Adams County Legal Journal

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-686 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of May, 1999, 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 improved tract of land situate on the western side of Kime Hatchery Road, T-650, in Tyrone Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a railroad spike set 2 feet west of the center line of Kime Hatchery Road, T-650, which point of beginning is more particularly established on the survey and subdivision plan hereinafter referred to; thence in and along Kime Hatchery Road, T-650, and by lands of Evelyn E. Kime Estate, South 3 degrees 59 minutes 25 seconds West, 58 feet to an existing railroad spike in the center line of said Kime Hatchery Road, T-650; thence continuing in and along Kime Hatchery Road and by lands of Evelyn E. Kime Estate, South 14 degrees 11 minutes 54 seconds West, 172 feet to a railroad spike set 3 feet west of the center line of Kime Hatchery Road; thence leaving Kime Hatchery Road and through a steel pin set back 25 feet from the beginning hereof and by lands of Lynn F. Kime and Sandra S. Kime, North 83 degrees 51 minutes 6 seconds West, 177.04 feet to a steel pin; thence continuing by lands of same North 2 degrees 25 minutes 56 seconds East, 230.91 feet to a steel pin; thence continuing by lands of same and through a steel pin set back 25 feet from the end hereof, South 83 degrees 16 minutes 20 seconds East, 213.92 feet to a railroad spike set 2 feet west of the center line of Kime Hatchery Road, T-650, the point and place of BEGINNING. CONTAINING 1.050 acres.

BEING the same premises which Lynn F. Kime and Sandra S. Kime by deed dated December 30, 1994 and recorded in the Office of the Recorder of Deeds in and for Adams County in Deed Book 984, Page 23, granted and conveyed to Michael M. McKenrick and Leonora A. McKenrick.

SEIZED and taken into execution as the property of **Leonora A. & Michael L. McKenrick** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
March 20, 1999

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 June 7, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

4/23, 30 & 5/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-844 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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, lying and being in the Borough of Abbottstown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point at Hughes Drive and Lot No. 10; thence along Lot No. 10, South Seventy-two (72) degrees forty (40) minutes zero (00) seconds West, ninety-five (95.00) feet to a point at lands now or formerly of Charlotte N. Rhoads; thence along said lands, North seventeen (17) degrees twenty (20) minutes zero (00) seconds West, one hundred twelve and ninety-five hundredths (112.95) feet to a point at Lot No. 8; thence along Lot No. 8, North seventy -two (72) degrees forty (40) minutes zero (00) seconds East, ninety-five (95.00) feet to a point at Hughes Drive; thence along Hughes Drive, South seventeen (17) degrees twenty (20) minutes zero (00) seconds East, one hundred twelve and ninety-five hundredths (112.95) feet to the point and place of beginning. CONTAINING 10,730 square feet and identified as Lot No. 9 on a plan of lots prepared for Larry E. Hughes and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 66, page 74

Being Parcel No. 3-98

Property Address: 62 Hughes Avenue, Abbottstown, PA 17301

SEIZED and taken into execution as the property of **Dale K. Heikes** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
February 20, 1999.

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 July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/7, 14 & 21

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on March 26, 1999, 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 KENNETH H. WEAVER & ASSOCIATES, 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.

Kenneth H. Weaver &
Associates, Inc.
207 Spring Lane
Littlestown, PA 17340

5/7

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on March 31, 1999, 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 WEISHAAR'S AUTO REPAIR, 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.

Weishaar's Auto Repair, Inc.
1109 Locust Lane
Littlestown, PA 17340

5/7

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-888 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of May, 1999, 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 right, title, interest and claim of Joseph F. Kerrigan and Bonnie J. Kerrigan of, in and to the following described property:

ALL the following described real estate situated in the township of Oxford, County of Adams, and Commonwealth of Pennsylvania. Having erected thereon a dwelling being known and numbered as 13 East Locust Lane, New Oxford, Pennsylvania 17350. Deed book volume 370, page 976, and parcel number 9-21.

SEIZED and taken into execution as the property of **Joseph F. & Bonnie J. Kerrigan** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
March 20, 1999.

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 June 7, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

4/23, 30 & 5/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-235 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 1999, 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, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, more fully bounded and limited as follows, to wit:

BEGINNING at a corner at a point on the Northeastern edge of White Birch Drive at the southwestern most corner of Lot N, 7-A as shown on the hereinafter referred to Subdivision Plan; thence along said Lot No. 7-A, and lands now or formerly of Rosville V. Topper, III, North forty-six (46) degrees ten (10) minutes twenty-eight (28) seconds East, ninety-two and twenty-seven hundredths (92.27) feet to a point at lands now or formerly of Michael D. Sentz and Lot No. 9 on the hereinafter referred to Subdivision Plan; thence along said Lot No. 9, South forty-three (43) degrees forty-nine minutes thirty-two (32) seconds East, ninety-seven and forty-nine hundredths (97.49) feet to a point on the Northwestern edge of Holly Court on the hereinafter referred to Subdivision Plan; thence along said Holly Court the following three (3) courses and distances; (1) by a curve to the right having a radius of fifteen (15) feet the long chord of which is South twenty-two (22) seconds West, eight and sixty-seven hundredths (8.67) feet for an arc distance of eight and eighty hundredths (8.80) feet to a point; (28) seconds West, sixty and twenty-six hundredths (60.26) feet to a point; (3) North eighty-nine (89) degrees fifty-one (51) minutes fifty-two (52) seconds West, twenty-four and eighty-one hundredths (24.81) feet to a point on the Northeastern edge of White Birch Drive on the hereinafter referred to Subdivision Plan; thence along said Northeastern edge of White Birch Drive the following two (2) courses and distances; (1) by a curve to the left having a radius of one hundred eighty-five (185) feet the long chord of which is North forty-four (44) degrees fifty-one (51) minutes ten (10) seconds West, fifty-two and thirty-two hundredths (52.32) feet for an arc distance of fifty-two and fifty hundredths (52.50) feet to a point; (2) North fifty-two (52) degrees fifty-eight (58) minutes fifty-nine (59) seconds West, thirty and eighty-five hundredths (30.85) feet to a point at the Southwestern most corner of Lot No., 7-A on the hereinafter referred to Subdivision Plan, being the point and place of BEGINNING.

BEING THE SAME PREMISES which Jeremy D. Forbes and Peggy L. Forbes, by their Deed dated September 24, 1993 and recorded in Adams County Recorder of Deeds Office on October 1, 1993 in Deed Book 786, page 219, granted and conveyed unto Carrol E. Snyder and Barbara J. Snyder. Barbara J. Snyder is deceased.

SEIZED IN EXECUTION AS THE PROPERTY OF CARROL E. SNYDER UNDER ADAMS COUNTY JUDGMENT NO. 1997-S-235.

PARCEL: 9-104

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
April 10, 1999.

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 June 28, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

4/30, 5/7 & 14

NOTICE OF INCORPORATION

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 January 21, 1999, for the incorporation of SSCN, INC., under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the sale and service of computers and computer networks. The initial registered office of the corporation is 37 West Street, Gettysburg, PA 17325.

Bernard A. Yannetti, Esq.
Hartman & Yannetti
Solicitor

5/7

NOTICE OF INCORPORATION

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 March 5, 1999 for the incorporation of SCOTT R. SNYDER CONTRACTING, INC., under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of residential and commercial building contractor. The initial registered office of the corporation is 451 West Middle Street, Gettysburg, PA 17325.

Bernard A. Yannetti, Esq.
Hartman & Yannetti
Solicitor

5/7

IN RE: ESTATE OF BALDWIN

1. A confidential relationship is not limited to any particular association of parties, but exists wherever one occupies such a position of advisor or counselor as reasonable to inspire confidence that he will act in good faith for the other's interest.

2. Where a confidential relationship exists, the law presumes the transaction voidable unless the parties seeking to sustain the validity of the transaction affirmatively demonstrates that it was fair under all the circumstances and beyond all reach of suspicion.

In the Court of Common Pleas, Adams County, Pennsylvania, Orphans' Court Division, No. OC-77-97, IN RE: ESTATE OF G. RICHARD BALDWIN, FERN F. NOWAK, PETITIONER, VS. GEORGE R. BALDWIN, INDIVIDUALLY, GEORGE R. BALDWIN, EXECUTOR OF THE ESTATE OF G. RICHARD BALDWIN, DECEASED, SAMUEL BALDWIN, RESPONDENTS.

Larry W. Wolfe, Esq., for Petitioner
Gary E. Hartman, Esq., for Respondents

ADJUDICATION

Spicer, P.J., April 9, 1998.

FINDINGS OF FACT:

1. Decedent Richard Baldwin (Richard) died on September 21, 1996, at the age of 78, survived by 2 adult sons, George R. Baldwin (George) and Samuel Baldwin (Samuel).
2. Petitioner, Fern F. Nowak (Fern), is 58 years old and resided with the decedent G. Richard Baldwin at 1572 Wenksville Road, Biglerville, PA, from the fall of 1989 until decedent's death on September 21, 1996.
3. The relationship between Fern and Richard began with a promise by Richard that if she took care of him for the rest of his life, he would take care of her for the rest of hers.
4. Throughout the period of their cohabitation Fern paid for groceries and telephone service at Richard's home at 1572 Wenksville Road, and loaned Richard $2,000.00.
5. Although Richard professed fond feelings toward Fern, and the two spoke of marriage in the beginning, they did not wed.
6. Until January of 1996, Richard enjoyed good health.
7. In January of 1996, Richard became jaundiced and experienced a burning and full feeling in the stomach.
8. Richard's physician, James H. Hammett, M.D. referred Richard for medical tests which revealed a mass at the head of the pancreas later determined to be a malignant tumor.
9. On February 23, 1996, Richard executed a will prepared by

Attorney Stephen D. Tiley, of Carlisle, Pennsylvania. This will was executed away from the presence of Fern and any family members and Richard drove by himself to his attorney's office.

10. On February 26, 1996, Richard was admitted to Hanover General Hospital where he underwent surgery ("exploratory laparotomy") at which time the surgeon, Dr. Marcos Ugarte, diagnosed an "unresectable pancreatic mass, probable cancer" and also performed a biliary bypass.
11. After Richard was discharged from Hanover General Hospital on March 6, 1996, he complained of pain in his back and stomach, slowly lost weight and experienced loss of appetite until he was involved in a motor vehicle accident on May 27, 1996, after which time he declined more rapidly, both physically and mentally, experiencing more rapid weight loss, serious loss of appetite and requiring long hours of sleep.
12. The vehicle accident occurred after Richard, who was driving, appeared to go into a trance, began rapid acceleration of the car and eventually crashed into a bridge abutment, seriously injuring Fern who suffered a broken arm.
13. Richard suffered minor physical injuries and bruising in the accident and expressed worry and anxiety over Fern's condition and as a result of the accident appeared to take a great mental toll on Richard.
14. While still ambulatory and beginning shortly after the accident Richard exhibited the following irrational behavior:

    a) He began experiencing occasional hallucinations, such as seeing nonexistent insects, and stated he saw hooves on his feet.

    b) He spoke of having a visit from a brother, who had died years earlier.

    c) On another occasion, Richard put on a heavy winter coat on a hot day, armed himself with a firearm and went outside to stand guard against some adversary.

    d) On the sole occasion he drove a vehicle after the accident, he drove a borrowed car to a garage where his demolished vehicle was parked but was either too weak or too disoriented to drive the short distance back to his residence and had to be transported home by the garage owner.

    e) On one occasion he came downstairs carrying a rifle which he pointed at Fern for no apparent reason. Fern yelled to him to stop and was able to take the rifle out of his hands.

15. A few days before June 12, 1996, George told Fern that he planned to take his father for a drive in the country to see the animals and to have him ready to be picked up on June 12, 1996.
16. On the morning of June 12, George called Fern a second time to remind her that he would arrive later to take his father for a drive and she should make sure he was ready.
17. Before June 12, 1996, George had never taken his father away from his home for visits or travel to his own home or anywhere else.
18. Several days before June 12, 1996, George called his attorney, Bernard Yannetti, Esquire of Gettysburg, Pennsylvania to schedule an appointment which is noted in Attorney Yannetti's appointment calendar as an appointment for "Geo. Baldwin".
19. At the time he scheduled this appointment, George testified that he told Attorney Yannetti that his father, Richard, wanted him to have the farm and George also testified that his father trusted him at this time.
20. Prior to June 12, 1996, Richard had never before consulted Attorney Yannetti.
21. Prior to June 12, 1996, the only attorney Richard was known to have consulted was Attorney Stephen Tiley who had prepared Richard's February 26, 1996, will and also represented Richard in a 1989 divorce action.
22. Prior to June 12, 1996, Attorney Yannetti had represented George in a divorce action in the early 1990's and again in 1995 when Attorney Yannetti represented George as Executor of his mother's estate who was Richard's former wife.
23. George transported his father to Attorney Yannetti's office and returned him to his own residence following the appointment.
24. On June 12, 1996, at approximately 1:00 p.m. in the afternoon, George and Richard arrived at the law office of Attorney Yannetti.
25. Upon arrival at the law office, George and Richard walked back through the building to Mr. Yannetti's personal office.
26. George told Attorney Yannetti that his father had some business to discuss concerning the farm and his will.
27. This was the first time Richard had been to see Attorney Yannetti for professional services.
28. George left Attorney Yannetti's personal office and left the building, and Richard engaged in a conference with Attorney Yannetti.
29. Richard told Attorney Yannetti that he wanted to deed his farm to his son, George, to give George his Power of Attorney, and to draft a new will.
30. Richard also told Attorney Yannetti that he wanted these documents prepared that same day and that the conference was to be confidential.

31. Attorney Yannetti said that the request was unusual and that he usually sent copies of documents to a client's residence for their review, prior to their execution of the documents.
32. Richard explained that it was hard to get away from the house and from Fern. He asked that no correspondence be sent to his residence.
33. As per his instructions, Attorney Yannetti drafted a deed conveying title of the farm from Richard to George. The deed reserved a life estate in the house and curtilage to Richard and/or Fern.
34. As per his instructions, Attorney Yannetti drafted a durable power of attorney naming George as Richard's attorney-in-fact.
35. As per his instructions, Attorney Yannetti drafted a will which left the household furnishings to Fern, the farm equipment and machinery were left to George, and he left the rest, reside and remainder of his estate to be divided equally among George, Samuel, and Fern.
36. Richard left Attorney Yannetti's law office while these three documents were being prepared, and went grocery shopping with George.
37. Richard returned to the law office of Attorney Yannetti and signed the new deed, will, and power of attorney.
38. Mr. Yannetti gave copies of the documents to George.
39. Attorney Yannetti found Richard to be clear, articulate, competent, and was expressing his own, independent wishes and desires.
40. Attorney Yannetti found Richard to know nature and extent of his estate, and what disposition he desired as to his assets.
41. Marlene McCauslin, Glenn McCauslin and M. Lee Dugan visited Richard between June 12, 1996, and the date of his death, and observed that he was coherent, articulate and demonstrated no obvious symptoms of confusion until the last days of his life.
42. Concerned about gift tax consequences of the deed to his son, Richard called Attorney Yannetti on two occasions after June 12, 1996.
43. Approximately 10 days after June 12, 1996, George made a boasting statement to Fern that "everything is mine now" without elaborating.
44. When Fern immediately thereafter asked Richard what George meant by his statement Richard answered, "I think I made a big mistake. Get my attorney on the phone".
45. On June 22, 1996, after Richard called Attorney Tiley's home phone number and leaving a message for him to call back, Attorney Tiley returned the phone call on the same day, June 22, 1996. At that time Richard told Attorney Tiley that George had tricked him into signing a deed, that he never read the papers and he wasn't feeling up to par the day he signed some papers in another attorney's office.
46. Richard also told Attorney Tiley in later phone conversations that George had promised to pay him either $60,000.00 or $65,000.00 if he signed a deed and that he planned to give these funds to Fern.

47. In late June 1996, shortly after Richard's first call to Attorney Tiley, a meeting occurred at Richard's home, attended by Richard, George, Fern and Fern's son Alex Nowak. Alex was Richard's close friend.
48. In the course of the four party meeting in late June, George showed Fern a page of Richard's June 12, 1996 will, giving her a life estate. After being shown this page, Fern said she would be satisfied with this distribution. At the time, Fern expressed her satisfaction. She did not know that Richard's earlier will had provided for payment of $60,000.00 to her.
49. After the above late June meeting, Fern was present on two occasions when she heard Richard ask George for the money George had promised his father and she heard George reply that he had applied for a loan and was waiting to hear from the bank.
50. By letter dated July 19, 1996, Attorney Tiley provided Richard with a copy of the June 12, 1996, deed to George which in part memorialized decedent's statements and desires. This letter also memorialized a statement from Attorney Yannetti to Attorney Tiley concerning prior representation of Richard.
51. Shortly after July 19, 1996, decedent paid Attorney Tiley a retainer fee of $500.00 for the purpose of researching an action to set aside the June 12, 1996, deed to George.
52. On August 28, 1996, Attorney Tiley, on decedent's behalf sent a demand letter to Attorney Yannetti demanding that George re-convey the farm to Richard. At least part of the motivation on Richard's part was a fear that he would be placed in a nursing home.
53. On or about August 29, 1996, Fern called M. Lee Dugan and asked him to come to their residence around 2:00 p.m.
54. During that visit, Richard signed a document which was prepared by M. Lee Dugan and typed by his wife, Shelvey Dugan, and witnessed by both of them.
55. After the document was signed, Richard and Fern told M. Lee Dugan that the farm had been deeded to George.
56. M. Lee Dugan said, "then this is no good as to the farm."
57. Richard shrugged his shoulders, but said nothing more.
58. The original document prepared by M. Lee Dugan has been in the possession of Fern since the date of its signing and has never been presented for probate.
59. On September 4, 1996, a 3-way conference call took place between Attorney Tiley, Attorney Yannetti and Richard, wherein Richard authorized Attorney Yannetti to disclose all matters to Attorney Tiley.

60. Later in the day on September 4, 1996, Attorney Tiley received a phone call from George placed from Richard's home wherein decedent then took the phone at George's behest and told Attorney Tiley that he was satisfied with the deed to George and did not wish Attorney Tiley to do anything further. In the course of this conversation, Attorney Tiley overheard George in the background telling his father what to say before Richard made these statements to Attorney Tiley. In the course of the same conversation, decedent also told Attorney Tiley that he wanted Fern to receive one-third of the value of the farm. This phone conversation is memoralized in a letter from Attorney Tiley to Richard dated September 9, 1996.
61. Although Richard may have desired to benefit Fern with $60,000.00, he did not express this intention to Attorney Yannetti. To the contrary, he instructed Attorney Yannetti to convey the farm without any condition of payment.
62. Richard's behavior following the transfer indicated that he was sorry that he had not required George to pay Fern. Finally, he told Attorney Tiley that he was tired and wanted to drop efforts to either void the transfer or require George to pay Fern $60,000.00.
63. By virtue of the farm deed of June 12, 1996, Respondent, George Baldwin, has acquired the bulk of his father's estate through an inter vivos transfer.
64. Other than the life estate, assets given to Fern were of insignificant value.
65. Just before his father's death George removed four firearms, one believed to be an antique, from his father's home.
66. After decedent's death George engaged in a course of conduct calculated to interfere with Fern's peaceful possession and enjoyment of her life tenancy in the farmhouse by storing rotting cattle carcasses around the barn for periods of weeks at a time. These carcasses created such an overpowering stench that on at least one occasion petitioner was driven off the property for a period of two weeks and on other occasions seriously impaired petitioner's peaceful enjoyment of the property.
67. On another occasion, George was observed running along side in close proximity to the farmhouse sometime after midnight seriously alarming petitioner.
68. Under the terms of the life tenancy in the June 12, 1996 deed, if Fern is out of possession for a period of 6 months, her life tenancy in the farmhouse terminates.
69. George has also notified Fern that she has no right to use the surrounding yard of the farm house and her tenancy is confined strictly to the house itself which statement evidences George's hostility to Petitioner's exercise of possession of the farmhouse.

70. The evidence in this case establishes that Richard decided to keep the farm in his family, despite the unfairness that resulted to Fern. After accomplishing this, Richard exhibited what can only be described as guilt.
71. Although Richard suffered periods of weakness prior to his death, he was generally neither timid nor easily influenced. Fern described him as having a very strong personality.
72. At the time he deeded the farm to George, Richard was in full possession of his faculties, was not acting under the influence of George, and was competent to execute the documents subject to this dispute.
73. The life estate reserved for Fern includes the yard, swimming pool and outbuildings normally associated with the use of the house.

PROPOSED CONCLUSIONS OF LAW:

1. Richard was competent and had testamentary capacity on June 12, 1996.
2. The deed, will and power of attorney prepared by Attorney Yannetti were the result of the independent instructions from Richard.
3. Although George influenced his father in executing the deed, will and power of attorney on June 12, 1996, his conduct did not amount to undue influence, as that phrase is legally defined.
4. George did not enjoy a "confidential relationship" with his father, as that term is defined at law.
5. George is the executor of the last probatable will executed by his father.
6. The deed, will and power of attorney executed June 12, 1996, are legally enforceable documents.
7. George is required to recompense Fern for Richard's four firearms, that would have gone to Fern had George not improperly removed them from the house shortly before Richard's death.
8. George is subject to an injunction barring him from interfering with Fern's peaceful possession of the house and curtilage, as that term as been defined in findings of fact.
9. Fern is not entitled to recover attorney's fees.
10. George has waived the provisions of the Dead Man's Statute.
11. This court has jurisdiction to adjudicate all issues that have been presented to it.

DISCUSSION:

The factual situation presented in this case is both typical and atypical in the context of will contests and rescission actions. Richard was taken, without prior notice to Fern, to a lawyer with whom he had never dealt. He made significant changes in his estate planning, with only himself and the lawyer present. He divested himself of all

significant assets. The person who arranged the legal transaction received practically everything of value that Richard owned.

However, the arranging beneficiary was a son with whom Richard had little day to day contact. Fern, who lived with Richard, had no input or say as to the transaction.

Even while testifying that Richard was very independent and possessed a strong personality, Fern attempted to portray him as someone who was unduly influenced by George. Unfortunately, we cannot agree.

Judge Wieand had the following to say about confidential relationships and undue influence:

In Weir by Gasper v. Estate of Ciao, supra, the Supreme Court defined a confidential relationship, and its attendant ramifications, as follows:

> This court has determined that a confidential relationship exists when the circumstances make it certain that the parties do not deal on equal terms; where, on the one side there is an overmastering influence, or on the other, weakness, dependence or trust, justifiably reposed. In both situations an unfair advantage is possible. Leedom v. Palmer, 274 Pa. 22, 25, 117 A. 410, 411 (1922). Such a relationship is created between two persons when it is established that one occupies a superior position over the other; intellectually, physically, governmentally, or morally, with the opportunity to use the superiority to the other's disadvantage. [Union Trust Co. v.] Cwynar, 388 Pa. [644[at 653, 131 A.2d [133] at 137 [1957]. A confidential relationship is not limited to any particular association of parties, but exists wherever one occupies such a position of advisor or counselor as reasonable to inspire confidence that he will act in good faith for the other's interest. Drob v. Jaffee, 351 Pa. 297, 300, 41 A.2d 407, 408 (1945). Where a confidential relationship exists, the law presumes the transaction voidable unless the party seeking to sustain the validity of the transaction affirmatively demonstrates that it was fair under all the circumstances and beyond reach of suspicion. Leedom; Ruggieri v. West Forum Corp., 444 Pa. 175, 282 A.2d 304 (1971); Young v. Kaye, 443 Pa. 335, 279 A.2d 759 (1971). However: where undue influence and incompetency do not appear, and the relation between the parties is not one ordinarily known as confidential in law, the evidence to sustain a confidential relation must be certain; it cannot arise from suspicion or from infrequent or unrelated acts; care must be used not to confound acts springing from natural love and affection with confidential relations, and while the line of demarcation may in some cases be narrow, nevertheless, to sustain the integrity of

> gifts based on such affection in family relations, it is necessary the distinction should exist.
>
> Leedom, 274 Pa. at 26, 117 A. at 412.

Walsh v. Bucalo, 423 Pa. Super 25, 28-29, 620 A.2d 21, 23, (1993).

In this context, it is clear that Richard fully understood that death was imminent. Although we have trouble with things George has done and said, we accept his testimony that Richard brought up the subject of deeding the farm over to his son. It was, unfortunately, a betrayal of Fern. It is this judge's finding that neither Baldwin acted very honorably toward her.

We are aware that courts view with suspicion gifts made shortly before death and which strip a donor/testator of his property. Burns v. Kabboul, 407 Pa. Super. 289, 595 A.2d 1153 (1991); alloc. dn. 529 Pa. 665, 604 A.2d 247 (1992). However, in the context of family relationships, this is not all that uncommon. We heard a lecture recently where the speaker alluded to evolutionary psychology, which describes the influence of wanting to keep one's property within one's bloodline. We cannot say when the desire became strong enough to motivate Richard, but it is clear it did. Once having accomplished the act, Richard's actions were consistent with awareness that he acted dishonorably toward Fern, wanted it to appear that his acts were a mistake, but who never quite got around to setting things right.

Although granting a power of attorney is sometimes equated with establishing a confidential relationship, id, it must be kept in mind that the power was executed at the same time as the will and the deed. Thus, it bears little relevance to the issue before us, because any such inference could only arise after the power was in existence.

Despite some testimony that Richard lost some mental acuity before his appointment with Mr. Yannetti, it is clear that he understood what he was doing and gave very specific instructions. Mr. Yannetti's testimony, which is undoubtedly true, is entitled to greater weight than testimony removed from the moment of decision. Id.

Even if we were to find that Richard intended to give Fern $60,000.00, it would not benefit her. No gift was accomplished. A gift requires both intent and divestment of dominion and control. In re Shahan, 429 Pa. Super 91, 631 A.2d 1298 (1993). There was no divestment, and no other theory has been pleaded or argued.

Fern is not entitled to attorney's fees. Situations justifying such fees are set by statute and this case is not included. 42 Pa.C.S.A. §2503.

However, we find that Fern is entitled to injunctive relief to protect her life estate. An Orphans' Court has the same jurisdiction as Common Pleas and may adjudicate issues properly before it. In re: Estate of McDavitt, 379 Pa. Super. 610, 550 A.2d 1015 (1988). We also find that she is entitled to some monetary relief. George has been unjustly enriched to the extent that Richard's loan is unpaid, and has waived any

objection based on the Dead Man's Statute. Id. G.J.D. v. Johnson, 447 Pa. Super. 340, 669 A.2d 378 (1995). She is also entitled to money for the firearms George took.

DECREE NISI

AND NOW, this 9th day of April, 1998, the court denies the request to void and set aside the will and deed, but enjoins George Baldwin from interfering with Fern Nowak's peaceful enjoyment of the house and curtilage thereto, as defined in this adjudication. Furthermore, George Baldwin is directed to pay to Fern Nowak the sum of $7,500.00.

This decree is entered nisi this date and will be confirmed absolute if no exceptions are filed within ten days hereof.

ERRATA SHEET

AND NOW, this 15th day of April, the following correction is made to the Adjudication, dated April 9, 1998:

1. Page 8, Number 66 should read:

   66. After decedent's death, George engaged in a course of conduct calculated to interfere with Fern's peaceful possession and enjoyment of her life tenancy in the farmhouse by storing rotting cattle carcasses around the barn for periods of weeks at a time. These carcasses created such an overpowering stench that on at least one occasion petitioner was driven off the property for a period of two weeks and on other occasions seriously impaired petitioner's peaceful enjoyment of the property.

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 ARMAND J. DILLON, DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Administrator c.t.a.: Ronald G. Dillon, 102 Cemetery Street, #A, Littlestown, PA 17340
Attorney: Chester G. Schultz, Esquire, 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARY REGINA GROVE a/k/a MARY REGINA MORGAN, DEC'D
Late of Union Township, Adams County, Pennsylvania
Executor: Thomas L.Grove, 70 Shoshone Dr., Hanover, PA 17331

ESTATE OF MELBA E. JONES, DEC'D
Late of the Borough of Abbottstown, Adams County, Pennsylvania
Executrix: Marian D. Carey, 396 Abbottstown Pike, Abbottstown, Pennsylvania 17301
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, Pennsylvania 17331

ESTATE OF GERALDINE MICCHELLI MARRA a/k/a GERALDINE M. MARRA a/k/a GERALDINE MICCHELLI, DEC'D
Late of the Borough of McSherrystown, Adams County, Pennsylvania
Executor: Charles Allan Smith, 418 Delone Avenue, McSherrystown, PA 17344
Attorney: Ronald J. Hagarman, Esquire, 110 Baltimore Street, Gettysburg, Pennsylvania 17325

ESTATE OF WILLIAM LOUIS RYON, SR., a/k/a W. LOUIS RYON, SR., DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executors: William Louis Ryon, Jr., 9003 Barb Anne Court, Springfield, VA 22152-2601; James Percival Ryon II, 121 Ruth Avenue, Hanover, PA 17331; Roderick Naylor Ryon, 904 E. Chestnut Hill Ave., Baltimore, MD 21218
Attorney: Catherine J. Gault, Esquire, 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF GEORGE N. SENTZ, DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Executrix: Helen L. Sentz, 440 Hickory Road, Littlestown, PA 17340
Attorney: Catherine J. Gault, Esquire, 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF KATHRYN G.WARNER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executrix: Doris Kathryn Saltzgiver, c/o William W. Hafer, Esquire, 215 Baltimore Street, Hanover, Pennsylvania 17331
Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, Pennsylvania 17331

ESTATE OF S. BARNITZ WILLIAMS, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325
Attorney: John W. Phillips, Esq., 101 W. Middle St., Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF GEORGE K. BAUMGARTNER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Charles M. Sanders, 53 Hillside Drive, Carlisle, PA, 17013
Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF GEORGE R. CHRONISTER, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Diane M. Lang, 2134 Germany Road, East Berlin, PA 17316; Mary A. Chronister, 2134 Germany Road, East Berlin, PA 17316
Attorney: Sharon E. Myers, Esquire

ESTATE OF CLINTON M. CRABBS, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Maurice D. Myers, 2279 Carlisle Pike, Hanover, PA 17331
Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF L. BURNELLE DEARDORFF, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Executors: Harold Richard Deardorff, 366 Carrolls Tract Rd., Fairfield, PA 17320; J. Edward Deardorff, 285 Carrolls Tract Rd., Fairfield, PA 17320; Sue Ann Deardorff Osterman, P.O. Box 204, Cashtown, PA 17310
Attorney: John W. Phillips, Esquire, 101 W. Middle St., Gettysburg, PA 17325

ESTATE OF MARY E. KINDER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Leonard S. Kinder, Jr., 45 Plank Road, Gettysburg, PA 17325
Attorney: Charles W. Wolf, Esquire, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MAMIE M. LYTTLE, DEC'D
Late of Hamilton Township, Adams County, Pennsylvania
Executrix: Kathryn J. Myers, 130 Winding Lane, East Berlin, PA 17316
Attorney: Sharon E. Myers, Esquire

ESTATE OF HELEN M. RUBY, DEC'D
Late of Latimore Township, Adams County, Pennsylvania
Executor: Alvin H. Ruby, 232 Lake Meade Drive, East Berlin, PA 17316
Attorney: Sharon E. Myers, Esquire

ESTATE OF BLANCHE E. SETTLE, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executors: Gerald E. Settle, 130 Spigot Valley Road, Biglerville, PA 17307; Yvonne Lau, 880 Anthony Road, East Berlin, PA 17316; John Settle, 9215 West Harbor Isle Court, Crystal River, FL 34423
Attorney: Morrison B. Williams, Esquire, Wolfson & Associates, P.C., 267 East Market Street, York, PA 17403

ESTATE OF FLOYD D. SEVILLE, DEC'D
Late of Latimore Township, Adams County, Pennsylvania
Executors: Bonnie Jean Morris, c/o Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331; Tammie A. Funes, c/o Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331
Attorney: Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF VIRGINIA R. SNYDER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Co-Executors: Gloria M. DeShong, 117 East Main Street, Windsor, PA 17366; Charles C. Snyder, 232 Olny Road, Dallastown, PA 17313
Attorney: John R. White, Esquire, Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

NOTICE OF INCORPORATION

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 February 9, 1999, for the incorporation of KEYSTONE FURNITURE MANUFACTURING, INC., under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the design, fabrication, construction and manufacturing of household furniture. The initial registered office of the corporation is 1475 Center Mills Road, Aspers, PA 17304.

Bernard A. Yannetti, Esq.
Hartman & Yannetti
Solicitor

5/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-20 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 14th day of May, 1999, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, together with the improvements thereon erected, situate on the Southeast side of State Highway Route No. 194 running between Hanover and Littlestown, in Conewago Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows to wit:

BEGINNING at a roadnail driven at the point where the center line of Pennsylvania Legislative Route No. 01005 intersects from the Southeast the projection of the Southeastern curb line of said State Highway Route No. 194; thence running along the Southeastern curb line of said State Highway, Route No. 194, North Forty-one (41) degrees six (6) minutes forty-six (46) seconds East, one hundred sixteen and twenty-three hundredths (116.23) feet to a point; thence running through a steel pin eight (8) feet from the beginning of this course, and by lands now or formerly of Charles C Carbaugh and Helen M. Carbaugh, South forty-four (44) degrees twenty-one (21) minutes twenty-five (25) seconds East, one hundred fifty-one and twenty-three hundredths (151.23) feet to a steel pin on the Northwestern side of a sixteen (16) feet private alley in the rear; thence by said private alley, South forty-six (46) degrees seven (7) minutes thirty-two (32) seconds West, one hundred seventeen and sixty hundredths (117.60) feet, running through a steel pin twenty-five (25) feet from the end of this course, to a roadnail in the center of said Pennsylvania legislative Route No. 01005; thence running in the center of said Pennsylvania Legislative Route 01005, North Forty-three (43) degrees thirty-nine (39) minutes eight (8) seconds West one hundred forty-one and seven hundredths (141.07) feet to the above described place of beginning. (CONTAINING 17,057 square feet, more or less.). (The above description was based upon a draft of survey made by J.H. Rife, R.E. dated September 29, 1967, showing all the land of said Curvin C. Carbaugh Estate and identified as file No. B-520.)

Being known as 2941 Hanover Pike, Hanover, Pa. Tax I.D. No. 115-24B

SEIZED and taken into execution as the property of **Robert H. Topper** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
March 20, 1999.

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 June 7, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

4/23, 30 & 5/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1160 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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 Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a 5/8 inch reinforcing bar set on the northern right-of-way line of White Pine Drive at corner of Lot No. 37 on the plan of Lots herebelow identified; thence by said Lot No. 37, North 10 degrees, 21 minutes, 40 seconds East, 306.67 feet to a point in the center line of the Chambersburg Road (SR#30); thence in the center line of said highway, South 79 degrees 38 minutes 20 seconds East, 190.00 feet to a point in the center line of said highway at corner of Lot No. 39; thence by said Lot No. 39, South 22 degrees 24 minutes 15 seconds West, 318.63 feet to a 5/8 inch reinforcing bar on the northern right-of-way line of White Pine Drive; thence by said northern right-of-way line of White Pine Drive by a curve to the left with a radius of 225.0 feet for an arc distance of 47.29 feet, the long chord bearing of which is North 73 degrees 27 minutes 00 seconds west, 47.20 feet to a 5/8 inch reinforcing bar on the northern right-of-way line of White Pine Drive; thence by said northern right-of-way line of White Pine Drive, North 79 degrees 38 minutes 20 seconds West, 76.58 feet to the above described place of beginning.

Containing 1.109 acres or 40,875 square feet exclusive of right-of-way.

HAVING THEREON ERECTED A DWELLING KNOWN AS 23 White Pine Drive, Orrtanna, Pennsylvania 17353.

BEING THE SAME PREMISES WHICH Dennis L. Robinson and Sherry L. Robinson, husband and wife and Robert A. Sharrah and Linda D. Sharrah, husband and wife, by their Deed dated June 22, 1992 and recorded in Adams County Recorder of Deeds Office on June 24, 1992 in Deed Book 632, page 259, granted and conveyed unto Dale E. Degroft and Wanda K. Howe.

SEIZED IN EXECUTION AS THE PROPERTY OF DALE E. DEGROFT AND WANDA K. HOWE UNDER ADAMS COUNTY JUDGMENT NO. 98-S-1160.

SEIZED and taken into execution as the property of **Dale E. Degroft & Wanda K. Howe** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
April 24, 1999.

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 July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/7, 14, & 21

NOTICE OF INCORPORATION

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

Thomas W. Ulrich
493 Martin Road
Gettysburg, PA 17325

5/7

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Commonwealth of Pennsylvania, Department of State, Corporation Bureau, Harrisburg, Pennsylvania, on March 22, 1999, for the purpose of obtaining a Certificate of Incorporation for NEW OXFORD CEMETERY ASSOCIATION, a nonprofit corporation, organized under the Nonprofit Corporation Law of the Commonwealth of Pennsylvania.

The purpose for which such corporation has been organized is: The operation of a cemetery for burial of the remains of a deceased person. The registered office of the Corporation is 4971 York Road, New Oxford, Pennsylvania 17350.

Catherine J. Gault, Esquire

5/7

Adams County
Legal Journal

Vol. 40 May 14, 1999 No. 51, pp. 319-324

CONTINUING LEGAL EDUCATION PROGRAM

Dram Shop Liability
Thursday, August 5, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 3.5, Ethics - 0

Tough Problems in Estate Planning
Wednesday, August 11, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 5, Ethics - 1

Estate & Financial Planning for the Elderly
Wednesday, June 23, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 5, Ethics - 1

Registration through P.B.I. 800-932-4637.

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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Periodicals postage paid at Gettysburg, PA 17325.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1025 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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 the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point along the right-of-way line of Johnamac North at corner of Lot No. 381 on subdivision plan hereinafter referred to; thence along Lot No. 381 North eighty-nine (89) degrees thirty (30) minutes forty (40) seconds East, one hundred one and ninety-three hundredths (101.93) feet to a point along Lot No. 469 on subdivision plan hereinafter referred to; thence along Lot No. 469 South zero (00) degrees twenty-nine (29) minutes twenty (20.00) seconds East, 20.00 feet to a corner of Lot No. 383 on subdivision plan hereinafter referred to; thence along Lot No. 383, South eighty-nine (89) degrees thirty (30) minutes forty (40) seconds West, one hundred one and ninety-three hundredths (101.93) feet to a point along the right-of-way line of Johnamac North; thence along the right-of-way line of Johnamac North, North zero (00) degrees twenty-nine (29) minutes twenty (20) seconds West, twenty (20.00) feet to a point along the right-of-way line of Johnamac North, the point and place of beginning.

CONTAINING 2,039 square feet and being designated as Lot No. 382 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated 7/16/94, as revised, Project No. 821060, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, at page 89.

Tax Parcel # 4-16

TITLE TO SAID PREMISES IS VESTED IN Donald H. Sheppard and Anne H. Sheppard, his wife by Deed from Windsor Homes, Inc., a PA Corporation dated 9/30/96, recorded 10/3/96, in Record Book 1268 page 234.

SEIZED and taken into execution as the property of **Donald H. Sheppard & Anne H. Sheppard** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
April 10, 1999.

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 July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-235 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of June, 1999, 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, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, more fully bounded and limited as follows, to wit:

BEGINNING at a corner at a point on the Northeastern edge of White Birch Drive at the southwestern most corner of Lot N, 7-A as shown on the hereinafter referred to Subdivision Plan; thence along said Lot No. 7-A, and lands now or formerly of Rosville V. Topper, III, North forty-six (46) degrees ten (10) minutes twenty-eight (28) seconds East, ninety-two and twenty-seven hundredths (92.27) feet to a point at lands now or formerly of Michael D. Sentz and Lot No. 9 on the hereinafter referred to Subdivision Plan; thence along said Lot No. 9, South forty-three (43) degrees forty-nine minutes thirty-two (32) seconds East, ninety-seven and forty-nine hundredths (97.49) feet to a point on the Northwestern edge of Holly Court on the hereinafter referred to Subdivision Plan; thence along said Holly Court the following three (3) courses and distances; (1) by a curve to the right having a radius of fifteen (15) feet the long chord of which is South twenty-two (22) seconds West, eight and sixty-seven hundredths (8.67) feet for an arc distance of eight and eighty hundredths (8.80) feet to a point; (28) seconds West, sixty and twenty-six hundredths (60.26) feet to a point; (3) North eighty-nine (89) degrees fifty-one (51) minutes fifty-two (52) seconds West, twenty-four and eighty-one hundredths (24.81) feet to a point on the Northeastern edge of White Birch Drive on the hereinafter referred to Subdivision Plan; thence along said Northeastern edge of White Birch Drive the following two (2) courses and distances; (1) by a curve to the left having a radius of one hundred eighty-five (185) feet the long chord of which is North forty-four (44) degrees fifty-one (51) minutes ten (10) seconds West, fifty-two and thirty-two hundredths (52.32) feet for an arc distance of fifty-two and fifty hundredths (52.50) feet to a point; (2) North fifty-two (52) degrees fifty-eight (58) minutes fifty-nine (59) seconds West, thirty and eighty-five hundredths (30.85) feet to a point at the Southwestern most corner of Lot No., 7-A on the hereinafter referred to Subdivision Plan, being the point and place of BEGINNING.

BEING THE SAME PREMISES which Jeremy D. Forbes and Peggy L. Forbes, by their Deed dated September 24, 1993 and recorded in Adams County Recorder of Deeds Office on October 1, 1993 in Deed Book 786, page 219, granted and conveyed unto Carrol E. Snyder and Barbara J. Snyder. Barbara J. Snyder is deceased.

SEIZED IN EXECUTION AS THE PROPERTY OF CARROL E. SNYDER UNDER ADAMS COUNTY JUDGMENT NO. 1997-S-235.

PARCEL: 9-104

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
April 10, 1999.

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 June 28, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

4/30, 5/7 & 14

HIMMELREICH, ET UX. VS. ADAMS ABSTRACT ASSOCIATES, ET AL.

1. Gross negligence means a form of negligence where the facts support substantially more than ordinary carelessness, inadvertence, laxity, or indifference and the behavior of the Defendant must be flagrant, grossly deviating from the ordinary standard of care.

2. Where an agent does not issue policies or assume contractual obligations, the agent is therefore not an "insurer".

3. One seeking to prevail in an action for specific performance has the burden of proving: 1) a valid agreement, 2) that the agreement was breached, and 3) that the Plaintiff has no adequate remedy at law.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 92-S-1145, MARK A. HIMMELREICH AND LISA HIMMELREICH VS. ADAMS ABSTRACT ASSOCIATES AND PENN TITLE INSURANCE COMPANY.

Mark David Frankel, Esq., for Plaintiff
Ralph Oyler, Esq., and Mark K. Emery, Esq., for Defendants

OPINION ON ADAMS ABSTRACT ASSOCIATES' PRELIMINARY OBJECTIONS

Kuhn, J., April 13, 1998.

On April 13, 1995, Plaintiffs, Mark and Lisa Himmelreich, filed a Complaint against Defendants, Adams Abstract Associates and Penn Title Insurance Company ("Penn Title"). Adams Abstract Associates (hereinafter "Defendant") filed preliminary objections on June 29, 1995. By Court Order dated November 20, 1996, this Court granted Defendant's preliminary objections and dismissed all counts against them. Plaintiffs then filed a petition nunc pro tunc asking that this Court reconsider its Order. On October 20, 1997, this Court amended its prior Order and allowed Plaintiffs 20 days to file a brief in response to Defendant's preliminary objections. Plaintiffs filed their brief on November 10, 1997. On March 9, 1998, the undersigned issued an Opinion dealing solely with Defendant's preliminary objections on Plaintiffs' violation of Pa.R.C.P. 1019(h) for failing to attach to their Complaint an alleged written insurance policy entered into between the parties. Himmelreich v. Adams Abstract Associates and Penn Title Insurance Company, No. 92 Civil 1145 (Adams March 9, 1998). We gave Plaintiffs twenty (20) days to supplement the Complaint by attaching the insurance contract. Disposition on the additional preliminary objections was deferred until this Court had an opportunity to review a copy of the alleged insurance contract setting forth the relationship and duties Defendant owed to Plaintiff, if any. Plaintiffs

filed their Amended Complaint in Civil Action on March 27, 1998, and this Court is now in a position to address the remaining preliminary objections.

STATEMENT OF FACTS

Plaintiffs purchased property at a tax sale. After the tax sale was complete, they attempted to get a $25,000.00 mortgage to pay off the prior mortgage on the real estate and to cover other expenses related to the purchase of the property. Plaintiffs claim to have hired Defendant to perform the title search on the property. As a result of the alleged suggestions and recommendations of Defendant, Plaintiffs purchased "owner's policy" insurance. Plaintiffs were not represented by counsel at closing, held on January 3, 1992, and were allegedly informed that within the numerous papers they had signed that day they had purchased title insurance which would cover the full market price of the property.

On January 15, 1992, the previous owners of the property filed a petition nunc pro tunc in the Court of Common Pleas of Adams County asking that ejectment proceedings against them be stayed. In response to this petition, Plaintiffs asked that Defendant or Penn Title provide legal counsel to help them defend their interest in the property. Both Defendant and Penn Title failed to provide such representation and the Plaintiffs were forced to hire their own counsel. Both the Court of Common Pleas of Adams County and the Commonwealth Court of Pennsylvania upheld Plaintiffs' interest in the property. Plaintiffs' present complaint regards the failure of both Defendant and Penn Title to provide representation and alleges negligence, fraud, violation of the Unfair Trade Practices and Consumer Protection Law (73 P.S. § 201-1 to 201-9.2), breach of contract, gross negligence, and violation of 42 P.S. § 8371 (bad faith). Plaintiffs ask for specific performance among other legal remedies.

LEGAL DISCUSSION

Defendant has demurred to Plaintiffs' Count IV for breach of contract, as well as all counts relying on the existence of a written contract (Counts III, V, XII, XIII), claiming that there has been no averment or evidence indicating that Defendant was a party to the contract. Defendant also demurrers more specifically to Plaintiffs' Count V for gross negligence, Count XIII for bad faith (42 Pa.C.S.A. § 8371), Count III for violation of the Unfair Trade Practices and Consumer Protection Law (73 P.S. § 201-1 to 201-9.2), and Count XII for specific performance.

In deciding on an objection in the nature of a demurrer, the Pennsylvania Supreme Court has stated that "[a] demurrer admits every well-pleaded material fact set forth in the pleadings to which it is addressed as well as all inferences reasonably deducible therefrom, but not conclusions of law." Gekas v. Shap, 469 Pa. 1, 5, 364 A.2d 691, 693 (1976). A demurer is properly sustained where the complaint indicates on its face that the plaintiff's claim cannot be sustained, and the law will not permit recovery. Lobdell v. Leichtenberger, 442 Pa. Super. 21, 24, 658 A.2d 399, 401 (1995) (citations omitted). If there is any doubt as to the propriety of a judgment in favor of a demurring party, it should not be entered. Creeger Brick & Building Supply. Inc. v. Mid-State Bank and Trust Co., 385 Pa. Super. 30, 32-33, 560 A.2d 151, 152 (1989).

Plaintiffs allege that they entered into a written contract with Defendant and that Defendant was the agent that issued the policy. (Plts.' Complaint ¶¶ 61, 63, 75, 76, 81, 82, 84, 86, 139, 140, 147). After reviewing the insurance contract it is clear that Defendant was not a party to the contract. The contract was entered into between Penn Title and Plaintiffs. Thus, Defendant cannot be liable under a breach of contract claim and Count IV of Plaintiffs' complaint is dismissed. Additionally, any reference Plaintiffs have made to Defendant's alleged duty to provide counsel will be stricken. Defendant had no duties under the contract and was not responsible for providing counsel to Plaintiffs.

Defendant argues that Count III of Plaintiffs' complaint, alleging a violation of the Unfair Trade Practices and Consumer Protection Law (73 P.S. § 201-1 to 201-9.2), should be dismissed due to lack of a contractual relationship between the parties.[1] Although we agree that there is no contractual relationship, we do not believe this count should be dismissed on these grounds. Plaintiffs argue in Count III that they were "misled and deceived" by Defendant as to many elements in the insurance contract. (Plts.' Complaint ¶ 78(a-j)). Plaintiffs make claims of misrepresentations and do not rely on the existence of a contractual duty between the parties. Thus, at this point in the pleadings we believe these allegations are sufficient.

Defendant next argues that Plaintiffs' allegations that Defendant acted with gross negligence fails to state a claim upon which relief may be granted. Gross negligence has been defined as follows:

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[1] Defendant argues that Count III of Plaintiffs' complaint, alleging a violation of the Unfair Trade Practices and Consumer Protection Law (73 P.S. § 201-1 to 201-9.2), should be dismissed because Plaintiffs cannot show that Defendant provided goods or services. Neither party has briefed this issue and we will therefore not address it.

> It appears that the legislature intended to require that liability be premised on facts indicating more egregiously deviant conduct than ordinary carelessness, inadvertence, laxity, or indifference. We hold that the legislature intended the term gross negligence to mean a form of negligence where the facts support substantially more than ordinary carelessness, inadvertence, laxity, or indifference. The behavior of the defendant must be flagrant, grossly deviating from the ordinary standard of care.

Bloom v. DuBois Regional Medical Center, 409 Pa. Super. 83, 98-99, 597 A.2d 671, 679 (1991); see also, Albright v. Abington Memorial Hospital & Montgomery County ___, Pa. ___, 696 A.2d 1159, 1164 (1997) (where the Pennsylvania Supreme Court held that this definition is a "clear, reasonable, and workable definition of gross negligence"). Additionally, the Albright Court held as follows:

> ...the determination of whether an act or failure to act constitutes gross negligence is for the jury, but may be removed from consideration by a jury and decided as a matter of law only where the case is entirely free from doubt and there is no possibility that a reasonable jury could find gross negligence.

Albright v. Abington Memorial Hospital, 696 A.2d at 1165.

Plaintiffs have alleged in their complaint that Defendant "with malicious intent" and "willfully and purposefully" denied Plaintiffs' requests for representation to defend their rights in the subject property. (Plts.' Complaint ¶ 87). This Court has determined that Defendant had no duty to provide counsel. Thus, Defendant cannot be liable for gross negligence in failing to provide counsel. Count V of Plaintiffs' complaint is dismissed.

Defendant also maintains that Plaintiffs' action against them for bad faith, 42 Pa.C.S.A. § 8371, fails to state a claim upon which relief may be granted. Defendant argues it is not an "insurer" under 42 Pa.C.S.A. § 8371. Section 8371 provides as follows:

> In an action arising under an insurance policy, if the court finds that the *insurer* has acted in bad faith toward the insured, the court may take all of the following actions:
>
> (1) Award interest on the amount of the claim from the date the claim was made by the insured in an amount equal to the prime rate of interest plus 3%.
>
> (2) Award punitive damages against the insurer.

(3) Assess court costs and attorney fees against the insurer.

42 Pa.C.S.A. §8371 (emphasis added).

Although there is no definition of "insurer" within Section 8371, the United States District Court for the Eastern District of Pennsylvania has held that "it is generally recognized that an insurer issues policies, collects premiums, and in exchange assumes certain risks and contractual obligations." T & N P.L.C. v. Pennsylvania Insurance Guaranty Association, 800 F. Supp. 1259, 1262 (E.D. Pa. 1992). In 1995, the Luzerne County Court of Common Pleas held that this definition of "insurer" did not include an agent alleged to be "the agent, servant and/or employee of the defendant" insurance company. The Court held that the agent did not issue policies or assume contractual obligations and therefore was not an "insurer." Cicero v. Cominsky, 25 D.&C. 4th 422, 427 (1995).

In the case at hand, Plaintiffs have similarly alleged that Defendant was an "agent, servant or employee of Penn Title, licensed and approved to sell insurance by, for and on behalf of Penn Title or insurance which was underwritten by Penn Title." (Plts.' Complaint ¶ 4). Thus, as an agent to Penn Title, Defendant is not an "insurer" under Section 8371 and Count XIII of Plaintiffs' complaint is dismissed.

Lastly, Defendant argues that Plaintiffs may not assert a claim for specific performance because they have an adequate remedy at law available. One seeking to prevail in an action for specific performance has the burden of proving: (1) a valid agreement, (2) that the agreement was breached, and (3) that the Plaintiff has no adequate remedy at law. Boyd & Mahoney v. Chevron U.S.A., 419 Pa. Super. 24, 30, 614 A.2d 1191, 1194 (1992); alloc den. 631 A.2d 1003. Such relief is not a matter of right, but grace, and will only be granted if the plaintiff is clearly entitled to such relief. Barnes v. McKellar, 434 Pa. Super. 597, 609, 644 A.2d 770, 776 (1994); alloc. den. 652 A.2d 834.

In the case at hand, Plaintiffs have asked for specific performance of their contract which provided that legal representation would be furnished to enable Plaintiffs to defend their rights in the property and to pay the cost of such representation. Plaintiffs allege in their complaint that Defendant failed to provide them with representation and failed to pay the costs of the representation they obtained. However, Defendant is not a party to the contract and thus cannot be required to perform under it.[2] Therefore, specific performance is not appropriate and Count XII of Plaintiffs' complaint is dismissed.

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[2]We note that the litigation challenging Plaintiffs' rights in the property has already concluded in favor of Plaintiffs. Thus, even if Defendant had duties related to the contract, requiring Defendant to provide legal representation now would not be logical. Additionally, Plaintiffs have an adequate remedy at law, namely, money damages to reimburse them for the cost of obtaining their own counsel.

Accordingly, the attached Order is issued.

ORDER OF COURT

AND NOW, this 13th day of April 1998, Defendant, Adams Abstract Associates', preliminary objections are decided as follows:

1. Counts IV, V, XII, and XIII of Plaintiffs' Amended Complaint in Civil Action are dismissed.
2. From the remaining paragraphs of the Complaint, the following are stricken: 57(h), 57(i), 57(j), 58(e), 58(f), 65(a) (as it relates to Defendant), 65(b) (as it relates to Defendant), 65(c) (as it relates to Defendant), 65(d) (as it relates to Defendant), 67.

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW
NO. 99-S-14
ACTION TO QUIET TITLE

BENDERSVILLE FIRE COMPANY,

Plaintiff,

vs.

NICHOLAS G. WILSON, SARAH WILSON, also known as SARAH MUMMA, aka SARAH WILSON MUMMA, DR. EDWARD W. MUMMA, aka DR. E.W. MUMMA, SUSAN MUMMA, aka SUSAN SNYDER, aka SUSAN M. SNYDER, aka SUSAN MUMMA SNYDER, HARRY SNYDER, aka HARRY M. SNYDER, and ALICE MUMMA OLIVER, their respective executors, heirs and/or assigns, and HUTTON ORCHARDS, INC.,

Defendants.

ORDER OF COURT

AND NOW, this 29th day of April, 1999, upon consideration of the attached Motion for Judgment, IT IS HEREBY ORDERED that the Defendants in the above captioned action be forever barred from asserting any right, lien, title or interest in the subject real estate inconsistent with the interest or claim that the Plaintiff has set forth in its complaint, as ammended, unless the Defendant or Defendants bring an action in ejectment within 30 days of notice of this order pursuant to Pa. R. C. P. 1066 (b)(1). If such action is not taken within the 30-day period, the Prothonotary, on praecipe from the Plaintiff shall enter final judgement if appropriate.

Service of this Order of Court upon the Defendants, Nicholas G. Wilson, Sarah Wilson, also known as Sarah Mumma, aka Sarah Wilson Mumma, Dr. Edward W. Mumma, aka Dr. E. W. Mumma, Susan Mumma, aka Susan Snyder, aka Susan M. Snyder, aka Susan Mumma Snyder, Harry Snyder, aka Harry M. Snyder, and Alice Mumma Oliver, their respective executors, heirs and/or assigns, shall be made by publication once in the Adams County Legal Journal and once in the Gettysburg Times newspaper, and upon the Defendant, Hutton Orchards, Inc., by first class mail, postage prepaid.

BY THE COURT:
Oscar F. Spicer
P.J.

5/14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-844 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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, lying and being in the Borough of Abbottstown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point at Hughes Drive and Lot No. 10; thence along Lot No. 10, South Seventy-two (72) degrees forty (40) minutes zero (00) seconds West, ninety-five (95.00) feet to a point at lands now or formerly of Charlotte N. Rhoads; thence along said lands, North seventeen (17) degrees twenty (20) minutes zero (00) seconds West, one hundred twelve and ninety-five hundredths (112.95) feet to a point at Lot No. 8; thence along Lot No. 8, North seventy - two (72) degrees forty (40) minutes zero (00) seconds East, ninety-five (95.00) feet to a point at Hughes Drive; thence along Hughes Drive, South seventeen (17) degrees twenty (20) minutes zero (00) seconds East, one hundred twelve and ninety-five hundredths (112.95) feet to the point and place of beginning. CONTAINING 10,730 square feet and identified as Lot No. 9 on a plan of lots prepared for Larry E. Hughes and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 66, page 74

Being Parcel No. 3-98

Property Address: 62 Hughes Avenue, Abbottstown, PA 17301

SEIZED and taken into execution as the property of **Dale K. Heikes** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
February 20, 1999.

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 July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/7, 14 & 21

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on April 28, 1999.

The name of the corporation is BIGGERSTAFF'S INC.

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

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

5/14

NOTICE OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Pennsylvania Department of State on April 28, 1999, for the purpose of obtaining a Certificate of Incorporation of a proposed non-profit corporation, to be organized under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended.

The name of the corporation is, GETTYSBURG S.T.A.R.S., INC., and its purpose is to motivate students to achieve academic excellence and improvement and to formally recognize their achievements.

Robert L. McQuaide
Attorney for the Corporation
Suite 204, 18 Carlisle Street
Gettysburg, PA 17325

5/14

NOTICE

Notice is hereby given that pursuant to the provisions of Section 311 of the Act of December 16, 1982, P.L. 1309, No. 295, the Fictitious Names Act (54 Pa. C.S.A. §311), there was filed in the office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on April 26, 1999, an Application for Registration of the fictitious name BEST INN GETTYSBURG, the address of the principal office or place of business of the business to be carried on, under or through said name being 301 Steinwehr Avenue, Gettysburg, PA 17325. The name and address of the entity which is a party to the registration is: S. & W. Development Corporation, 301 Steinwehr Avenue, Gettysburg, Pennsylvania 17325.

Puhl, Eastman & Thrasher
Attorneys

5/14

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 January 21, 1999 for the incorporation of Gettysburg Equestrian Center, Inc., under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of building, owning, maintaining and operating an equestrian center for horse shows, competitions, auctions and entertainment, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 126 Baltimore Street, Gettysburg, PA 17325.

Gary E. Hartman
Hartman & Yannetti
Solicitor

5/14

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 IDA I. AUDAS, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Caroline L. Hawn, 2415 Redwood Drive, York, PA 17404; Timothy L. Myers, 2415 Redwood Drive, York, PA 17404
Attorney: Sharon E. Myers, Esquire

ESTATE OF STERLING E. BOWERS, DEC'D
Late of the Borough of Biglerville, Adams County, Pennsylvania
Co-Executors: Dean L. Carey, 60 Franklin Street, Biglerville, Adams County, PA 17307; Doris M. Carey, 60 Franklin Street, Biglerville, PA 17307
Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF BEVERLY A. BURTON, DEC'D
Late of Huntington Township, Adams County, Pennsylvania
Executrix: Lucille M. Bupp, 104 Poplar Hill Road, Gardners, PA 17324
Attorney: William S. Daniels, Esquire One West High Street, Suite 205 Carlisle PA 17013

ESTATE OF HENRIETTA J. HOFFACKER, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Jill A. Lerew, 305 Abbottstown Street, P.O. Box 691, East Berlin, PA 17316; Amanda J. Reese, 305 Abbottstown Street, P.O. Box 691, East Berlin, PA 17316
Attorney: Sharon E. Myers, Esquire

ESTATE OF WILLIAM J. JOHNSON, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Executrix: Roxey Baker, 1250 New Road, Orrtanna, PA 17353
Attorney: Barbara Jo Entwistle, Esquire, Pyle and Entwistle, 25 South Washington Street, Gettysburg, PA 17325

ESTATE OF GRACE G. KUHN, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executors: Frederick A. Kuhn, c/o Gates & Gates, 250 York Street, Hanover, PA 17331; Mark A. Kuhn, c/o Gates & Gates, 250 York Street, Hanover, PA 17331; Eugene F. Kuhn, c/o Gates & Gates, 250 York Street, Hanover, PA 17331
Attorney: Samuel A. Gates, Esquire, 250 York Street, Hanover, PA 17331

ESTATE OF MARY ONEIDA MILLER, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executrices: V. Ethel Angell, 1905 Highland Avenue Road, Gettysburg, PA 17325; Shirley Ann Kuhn, 26 Apple Avenue, Gettysburg, PA 17325
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF RUTH V. SHOWERS, DEC'D
Late of Butler Township, Adams County, Pennsylvania
Executrix: Mary H. Kuntz, 145 Mt. Tabor Road, Aspers, PA 17304
Attorney: Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, Pennsylvania 17325

SECOND PUBLICATION

ESTATE OF ARMAND J. DILLON, DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Administrator c.t.a.: Ronald G. Dillon, 102 Cemetery Street, #A, Littlestown, PA 17340
Attorney: Chester G. Schultz, Esquire, 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARY REGINA GROVE a/k/a MARY REGINA MORGAN, DEC'D
Late of Union Township, Adams County, Pennsylvania
Executor: Thomas L.Grove, 70 Shoshone Dr., Hanover, PA 17331

ESTATE OF MELBA E. JONES, DEC'D
Late of the Borough of Abbottstown, Adams County, Pennsylvania
Executrix: Marian D. Carey, 396 Abbottstown Pike, Abbottstown, Pennsylvania 17301
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, Pennsylvania 17331

ESTATE OF GERALDINE MICCHELLI MARRA a/k/a GERALDINE M. MARRA a/k/a GERALDINE MICCHELLI, DEC'D
Late of the Borough of McSherrystown, Adams County, Pennsylvania
Executor: Charles Allan Smith, 418 Delone Avenue, McSherrystown, PA 17344
Attorney: Ronald J. Hagarman, Esquire, 110 Baltimore Street, Gettysburg, Pennsylvania 17325

ESTATE OF WILLIAM LOUIS RYON, SR., a/k/a W. LOUIS RYON, SR., DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executors: William Louis Ryon, Jr., 9003 Barb Anne Court, Springfield, VA 22152-2601; James Percival Ryon II, 121 Ruth Avenue, Hanover, PA 17331; Roderick Naylor Ryon, 904 E. Chestnut Hill Ave., Baltimore, MD 21218
Attorney: Catherine J. Gault, Esquire, 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF GEORGE N. SENTZ, DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Executrix: Helen L. Sentz, 440 Hickory Road, Littlestown, PA 17340
Attorney: Catherine J. Gault, Esquire, 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF KATHRYN G.WARNER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executrix: Doris Kathryn Saltzgiver, c/o William W. Hafer, Esquire, 215 Baltimore Street, Hanover, Pennsylvania 17331
Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, Pennsylvania 17331

ESTATE OF S. BARNITZ WILLIAMS, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325
Attorney: John W. Phillips, Esq., 101 W. Middle St., Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF GEORGE K. BAUMGARTNER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Charles M. Sanders, 53 Hillside Drive, Carlisle, PA, 17013
Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF GEORGE R. CHRONISTER, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Diane M. Lang, 2134 Germany Road, East Berlin, PA 17316; Mary A. Chronister, 2134 Germany Road, East Berlin, PA 17316
Attorney: Sharon E. Myers, Esquire

ESTATE OF CLINTON M. CRABBS, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Maurice D. Myers, 2279 Carlisle Pike, Hanover, PA 17331
Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF L. BURNELLE DEARDORFF, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Executors: Harold Richard Deardorff, 366 Carrolls Tract Rd., Fairfield, PA 17320; J. Edward Deardorff, 285 Carrolls Tract Rd., Fairfield, PA 17320; Sue Ann Deardorff Osterman, P.O. Box 204, Cashtown, PA 17310
Attorney: John W. Phillips, Esquire, 101 W. Middle St., Gettysburg, PA 17325

ESTATE OF MARY E. KINDER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Leonard S. Kinder, Jr., 45 Plank Road, Gettysburg, PA 17325
Attorney: Charles W. Wolf, Esquire, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MAMIE M. LYTTLE, DEC'D
Late of Hamilton Township, Adams County, Pennsylvania
Executrix: Kathryn J. Myers, 130 Winding Lane, East Berlin, PA 17316
Attorney: Sharon E. Myers, Esquire

ESTATE OF HELEN M. RUBY, DEC'D
Late of Latimore Township, Adams County, Pennsylvania
Executor: Alvin H. Ruby, 232 Lake Meade Drive, East Berlin, PA 17316
Attorney: Sharon E. Myers, Esquire

ESTATE OF BLANCHE E. SETTLE, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executors: Gerald E. Settle, 130 Spigot Valley Road, Biglerville, PA 17307; Yvonne Lau, 880 Anthony Road, East Berlin, PA 17316; John Settle, 9215 West Harbor Isle Court, Crystal River, FL 34423
Attorney: Morrison B. Williams, Esquire, Wolfson & Associates, P.C., 267 East Market Street, York, PA 17403

ESTATE OF FLOYD D. SEVILLE, DEC'D
Late of Latimore Township, Adams County, Pennsylvania
Executors: Bonnie Jean Morris, c/o Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331; Tammie A. Funes, c/o Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331
Attorney: Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1160 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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 Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a 5/8 Inch reinforcing bar set on the northern right-of-way line of White Pine Drive at corner of Lot No. 37 on the plan of Lots here below identified; thence by said Lot No. 37, North 10 degrees, 21 minutes, 40 seconds East, 306.67 feet to a point in the center line of the Chambersburg Road (SR#30); thence in the center line of said highway, South 79 degrees 38 minutes 20 seconds East, 190.00 feet to a point in the center line of said highway at corner of Lot No. 39; thence by said Lot No. 39, South 22 degrees 24 minutes 15 seconds West, 318.63 feet to a 5/8 inch reinforcing bar on the northern right-of-way line of White Pine Drive; thence by said northern right-of-way line of White Pine Drive by a curve to the left with a radius of 225.0 feet for an arc distance of 47.29 feet, the long chord bearing of which is North 73 degrees 27 minutes 00 seconds west, 47.20 feet to a 5/8 inch reinforcing bar on the northern right-of-way line of White Pine Drive; thence by said northern right-of-way line of White Pine Drive, North 79 degrees 38 minutes 20 seconds West, 76.58 feet to the above described place of beginning.

Containing 1.109 acres or 40,875 square feet exclusive of right-of-way.

HAVING THEREON ERECTED A DWELLING KNOWN AS 23 White Pine Drive, Orrtanna, Pennsylvania 17353.

BEING THE SAME PREMISES WHICH Dennis L. Robinson and Sherry L. Robinson, husband and wife and Robert A. Sharrah and Linda D. Sharrah, husband and wife, by their Deed dated June 22, 1992 and recorded in Adams County Recorder of Deeds Office on June 24, 1992 in Deed Book 632, page 259, granted and conveyed unto Dale E. Degroft and Wanda K. Howe.

SEIZED IN EXECUTION AS THE PROPERTY OF DALE E. DEGROFT AND WANDA K. HOWE UNDER ADAMS COUNTY JUDGMENT NO. 98-S-1160.

SEIZED and taken into execution as the property of **Dale E. Degroft & Wanda K. Howe** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
April 24, 1999.

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 July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/7, 14, & 21

NOTICE

NOTICE IS HEREBY GIVEN to all heirs-at-law of Bernice E. Cullison and other interested persons that Farmers Bank, Plenary Guardian of the Estate of Bernice E. Cullison, an incapacitated person, has filed its first and final account and statement of proposed distribution in the office of the Clerk of the Orphans' Court of Adams County, Pennsylvania in OC-147-96 and that the same will be presented to the Orphans' Court of the Court of Common Pleas of Adams County in Gettysburg, Pennsylvania for confirmation and approval on May 24, 1999 at 9:00 a.m. in Courtroom 1.

Teeter, Teeter & Teeter
108 West Middle Street
Gettysburg, PA 17325
Attorney for Guardian

5/14 & 5/21

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, May 24, 1999, at 9:00 o'clock a.m.

MCELHENNEY—Orphans' Court Action Number OC-25-99. The First and Final Account of Kenneth E. Toner, Executor of the Last Will and Testament of Maye A. McElhenney, deceased, late of Biglerville Borough, Adams County, Pennsylvania.

FACCHINA—Orphans' Court Action Number OC-29-99. The First and Final Account of Rebecca F. Powell, Executrix of the Estate of Ellen Virginia Greene Facchina, deceased, late of Straban Township, Adams County, Pennsylvania.

GREENE—Orphans' Court Action Number OC-30-99. The First and Final Account of Charles Markel a/k/a Pete Markel and Peggy Markel a/k/a Peg Markel, Executors of the Will of Maria Greene a/k/a Maria Hartenberg, deceased, late of Oxford Township, Adams County, Pennsylvania.

LEONARD—Orphans' Court Action Number OC-31-99. The First and Final Account of Adams County National Bank, Executor of the Estate of Genevieve M. Leonard a/k/a Genevieve Mary Leonard, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

MUMMERT—Orphans' Court Action Number OC-32-99. The First and Final Account of Adams County National Bank, Executor of the Estate of Clyde L. Mummert, deceased, late of Mount Pleasant Township, Adams County, Pennsylvania.

KELLER—Orphans' Court Action Number OC-33-99. The First and Final Account of Anna M. Noel, Joanne M. Stull and Michael J. Keller, Executors of the Estate of Marie E. Keller, deceased, late of Mount Pleasant Township, Adams County, Pennsylvania.

Peggy J. Breigner
Clerk Of Courts

5/14 &21

Adams County Legal Journal

Vol. 40 May 21, 1999 No. 52, pp. 325-328

CONTINUING LEGAL EDUCATION PROGRAM

Dram Shop Liability
Thursday, August 5, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 3.5, Ethics - 0

Tough Problems in Estate Planning
Wednesday, August 11, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 5, Ethics - 1

Estate & Financial Planning for the Elderly
Wednesday, June 23, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 5, Ethics - 1

Registration through P.B.I. 800-932-4637.

SHERIFF'S SALE

IN PERRSUANCE of a Writ of Execution, Judgment No. 98-S-1160 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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 Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a 5/8 Inch reinforcing bar set on the northern right-of-way line of White Pine Drive at corner of Lot No. 37 on the plan of Lots here below identified; thence by said Lot No. 37, North 10 degrees, 21 minutes, 40 seconds East, 306.67 feet to a point in the center line of the Chambersburg Road (SR#30); thence in the center line of said highway, South 79 degrees 38 minutes 20 seconds East, 190.00 feet to a point in the center line of said highway at corner of Lot No. 39; thence by said Lot No. 39, South 22 degrees 24 minutes 15 seconds West, 318.63 feet to a 5/8 inch reinforcing bar on the northern right-of-way line of White Pine Drive; thence by said northern right-of-way line of White Pine Drive by a curve to the left with a radius of 225.0 feet for an arc distance of 47.29 feet, the long chord bearing of which is North 73 degrees 27 minutes 00 seconds west, 47.20 feet to a 5/8 inch reinforcing bar on the northern right-of-way line of White Pine Drive; thence by said northern right-of-way line of White Pine Drive, North 79 degrees 38 minutes 20 seconds West, 76.58 feet to the above described place of beginning.

Containing 1.109 acres or 40,875 square feet exclusive of right-of-way.

HAVING THEREON ERECTED A DWELLING KNOWN AS 23 White Pine Drive, Orrtanna, Pennsylvania 17353.

BEING THE SAME PREMISES WHICH Dennis L. Robinson and Sherry L. Robinson, husband and wife and Robert A. Sharrah and Linda D. Sharrah, husband and wife, by their Deed dated June 22, 1992 and recorded in Adams County Recorder of Deeds Office on June 24, 1992 in Deed Book 632, page 259, granted and conveyed unto Dale E. Degroft and Wanda K. Howe.

SEIZED IN EXECUTION AS THE PROPERTY OF DALE E. DEGROFT AND WANDA K. HOWE UNDER ADAMS COUNTY JUDGMENT NO. 98-S-1160.

SEIZED and taken into execution as the property of **Dale E. Degroft & Wanda K. Howe** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
April 24, 1999.

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 July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/7, 14, & 21

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1025 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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 the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point along the right-of-way line of Johnamac North at corner of Lot No. 381 on subdivision plan hereinafter referred to; thence along Lot No. 381 North eighty-nine (89) degrees thirty (30) minutes forty (40) seconds East, one hundred one and ninety-three hundredths (101.93) feet to a point along Lot No. 469 on subdivision plan hereinafter referred to; thence along Lot No. 469 South zero (00) degrees twenty-nine (29) minutes twenty (20.00) seconds East, 20.00 feet to a corner of Lot No. 383 on subdivision plan hereinafter referred to; thence along Lot No. 383, South eighty-nine (89) degrees thirty (30) minutes forty (40) seconds West, one hundred one and ninety-three hundredths (101.93) feet to a point along the right-of-way line of Johnamac North; thence along the right-of-way line of Johnamac North, North zero (00) degrees twenty-nine (29) minutes twenty (20) seconds West, twenty (20.00) feet to a point along the right-of-way line of Johnamac North, the point and place of beginning.

CONTAINING 2,039 square feet and being designated as Lot No. 382 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated 7/16/94, as revised, Project No. 821060, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, at page 89.

Tax Parcel # 4-16

TITLE TO SAID PREMISES IS VESTED IN Donald H. Sheppard and Anne H. Sheppard, his wife by Deed from Windsor Homes, Inc., a PA Corporation dated 9/30/96, recorded 10/3/96, in Record Book 1268 page 234.

SEIZED and taken into execution as the property of **Donald H. Sheppard & Anne H. Sheppard** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
April 10, 1999.

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 July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-844 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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, lying and being in the Borough of Abbottstown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point at Hughes Drive and Lot No. 10; thence along Lot No. 10, South Seventy-two (72) degrees forty (40) minutes zero (00) seconds West, ninety-five (95.00) feet to a point at lands now or formerly of Charlotte N. Rhoads; thence along said lands, North seventeen (17) degrees twenty (20) minutes zero (00) seconds West, one hundred twelve and ninety-five hundredths (112.95) feet to a point at Lot No. 8; thence along Lot No. 8, North seventy - two (72) degrees forty (40) minutes zero (00) seconds East, ninety-five (95.00) feet to a point at Hughes Drive; thence along Hughes Drive, South seventeen (17) degrees twenty (20) minutes zero (00) seconds East, one hundred twelve and ninety-five hundredths (112.95) feet to the point and place of beginning. CONTAINING 10,730 square feet and identified as Lot No. 9 on a plan of lots prepared for Larry E. Hughes and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 66, page 74

Being Parcel No. 3-98

Property Address: 62 Hughes Avenue, Abbottstown, PA 17301

SEIZED and taken into execution as the property of **Dale K. Heikes** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
February 20, 1999.

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 July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/7, 14 & 21

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, May 24, 1999, at 9:00 o'clock a.m.

MCELHENNEY—Orphans' Court Action Number OC-25-99. The First and Final Account of Kenneth E. Toner, Executor of the Last Will and Testament of Maye A. McElhenney, deceased, late of Biglerville Borough, Adams County, Pennsylvania.

FACCHINA—Orphans' Court Action Number OC-29-99. The First and Final Account of Rebecca F. Powell, Executrix of the Estate of Ellen Virginia Greene Facchina, deceased, late of Straban Township, Adams County, Pennsylvania.

GREENE—Orphans' Court Action Number OC-30-99. The First and Final Account of Charles Markel a/k/a Pete Markel and Peggy Markel a/k/a Peg Markel, Executors of the Will of Maria Greene a/k/a Maria Hartenberg, deceased, late of Oxford Township, Adams County, Pennsylvania.

LEONARD—Orphans' Court Action Number OC-31-99. The First and Final Account of Adams County National Bank, Executor of the Estate of Genevieve M. Leonard a/k/a Genevieve Mary Leonard, deceased, late of the Borough of McSherrystown, Adams County, Pennsylvania.

MUMMERT—Orphans' Court Action Number OC-32-99. The First and Final Account of Adams County National Bank, Executor of the Estate of Clyde L. Mummert, deceased, late of Mount Pleasant Township, Adams County, Pennsylvania.

KELLER—Orphans' Court Action Number OC-33-99. The First and Final Account of Anna M. Noel, Joanne M. Stull and Michael J. Keller, Executors of the Estate of Marie E. Keller, deceased, late of Mount Pleasant Township, Adams County, Pennsylvania.

Peggy J. Breigner
Clerk Of Courts

5/14 &21

COMMONWEALTH VS. FREEMAN

1. A guilty plea can be withdrawn if the Defendant shows a fair and just reason for the withdrawal and the Commonwealth will not be substantially prejudiced by rescheduling the case for trial.

2. However, there is no absolute right to withdraw a guilty plea and the decision to do so is committed to the discretion of the Court.

In the Court of Common Pleas, Adams County, Pennsylvania, Criminal CC-757-97, COMMONWEALTH VS. GARY LEE FREEMAN, JR.

Michael A. George, Esq., District Attorney, for Commonwealth
Anthony Miley, Esq., for Defendant

MEMORANDUM OPINION

Kuhn, J., April 16, 1998.

On September 8, 1997, a Criminal Complaint was filed charging Defendant with a violation of 35 P.S. §780-113(a)(30) and on February 3, 1998, he entered a plea of guilty to that charge pursuant to a plea agreement deemed acceptable to the Court. The charge arose out of a purchase of cocaine from Defendant by a confidential informant. Prior to sentencing Defendant filed a Motion to Withdraw Guilty Plea wherein he "asserts his innocence." (¶4).

The applicable law on the withdrawal of a guilty plea before sentencing was set forth in Commonwealth v. Forbes, 450 Pa. 185, 299 A.2d 268 (1973). Our Supreme Court held that a guilty plea can be withdrawn if the defendant shows a fair and just reason for the withdrawal and the Commonwealth will not be substantially prejudiced by rescheduling the case for trial. In Forbes the mere assertion of innocence was sufficient to constitute a fair and just reason to allow the withdrawal. There is, however, no absolute right to withdraw a guilty plea and the decision to do so is committed to the discretion of the court. Commonwealth v. Hutchins, 453 Pa. Super. 209, 212, 683 A.2d 674, 675 (1996). Nevertheless, requests to withdraw a guilty plea should be liberally granted. Commonwealth v. Miller, 432 Pa. Super. 619, 622, 639 A.2d 815, 816 (1994).

Here, the Commonwealth has shown no prejudice, therefore, our focus is entirely on whether Defendant has shown a fair and just reason for his withdrawal. The only reason suggested is a bald assertion of innocence. This contradicts the plea colloquy wherein the following occurred:

> The Court: Background
>
> Mr. George: On August 12, 1997, Officer Jim Borza, along with a confidential informant, went to the Defendant's house, which is located in McSherrystown

Borough I believe. At that time the confidential informant handed to the Defendant $50 in marked money. In return the Defendant handed to the confidential informant one half gram of cocaine...

...

The Court: Do you understand what the elements of the offense are that you're admitting?

The Defendant: Yes, I do, Your Honor.

The Court: Have you had enough time to talk to your lawyer about this matter?

The Defendant: Yes, I have.

The Court: Are you satisfied with the advice and services he has rendered?

The Defendant: Yes, I am, sir.

The Court: Is anyone pressuring you in any way to enter this plea?

The Defendant: No.

The Court: This is your decision?

The Defendant: Yes, it is.

The Court: Have you had enough time to think about this?

The Defendant: Yes, I have.

The Court: Are you pleading guilty because what was described here by way of background is in fact what occurred?

The Defendant: Yes.

Several Superior Court panels have been critical of the Forbes rationale where a defendant has acknowledged his criminal conduct during an extensive plea colloquy. In Commonwealth v. Cole, 387 Pa. Super. 328, 564 A.2d 203 (1989) the defendant entered a guilty plea after he learned that a key prosecution witness had been transferred from Georgia. After the witness returned to Georgia the defendant requested leave to withdraw his guilty plea claiming his innocence. The trial court's denial of the request to withdraw the plea was upheld on appeal. The Court noted,

> ...where a defendant has asserted his innocence and the Commonwealth has been unable to show substantial preju-

> dice, it has been held to be an abuse of discretion for a trial court to deny a presentence petition for withdrawal of a guilty plea. 387 Pa. Super. at 333-4, 564 A.2d at 205.

Nevertheless, the Court went on to indicate its frustration with the defendant's change of plea, stating,

> Under the circumstances of this case, the bald assertion of innocence appearing in appellant's petition did not constitute a fair and just reason for allowing appellant to withdraw his plea of guilty. Not only would the Commonwealth have been prejudiced by allowing such withdrawal but appellant would have been permitted to make a mockery of the guilty plea hearing process in which appellant, after a full and complete colloquy, admitted his guilt and his role in the robbery and conspiracy.
>
> "A guilty plea is not a ceremony of innocence, it is an occasion when one offers a confession of guilt. The defendant is before the court to acknowledge facts that he is instructed constitute a crime..." ...A defendant will not be permitted to postpone the final disposition of his case by lying to the court concerning his culpability and thereafter withdraw his plea of guilty by contradicting his prior testimony and asserting innocence...
>
> Pennsylvania has constructed its guilty plea procedures in a way designed to guarantee assurance that guilty pleas are voluntarily and understandingly tendered... So many safeguards have been imposed by law to ensure that a guilty plea is voluntarily and knowingly made, that a defendant should not be permitted to withdraw his guilty plea, even before sentencing, merely by intoning the allegation that "I am not guilty," where, as here, his plea of guilty was supported by an extensive colloquy in which the defendant expressly admitted guilt.
>
> 387 Pa. Super. 335-6, 564 A.2d at 206-7 (citations omitted).

See also Commonwealth v. Rish, 414 Pa. Super. 220, 606 A.2d 946 (1992); Commonwealth v. Miller, 432 Pa. Super. 619, 639 A.2d 815 (1994); Commonwealth v. Hutchins, 453 Pa. Super. 209, 683 A.2d 674 (1996). Likewise, the undersigned expressed his frustration in Commonwealth v. Hartman, (CC-573-96 — August 26, 1997) when a defendant clearly acknowledges his guilt and then attempts to with-

draw that plea by merely claiming innocence. However, in each of the aforementioned cases the defendant's request was ultimately denied, not because of the admission of guilt during the plea colloquy but because of the prejudice to the Commonwealth that would follow from granting the withdrawal. Here, no such prejudice has been advanced.

Although the Hutchins panel noted Superior Court's criticism of Forbes it recognized that no Superior Court decision has the authority to, nor has it ever, altered the Forbes' test. 683 A.2d at 676. We are likewise constrained and are compelled to grant Defendant's request to withdraw his guilty plea.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 16th day of April, 1998, Defendant's Motion to Withdraw Guilty Plea filed February 25, 1998 is granted.

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 THERON S. DAYHOFF, SR., DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Co-Executors: Theron S. Dayhoff, Jr., 3602 Fairfield Road, Gettysburg, PA 17325; Barry R. Dayhoff, 57 Bankert Road, Hanover, PA 17331
Attorney: Bernard A. Yannetti, Jr., Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF THELMA H. KEYSER, a/k/a THELMA G. KEYSER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Co-Executors: E. Edward Keyser, 65 Cumberland Drive, Gettysburg, PA 17325; Jack E. Keyser, 106 Hess Boulevard, Lancaster, PA 17601-4046
Attorney: Gary E. Hartman., Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF NATHAN P. KITZMILLER, DEC'D
Late of the Borough of New Oxford, Adams County, Pennsylvania
Co-Executrices: Tammy Jane Kitzmiller, 1581 Storms Store Road, New Oxford, PA 17350; Lori Ann Kitzmiller, 211-B Beaver Creek Road, Abbottstown, PA 17301
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF JAMES O. KOONTZ, DEC'D
Late of Freedom Township, Adams County, Pennsylvania
Administrators: Charles W. Koontz, 4450 Emmitsburg Road, Fairfield, PA 17320; Rosemary McNair, 9225 Waynesboro Pike, Emmitsburg, MD 21727
Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF MARIAN C. MICKLEY, a/k/a MARION C.MICKLEY, DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania
Executor: John W. Mickley, Jr., 66 White Run Road, Gettysburg, PA 17325
Attorney: Gary E. Hartman., Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SHIRLEY A. MULLER, DEC'D
Late of Germany Township, Adams County, Pennsylvania
Executor: Richard Allen Muller, 175 St. John's Road, Littlestown, PA 17340
Attorney: Catherine J. Gault, Esquire, 31 South Washington Street, Gettysburg, PA 17325

ESTATE OF KATHRYN J. WITTES, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Ray D. Wittes, c/o Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402
Attorney: Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402

ESTATE OF EDWARD C. ZINN, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Mary Ellen Yeagy Berwager, 4525 York Road, New Oxford, PA 17350; Jane Louise Yeagy Bean, 415 Lincoln Way West, New Oxford, PA 17350
Attorney: Donald W. Dorr, Esquire, Buchen, Wise & Door, 126 Carlisle Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF IDA I. AUDAS, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Caroline L. Hawn, 2415 Redwood Drive, York, PA 17404; Timothy L. Myers, 2415 Redwood Drive, York, PA 17404
Attorney: Sharon E. Myers, Esquire

ESTATE OF STERLING E. BOWERS, DEC'D
Late of the Borough of Biglerville, Adams County, Pennsylvania
Co-Executors: Dean L. Carey, 60 Franklin Street, Biglerville, Adams County, PA 17307; Doris M. Carey, 60 Franklin Street, Biglerville, PA 17307
Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF BEVERLY A. BURTON, DEC'D
Late of Huntington Township, Adams County, Pennsylvania
Executrix: Lucille M. Bupp, 104 Poplar Hill Road, Gardners, PA 17324
Attorney: William S. Daniels, Esquire One West High Street, Suite 205 Carlisle PA 17013

ESTATE OF HENRIETTA J. HOFFACKER, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Jill A. Lerew, 305 Abbottstown Street, P.O. Box 691, East Berlin, PA 17316; Amanda J. Reese, 305 Abbottstown Street, P.O. Box 691, East Berlin, PA 17316
Attorney: Sharon E. Myers, Esquire

ESTATE OF WILLIAM J. JOHNSON, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Executrix: Roxey Baker, 1250 New Road, Orrtanna, PA 17353
Attorney: Barbara Jo Entwistle, Esquire, Pyle and Entwistle, 25 South Washington Street, Gettysburg, PA 17325

ESTATE OF GRACE G. KUHN, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executors: Frederick A. Kuhn, c/o Gates & Gates, 250 York Street, Hanover, PA 17331; Mark A. Kuhn, c/o Gates & Gates, 250 York Street, Hanover, PA 17331; Eugene F. Kuhn, c/o Gates & Gates, 250 York Street, Hanover, PA 17331
Attorney: Samuel A. Gates, Esquire, 250 York Street, Hanover, PA 17331

ESTATE OF MARY ONEIDA MILLER, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executrices: V. Ethel Angell, 1905 Highland Avenue Road, Gettysburg, PA 17325; Shirley Ann Kuhn, 26 Apple Avenue, Gettysburg, PA 17325
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF RUTH V. SHOWERS, DEC'D
Late of Butler Township, Adams County, Pennsylvania
Executrix: Mary H. Kuntz, 145 Mt. Tabor Road, Aspers, PA 17304
Attorney: Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, Pennsylvania 17325

THIRD PUBLICATION

ESTATE OF ARMAND J. DILLON, DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Administrator c.t.a.: Ronald G. Dillon, 102 Cemetery Street, #A, Littlestown, PA 17340
Attorney: Chester G. Schultz, Esquire, 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARY REGINA GROVE a/k/a MARY REGINA MORGAN, DEC'D
Late of Union Township, Adams County, Pennsylvania
Executor: Thomas L.Grove, 70 Shoshone Dr., Hanover, PA 17331

ESTATE OF MELBA E. JONES, DEC'D
Late of the Borough of Abbottstown, Adams County, Pennsylvania
Executrix: Marian D. Carey, 396 Abbottstown Pike, Abbottstown, Pennsylvania 17301
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, Pennsylvania 17331

ESTATE OF GERALDINE MICCHELLI MARRA a/k/a GERALDINE M. MARRA a/k/a GERALDINE MICCHELLI, DEC'D
Late of the Borough of McSherrystown, Adams County, Pennsylvania
Executor: Charles Allan Smith, 418 Delone Avenue, McSherrystown, PA 17344
Attorney: Ronald J. Hagarman, Esquire, 110 Baltimore Street, Gettysburg, Pennsylvania 17325

ESTATE OF WILLIAM LOUIS RYON, SR., a/k/a W. LOUIS RYON, SR., DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executors: William Louis Ryon, Jr., 9003 Barb Anne Court, Springfield, VA 22152-2601; James Percival Ryon II, 121 Ruth Avenue, Hanover, PA 17331; Roderick Naylor Ryon, 904 E. Chestnut Hill Ave., Baltimore, MD 21218
Attorney: Catherine J. Gault, Esquire, 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF GEORGE N. SENTZ, DEC'D
Late of Mt. Joy Township, Adams County, Pennsylvania
Executrix: Helen L. Sentz, 440 Hickory Road, Littlestown, PA 17340
Attorney: Catherine J. Gault, Esquire, 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF KATHRYN G.WARNER, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executrix: Doris Kathryn Saltzgiver, c/o William W. Hafer, Esquire, 215 Baltimore Street, Hanover, Pennsylvania 17331
Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, Pennsylvania 17331

ESTATE OF S. BARNITZ WILLIAMS, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executor: Adams County National Bank, P.O. Box 4566, Gettysburg, PA 17325
Attorney: John W. Phillips, Esq., 101 W. Middle St., Gettysburg, PA 17325

NOTICE

NOTICE IS HEREBY GIVEN to all heirs-at-law of Bernice E. Cullison and other interested persons that Farmers Bank, Plenary Guardian of the Estate of Bernice E. Cullison, an incapacitated person, has filed its first and final account and statement of proposed distribution in the office of the Clerk of the Orphans' Court of Adams County, Pennsylvania in OC-147-96 and that the same will be presented to the Orphans' Court of the Court of Common Pleas of Adams County in Gettysburg, Pennsylvania for confirmation and approval on May 24, 1999 at 9:00 a.m. in Courtroom 1.

Teeter, Teeter & Teeter
108 West Middle Street
Gettysburg, PA 17325
Attorney for Guardian

5/14 & 5/21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1194 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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 CERTAIN tracts of land situate in the township of Latimore, County of Adams, and Commonwealth of Pennsylvania, being more particularly bounded and follows, to wit:

TRACT NO. 1: BEGINNING at a nail in Township Road known as Mountain Road, at the point of joinder of the within described tract with other lands N/F of Marlin C. Fleming; thence extending in and along the aforementioned Mountain Road South zero (00) degrees eighteen (18) minutes West for a distance of eight hundred twenty and five hundredths (820.05) feet to a stake at lands N/F of Bruce Wagner, Jr.; thence extending along lands N/F of Bruce Wagner, Jr., North eighty-three (33) degrees seven (07) minutes West for a distance of nine hundred twenty-four and no hundreths (924.00) feet to a stake at lands N/F of Marlin C. Fleming; thence extending along lands N/F of Marlin C. Fleming following seven courses and distances North twelve (12) degrees twenty-seven (27) minutes East for a distance of four hundred forty-seven and seventy-nine hundredths (447.79) feet to a stake; thence continuing North twelve (12) degrees twenty-seven (27) minutes East for a distance of four hundred fifty-five and seven hundredths (455.07) feet to a stake; thence extending North forty-three (43) degrees forty-eight (48) minutes East for a distance of seventy-five and ninety hundreths (75.90) feet to a stake; thence extending South seventy (70) degrees forty-two minutes East for a distance of two hundred twenty-six and five hundredths (226.05) feet to a stake; thence extending South sixty-seven (67) degrees twelve (12) minutes East for a distance of eighty and twenty-four hundreths (80.24) feet to a stake; thence continuing South sixty-seven (67) degrees twelve (12) minutes East for a distance of two hundred thirty-one and sixty-one hundredths (231.61) feet to a stake; thence South seventy-nine (79) degrees forty-two minutes East for a distance of one hundred seventy-six and fifty-five hundredths (176.55) feet to a nail in aforementioned Mountain Road, said nail marking Place of Beginning

TRACT NO. 2: BEGINNING at a steel pin on the dedicated right-of-way line of L.R. 01009 a/k/a Mountain Road and at lands N/F of Michael E. Derr; thence along last mentioned lands North six (06) degrees six minutes twenty-five (25) seconds West, seven hundred thirty-seven and sixty-six hundredths (737.66) feet to steel pin at the dedicated right-of-way line of Township Road T-635 a/k/a Hollow Road; thence extending along said right-of-way line along a curve having a bearing of South sixty-six (66) degrees forty-seven (47) minutes fifteen (15) seconds East, a radius of six hundred seven and seven hundredths (607.07) feet in an arc distance of fifty-seven and thirty-one hundredths (57.31) feet to a point; thence along said right-of-way line South sixty-four (64) degrees five (05) minutes zero (0) seconds East, four hundred fourteen and five hundredths (414.05) feet to a point on said right-of-way line; thence extending along a curve having a bearing of South eleven (11) degrees five (05) minutes thirty-five (35) seconds East, a radius of fifty and zero hundredths (50.00) feet in an arc of ninety-two and forty-nine hundredths (92.49) feet to a point on the dedicated right of-way line of L.R. 01009 a/k/a Mountain Road; thence extending along said right-of-way line South forty-one (41) degrees fifty-three, (53) minutes fifty (50) seconds West, four hundred twenty-seven and sixty-six hundredths (427.66) feet to a point on said right-of-way line; thence extending along a curve having a bearing of South twenty-nine (29) degrees forty-eight (48) minutes fifty (50) seconds West, a radius of three hundred sixty-six and eighty-one hundredths (366.81) feet in arc of one hundred fifty-four and seventy-one hundredths (154.71) feet to a steel pin on said right-of-way line and the place of BEGINNING.

CONTAINING 3.662 acres to dedicated right-of-way lines and being designated as Lot No. 2 on the final plan of minor subdivision prepared for Marlin C. Fleming by Rodney Lee Decker, Registered Surveyor and dated February 26, 1979; said plan being recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 28, page 14.

BEING Tax Parcel # 1-1-26

TITLE TO SAID PREMISES IS VESTED IN Wayne E. Horton and Elaine R. Horton, husband and wife by Deed from Michael E. Derr, singleman dated 10/1/86, recorded 10/1/86, in Deed Book 437 page 961.

SEIZED and taken into execution as the property of **Wayne E. Horton & Elaine R. Horton** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
April 10, 1999.

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 July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/21, 28, & 6/4

ARTICLES OF INCORPORATION

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

5/21

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Commonwealth of Pennsylvania, Department of State, on March 29, 1999, for FESTERMAN INDUSTRIES, INC. The said Corporation has been incorporated under provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444, No. 177, as amended, and has a registered principal office at 450 Barts Church Road, Hanover (Adams County), PA 17331.

David C. Smith, Esquire
Solicitor

5/21

Adams County Legal Journal

Vol. 41 May 28, 1999 No. 1, pp.1-4

CONTINUING LEGAL EDUCATION PROGRAM

Dram Shop Liability
Thursday, August 5, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 3.5, Ethics - 0

Tough Problems in Estate Planning
Wednesday, August 11, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 5, Ethics - 1

Estate & Financial Planning for the Elderly
Wednesday, June 23, 1999 - 9:00 a.m.
Room 307, Adams County Courthouse
Credits: Substantive Law - 5, Ethics - 1

Registration through P.B.I. 800-932-4637.

NOTICE

NOTICE IS HEREBY GIVEN that on May 4, 1999, a Petition for Change of Name was filed by Kevin M. Myers and Rachel L. Myers, parents and natural guardians of Drew Michael Beamer, in the Adams County Court of Common Pleas, praying for a decree to change said name to Drew Michael Myers.

The Court has fixed the 12th day of July, 1999 at 9:00 a.m. at the Adams County Courthouse, Gettysburg, Pennsylvania, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said petition should not be granted.

Thomas M. Shultz, Esquire
Attorney for Petitioners

5/28

NOTICE

The Office of Attorney General of the Commonwealth of Pennsylvania is seeking a member of the Bar with health care and charitable/nonprofit legal experience to fill the position of Chief Deputy Attorney General of the Charitable Trusts and Organizations Section. This Section is responsible for overseeing the activities of charitable organizations in Pennsylvania. This includes the responsibility for ensuring that charitable organizations seeking donations through telemarketers follow Pennsylvania laws for charitable registration. With the increase of mergers and acquisitions in the health care industry, the Charitable Trusts and Organizations Section plays an important role in making sure nonprofit organizations maintain their stated charitable and social missions.

The Chief Deputy Attorney General serves as the head of the Charitable Trusts and Organizations Section and reports directly to the Executive Deputy Attorney General for the Public Protection Division. This position is in Harrisburg and requires the performance of highly advanced professional legal and administrative work involving the rendering of legal services of the greatest scope of complexity and importance. Candidates should have at least seven years of progressively responsible legal experience, a thorough knowledge of legal principles and their application, and the ability to prepare, present and handle legal cases including difficult and complex legal problems. In addition, candidates must be capable of directing a staff of attorneys, investigators, paralegals, and clerical personnel.

Salary commensurate with experience along with an excellent benefits package.

Interested candidates should submit a resume with salary history and requirement to Bruce J. Sarteschi, Chief of Personnel, Office of Attorney General, 14th Floor, Strawberry Square, Harrisburg, PA 17120. The Pennsylvania Office of Attorney General is an equal opportunity employer and complies with the Americans with Disabilities Act (ADA) by providing equal opportunity for qualified candidates with a disability.

5/28 & 6/4

NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 1982-295 approved December 16, 1982, of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, PA, April 7, 1999, of a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of DOUBLE H FARMS, having its principal place of business at 575 Storms Store Road, Gettysburg, Pennsylvania 17325. The names and address of the persons owning or interested in said business are David W. Hartlaub and Nathan L. Hartlaub, both of 575 Storms Store Road, Gettysburg, PA 17325.

Teeter, Teeter & Teeter, Solicitors
108 West Middle Street
Gettysburg, PA 17325-2194

5/28

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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Business Office – 111 Baltimore Street, Room 305, Gettysburg, PA 17325. Telephone: (717) 334-6781 ext 336

Periodicals postage paid at Gettysburg, PA 17325.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1025 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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 the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point along the right-of-way line of Johnamac North at corner of Lot No. 381 on subdivision plan hereinafter referred to; thence along Lot No. 381 North eighty-nine (89) degrees thirty (30) minutes forty (40) seconds East, one hundred one and ninety-three hundredths (101.93) feet to a point along Lot No. 469 on subdivision plan hereinafter referred to; thence along Lot No. 469 South zero (00) degrees twenty-nine (29) minutes twenty (20.00) seconds East, 20.00 feet to a corner of Lot No. 383 on subdivision plan hereinafter referred to; thence along Lot No. 383, South eighty-nine (89) degrees thirty (30) minutes forty (40) seconds West, one hundred one and ninety-three hundredths (101.93) feet to a point along the right-of-way line of Johnamac North; thence along the right-of-way line of Johnamac North, North zero (00) degrees twenty-nine (29) minutes twenty (20) seconds West, twenty (20.00) feet to a point along the right-of-way line of Johnamac North, the point and place of beginning.

CONTAINING 2,039 square feet and being designated as Lot No. 382 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated 7/16/94, as revised, Project No. 821060, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, at page 89.

Tax Parcel # 4-16

TITLE TO SAID PREMISES IS VESTED IN Donald H. Sheppard and Anne H. Sheppard, his wife by Deed from Windsor Homes, Inc., a PA Corporation dated 9/30/96, recorded 10/3/96, in Record Book 1268 page 234.

SEIZED and taken into execution as the property of **Donald H. Sheppard & Anne H. Sheppard** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
April 10, 1999.

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 July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/14, 21 & 28

ARTICLES OF INCORPORATION

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

5/28

ARTICLES OF INCORPORATION

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

5/28

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Act 295 of 1982 (54 Pa.C.S.A. §311 et seq) of the filing of an application for registration of a fictitious name on May 11, 1999, with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the conducting of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of:

THE HEALTH SHACK

a Pennsylvania business, with its principal office or place of business at 105 Kilpatrick Road, New Oxford, Pennsylvania. The name and address of the entity owning or interested in said business is C & S CONTROL, LTD, 109 Carlisle Street, New Oxford, Pennsylvania, 17350.

Andrew C. Sheely, Esquire
127 South Market Street
P.O. Box 95
Mechanicsburg, PA 17055

5/28

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name for THE PAINTED LADY for the conduct of business in Adams County, Pennsylvania, with the principal place of business being 308 Locust Street, East Berlin, PA 17316 was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 26th day of April, 1999, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the person owning or interested in the said business is:

Judith G. Garrett
308 Locust Street
East Berlin, PA 17316
Craig A. Diehl, Esquire

5/28

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN of the filing with the Department of State of the Commonwealth of Pennsylvania, on March 25, 1999, under the Fictitious Name Act, of an Application for the registration of the fictitious name LTP RENTALS with its principal office or place of business at 1895-E York Road, Gettysburg, Pennsylvania 17325. The names and address of the persons who are party to the registration are: Patrick Redding and Brian Redding, 95 Mountain Top Road, Orrtanna, Pennsylvania 17353.

Pyle And Entwistle
25 South Washington Street
Gettysburg, PA 17325

5/28

HERR, ET UX. VS. ALLSTATE INSURANCE COMPANY

1. The Supreme Court has recognized the right of an insured to assign a bad faith claim against the insurer to the injured Plaintiff.
2. However, Plaintiff had no right to bring a bad faith claim against the Insurance Company because the assignment was prohibited under the language of the insurance policy.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 96-S-1082, RONALD R. HERR AND SUSAN HERR VS. ALLSTATE INSURANCE COMPANY.

Richard C. Angino, Esq., for Plaintiff
James G. Nealon, III, Esq., for Defendant

OPINION ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Kuhn, J., April 24, 1998.

On December 27, 1996, Plaintiffs, Ronald R. Herr and Susan Herr, filed a complaint against Allstate Insurance Company ("Allstate") alleging bad faith conduct under 42 Pa.C.S.A. § 8371. Allstate filed two motions for summary judgment (January 15, 1998 and January 21, 1998). For the following reasons, the motions are granted.

STATEMENT OF FACTS

Plaintiff sustained serious injuries while acting as a flagman at an intersection on May 22, 1986 when he was struck by a vehicle driven by Snelgrove. Snelgrove was insured by Allstate with policy limits of $25,000.00. Plaintiff's counsel demanded that Allstate offer its policy limits. Allstate offered to tender policy limits only upon receipt of a general or joint tortfeasor's release.

Allstate allegedly refused to settle even though it knew that Snelgrove was willing to commit $50,000.00 of his personal funds towards settlement and that the underinsurance arbitration proceeding found Plaintiff's claim to be worth $350,000.00 with Snelgrove being considered 90% liable. When settlement negotiations broke down, Plaintiff filed a complaint against Snelgrove on February 8, 1988. On October 5, 1989, a jury awarded Plaintiff a total of $301,662.67 and a total of $11,562.06 to Plaintiff's wife. After the verdict Allstate tendered its policy limits to Plaintiff and Snelgrove contributed $50,000.00 leaving an excess liability of $238,224.73.

On April 1, 1991, in exchange for the receipt of $50,000.00 from Snelgrove, the Plaintiffs executed a "Limited Release" releasing Snelgrove from personal liability. The release also stated that Snelgrove was assigning to the Plaintiffs all claims or demands he has against

Allstate for unreasonable failure to settle.

Procedurally, on July 11, 1991, Plaintiffs commenced a garnishment proceeding against Allstate. Allstate filed two motions for summary judgment against the garnishment proceeding (March 11, 1995 and June 28, 1996) and Plaintiffs filed a single motion for summary judgment (June 12, 1995). By Opinion dated October 16, 1996, this Court granted Allstate's motions for summary judgment and dismissed the garnishment action. Herr v. Snelgrove, 39 Ad.Co.L.J. 67 (1996). The Superior Court affirmed this Opinion on November 13, 1997. Herr v. Snelgrove, No. 00912-1996 (Pa. Superior Court filed November 13, 1997). Plaintiffs now bring an action for judgment against Allstate under 42 Pa.C.S.A. § 8371 to which Allstate has again filed two motions for summary judgment.

LEGAL DISCUSSION

A court may properly grant a motion for summary judgment only where the pleadings, depositions, answers to interrogatories, admissions and affidavits demonstrate that there are no genuine issues of material fact and that the moving party is entitled to judgment as a matter of law. Albright v. Abington Memorial Hospital, 548 Pa. 268, 280, 696 A.2d 1159, 1165 (1997). The moving party has the burden of proving the non-existence of any genuine issue of fact, and all doubts are resolved against the moving party. Merriweather v. Philadelphia Newspapers, Inc., 453 Pa. Super. 464, 471, 684 A.2d 137, 140 (1997). Furthermore, the moving party's right must be clear and free from doubt. Welsh v. Bulger, 548 Pa. 504, 512, 698 A.2d 581, 584 (1997).

Allstate argues that Plaintiff has no standing to bring this action because the assignment was invalid. Plaintiff claims that the law in Pennsylvania permits an assignment of the right to pursue a bad faith claim against the insurer to the injured plaintiff.

Section 42 Pa.C.S.A. § 8371 provides as follows:

> In an action arising under an insurance policy, if the court finds that the insurer has acted in bad faith *toward the insured,* the court may take all of the following actions:
>
> (1) Award interest on the amount of the claim from the date the claim was made by the insured in an amount equal to the prime rate of interest plus 3%.
>
> (2) Award punitive damages against the insurer.
>
> (3) Assess court costs and attorney fees against the insurer.

42 Pa.C.S.A. § 8371 (emphasis added).

This statute protects an "insured." As this Court noted in Herr v. Snelgrove, 39 Ad.Co.L.J. at 71, the Supreme Court in Gray v. Nationwide Mutual Insurance Co., 422 Pa. 500, 223 A.2d 8 (1966), has recognized the right of an insured to assign a bad faith claim against the insurer to the injured plaintiff. See, e.g., Johnson v. Beane, 541 Pa. 449, 454, 664 A.2d 96, 97 n.2 (1995). However, the present situation is distinguishable. The policy between Snelgrove and Allstate specifically prohibited an assignment of the policy without Allstate's permission. Allstate did not consent to the transfer from Snelgrove to Plaintiffs.

In this Court's Opinion, in the prior garnishment action between the parties, we stated that Plaintiff had no right to bring a bad faith claim against Allstate because the assignment from Snelgrove was prohibited under the language of the insurance policy. Herr v. Snelgrove, 39 Ad.Co.L.J. at 75. We noted,

> An act of bad faith on the part of an insurer constitutes a breach of the insurance contract. Gray v. Nationwide Mutual Insurance Comp., 422 Pa. 500, 507, 223 A.2d 8, 11 (1966). If the insured is prohibited from assigning the contract it follows that he would be prohibited from assigning his rights under the contract including his right to expect the insurer to act in good faith in representing his interests. See Fran and John's Doylestown Auto Center 432 Pa. Super. 449, 638 A.2d 1023 (1994). Therefore, it would appear that Plaintiffs have no right to pursue a bad faith claim assigned from Snelgrove.

Herr v. Snelgrove, 39 Ad.Co.L.J. at 75 (footnotes omitted); see also, High-Tech-Enterprises, Inc. v. General Accident Insurance Co., 430 Pa. Super. 605, 635 A.2d 639 (1993) (for the proposition that a provision in an insurance policy prohibiting assignment of the policy without the consent of the insurer which is clear and unambiguous is enforceable by the insurer); Seasor v. Liberty Mutual Insurance Co., 941 F. Supp. 488 (E.D. Pa. 1996) (extending Fran, supra, and High-Tech, supra, to prohibit non-assignment of bad faith claims).

On appeal from this Opinion, the Superior Court held by Memorandum Opinion,

> One need look no further than the Snelgrove/Allstate policy itself to conclude such assignment is unenforceable against Allstate. The policy provides in pertinent part: "This policy cannot be transferred to anyone without our written consent." (Allstate policy, page 3.)

> This clause precluded appellee Snelgrove from doing precisely what he attempted to do in the instant matter—transfer any right he may hold against Allstate to appellants...The attempted assignment is, therefore, invalid and does not remove this case from application of the Johnson rule.

Herr v. Snelgrove, No. 00912-1996 (Pa. Superior Court filed November 13, 1997).

In light of our prior discussions on this issue and of the Superior Court's determination that the assignment was invalid, we hold that the Plaintiff has no right to bring an action for bad faith against Allstate. Thus, the attached Order is issued.[1]

ORDER OF COURT

AND NOW, this 24th day of April 1998, summary judgment is hereby granted in favor of Defendant, Allstate Insurance Company.

OPINION PURSUANT TO PA. R.APP.P. 1925(A)

All matters have been previously addressed in the Opinion and Order of Court dated April 24, 1998.

---

[1]Two other issues were raised by Allstate for which disposition is unnecessary. First, Allstate claims that because Plaintiff has been fully compensated he is not entitled to stand in Snelgrove's shoes and pursue a bad faith claim against Allstate. We have found no authority to support that proposition. Gray, supra, clearly allows assignment of a bad faith claim and where the assignment is valid the plaintiff acquires the rights of the insured to pursue the insurer. The amount that can be recovered by the insured and which, in turn, the plaintiff would be entitled to is the amount allowed by statute, 42 Pa.C.S.A. § 8371, and is not dependent upon an amount already recovered by plaintiff. The second issue is whether Herr's claim (assigned from Snelgrove) is barred by the four year statute of limitations applicable to contracts under 42 Pa.C.S.A. § 5525(8). In light of our decision to sustain Allstate's summary judgment motion the undersigned declines to address this issue. We note, however, that the only decision on point is Woody v. State Farm Fire and Casualty Co., 965 F. Supp. 691 (E.D. Pa. 1997), which found that actions pursuant to 42 Pa.C.S.A. § 8371 are governed by the six year statute of limitations, 42 Pa.C.S.A. § 5527. We realize that there may be argument to the contrary. Gray, supra, certainly holds that breach of an obligation of good faith under an insurance contract constitutes an action in assumpsit, 233 A.2d at 11, but that case was decided well before the enactment of Section 8371. Superior Court in Romano v. Nationwide Mutual Fire Insurance Co., 435 Pa. Super. 545, 646 A.2d 1228 (1994), recognized that Section 8371 did not state clearly whether it was creating a separate cause of action or an additional remedy and suggested an independent cause of action, however, another panel in Terletsky v. Prudential Property and Casualty Insurance Co., 437 Pa. Super. 108, 124, 649 A.2d 680, 688 (1994), alloc. den., 659 A.2d 560, referred to Section 8371 as creating a "remedy." Therefore, there is cause for uncertainty in this area.

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 CHAN L. COULTER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Executrix: Trocelia W. Coulter, 104 Rodes Avenue, Gettysburg, PA 17325
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF KENNETH E. GUISE, DEC'D
Late of the Borough of York Springs, Adams County, Pennsylvania
Co-Administrators: Robert E. Guise, P.O. Box 188, Gardners, PA 17324; George E. Guise, 819 Yellow Hill Road, Biglerville, PA 17307
Attorney: Gary E. Hartman, Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GLENN HOKE a/k/a E. GLENN HOKE, DEC'D
Late of the Borough of Arendtsville, Adams County, Pennsylvania
Executor: Loy C. Hoke, 124 Main Street, P.O. Box 545, Arendtsville, PA 17303
Attorney: John R. White, Esquire, Campbell & White, 122 Baltimore Street, Gettysburg, PA 17325

ESTATE OF J. CALVIN LEREW, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Executrix: Margaret A. Lerew, c/o William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331
Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF ROBERT O. MICKLEY, DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania
Executors: Susan Rohrbaugh, 1103 Mt. Hope Road, Fairfield, PA 17320; Shirley Sites, 1765 Mt. Hope Road, Fairfield, PA 17320; Karen McGarry, 1125 Mt. Hope Road, Fairfield, PA 17320; Lois Ann Heckman, 290 West Second Street, Hummelstown, PA 17036; David J. Mickley, 1865 Mt. Hope Road, Fairfield, PA 17320;
Attorney: Clayton R. Wilcox, Esquire, 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GLADYS A. RILEY, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executor: Adams County National Bank, Lincoln Square, Gettysburg, PA 17325
Attorney: Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF FLORENCE P. RUDISILL, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Paul K. Rudisill, c/o Alan M. Cashman, Esquire, 141 Broadway, Suite 230, Hanover, PA 17331
Attorney: Alan M. Cashman, Esquire, 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF MARGARET C. TASTO, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Co-Executors: Donald E. Tasto, c/o Douglas H. Gent, Esquire, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331; Richard H. Tasto, c/o Douglas H. Gent, Esquire, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331
Attorney: Douglas H. Gent, Esquire, Menges, Gent & McLaughlin, 1157 Eichelberger Street, Hanover, PA 17331

ESTATE OF ROBERT P. QUINN, DEC'D
Late of Union Township, Adams County, Pennsylvania
Executrix: Karen M. Quinn, 60 Sycamore Lane, Hanover, PA 17331
Attorney: David K. James, Esquire, 234 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF THERON S. DAYHOFF, SR., DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Co-Executors: Theron S. Dayhoff, Jr., 3602 Fairfield Road, Gettysburg, PA 17325; Barry R. Dayhoff, 57 Bankert Road, Hanover, PA 17331
Attorney: Bernard A. Yannetti, Jr., Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF THELMA H. KEYSER, a/k/a THELMA G. KEYSER, DEC'D
Late of Straban Township, Adams County, Pennsylvania
Co-Executors: E. Edward Keyser, 65 Cumberland Drive, Gettysburg, PA 17325; Jack E. Keyser, 106 Hess Boulevard, Lancaster, PA 17601-4046
Attorney: Gary E. Hartman., Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF NATHAN P. KITZMILLER, DEC'D
Late of the Borough of New Oxford, Adams County, Pennsylvania
Co-Executrices: Tammy Jane Kitzmiller, 1581 Storms Store Road, New Oxford, PA 17350; Lori Ann Kitzmiller, 211-B Beaver Creek Road, Abbottstown, PA 17301
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF JAMES O. KOONTZ, DEC'D
Late of Freedom Township, Adams County, Pennsylvania
Administrators: Charles W. Koontz, 4450 Emmitsburg Road, Fairfield, PA 17320; Rosemary McNair, 9225 Waynesboro Pike, Emmitsburg, MD 21727
Attorney: Puhl, Eastman & Thrasher, Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF MARIAN C. MICKLEY, a/k/a MARION C. MICKLEY, DEC'D
Late of Hamiltonban Township, Adams County, Pennsylvania
Executor: John W. Mickley, Jr., 66 White Run Road, Gettysburg, PA 17325
Attorney: Gary E. Hartman., Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF SHIRLEY A. MULLER, DEC'D
Late of Germany Township, Adams County, Pennsylvania
Executor: Richard Allen Muller, 175 St. John's Road, Littlestown, PA 17340
Attorney: Catherine J. Gault, Esquire, 31 South Washington Street, Gettysburg, PA 17325

ESTATE OF KATHRYN J. WITTES, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Ray D. Wittes, c/o Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402
Attorney: Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402

ESTATE OF EDWARD C. ZINN, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Mary Ellen Yeagy Berwager, 4525 York Road, New Oxford, PA 17350; Jane Louise Yeagy Bean, 415 Lincoln Way West, New Oxford, PA 17350
Attorney: Donald W. Dorr, Esquire, Buchen, Wise & Door, 126 Carlisle Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF IDA I. AUDAS, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Caroline L. Hawn, 2415 Redwood Drive, York, PA 17404; Timothy L. Myers, 2415 Redwood Drive, York, PA 17404
Attorney: Sharon E. Myers, Esquire

ESTATE OF STERLING E. BOWERS, DEC'D
Late of the Borough of Biglerville, Adams County, Pennsylvania
Co-Executors: Dean L. Carey, 60 Franklin Street, Biglerville, Adams County, PA 17307; Doris M. Carey, 60 Franklin Street, Biglerville, PA 17307
Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF BEVERLY A. BURTON, DEC'D
Late of Huntington Township, Adams County, Pennsylvania
Executrix: Lucille M. Bupp, 104 Poplar Hill Road, Gardners, PA 17324
Attorney: William S. Daniels, Esquire One West High Street, Suite 205 Carlisle PA 17013

ESTATE OF HENRIETTA J. HOFFACKER, DEC'D
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Jill A. Lerew, 305 Abbottstown Street, P.O. Box 691, East Berlin, PA 17316; Amanda J. Reese, 305 Abbottstown Street, P.O. Box 691, East Berlin, PA 17316
Attorney: Sharon E. Myers, Esquire

ESTATE OF WILLIAM J. JOHNSON, DEC'D
Late of Franklin Township, Adams County, Pennsylvania
Executrix: Roxey Baker, 1250 New Road, Orrtanna, PA 17353
Attorney: Barbara Jo Entwistle, Esquire, Pyle and Entwistle, 25 South Washington Street, Gettysburg, PA 17325

ESTATE OF GRACE G. KUHN, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania
Executors: Frederick A. Kuhn, c/o Gates & Gates, 250 York Street, Hanover, PA 17331; Mark A. Kuhn, c/o Gates & Gates, 250 York Street, Hanover, PA 17331; Eugene F. Kuhn, c/o Gates & Gates, 250 York Street, Hanover, PA 17331
Attorney: Samuel A. Gates, Esquire, 250 York Street, Hanover, PA 17331

ESTATE OF MARY ONEIDA MILLER, DEC'D
Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executrices: V. Ethel Angell, 1905 Highland Avenue Road, Gettysburg, PA 17325; Shirley Ann Kuhn, 26 Apple Avenue, Gettysburg, PA 17325
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF RUTH V. SHOWERS, DEC'D
Late of Butler Township, Adams County, Pennsylvania
Executrix: Mary H. Kuntz, 145 Mt. Tabor Road, Aspers, PA 17304
Attorney: Puhl, Eastman & Thrasher, 16 Lincoln Square, Gettysburg, Pennsylvania 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1194 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of June, 1999, 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 CERTAIN tracts of land situate in the township of Latimore, County of Adams, and Commonwealth of Pennsylvania, being more particularly bounded and follows, to wit:

TRACT NO. 1: BEGINNING at a nail in Township Road known as Mountain Road, at the point of joinder of the within described tract with other lands N/F of Marlin C. Fleming; thence extending in and along the aforementioned Mountain Road South zero (00) degrees eighteen (18) minutes West for a distance of eight hundred twenty and five hundredths (820.05) feet to a stake at lands N/F of Bruce Wagner, Jr.; thence extending along lands N/F of Bruce Wagner, Jr., North eighty-three (33) degrees seven (07) minutes West for a distance of nine hundred twenty-four and no hundreths (924.00) feet to a stake at lands N/F of Marlin C. Fleming; thence extending along lands N/F of Marlin C. Fleming following seven courses and distances North twelve (12) degrees twenty-seven (27) minutes East for a distance of four hundred forty-seven and seventy-nine hundredths (447.79) feet to a stake; thence continuing North twelve (12) degrees twenty-seven (27) minutes East for a distance of four hundred fifty-five and seven hundredths (455.07) feet to a stake; thence extending North forty-three (43) degrees forty-eight (48) minutes East for a distance of seventy-five and ninety hundreths (75.90) feet to a stake; thence extending South seventy (70) degrees forty-two minutes East for a distance of two hundred twenty-six and five hundredths (226.05) feet to a stake; thence extending South sixty-seven (67) degrees twelve (12) minutes East for a distance of eighty and twenty-four hundreths (80.24) feet to a stake; thence continuing South sixty-seven (67) degrees twelve (12) minutes East for a distance of two hundred thirty-one and sixty-one hundredths (231.61) feet to a stake; thence South seventy-nine (79) degrees forty-two minutes East for a distance of one hundred seventy-six and fifty-five hundredths (176.55) feet to a nail in aforementioned Mountain Road, said nail marking Place of Beginning

TRACT NO. 2: BEGINNING at a steel pin on the dedicated right-of-way line of L.R. 01009 a/k/a Mountain Road and at lands N/F of Michael E. Derr; thence along last mentioned lands North six (06) degrees six minutes twenty-five (25) seconds West, seven hundred thirty-seven and sixty-six hundredths (737.66) feet to steel pin at the dedicated right-of-way line of Township Road T-635 a/k/a Hollow Road; thence extending along said right-of-way line along a curve having a bearing of South sixty-six (66) degrees forty-seven (47) minutes fifteen (15) seconds East, a radius of six hundred seven and seven hundredths (607.07) feet in an arc distance of fifty-seven and thirty-one hundredths (57.31) feet to a point; thence along said right-of-way line South sixty-four (64) degrees five (05) minutes zero (0) seconds East, four hundred fourteen and five hundredths (414.05) feet to a point on said right-of-way line; thence extending along a curve having a bearing of South eleven (11) degrees five (05) minutes thirty-five (35) seconds East, a radius of fifty and zero hundredths (50.00) feet in an arc of ninety-two and forty-nine hundredths (92.49) feet to a point on the dedicated right of-way line of L.R. 01009 a/k/a Mountain Road; thence extending along said right-of-way line South forty-one (41) degrees fifty-three, (53) minutes fifty (50) seconds West, four hundred twenty-seven and sixty-six hundredths (427.66) feet to a point on said right-of-way line; thence extending along a curve having a bearing of South twenty-nine (29) degrees forty-eight (48) minutes fifty (50) seconds West, a radius of three hundred sixty-six and eighty-one hundredths (366.81) feet in arc of one hundred fifty-four and seventy-one hundredths (154.71) feet to a steel pin on said right-of-way line and the place of BEGINNING.

CONTAINING 3.662 acres to dedicated right-of-way lines and being designated as Lot No. 2 on the final plan of minor subdivis ion prepared for Marlin C. Fleming by Rodney Lee Decker, Registered Surveyor and dated February 26, 1979; said plan being recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 28, page 14.

BEING Tax Parcel # 1-1-26

TITLE TO SAID PREMISES IS VESTED IN Wayne E. Horton and Elaine R. Horton, husband and wife by Deed from Michael E. Derr, singleman dated 10/1/86, recorded 10/1/86, in Deed Book 437 page 961.

SEIZED and taken into execution as the property of **Wayne E. Horton & Elaine R. Horton** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
April 10, 1999.

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 July 5, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/21, 28, & 6/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1232 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of June, 1999, 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 Highland Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

TRACT NO.1

BEGINNING at a point for a corner, in the center of the State Highway leading from Gettysburg to Fairfield marked by an iron pin set on the North side of said highway; thence running by land now or formerly of J.J. Spence, North eight and three fourths (8 3/4) degrees West, two hundred and fourteen (214) feet to an iron pin; thence running by land of the same, North eighty-one and one-fourth (81-1/4) degrees East, one hundred and fifty-four (154) feet to an iron pin; thence running by land of the same, South eight and three fourths (8-3/4) degrees East, two hundred and fourteen (214) feet to a point in the center of the above mentioned highway marked by an iron pin set on the North side of said highway; thence running in the center of said highway, South eighty-one and one-fourth (81-1/4) degrees West, one hundred fifty-four (154) feet to a point in the center of said highway, the place of BEGINNING. CONTAINING one hundred and twenty-one perches and fourteen square feet.

TRACT NO. 2

BEGINNING at spike in the center of Pennsylvania Route #116 leading from Gettysburg to Fairfield at Southwest corner of land of the Estate of Allen L. Mallow, said spike being South 8 degrees 45 minutes East from an iron pin set back 2 1/1 feet along the line; thence in the center of said road, South 81 degrees 15 minutes West, 10 feet to a spike in the center of said road; thence along other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, through an iron pin set back 21.1 feet along the line, North 8 degrees 45 minutes West, 214 feet through a small stream to an iron pin, thence along other land now or formerly of J.J. Spence, husband and wife, North 81 degrees 15 minutes East, 10 feet to an iron pin; thence by other land of Estate of Allen L. Mallow, back across the small stream, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21/1 feet to a spike in the center of the highway, the place of BEGINNING. CONTAINING 7 perches and 204. 11 square feet.

TRACT NO.3

BEGINNING at a point in the center of Pennsylvania Route # 116 leading from Gettysburg to Fairfield at Southeast corner of lot of the Estate of Allen L. Mallow; thence by other land of the Estate of Allen L. Mallow through an iron pin set back along the line, North 8 degrees 45 minutes West, 214 feet across small stream to an iron pin; thence by other land now or formerly of J.J. Spence and Ruth J. Spence, husband and wife, North 81 degrees 15 minutes East, 60 feet to an iron pin; thence by other land now of formerly of J.J. Spence and Ruth J. Spence, husband and wife, to be conveyed to John E. and Mary V. McDannell, South 8 degrees 45 minutes East, 214 feet through an iron pin set back 21.1 feet along the line to a point in the center of said State Highway; thence along the center of said State Highway, South 82 degrees 15 minutes West, 60 feet to a point, the place of BEGINNING. CONTAINING 47 perches and 44.25 square feet,

The description of Tract Nos. 2 and 3 were taken from draft of survey made June 7th, 1958, by Wilbur V. Redding, Registered Surveyor.

BEING Tax Parcel # D-14-22.

TITLE TO SAID PREMISES IS VESTED IN Michael L. Glynn by Deed from Dennis J. Baldwin and Roxann M. Baldwin, husband and wife dated 11/6/96, recorded 11/20/96, in Deed Book Volume 1291, page 224.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA
May1, 1999.

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 July 19, 1999, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after 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.

5/28, 6/4 & 11