # 8-124

SEIZED and taken into execution as the property of **Luis F. Diaz & Mario B. Jimenez** 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 March 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.

1/12, 19 & 26

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-260 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of February, 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 piece, parcel or tract of land 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 Eastern edge of Drummer Drive at Lot No. 81 of the hereinafter referenced subdivision plan; thence along said Eastern edge of Drummer Drive by a curve to the right whose radius is two hundred thirty-two and sixteen hundredths (232.16) feet and whose long chord bearing is North thirty (30) degrees twenty-six (26) minutes fifty-six (56) seconds East, two hundred twenty-four and thirty-two hundredths (224.32) feet for an arc distance of two hundred thirty-four and eleven hundredths (234.11) feet to a point at Lot No. 83 of said plan; thence along same South thirty (30) degrees thirty-nine (39) minutes forty-five (45) seconds East, one hundred twenty-eight and thirty-six hundredths (128.36) feet to a point at Lot No. 80 of said plan; thence along same and Lot No. 81 South sixty-five (65) degrees eight (08) minutes fifty-seven (57) seconds West, one hundred ninety-seven and forty-two hundredths (197.42) feet to a point at on the Eastern edge of Drummer Drive, the point and place of BEGINNING. CONTAINING 16,982 square feet.

THE above described lot being designated as Lot No. 82 on the Subdivision Plan of "South Branch Estates", dated February 3, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63, page 93.

## TAX PARCEL # 1-112

BEING KNOWN AS: 225 DRUMMER DRIVE, NEW OXFORD, PA 17350

SEIZED and taken into execution as the property of **Jody Livingston** 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 March 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.

1/19, 26 & 2/2

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-359 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 February, 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 piece, parcel or tract of land, 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. 84 on the hereinafter referred to plan of lots; thence along Lot No. 84 South forty-one (41) degrees eighteen (18) minutes fifty-five (55) seconds West, one hundred eight and eight hundredths (108.08) feet to a point in the rear property line of Lot No. 71; thence along a portion of the rear property line of Lot No. 71 and the rear property line of Lot No. 72 North forty-eight (48) degrees forty-five (45) minutes twenty-four (24) seconds West, ninety-four (94.00) feet to a point at Lot No. 73; thence along a portion of the rear property line of Lot No. 73 North eighteen (18) degrees thirty-seven (37) minutes twenty-six (26) seconds West, seventeen (17.00) feet to a point at Lot No. 82, thence along Lot No. 82 North Fifty-seven (57) degrees twenty-three (23) minutes four (04) seconds East, one hundred fourteen and thirty-five hundredths (114.35) feet to a point on the Western property line of Pine Lane, aforesaid; thence along the same by a curve to the left the radius of which is two hundred fifty-two and twenty hundredths (252.20) feet for an arc length of seventy-eight and fifty hundredths (78.50) feet and having a long chord bearing and distance of South thirty-eight (38) degrees forty-five (45) minutes ten (10) seconds East, seventy-eight and eighteen hundredths (78.18) feet to a point, the place of BEGINNING. (CONTAINING 10,533.842 square feet or 0.241 acres.) (Being Lot No. 83 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.)

HAVING THEREON ERECTED A DWELLING KNOWN AS 16 Pine Lane, New Oxford, PA 17350.

BEING THE SAME PREMISES WHICH Dennis G. Hess and Susan C. Hess, by their Deed dated February 12, 1997 and recorded in Adams County Recorder of Deeds Office on February

19, 1997 in Deed Book 1330, page 98, granted and conveyed unto Luis F. Diaz and Mario B. Jimenez.

Tax Map # 8-124

SEIZED and taken into execution as the property of **Luis F. Diaz & Mario B. Jimenez** 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 March 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.

1/12, 19 & 26

## 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 ALICE E. ANDREW, DEC'D  
Late of Cumberland Township, Adams County, Pennsylvania

Administratrix: Ms. Betty J. Weatherly, 2761 Pumping Station Road, Fairfield, PA 17320

Attorney: Matthew R. Battersby, Esq., Battersby & Sheffer, 20 West Main Street, P.O. Box 215, Fairfield, PA 17320

ESTATE OF BERNADETTE M. FLICKINGER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Robert B. Flickinger, 6408 Lincoln Highway W., Thomasville, PA 17364; Larry F. Flickinger, 17 Taney Court, Taneytown, MD 21787

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

ESTATE OF M. JANE GANTZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Frederick A. Gantz, 29 E. Stevens Street, Gettysburg, PA 17325; Donald A. Gantz, 166 Sachs Road, Gettysburg, PA 17325

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

ESTATE OF RUBY M. HESS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Personal Representative: Thurman M. Hess, 26 Mt. Vernon Terrace, Waynesboro, PA 17268

Attorney: J. L. Doyle, Esq., 114 Walnut St., P.O. Box 512, Waynesboro, PA 17268

ESTATE OF JOEL M. HILL, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Wayne D. Hill, 10 White Oak Trail, Gettysburg, PA 17325; Bruce G. Hill, 84 Twin Lakes Drive, Gettysburg, PA 17325

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

ESTATE OF HAROLD L. PLATZER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Kathleen G. Platzer, 309 Oak Lane, Gettysburg, PA 17325

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

ESTATE OF ALVIN H. RUBY, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Co-Executors: Glenn A. Ruby, Carol Demiray and Gail McClain, c/o 29 North Duke Street, York, PA 17401

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

ESTATE OF OLIVE O. SLAYBAUGH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: PNC Bank, N.A., Attn: Linda J. Lundberg, Asst. V.P., P.O. Box 308, Camp Hill, PA 17001-0308

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

ESTATE OF MARY KATHRYN STARNER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Sandra E. Boyer, William G. Inskip, Janet McMaster and Sarah Starnier, c/o 29 North Duke Street, York, PA 17401

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

## SECOND PUBLICATION

ESTATE OF FRANCIS B. HARTMAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administrators C.T.A.: Merial E. Heldt, 31 Twin Lakes Drive, Gettysburg, PA 17325; Rena Susan Rebert, 702 Wright Avenue, Gettysburg, PA 17325

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

ESTATE OF MUSETTA U. HOUCK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrator: N. T. Washburn, 106 Lincolnway West, New Oxford, PA 17350

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

ESTATE OF MARLIN W. KUHN, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Renee B. Kuhn, 2954 Carlisle Road, Gardners, PA 17324

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

ESTATE OF MARY LOUISE NULL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

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

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

## THIRD PUBLICATION

ESTATE OF BLANCHE L. HELLER, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Kermit E. Heller, Jr., c/o Charles E. Shields, III, Esq., 6 Clouser Road, Mechanicsburg, PA 17055

Attorney: Charles E. Shields, III, Esq., 6 Clouser Road, Mechanicsburg, PA 17055

ESTATE OF MICHAELA S. PYLE, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Judith S. Pyle, 1501 Hoffman Home Road, Littlestown, PA 17340

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

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-774 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of February, 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 tract of land situate in Butler Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a stone in the public road known as the Stone Jug Road (running westwardly from U.S. Highway Route No. 15), at corner of land now or formerly of Lizzie Guise and land now or formerly of Melvin L. Cool; thence by land now or formerly of Melvin L. Cool South 69-1/2 degrees West, 48.4 perches to a post at corner of land now or formerly of Melvin L. Cool and land now or formerly of John A. Maus; thence by land now or formerly of John A. Maus North 28-1/4 degrees West 8.2 perches to a post; thence by same South 51 degrees West, 64 perches to a stone at corner of land now or formerly of John A. Maus and land now or formerly of R. Landon Plank; thence by land now or formerly of R. Landon Plank North 63-1/2 degrees West, 55.3 perches to a point; thence by same North 54-1/2 degrees West, 1.7 perches to a point at corner of land now or formerly of R. Landon Plank and land now or formerly of Rex L. Rice North 64-1/4 degrees East, 124.1 perches to a point in the aforesaid public road; thence in said public road and by land now or formerly of Deatrack-Gardner Heirs South 49-3/4 degrees East, 6.1 perches to a point; thence in said public road and by land now or formerly of Lizzie Guise South 51-3/4 degrees East, 41.9 perches to a stone, the place of BEGINNING, CONTAINING 29 acres and 58 perches, more or less. (Sometimes erroneously said to be 39 A and 58 P, more or less).

The foregoing description of the tract of land hereby conveyed was obtained from draft of survey made by Leroy H. Winebrenner, R.S. on March 16, 1950.

Less, however, that 25.2310 acre tract previously conveyed to Weldon V. Lane and A. Frances Lane by deed dated December 14, 1973, and recorded in the Adams County, Pennsylvania, Recorder of Deeds Office in Deed Book 311 page 4.

## TAX PARCEL # G-8-36

SEIZED and taken into execution as the property of **Clarence B. McCurry** 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 March 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.

1/26, 2/2 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-990 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of February, 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 lot of ground, situate, lying and being in Conewago Township, County of Adams, and Commonwealth of Pennsylvania, known on a plat or general plan of a series of lots, streets, avenues, etc., of lands of the Hanover Improvement Company, as Lot No. 11, adjoining Lot No. 12 on the East, a public alley on the North, Garfield Street on the West, and Linden Avenue on the South.

BEING known as 19 Linden Avenue, Hanover, PA 17331

Property ID No. 8-125

TITLE TO SAID PREMISES IS VESTED IN Linda L. Starnier, widow and Thomas E. Kessel, single by deed from Linda L. King now known as Linda L. Starnier, widow dated 6/3/1999 and recorded n/a in Deed Book 1866 page 281.

SEIZED and taken into execution as the property of **Linda L. Starnier & Thomas E. Kessel** 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 March 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.

1/19, 26 & 2/2

## NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, January 29, 2001.

**KOPP**—Orphans' Court Action Number OC-131-00. The First and Final Account of Susan K. Hyde and Elizabeth A. Staub, Co-Executrices of under the Last Will and Testament of Mary K. Kopp, deceased, late of Conewago Township, Adams County, Pennsylvania.

**KEEFER**—Orphans' Court Action Number OC-135-00. The First and Final Account of Thomas Edward Keefer a/k/a Thomas E. Keefer, Sr. and Mark Stephen Keefer a/k/a Stephen Mark Keefer, Co-Executors of the Estate of Calvin E. Keefer, deceased, late of Mount Joy Township, Adams County, Pennsylvania.

**RANDALL**—Orphans' Court Action Number OC-138-00. The First and Final Account of Phillip Zinn and Edward Zinn, Executors of the Last Will and Testament of Sara S. Randall, deceased, late of Conewago Township, Adams County, Pennsylvania.

**MATHIAS**—Orphans' Court Action Number OC-47-99. The First and Final Account of Robert Earl Mathias, Administrator of the Estate of J. Earl Mathias, deceased, late of Oxford Township, Adams County, Pennsylvania.

**DRACHA**—Orphans' Court Action Number OC-137-00. The First and Final Account of Adams County National Bank, Executor of the Last Will and Testament of Anna B. Dracha, deceased, late of Gettysburg Borough, Adams County, Pennsylvania.

Peggy J. Breighner  
Clerk of Courts

1/19 & 26