

Adams County Legal Journal

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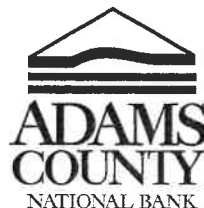
March 4, 2005

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SMITH VS. POTEET

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



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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1275 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground, together with improvements thereon, situate on the North side of Main Street in the Borough of McSherrystown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a post at Main Street aforesaid at lands now or formerly of Martin Weaver; thence by said lands in a Northerly direction for a distance of two hundred seven (207) feet, more or less, to a point at a public alley; thence along said alley in an Easterly direction for a distance of forty (40) feet to a point at Lot No. 2 hereof; thence by said lot in a Southerly direction for a distance of two hundred seven (207) feet, more or less, to a point at Main Street, aforesaid; thence along said street in a Westerly direction for a distance of forty-four (44) feet to a post, the place of BEGINNING.

IT BEING Lot No. 1 of those two lots of ground which Onofrio A. Assi and Julia A. Assi, husband and wife, by deed dated May 29, 1998 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Record Book 1595, page 287, granted and conveyed unto B & B Partners, Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Todd A. Meckley by Deed from B & B Partners dated 7/29/1998 and recorded 8/6/1998 in Record Book 1636 page 122.

Premises being: 223 Main Street, McSherrystown, PA 17344

Tax Parcel No. 28-2-124

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and

distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1200 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of Gettysburg Road at corner of Lot No. 1; thence in said road South 04 degrees 28 minutes 48 seconds East, 300.28 feet to a point at corner of land now or formerly of Maurice B. Miller; thence along lands of Miller North 87 degrees 43 minutes 55 seconds West, 139.70 feet to an iron pipe; thence along same North 77 degrees 53 minutes 26 seconds West, 327.22 feet to an iron pipe at corner of lands now or formerly of Clarence H. Williams; thence by lands of Williams North 13 degrees 06 minutes 50 seconds East, 186.34 feet to a point at Lot No. 1; thence by Lot No. 1 North 83 degrees 40 minutes 00 seconds East, 396.22 feet to a point in the center of Gettysburg Road the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a final Subdivision Plan dated October 21, 1998 by Worley Surveying and recorded December 4, 1998 in the Office of the Recorder of Deeds for Adams County, Pennsylvania and designated as Lot No. 2.

UNDER AND SUBJECT, NEVERTHELESS, that the hereby granted piece of

land shall be and remain subject to the following condition: That no mobile homes or trailers may be used for residential purposes.

TITLE TO SAID PREMISES IS VESTED IN Kimberly Bayne by Deed from Lennie F Smith, widow, dated 11/30/1999 and recorded 12/7/1999 in Record Book 1966 Page 24.

Premises being: 725 Gettysburg Road, Littlestown, PA 17340

Tax Parcel No. 108B Map I-17

SEIZED and taken into execution as the property of Kimberly Bayne a/k/a Kimberly J. King and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 25, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/18, 25 & 3/4

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on January 31, 2005, by MID-ATLANTIC BUSINESS FINANCE COMPANY, a foreign corporation formed under the laws of the State of Maryland where its principal office is located at 1410 North Crain Highway, Glen Burnie, Maryland 21061, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Adams County.

3/4

SMITH VS. POTEET

1. Pennsylvania law is well settled that a limited tort insured can only bring a claim for noneconomic damages when they suffer a “serious injury.”
2. The MVFRL defines “serious injury” as a personal injury resulting in death, serious impairment of body function or permanent serious disfigurement.
3. The “serious impairment of bodily function” threshold contains two inquiries:
 - a) What bodily function, if any was impaired because of injuries sustained in a motor vehicle accident?
 - b) Was the impairment of the bodily function serious? The focus of these inquiries is not on the injuries themselves, but on how the injuries affected a particular body function. Generally, medical testimony will be needed to establish the existence, extent and permanency of the impairment...In determining whether the impairment was serious, several factors should be considered: the extent of the impairment, the length of time the impairment lasted, the treatment required to correct the impairment, and any other relevant factors. An impairment need not be permanent to be serious.
4. Objective manifestations of injuries are not necessary to establish “serious injury.”

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 01-S-1175, LOIS LEO SMITH VS. ROBERT THOMAS POTEET, III.

Gregory E. Martin, Esq., for Plaintiff

B. Craig Black, Esq. And David L. Wortman, Esq., for Defendant
George, J., April 2, 2004

OPINION

This matter comes before this Court on a Motion for Partial Summary Judgment filed by Defendant, Robert Thomas Poteet, III (hereinafter referred to as “Poteet”). Poteet contends that the Plaintiff, Lois Leo Smith (hereinafter referred to as “Smith”), is precluded from seeking noneconomic damages alleged to have been suffered in a motor vehicle accident on November 27, 1999. The thrust of Poteet’s argument is that Smith’s injuries do not constitute “serious injury” as defined by the Motor Vehicle Financial Responsibility Law (hereinafter referred to as “MVFRL”). See 75 Pa.C.S.A. § 1701, et. seq. Therefore, Poteet argues Smith’s noneconomic damage claims are not collectible in light of Smith’s “limited tort option selection” in her automobile insurance policy.¹

¹Smith’s selection of the limited tort option in her insurance policy is not at issue.

Summary judgment may be granted in cases where the record clearly shows that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. *Rush v. Philadelphia Newspapers, Inc.*, 732 A.2d 648, 650 (Pa.Super. 1999). Only where the facts are so clear that reasonable minds cannot differ may a trial court properly enter summary judgment. *Basile v. H & R Block, Inc.*, 761 A.2d 1115, 1118 (Pa. 2000). The Court must review the record in the light most favorable to the non-moving party accepting as true all well-pleaded facts and giving the non-moving party the benefit of all reasonable inferences reached upon from those facts. *Windwood v. Bergman*, 788 A.2d 983, 984 (Pa.Super. 2001). However, under Pennsylvania Rule of Civil Procedure 1035.3, the non-moving party bears a clear duty to respond to a motion for summary judgment. *Harper Philadelphia Ctr. City Office, Ltd., v. LPCI Ltd. P'hip*, 764 A.2d 1100, 1104 (Pa.Super. 2000).

In addressing Poteet's motion, I recognize, and Smith does not seriously contest, that Pennsylvania law is well settled that a limited tort insured can only bring a claim for noneconomic damages when they suffer a "serious injury". *Robinson v. Upole*, 750 A.2d 339, 341 (Pa.Super. 2000); 75 Pa.C.S.A. § 1705(d). The MVFRL defines "[s]erious injury" as "[a] personal injury resulting in death, serious impairment of body function or permanent serious disfigurement". 75 Pa.C.S.A. § 1702; see also *Robinson*, 750 A.2d at 341. Although these terms are not further defined in the MVFRL,² in the landmark case of *Washington v. Baxter*, 719 A.2d 733 (Pa. 1998), the Pennsylvania Supreme Court set forth the threshold for serious impairment of bodily function as follows:

The "serious impairment of bodily function" threshold contains two inquiries:

a) What bodily function, if any, was impaired because of injuries sustained in a motor vehicle accident?

b) Was the impairment of the bodily function serious?

The focus of these inquiries is not on the injuries

²There is no evidence in the record of death or permanent serious disfigurement. Accordingly, Smith's efforts to avoid the limitations resulting from her selection of the limited tort option rests upon the issue of whether she has suffered "serious impairment of bodily function".

themselves, but on how the injuries affected a particular body function. Generally, medical testimony will be needed to establish the existence, extent and permanency of the impairment In determining whether the impairment was serious, several factors should be considered: the extent of the impairment, the length of time the impairment lasted, the treatment required to correct the impairment, and any other relevant factors. An impairment need not be permanent to be serious.

Id. at 740 (internal citation omitted).

In applying the “serious injury” standard as announced in *Washington*, I am mindful that all inferences must be resolved in favor of Smith and that the factual issues must be submitted to a jury unless reasonable minds could not differ as to whether Smith suffered “serious injury”.

A review of the record indicates that at the time of the accident Smith was taken to the Gettysburg Hospital via ambulance. Although she was released that night, she complained of stiffness for the next two days which caused her to consult with her family doctor. At that time she was diagnosed with acute thoracic and cervical strain resulting from the motor vehicle accident of November 27, 1999. However, x-rays taken at the Gettysburg Hospital immediately following the accident were negative. Smith was prescribed pain medication and advised to remain off work. After a number of follow-up visits to her family physician during which her symptoms failed to resolve, Smith was referred to Dr. Bruce D. Klaskin, D.O. Dr. Klaskin treated Smith for cervical and thoracic strain and somatic dysfunction. He prescribed a number of medications and on one occasion treated three different areas of pain with injections. Smith was also prescribed a soft cervical collar, an orthopedic pillow and an RS stimulator. She was subsequently discharged on August 8, 2000 after Dr. Klaskin opined that her symptoms had resolved.

In December of 2001 Smith returned to Dr. Klaskin complaining of continued pain. Dr. Klaskin noted some sharp discomfort in the upper thoracic and right upper trapezius region. He further noted a mild decrease in right shoulder flexion secondary to some discomfort. Once again he injected the three areas of discomfort with medication. Dr. Klaskin also re-prescribed the medication which was

originally prescribed at the time of the accident. A follow-up evaluation on December 21, 2001 indicated that “[t]he only problem she has is when she fully extends her neck and laterally tilts it to the right.” See Dr. Klaskin’s Notes, in Smith’s Brief in Support of Partial Motion for Summary Judgment, at Ex. F.

Currently, Smith complains that she continues to have pain and difficulty performing housework and participating in family activities. Although Smith plans to remain on prescribed medication, her deposition testimony is unclear as to whether the medication is related to injuries from the accident.³ Smith claims, however, that she is no longer able to help coach her son’s baseball team; participate in sports or leisure activities with her son; perform vacuuming or laundry; and must refrain from long car trips.

It is interesting that Smith is unable to point to objective evidence of serious injury, however, objective manifestations of injuries are not necessary to establish “serious injury”. See *Robinson*, cited above. Cases subsequent to *Washington*, cited above, have consistently focused the critical inquiry on whether the injury has had an effect on a bodily function. See *Robinson*, cited above; *Hellings v. Bowman*, 744 A.2d 274 (Pa.Super. 1999); *Kelly v. Ziolk*, 734 A.2d 893 (Pa.Super. 1999); *Furman v. Shapiro*, 721 A.2d 1125 (Pa.Super. 1998). Although Smith’s claims are pushing the outer limit of the meaning of “serious injury”, she has not crossed the threshold where reasonable minds could not differ as to whether she sustained serious injury. Accordingly, Poteet’s Motion for Partial Summary Judgment is denied.⁴

ORDER OF COURT

AND NOW, this 2nd day of April, 2004, the Defendant’s Motion for Partial Summary Judgment is denied.

³ Although Smith testified at one point during her deposition that she is currently taking over-the-counter and prescription medication, Smith Deposition Transcript, p. 28, she later answers in the negative to a direct question as to whether she is “currently taking any medications because of the injuries . . .” from the accident. *Id.* at p. 33.

⁴ Smith’s counsel has requested legal fees arguing that Poteet’s Motion for Partial Summary Judgment is frivolous. I disagree. Although the Motion for Partial Summary Judgment has been denied, Smith’s claim of serious bodily injury is not patently obvious. Accordingly, Smith’s request for attorney fees is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1240 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that real estate situate in Hamiltonban Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at the southwestern corner hereof, at an existing pipe off the South side of Tom's Creek, on line of lands of Ethel B. Flenner and at corner of land of Mrs. Harvey Woodring (formerly a part hereof); thence crossing Tom's Creek, running through an existing pipe off the North side of Tom's Creek, by land of Mrs. Harvey Woodring aforesaid, North 13 degrees 10 minutes and 40 seconds East, 177.31 feet to an existing pipe, thence by said last mentioned land, North 76 degrees 39 minutes 10 seconds West, 10.07 feet to an existing pipe; thence by said last mentioned land, North 13 degrees 48 minutes 40 seconds East, running through an existing steel rod near the middle of this course, and crossing the Iron Springs Road (L.R. 01015) near the end of this course, 161.55 feet to an existing angle iron at the Northwest corner hereof; thence by land of Guy Bowling and land of Leroy Shelton, South 82 degrees 42 minutes 30 seconds West, 249.85 feet to an existing old square steel rod driven 15 feet North of the center line of the State Highway aforesaid; thence by land of Constance Alering, running along the North side of said State Highway and in the same, South 81 degrees 30 minutes 00 seconds East, 289 feet to a railroad spike set on the North edge of said State Highway at the Northeast corner hereof; thence crossing said State Highway and by land of Cindy Welsh, South 4 degrees 56 minutes 10 seconds East, 289.63 feet to a steel rod driven at the Southeastern corner hereof; thence by land of Ethel B. Flenner, North 87 degrees 38 minutes 30 seconds West, crossing Tom's Creek 343.9 feet to a steel rod off the South edge of said creek; thence continuing by said mentioned land, North 86 degrees, 34 minutes, 40 seconds West, 284.67 feet to the above described place of BEGINNING. CONTAINING 4.202 acres.

The above description was taken from a draft of survey of Adams County Surveyors, dated June 4, 1986, identified as land of Howard C. Carbaugh, situate in Hamiltonban Township, Adams County, Pennsylvania.

The above real estate being the residue of all that tract of land which

Howard C. Carbaugh and Helen Lucille Carbaugh, his wife, by their deed dated 6/11/86 and recorded 6/12/86 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 427 at Page 891, conveyed unto Leroy Shelton, Jr. and Julia E. Shelton, husband and wife, Grantors herein.

SEIZED and taken into execution as the property of **Leroy Shelton, Jr. & Julia E. Shelton** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/25, 3/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1121 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING piece, parcel or tract of land, situate, lying and being in Berwick Township, Adams County, Pennsylvania, more particularly described as follows:

BEGINNING at a P.K. nail in the center of Maple Grove Road, S.R. 2033 at corner of Lot No. 5-A on the Subdivision Plan hereinafter referred to; thence along the centerline of Maple Grove Road the following two (2) courses and distances: (1) South forty-seven (47) degrees seventeen (17) minutes fifty-nine (59) seconds West, one hundred forty-four and eighty-eight hundredths (144.88) feet to a P.K. nail; (2) South forty-four (44) degrees fifty-three (53) minutes fifty-nine (59) seconds West, six hundred (600.00) feet to a P.K. nail at corner of Lot No. 4-B on the Subdivision Plan hereinafter referred to; thence along Lot No. 4-B North forty-one (41) degrees six (06) minutes fifty (50) seconds West, two hundred forty-six and forty-five hundredths (246.45) feet to a

point at Lot A on the Subdivision Plan hereinafter referred to, lands now or formerly of Roy W. Myers; thence along said last mentioned lands, North forty-four (44) degrees thirty-six (36) minutes forty-six (46) seconds East, seven hundred nine and ninety-one hundredths (709.91) feet to a steel pin at Lot No. 5-A on the Subdivision Plan hereinafter referred to; thence along Lot No. 5-A South forty-nine (49) degrees four (04) minutes thirty-six (36) seconds East, two hundred fifty-five and ninety hundredths (255.90) feet to a P.K. nail in the centerline of Maple Grove Road, the point and place of BEGINNING.

CONTAINING 4.1403 acres and designated as Lot No. 5 on a Final Plan prepared for Dale T. and Cindy A. Ault and Roy W. Myers by Donald E. Worley, R.S., dated May 3, 1989, designated as File No. C-1030, which said Subdivision Plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 53, Page 33.

THIS Subdivision represents a Resubdivision of Lot No. 5 as shown on Subdivision Plan recorded in Plat Book 51, Page 81.

TITLE TO SAID PREMISES IS VESTED IN James D. Bridenbeck and Theresa R. Bridenbeck, his wife by Deed from Ruth E. Cool, having since married now known as Ruth E. Roessler and Randy L. Roessler, formerly husband and wife, dated 1/22/1999 and recorded 1/28/1999 in Record Book 1754, Page 112.

Tax Parcel: 27D Map #L11

Premises Being: 310 Maple Grove Road, Hanover, PA 17331

SEIZED and taken into execution as the property of **James D. Bridenbeck & Theresa R. Bridenbeck** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1274 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of land, together with the improvements thereon erected, situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the right-of-way line of Williamsburg Court at Lot No. 44 as shown on the hereinafter referenced subdivision plan; thence along the right-of-way line of Williamsburg Court, North forty-six (46) degrees twelve (12) minutes twelve (12) seconds East, one hundred thirty-one and sixty-eight hundredths (131.68) feet to a point at Lot No. 42 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 42, South forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds East, sixty-five (65.00) feet to a point at Lot No. 46 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 46, South forty-six (46) degrees ten (10) minutes fifty-eight (58) seconds West, one hundred twenty-nine and eighteen hundredths (129.18) feet to a point on the right-of-way line of Williamsburg Court; thence along the right-of-way line of Williamsburg Court, North forty-three (43) degrees fifty (50) minutes nineteen (19) seconds West, sixty-five (65.00) feet to a point, the point and place of BEGINNING. CONTAINING 8,474.62 square feet/0.19 acres.

The above-described lot being designated as Lot No. 45 on the Final Subdivision Plan of "Heritage Hill - Phase 2", prepared by James R. Holley, Registered Professional Surveyor, dated March 10, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63 at page 58.

BEING the same premises which Harry P. McKean, single man, t/d/b/a New Age Associates, by deed dated January 31, 1995, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 992, page 333, granted and conveyed unto Joseph D. Zebec and Susan E. Zebec, his wife, Grantors herein.

SUBJECT to the Protective Covenants of "Heritage Hill" dated November 13, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 656, page 146, and amended in Record

Book 779, page 212, and in Record Book 833, page 240.

TITLE TO SAID PREMISES IS VESTED IN Michael Bernard Rodgers and Jacquelyn Louise Rodgers as tenants by the entireties, their heirs and assigns by reason of the following:

BEING THE SAME premises which Joseph D. Zebec and Susan E. Zebec, husband and wife by Deed dated 12/30/1998 and recorded on 1/4/1999 in the County of Adams in Record Book 1737 Page 255, conveyed unto Michael Bernard Rodgers and Jacqueline Louise Bernard, husband and wife.

AND ALSO BEING THE SAME premises which Michael Bernard Rodgers and Jacquelyn Louise Rodgers, erroneous referred to Jacqueline Louise Bernard by Deed of Correction dated 9/29/1999 and recorded on 12/1/1999 in the County of Adams in Record Book 1961 Page 341, conveyed unto Michael Bernard Rodgers and Jacquelyn Louise Rodgers, as tenants by the entireties, their heirs and assigns.

Premises being: 14 Williamsburg Court, Littlestown, PA 17340

Tax Parcel No. 27-11-163

SEIZED and taken into execution as the property of **Michael Rodgers a/k/a Michael Bernard Rodgers & Jacquelyn Rodgers a/k/a Jacquelyn Louise Rodgers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-528 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises, situate, lying and

being in the Township of Latimore in the County of Adams and Commonwealth of Pennsylvania, being as Lot No. 1349 on a Plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book 1, Page 7, and subject to all legal highways, easements, rights of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Michael Kolson, married man by Deed from John H. Alger and Anna M. Alger, husband and wife dated 5/31/2002 and recorded 6/4/2002 in Record Book 2684, Page 339.

Premises Being: 195 Lake Meade Drive, East Berlin, PA 17316

Tax Parcel # 007-0009

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/4, 11 & 18

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately February 18, 2005, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of **TIMBERWOLF PLUMBING**, with its principal place of business at 322 South St., Hanover, PA 17331. The names and addresses of the persons owning or interested in said business are Jason Wagner, residing at 322 South Street, Hanover, PA 17331. The character or nature of the business is plumbing.

3/4

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 MARGARET A. BAKER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator: Ruth A. Harman, 3494A York Road, Gettysburg, PA 17325

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

ESTATE OF DONALD GEARY BOWERS, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrix: Elizabeth M. Eyler, 4020 North Stone Road, Taneytown, MD 21787

Attorney: Thomas E. Miller, Esq., Miller & Shuttis, P.C., 249 York Street, Hanover, PA 17331

ESTATE OF EVADEL L. CRIDER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Lois Mae Ferrence, 839 Taneytown Rd., Gettysburg, PA 17325

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

ESTATE OF HUGH M. KING, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Nancy A. Groves, 20417 Kings Crest Boulevard, Hagerstown, MD 21742

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

ESTATE OF THOMAS R. LANDRIGAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Kathy L. Landrigan, 307 Oak Lane, Gettysburg, PA 17325

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

ESTATE OF EARL C. STARNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Denis Starnier, 295 Black Diamond Road, Smyrna, DE 19977; Van Starnier, 3083 Pelham Place, Doylestown, PA 18901

Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF ROBERT S. WARREN-FELTZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Sandra Stouck, 1908 Old Harrisburg Road, Gettysburg, PA 17325

Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF HAZEL G. CROUSE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: James A. Crouse, 819 Littlestown Rd., Littlestown, PA 17340; Carole D. Martin, 214 East King Street, Littlestown, PA 17340

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

ESTATE OF THOMAS L. NEWMAN, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executors: Linn E. Newman, P.O. Box 64, Indian Head, MD 20640; Craig Howard Newman, 234 Carrolls Tract Rd., Fairfield, PA 17320; Douglas J. Newman, 476 Knorr Rd., Gettysburg, PA 17325

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

ESTATE OF ELLEN L. WILLIAMS, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: Ronald L. Williams, c/o 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

THIRD PUBLICATION

ESTATE OF C. ROBERT BROTHERS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Elizabeth G. Brothers, 530 North Blettner Avenue, Hanover, PA 17331

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

ESTATE OF FRED BERNARD EMLET, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executor: Robert L. Emlet, 1174 Stone Jug Rd., Biglerville, PA 17307

Attorney: Mary A. Kenney, Esq., 1085 Stone Jug Rd., Biglerville, PA 17307

ESTATE OF CARL E. HERR, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: John D. Herr, Jr. & Virginia Yost, c/o Craig A. Diehl, Esq., 3464 Trindle Rd., Camp Hill, PA 17011

Attorney: Craig A. Diehl, Esq., CPA, 3464 Trindle Rd., Camp Hill, PA 17011

ESTATE OF JENNY L. JESSEE a/k/a JENNY LEE JESSEE, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Administratrix: Nancy P. Jessee, 3768 Copenhaver Road, Glenville, PA 17329

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

ESTATE OF HENRY E. LARKIN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executors: Dana L. Sauers & Alan J. Larkin, c/o Timothy J. Shuttis, Esq., Miller & Shuttis, P.C., 249 York Street, Hanover, PA 17331

Attorney: Timothy J. Shuttis, Esq., Miller & Shuttis, P.C., 249 York Street, Hanover, PA 17331

ESTATE OF SHAY B. LIVINGSTON, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Co-Administrators: Daniel J. Livingston & Motique M. Livingston, 365 Route 194 North, Abbottstown, PA 17301

Attorney: Michele J. Thorp, Esq., Thomas, Thomas & Hafer, LLP, 305 North Front Street, P.O. Box 999, Harrisburg, PA 17108

(continued on page 6)

THIRD PUBLICATION (continued)

ESTATE OF LEAH A. MAITLAND, DEC'D
Late of the Borough of Littlestown,
Adams County, Pennsylvania

Executrix: Stephani J. Maitland, 2795
Fairfield Rd., Gettysburg, PA 17325

Attorney: Bernard A. Yannetti, Jr.,
Esq., Hartman & Yannetti, Attorneys
at Law, 126 Baltimore Street,
Gettysburg, PA 17325

ESTATE OF RALPH M. MYERS, DEC'D
Late of the Borough of New Oxford,
Adams County, Pennsylvania

Executor: David R. Myers, 104 Abbotts
Drive, Abbotstown, PA 17301

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

ESTATE OF N. LOUISE RAMER, DEC'D
Late of the Borough of Gettysburg,
Adams County, Pennsylvania

Executrix: Mary Lou Schwartz, 261
Baltimore St., Gettysburg, PA 17325

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

ESTATE OF CHESTER S. SHUE, DEC'D
Late of Franklin Township, Adams
County, Pennsylvania

Co-Executors: Phyllis M. Chandler,
1340 Buchanan Valley Road,
Ortanna, PA 17353; John R. Shue,
740 Belmont Road, Gettysburg, PA
17325; Wilma K. Shue, 737 East
Berlin Rd., York Springs, PA 17372

Attorney: John R. White, Esq.,
Campbell & White, P.C., 112
Baltimore St., Gettysburg, PA 17325

ESTATE OF JEANNE H. SWISHER,
DEC'D

Late of Straban Township, Adams
County, Pennsylvania

Executrices: Marianne E. Lefever, 87
Chestnut Point Rd., Perryville, MD
21903; Jeanne A. Whaley, 203 E.
Penn Grant Rd., Willow Street, PA
17584

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

ESTATE OF BEULAH B. ZEIGLER,
DEC'D

Late of Straban Township, Adams
County, Pennsylvania

M. LeRoy Zeigler, Jr., 34 Devonshire
Square, Mechanicsburg, PA 17050

Attorney: James D. Campbell, Jr.,
Esq., Caldwell & Kearns, 3631 North
Front St., Harrisburg, PA 17110

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION—EQUITY
NO. 05-S-185

OXFORD HEIGHTS, a Pennsylvania
Partnership and LAURA WOGAN,
Plaintiffs

vs.

ROBERT C. FLANDERS, JOYCE P.
FLANDERS, CARL E. BEAR, NORA I.
BEAR, JOSEPH A. BRESCH, FLORA A.
MICHAELS, and their heirs, Defendants

ACTION TO QUIET TITLE TO
STRIKE DEED RESTRICTIONS

TO: Robert C. Flanders, Joyce P.
Flanders, Carl E. Bear, Nora I. Bear,
Joseph A. Bresch, Flora A. Michaels
and their heirs (addresses unknown),
Defendants.

YOU ARE HEREBY NOTIFIED that
the Plaintiff has brought an Action to
Quiet Title to Strike Deed Restrictions on
real estate presently owned by Oxford
Heights and located at 405 Lincolnway
West, New Oxford, Pennsylvania. The
condition as originally imposed by
Robert C. Flanders and Joyce P.
Flanders in a deed to Carl E. Bear and
Nora I. Bear states "no trailer or mobile
home or other buildings other than a
garage (other than those presently erected
on the within described tract) shall be
erected or be permitted to remain on this
tract or any part thereof, temporarily or
permanently nor shall any residence of a
temporary character be permitted."

The other parties named as
Defendants in this action were parties in
the chain of title prior to the transfer to
Oxford Heights.

The Plaintiffs seek to have that deed
restriction stricken.

The most recent deed from Flora A.
Michaels, widow, to Oxford Heights
dated June 24, 1994 is recorded in
Adams County Record Book 904 at
Page 158.

NOTICE

If you wish to defend, you must enter a
written appearance personally or by
attorney and file your defenses or objec-
tions in writing with the court within twenty
(20) days of the date of this publication.
You are warned that if you fail to do so,
the case may proceed without you and a
judgment may be entered against you
without further for the relief requested by
the Plaintiff. You may lose money or prop-
erty or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO
YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE A LAWYER, GO TO OR
TELEPHONE THE OFFICE SET
FORTH BELOW. THIS OFFICE CAN

PROVIDE YOU WITH INFORMATION
ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE
A LAWYER, THIS OFFICE MAY BE
ABLE TO PROVIDE YOU WITH INFOR-
MATION ABOUT AGENCIES THAT MAY
OFFER LEGAL SERVICES TO ELIGI-
BLE PERSONS AT A REDUCED FEE
OR NO FEE.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: (717) 334-6781

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

3/4

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all
heirs, legatees and other persons con-
cerned 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 con-
firmation of accounts and entering
decrees of distribution on Tuesday,
March 15, 2005, at 9:00 a.m.

VANDELINDER—Orphans' Court
Action Number OC-6-05. The First and
Final Account of Roy E. VanDelinder, Jr.,
Executor of the Estate of Bonnie L.
VanDelinder, a/k/a Bonnie Lucile
Vandelinder, deceased, late of Gettysburg
Borough, Adams County, Pennsylvania.

BARRESI—Orphans' Court Action
Number OC-32-04. The First and Final
Account of Joseph D. Barresi, Executor
of Anita J. Barresi, deceased, late of
Germany Township, Adams County,
Pennsylvania.

RAFFENSPERGER—Orphans' Court
Action Number OC-10-05. The First and
Final Account of Linda L. Althoff and
Robert E. Althoff, Co-Executors of the
Last Will and Testament of E. Glenn
Raffensperger, a/k/a Edgar Glenn
Raffensperger a/k/a E. G. Raffensperger
a/k/a Glenn Raffensperger, deceased,
late of Cumberland Township, Adams
County, Pennsylvania.

SHEAFFER—Orphans' Court Action
Number OC-3-05. The First and Final
Account of Lois J. Owings, Executor of
the Last Will and Testament of Robert L.
Sheaffer, deceased, late of Butler
Township, Adams County, Pennsylvania.
Lisa K. Grubbs
Clerk of Courts

3/4 & 11

Adams County Legal Journal

Vol. 46

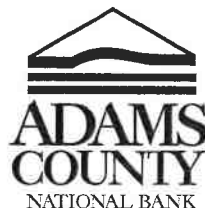
March 11, 2005

No. 42, pp. 275-285

IN THIS ISSUE

WILLS ESTATES

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-70 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described two tracts of land situated, lying and being along the public road leading from the Hanover-Carlisle State Highway to the Hanover-Abbotstown State Highway, in Berwick Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1:

BEGINNING at a post at the public road aforesaid (beginning on the semi-circle around Bethlehem Quarries) at other land now or formerly of Charles H. Bittinger, also known as C.H. Bittinger, thence by said lands in an Easterly direction for a distance of 168 feet to a post at other land now or formerly of Charles H. Bittinger, also known as C.H. Bittinger; thence by the same in a Southerly direction for a distance of 79 feet to a post at other land now or formerly of Charles H. Bittinger, also known as C.H. Bittinger; thence by the same in a Westerly direction for a distance of 168 feet to a post at the public road aforesaid; thence by the same in a Northerly direction for a distance of 79 feet to a post; the place of BEGINNING.

TRACT NO. 2:

BEGINNING for a corner at a point on the Easterly edge of Township Road T-509 at lands now or formerly of John E. Wolf and wife, as shown on the hereinafter referred to subdivision plan; thence from said point of beginning and along the Easterly edge of the aforesaid Township Road T-509 North twenty-six (26) degrees thirty (30) minutes West, five (5) feet to a pin on the Easterly edge of said Township Road at Lot No. 1 as shown on the hereinafter referred to Subdivision plan; thence along the said Lot No. 1 North sixty-three (63) degrees fifty-one (51) minutes thirty-six (36) seconds East one hundred eighty-seven and forty-six hundredths (187.46) feet to an iron pin at other lands now or formerly

of the C.H. Bittinger Estate; thence along said last mentioned lands South twenty-six (26) degrees eighteen (18) minutes thirteen (13) seconds East eighty-four (84) feet to an existing concrete monument; thence along lands now or formerly of Samuel W. Sipling as shown on said Subdivision plan South sixty-three (63) degrees fifty-one (51) minutes forty (40) seconds West nineteen and seventeen hundredths (19.17) feet to a point at lands now or formerly of John E. Wolf and wife; thence binding on said lands now or formerly of John E. Wolf and wife North twenty-six (26) degrees thirty (30) minutes West seventy-nine (79) feet to a point; thence continuing along said lands now or formerly of John E. Wolf and wife, South sixty-three (63) degrees fifty-one minutes forty (40) seconds West one hundred sixty-eight (168) feet to a point on the easterly edge of Township Road T-509 aforesaid, being the point and place of BEGINNING. CONTAINING .056 acres of land.

THE ABOVE DESCRIPTION was taken from a Subdivision Plan prepared by George M. Wildasin, bearing date of December 4, 1979 as revised June 30, 1981 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 35 at Page 141, and designated on said Subdivision Plan as Lot No. 2.

BEING THE SAME which Giovanni O. Silievar a/k/a Siliezar and Carol S. Silievar a/k/a Carol S. Siliezar by their deed dated 2/24/00 and recorded 3/21/00 in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2018 at Page 1 granted and conveyed unto Giovanni O. Siliezar and Carol S. Siliezar, grantors herein.

Tax Parcel No.: 4-K-12-93

SEIZED and taken into execution as the property of **Giovanni O. Siliezar & Carol S. Siliezar** and to be sold by me,

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/11, 18 & 24

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, March 15, 2005, at 9:00 a.m.

VANDELINDER—Orphans' Court Action Number OC-6-05. The First and Final Account of Roy E. VanDelinder, Jr., Executor of the Estate of Bonnie L. VanDelinder, a/k/a Bonnie Lucile VanDelinder, deceased, late of Gettysburg Borough, Adams County, Pennsylvania.

BARRESI—Orphans' Court Action Number OC-32-04. The First and Final Account of Joseph D. Barresi, Executor of Anita J. Barresi, deceased, late of Germany Township, Adams County, Pennsylvania.

RAFFENSPERGER—Orphans' Court Action Number OC-10-05. The First and Final Account of Linda L. Althoff and Robert E. Althoff, Co-Executors of the Last Will and Testament of E. Glenn Raffensperger, a/k/a Edgar Glenn Raffensperger a/k/a E. G. Raffensperger a/k/a Glenn Raffensperger, deceased, late of Cumberland Township, Adams County, Pennsylvania.

SHEAFFER—Orphans' Court Action Number OC-3-05. The First and Final Account of Lois J. Owings, Executor of the Last Will and Testament of Robert L. Sheaffer, deceased, late of Butler Township, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

3/4 & 11

WILLS ESTATES

1. Regardless of who is seeking the award of counsel fees and expenses, Objector, Accountant, or Remaindermen, the decision is a matter within the sound discretion of the Court and will be disturbed only when there has been a "palpable error."

2. Whenever there is an unsuccessful attempt by a beneficiary to surcharge a fiduciary the latter is entitled to an allowance out of the estate to pay for counsel fees and necessary expenditures on defending himself against the attack.

3. There is no requirement that a fiduciary must be one hundred percent successful in defending against surcharges for entitlement to counsel fees or expenses. So long as the fiduciary has been victorious defending against at least one surcharge, the Court may properly award counsel fees to the fiduciary.

4. It is within the Court's discretion to determine the amount of costs and expenses and this decision will not be disturbed absent a clear abuse of discretion.

5. The facts and factors to be taken into consideration in determining the fee or compensation payable to an attorney include: the amount of work performed; the character of the services rendered; the difficulty of the problems involved; the importance of the litigation; the amount of money or value of the property in question; the degree of responsibility incurred; whether the fund involved was "created" by the attorney; the professional skill and standing of the attorney in his profession; the results he was able to obtain; the ability of the client to pay a reasonable fee for the services rendered; and very importantly, the amount of money or the value of the property in question.

6. This Court finds that the established rule that normally, an objector is responsible for his or her own legal fees and expenses is applicable to the instant case. Only when the objector has successfully brought a surcharge action and the surcharge "substantially benefited" the estate may the court award legal fees and expenses.

7. A determination of whether or not an estate received a substantial benefit is a fact specific inquiry for a court.

In the Court of Common Pleas of Adams County, Pennsylvania,
Orphans Court Division, Nos. OC-25 FEB. 1973, AND OC-156-95,
ESTATE OF CLARENCE A. WILLS, DECEASED, AND ESTATE
OF ROBERT A. WILLS, AN INCAPACITATED PERSON.

S. Berne Smith, Esq. and G. Thomas Miller, Esq., for Objector
Victor P. Stabile, Esq., for Accountant
Jack N. Hartman, Esq., for Remaindermen
Bigham, J., April 19, 2004

OPINION

PROCEDURAL STATUS

Presently before the Court are two petitions filed by Accountant, PNC Bank, National Association (hereinafter referred to as "Accountant"): (1) Petition for Confirmation of Account and Statement of Proposed Distribution with respect to the Estate of Clarence A. Wills,

Deceased, (OC-25 FEB. 1973); and (2) Petition for Adjudication and Statement of Proposed Distribution, by Accountant as guardian of the Estate of Robert A. Wills, an incapacitated person, (OC-156-95), and the corresponding Objections to each Petition filed by Objector (widow of the income beneficiary and hereinafter referred to as "Objector"). Also before the Court is Accountant's request for approval of its legal fees and expenses in defending against the Objections. Patrick Wills and Patti Wills, (the children of the income beneficiary and hereinafter referred to collectively as "Remaindermen" and individually as "Patrick" and "Patti" respectively), have filed no objections, but seek an accounting and reimbursement from Accountant.

This Court, in an Opinion and Order of Court dated January 30, 2004, resolved the majority of Objector's Objections. However this Court decided, during the pre-trial conference that all requests for counsel fees and expenses would be dealt with separately after resolution of the other Objections. The requests are as follows: (I), Accountant's request for its own legal fees and expenses; (II), Objector's Objection I to the Trust Account and Objection F to the Guardian Account; and (III), Remaindermen's request for an accounting and reimbursement from Accountant. The Order of Court dated January 30, 2004 contained a briefing schedule for the parties to brief the issue of attorney fees and expenses. The Objector, Accountant, and Remaindermen filed briefs and all parties substantially complied with the briefing schedule.¹

STATEMENT OF FACTS

The factual background of this case is set forth in the January 30, 2004 Opinion and will not be extensively repeated herein.

Objector claims attorney fees and expenses totaling \$163,357.39 which are as follows:

1. Legal fees and expenses of G. Thomas Miller, Esquire
\$22,887.88.
2. Legal fees and expenses of S. Berne Smith, Esquire
\$102,708.01.

¹The parties all met the briefing schedule set by the Court except for Objector's reply brief, which was filed three days late. However, the Court notes that the Objector substantially complied with this Court's briefing schedule by having their reply brief postmarked by the deadline date.

3. Legal fees and expenses of John Alford, Esquire
\$2,454.00.
4. Statement of Waggoner, Frutiger & Daub, Accountants
\$23,026.50.
5. Statement of Dennis C. Caverly, Trust Expert \$7,281.00.
6. Statement of Autopsy, \$5,000.00.

Objector argues that her costs should be borne by either Accountant or the principal of the trust. Objector cites to 42 Pa.C.S.A 2503 §§ (7), (8), and (9) as providing statutory authority for the Court to award counsel fees and expenses.

Accountant claims legal fees and expenses totaling \$210,054.24 which are as follows:

1. Dilworth Paxson LLP fees \$160,764.29
2. Dilworth Paxson LLP costs \$6,923.38
3. Accountant Expert Witness fees/Bob Ribic \$19,840.00
4. Trust Expert Witness fees/Jim Hollinger, Esquire
\$15,972.40
5. Henry O. Heiser, III, Esquire \$5,579.17
6. Paul H. Ketterman \$975.00

Accountant argues that it is entitled to reimbursement of its legal fees and expenses because the surcharges imposed by the Court totaled only 2 percent of the total amount sought by Objector and additionally the surcharges were not imposed by the Court for willful or malicious behavior.

Remaindermen do not seek compensation for their legal fees and expenses, instead, they request an accounting by Accountant of its legal fees and expenses and then reimbursement by Accountant of all of its fees and expenses. Remaindermen allege reimbursement by Accountant is proper because Accountant has been receiving its fees and costs out of the corpus of the trust in violation of the Remaindermen's direction. Additionally, Remaindermen request the Court deny Objector's request for legal fees and expenses because it would be contrary to the May 11, 2000 Settlement Order of Judge John D. Kuhn. Alternatively, Remaindermen argue that if Objector were entitled to legal fees, then the proper fund for those fees would be an additional surcharge to Accountant, not payment from the trust.

LEGAL DISCUSSION

The Court will deal with each request for counsel fees and expenses separately because, although they are related, different standards exist for the award of counsel fees depending on who is seeking the award. However, regardless of who is seeking the award of counsel fees and expenses, Objector, Accountant, or Remaindermen, the decision is a matter within the sound discretion of the Court and will be disturbed only when there has been a “palpable error.” *In re Estate of Geniviva*, 675 A.2d 306, 313 (Pa.Super. 1996); *In re Estate of Vaughn*, 461 A.2d. 1318, 1320 (Pa.Super. 1983).

I. ACCOUNTANT’S REQUEST FOR COUNSEL FEES AND EXPENSES

Accountant raised the issue of reimbursement of its counsel fees and expenses in its Pretrial Memorandum. Accountant contends that although this Court did impose minor surcharges, equaling only 2 percent of the surcharges sought, they were not the result of Accountant’s bad faith or gross negligence in administering the trust. Despite the imposition of surcharges, Accountant contends that it is entitled to attorney fees and expenses. Accountant argues a fiduciary does not lose its right to assess fees against the trust when an Objector is only nominally successful. No cases are cited by Accountant to support this position. Instead, Accountant argues that fees can be assessed against an estate only when there is fault on the part of the fiduciary and the fiduciary has committed bad faith, gross negligence or misuse of estate funds. Accountant does acknowledge the general proposition that, “whenever there is an unsuccessful attempt by a beneficiary to surcharge a fiduciary the latter is entitled to an allowance out of the estate to pay for counsel fees and necessary expenditures on defending himself against the attack.” *In re McGillick Found.*, 642 A.2d 467, 472 (Pa. 1994).

Although not cited by any litigant in their briefs, the Court believes that the cases of *Jones’ Estate*, 23 A.2d 434 (Pa. 1942), and *In re Estate of Swope*, 33 of 195-OC, 114 (Fulton, 1997) are applicable.² There is no requirement that a fiduciary must be one hundred

²This Court notes that the Swope case is an unpublished opinion of the Pennsylvania Superior Court and therefore cannot be cited as legal precedent. However, the reasoning in Swope makes sense and represents what the Court is doing in the instant case. Swope also cites Jones for the same theory of entitlement to attorney’s fees.

percent successful in defending against surcharges for entitlement to counsel fees or expenses. *Jones' Estate* at 439, cited above (no abuse of discretion for trial court to award counsel fees to fiduciary despite a surcharge being imposed on the grounds that due care had not been exercised by fiduciary); *Estate of Swope* at 116, cited above (fiduciary received costs despite a surcharge imposed for the concealment of "sweep fees"). So long as the fiduciary has been victorious defending against at least one surcharge, the Court may properly award counsel fees to the fiduciary. *Estate of Swope* at 114, cited above. As the Superior Court noted in *Estate of Swope*, "...equity does not require the fiduciary to pitch a shutout in order to win." *Id.*

Objector raised a total of seventeen Objections to both the trust and guardian accounts with a surcharge claim of \$1,104,008.88. The trust account at issue here spanned four decades as this Court indicated in its Opinion dated January 30, 2004, and Accountant could have done a better job in its management of certain aspects of the trust. Nevertheless, Accountant administered the trust without negligence or willful misconduct and this Court imposed surcharges totaling only \$19,928.46 plus interest. Accountant was not completely successful in defending against Objector's Objections but Accountant was substantially successful. It is well within this Court's discretion in light of the amount and nature of the surcharges imposed for Accountant to be awarded costs in defending against the surcharges.

The next logical question before the Court is how much of Accountant's costs and expenses may be recovered. Again, it is within the Court's discretion to determine the amount of costs and expenses and this decision will not be disturbed absent a clear abuse of discretion. *Browarsky Estate*, 263 A2d. 365,366 (Pa. 1970); *In re Estate of Vaughn* at 1320, cited above. Accountant claims \$160,764.29 in counsel fees and \$49,289.95 in expenses.

"What is a fair and reasonable fee is sometimes a delicate, and at times a difficult question. The facts and factors to be taken into consideration in determining the fee or compensation payable to an attorney include: the amount of work performed; the character of the services rendered; the difficulty of the problems involved; the importance of the litigation; the amount of money or value of the property in question; the degree of responsibility incurred;

whether the fund involved was “created” by the attorney; the professional skill and standing of the attorney in his profession; the results he was able to obtain; the ability of the client to pay a reasonable fee for the services rendered; and very importantly, the amount of money or the value of the property in question.”

LaRocca Estate, 246 A.2d 337, 339 (Pa. 1968).

In addition to the factors enumerated in *LaRocca Estate* Pennsylvania Courts have also held

“[t]he amount of fees to be allowed to counsel, always a subject of delicacy if not difficulty, is one peculiarly within the discretion of the court of first instance. Its opportunities for judging the exact amount of labor, skill and responsibility involved, as well as its knowledge of the rate of professional compensation usual at the time and place are necessarily greater than ours, and its judgment should not be interfered with except for plain error.”

Thompson Estate, 232 A.2d 625, 631 (Pa. 1967); *Rambo’s Estate*, 193 A. 1, 13 (Pa.1937) (citing *Good’s Estate*, 24 A. 623, 623 (Pa. 1892)).

Regarding Accountant’s entitlement to recover their expenses incurred, this Court notes that Accountant’s legal staff produced quality briefs and pleadings and represented Accountant more than competently at conferences and at trial despite the complexity of the issues presented. The Court reiterates that Accountant’s legal staff was successful in defending against over one million dollars in surcharges resulting in the trust retaining hundreds of thousands of dollars. Therefore the Court finds that Accountant will be entitled to all of its expenses incurred in defending against the Objections.

The issue of the amount of counsel fees Accountant is entitled to is not as straightforward. Accountant utilized the services of a Pittsburgh, (Allegheny County) law firm with an office in Harrisburg (Dauphin County) such services were billed at a higher rate (\$232 average hourly rate) than attorneys in the Adams County area.³ It is interesting to note that Objector’s two attorneys, based in Harrisburg (Dauphin County) and Camp Hill (Cumberland County), billed at

³This Court notes that Accountant’s average hourly rate of \$232 is at a 10 percent discount according to Accountant’s Memorandum Re: Payment of Attorney Fees and Costs Relating to Objections at page 3.

hourly rates \$20 lower than, and \$10 higher than the only Adams County attorney billing in this case, Attorney Henry O. Heiser, III.⁴ This Court believes that an hourly rate of \$232 per hour is unreasonable considering the factors set forth in LaRocca, cited above, and \$195 per hour is reasonable considering the same factors. \$195 per hour is 25 percent higher than that of the next highest hourly rate charged by any other attorney in the case.⁵ Therefore, Accountant will be entitled to attorney fees at a rate of \$195 per hour resulting in \$134,793.75 (\$195 per hour for 691.25 hours).

II. OBJECTOR'S REQUEST FOR COUNSEL FEES AND EXPENSES

Objector raises the issue of counsel fees and expenses in Objections to both the Trust Account and the Guardian Account and are as follows:

TRUST ACCOUNT OBJECTION I-The Trustee should be surcharged for the legal fees and expenses of litigation of the Executrix in challenging the accounts of the Trustee/Guardian

GUARDIAN ACCOUNT OBJECTION F-The Guardian should be surcharged for the legal fees of the Executrix in challenging the account of the Guardian.

Objector argues that 42 Pa.C.S.A 2503 sections 7, 8, and 9 provide statutory authority to enable the Court to award Objector counsel fees.⁶ Objector further argues that Accountant's conduct was

⁴S. Berne Smith, Esquire's rate was \$125 per hour vs. Henry O. Heiser, III, Esquire's rate of \$145 per hour and G. Thomas Miller, Esquire billed at \$150 per hour vs. Henry O. Heiser, III, Esquire's rate of \$145 per hour.

⁵The hourly rate of Remaindermen's attorney Jack Hartman, Esquire, is not known because the Remaindermen are not seeking reimbursement of that expense.

⁶42 Pa.C.S.A 2503, "The following participants shall be entitled to a reasonable counsel fee as part of the taxable costs of the matter:

* * *

(7) Any participant who is awarded counsel fees as a sanction against another participant for dilatory, obdurate or vexatious conduct during the pendency of a matter.

(8) Any participant who is awarded counsel fees out of a fund within the jurisdiction of the court pursuant to any general rule relating to an award of counsel fees from a fund within the jurisdiction of the court.

(9) Any participant who is awarded counsel fees because the conduct of another party in commencing the matter or otherwise was arbitrary, vexatious or in bad faith."

* * *

dilatory, obdurate, vexatious, arbitrary or in bad faith during the administration of the trust, prior to Objections being filed.

This Court finds that 42 Pa.C.S.A 2503 sections (7) and (9) are not applicable in the present situation. Both 42 Pa.C.S.A 2503 sections (7) and (9) relate to improper behavior occurring during the litigation process, either during the pendency of a matter or in commencing the matter. (42 Pa.C.S.A 2503 (7) does not apply to pre-litigation conduct of the parties) *Sternlicht v. Sternlicht*, 822 A.2d 732, 741-742 (Pa.Super. 2003) (42 Pa.C.S.A 2503 (9), “applies to bad faith conduct related to the institution of the suit occurring after the commencement of the suit.” (*CHER-ROB v. Art Monument Co.*, 594 A.2d 362, 364 (Pa.Super. 1991).

Likewise 42 Pa.C.S.A 2503 section (8) does not require the court to award counsel fees to Objector. The award of counsel fees is one within the discretion of the court. This Court finds that Objector is not entitled to an award of counsel fees or expenses.

This Court finds that the established rule that normally, an objector is responsible for his or her own legal fees and expenses is applicable to the instant case. *In re Estate of Vaughn* at 1320, cited above. Only when the objector has successfully brought a surcharge action and the surcharge “substantially benefited” the estate may the court award legal fees and expenses. *Estate of Swope* at 116, cited above. Courts have warned that awarding counsel fees to an objector is a serious inquiry, “[t]he rule in such cases is that the exceptant must pay his own counsel. We regard this as a most salutary rule, and not to be entrenched upon or impaired in any way. To do so would be to open the door to great abuses.” *Long’s Estate*, 17 A.2d 686, 691 (Pa.Super. 1941).

A determination of whether or not an estate received a substantial benefit is a fact specific inquiry for a court. A surcharge action in which the estate was “substantially benefited” can be found in *In re Estate of Vaughn*. *In re Estate of Vaughn* at 1320, cited above. There the Court found the estate received a “substantial benefit” even though the surcharge action resulted in an increase of the value of the estate by only \$1,492.56. *Id.* The Court determined that because the estate was relatively small, \$6,389.70, to begin with, a \$1,492.56 increase was substantial. *Id.* Alternatively, in *Estate of Swope*, the Court determined the estate did not receive a substantial benefit despite the fact that \$20,920.69 was recovered because, “any benefit conferred upon the estate by [Objector’s] filing of exceptions and claims of surcharge

was overshadowed by the cost and delay caused by [Objector's] steadfast pursuit of meritless claims." *Estate of Swope* at 115, cited above. Additionally, in both *In re Estate of Lychos*, 470 A.2d 136, 143 (Pa.Super. 1983) and *Long's Estate*, at 691, cited above, the Court held the objector was not entitled to counsel fees because it is only in exceptional cases that the general rule which requires each party to pay their own fees will be "entrenched." Objector was partially successful in surcharging Accountant, however the surcharge provided no substantial benefit to the estate. Objector was protecting her own interest and, therefore, not entitled to counsel fees. *Long's Estate* at 691, cited above (Objector held to be protecting her own interest even if others are benefited incidentally).

This Court has previously held that the majority of Objector's objections were without merit and therefore, it is within the Court's sound discretion to deny Objector's request for counsel fees and expenses. Objector's Objection I to the Trust Account and Objection F to the Guardian Account will be overruled.

III. REMAINDERMEN'S REQUEST FOR AN ACCOUNTING AND REIMBURSEMENT OF COUNSEL FEES AND EXPENSES

Remaindermen request an accounting of all counsel fees and expenses paid out of the Trust in connection with Accountant defending against the Objections, and furthermore seek reimbursement by Accountant to the Trust of all counsel fees and expenses.

Remaindermen argue that awarding counsel fees and expenses to a fiduciary is a bright line rule in which the court is to make no distinction between degrees of breach and surcharges.

An accounting of counsel fees and expenses by Accountant is unnecessary. There is sufficient information regarding such matters in the record. The Trust Account, Guardianship Account and Exhibit A, to Accountant's Memorandum Re: Payment of Attorney Fees and Costs relating to Objections filed on February 27, 2004 provide such an accounting.

After the Court has lowered the hourly rate charged by Accountant's attorneys, it is appropriate to say that the counsel fees and expenses incurred by Accountant were necessary and reasonable. The hours spent by Accountant's attorneys were understandable and the work product reflected such effort. Because of the charges leveled by

Objector, Accountant had no choice but to retain accounting and estate administration experts to render reports and testify at trial. It is true that all of these expenditures came out of the fund that is ultimately distributed to Remaindermen. Understandably the Remaindermen would have preferred no delay in distribution and no reduction of the fund. The Remaindermen essentially stayed on the sidelines in this case and watched the battle between Accountant and Objector. Objector had every right to file her requests for surcharge. The fact that she prevailed marginally in only a few areas may only frustrate Remaindermen even more. Rather than increasing the fund, she succeeded in shrinking it, as well as her own pocketbook. However, it was her right to make the effort. As noted in *Jones' Estate* at 439, cited above, when an attempt to surcharge a fiduciary is partially successful, the fiduciary is entitled to be reimbursed from the estate. Therefore, Remaindermen's request for reimbursement will be denied.

CONCLUSION

For the reasons set forth previously under the various individual requests, this Court has found that it is within the Court's discretion to (1) grant Accountant's request for counsel fees, at a reduced hourly rate, and expenses; (2) deny Objector's similar request for counsel fees and expenses; and (3) deny Remaindermen's request for an accounting by Accountant and reimbursement of counsel fees and expenses.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 19th day of April 2004, consistent with the accompanying Opinion of this date, IT IS ORDERED THAT the following requests for counsel fees, expenses, an accounting and reimbursement are disposed of as follows:

I. ACCOUNTANT'S REQUEST FOR COUNSEL FEES AND EXPENSES

- A. Accountant's request for counsel fees is granted at a reduced hourly rate. Accountant is entitled to be reimbursed from the trust account the sum of \$134,793.75 (\$195 per hour for 691.25 hours) in counsel fees.
- B. Accountant's request for expenses is granted. Accountant is entitled to be reimbursed from the trust account the sum of \$49,289.95 in expenses.

II. OBJECTOR'S REQUEST FOR COUNSEL FEES AND EXPENSES

- A. Trust Account Objection I is overruled.
- B. Guardian Account Objection F is overruled.
- C. Objector is not entitled to counsel fees or expenses.

III. REMAINDERMEN'S REQUEST FOR AN ACCOUNTING AND REIMBURSEMENT OF COUNSEL FEES AND EXPENSES

- A. Remaindermen's request for an accounting is denied.
- B. Remaindermen's request for reimbursement of counsel fees and expenses is denied.

IV. PROCEDURE

- A. This Court's prior Order of Court dated January 30, 2004 and today's Order of Court, taken together, will be considered a final Order of this Court.

V. REVISED SCHEDULE OF DISTRIBUTION

- A. Accountant is directed to file revised schedules of distribution for the Trust and Guardianship accounts, which reflect the directives of this Court. Such revised schedules of distribution shall be filed in the office of the Clerk of Orphan's Court no sooner than thirty-one days after today's date and no later than forty-five days after today's date, with copies to Remaindermen, Objector, and the Court.
- B. After filing such revised schedules of distribution, Accountant's attorney will serve the same on the attorneys of record for Objector and Remaindermen by first class mail, postage pre-paid and file a certificate of service indicating the date of mailing.
- C. Objector and Remaindermen will have 10 days from the date of mailing to file exceptions to such revised schedules of distribution. Only exceptions to mathematical calculations may be made.
- D. In the absence of exceptions, the revised schedules will be approved by the Court with direction to make distribution promptly.
- E. If exceptions are filed, the Court will enter such Order as may be appropriate.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1121 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING piece, parcel or tract of land, situate, lying and being in Berwick Township, Adams County, Pennsylvania, more particularly described as follows:

BEGINNING at a P.K. nail in the center of Maple Grove Road, S.R. 2033 at corner of Lot No. 5-A on the Subdivision Plan hereinafter referred to; thence along the centerline of Maple Grove Road the following two (2) courses and distances: (1) South forty-seven (47) degrees seventeen (17) minutes fifty-nine (59) seconds West, one hundred forty-four and eighty-eight hundredths (144.88) feet to a P.K. nail; (2) South forty-four (44) degrees fifty-three (53) minutes fifty-nine (59) seconds West, six hundred (600.00) feet to a P.K. nail at corner of Lot No. 4-B on the Subdivision Plan hereinafter referred to; thence along Lot No. 4-B North forty-one (41) degrees six (06) minutes fifty (50) seconds West, two hundred forty-six and forty-five hundredths (246.45) feet to a point at Lot A on the Subdivision Plan hereinafter referred to, lands now or formerly of Roy W. Myers; thence along said last mentioned lands, North forty-four (44) degrees thirty-six (36) minutes forty-six (46) seconds East, seven hundred nine and ninety-one hundredths (709.91) feet to a steel pin at Lot No. 5-A on the Subdivision Plan hereinafter referred to; thence along Lot No. 5-A South forty-nine (49) degrees four (04) minutes thirty-six (36) seconds East, two hundred fifty-five and ninety hundredths (255.90) feet to a P.K. nail in the centerline of Maple Grove Road, the point and place of BEGINNING.

CONTAINING 4.1403 acres and designated as Lot No. 5 on a Final Plan prepared for Dale T. and Cindy A. Ault and Roy W. Myers by Donald E. Worley, R.S., dated May 3, 1989, designated as File No. C-1030, which said Subdivision Plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 53, Page 33.

THIS Subdivision represents a Re-subdivision of Lot No. 5 as shown on Subdivision Plan recorded in Plat Book 51, Page 81.

TITLE TO SAID PREMISES IS VESTED IN James D. Bridenbeck and Theresa R. Bridenbeck, his wife by Deed from Ruth E. Cool, having since married now

known as Ruth E. Roessler and Randy L. Roessler, formerly husband and wife, dated 1/22/1999 and recorded 1/28/1999 in Record Book 1754, Page 112.

Tax Parcel: 27D Map #L11

Premises Being: 310 Maple Grove Road, Hanover, PA 17331

SEIZED and taken into execution as the property of **James D. Bridenbeck & Theresa R. Bridenbeck** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1312 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern side of Meadow Lane, formerly Toddes Lane (the first street West of and parallel to the Gettysburg-Biglerville State Highway, Route 34) at its intersection with the Southern side of North Avenue; thence along the Southern side of North Avenue, North 78 degrees 30 minutes East 219 feet to a steel pin; thence along Lot No. 1, now or formerly of Russell Murray, South 11 degrees 30 minutes East 100 feet; thence by Lot No. 20, South 78 degrees 30 minutes West 219 feet to a point on the Eastern side of Meadow Lane; thence along the Eastern side of Meadow Lane, North 11 degrees 30 minutes West 100 feet to the point, the place of BEGINNING.

THE foregoing description is taken from a Plan of Development made April

17, 1961, by Wilbur V. Redding, R.E., as revised, on which said lot is designated as Lot No. 21.

TITLE TO SAID PREMISES IS VESTED IN Willie J. Smith, single and Suzanne R. Lovett, as joint tenants with right of survivorship by Deed from Kent Yager and Margarita Elorriaga, his wife dated 3/31/2000 and recorded 4/12/2000 in Record Book 2029 Page 300.

Premises being: 30 North Avenue, Gettysburg, PA 17325

Tax Parcel No. F11-50A

SEIZED and taken into execution as the property of **Willie J. Smith & Suzanne R. Lovett** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/11, 18 & 24

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed on February 17, 2005 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the 1988 Pennsylvania Business Corporation Law of the Commonwealth of Pennsylvania. The name of the corporation is SPIRITFIELDS PUB & FARE, INC. The registered office is at 275 Hospital Road, Gettysburg, Adams County, Pennsylvania 17325-7049. The purpose of the corporation is: To conduct a licensed restaurant business and all other lawful business in the Commonwealth of Pennsylvania and elsewhere for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

Steve C. Nicholas, Esq.
Nicholas Law Offices, P.C.
2215 Forest Hills Drive, Suite 37
Harrisburg, PA 17112-1099
(717) 540-7746

3/11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1275 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground, together with improvements thereon, situate on the North side of Main Street in the Borough of McSherrystown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a post at Main Street aforesaid at lands now or formerly of Martin Weaver; thence by said lands in a Northerly direction for a distance of two hundred seven (207) feet, more or less, to a point at a public alley; thence along said alley in an Easterly direction for a distance of forty (40) feet to a point at Lot No. 2 hereof; thence by said lot in a Southerly direction for a distance of two hundred seven (207) feet, more or less, to a point at Main Street, aforesaid; thence along said street in a Westerly direction for a distance of forty-four (44) feet to a post, the place of BEGINNING.

IT BEING Lot No. 1 of those two lots of ground which Onofrio A. Assi and Julia A. Assi, husband and wife, by deed dated May 29, 1998 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Record Book 1595, page 287, granted and conveyed unto B & B Partners, Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Todd A. Meckley by Deed from B & B Partners dated 7/29/1998 and recorded 8/6/1998 in Record Book 1636 page 122.

Premises being: 223 Main Street, McSherrystown, PA 17344

Tax Parcel No. 28-2-124

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the

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

3/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1274 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of land, together with the improvements thereon erected, situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the right-of-way line of Williamsburg Court at Lot No. 44 as shown on the hereinafter referenced subdivision plan; thence along the right-of-way line of Williamsburg Court, North forty-six (46) degrees twelve (12) minutes twelve (12) seconds East, one hundred thirty-one and sixty-eight hundredths (131.68) feet to a point at Lot No. 42 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 42, South forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds East, sixty-five (65.00) feet to a point at Lot No. 46 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 46, South forty-six (46) degrees ten (10) minutes fifty-eight (58) seconds West, one hundred twenty-nine and eighteen hundredths (129.18) feet to a point on the right-of-way line of Williamsburg Court; thence along the right-of-way line of Williamsburg Court, North forty-three (43) degrees fifty (50) minutes nineteen (19) seconds West, sixty-five (65.00) feet to a point, the point and place of BEGINNING. CONTAINING 8,474.62 square feet/0.19 acres.

The above-described lot being designated as Lot No. 45 on the Final Subdivision Plan of "Heritage Hill - Phase 2", prepared by James R. Holley, Registered Professional Surveyor, dated March 10, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63 at page 58.

BEING the same premises which Harry P. McKean, single man, t/d/b/a New Age Associates, by deed dated January 31, 1995, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 992, page 333, granted and conveyed

unto Joseph D. Zebec and Susan E. Zebec, his wife, Grantors herein.

SUBJECT to the Protective Covenants of "Heritage Hill" dated November 13, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 656, page 146, and amended in Record Book 779, page 212, and in Record Book 833, page 240.

TITLE TO SAID PREMISES IS VESTED IN Michael Bernard Rodgers and Jacquelyn Louise Rodgers as tenants by the entireties, their heirs and assigns by reason of the following:

BEING THE SAME premises which Joseph D. Zebec and Susan E. Zebec, husband and wife by Deed dated 12/30/1998 and recorded on 1/4/1999 in the County of Adams in Record Book 1737 Page 255, conveyed unto Michael Bernard Rodgers and Jacqueline Louise Bernard, husband and wife.

AND ALSO BEING THE SAME premises which Michael Bernard Rodgers and Jacquelyn Louise Rodgers, erroneous referred to Jacqueline Louise Bernard by Deed of Correction dated 9/29/1999 and recorded on 12/1/1999 in the County of Adams in Record Book 1961 Page 341, conveyed unto Michael Bernard Rodgers and Jacquelyn Louise Rodgers, as tenants by the entireties, their heirs and assigns.

Premises being: 14 Williamsburg Court, Littlestown, PA 17340

Tax Parcel No. 27-11-163

SEIZED and taken into execution as the property of **Michael Rodgers a/k/a Michael Bernard Rodgers & Jacquelyn Rodgers a/k/a Jacquelyn Louise Rodgers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/4, 11 & 18

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF ALICE E. APPEGATE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Harold E. Applegate, 23B Clinton Court, New Oxford, PA 17350

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF WILLIAM M. ROSEN-STEEL a/k/a WILLIAM MARK ROSEN-STEEL, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Ronald Rosensteel, 2707 Meadow Drive, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF MARGARET A. BAKER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator: Ruth A. Harman, 3494A York Road, Gettysburg, PA 17325

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

ESTATE OF DONALD GEARY BOWERS, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrix: Elizabeth M. Eyler, 4020 North Stone Road, Taneytown, MD 21787

Attorney: Thomas E. Miller, Esq., Miller & Shultis, P.C., 249 York Street, Hanover, PA 17331

ESTATE OF EVADEL L. CRIDER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Lois Mae Ferrence, 839 Taneytown Rd., Gettysburg, PA 17325

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

ESTATE OF HUGH M. KING, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Nancy A. Groves, 20417 Kings Crest Boulevard, Hagerstown, MD 21742

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

ESTATE OF THOMAS R. LANDRIGAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Kathy L. Landrigan, 307 Oak Lane, Gettysburg, PA 17325

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

ESTATE OF EARL C. STARNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Denis Starner, 295 Black Diamond Road, Smyrna, DE 19977, Van Starner, 3083 Pelham Place, Doylestown, PA 18901

Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF ROBERT S. WARREN-FELTZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Sandra Stouck, 1908 Old Harrisburg Road, Gettysburg, PA 17325

Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF HAZEL G. CROUSE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: James A. Crouse, 819 Littlestown Rd., Littlestown, PA 17340; Carole D. Martin, 214 East King Street, Littlestown, PA 17340

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

ESTATE OF THOMAS L. NEWMAN, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executors: Linn E. Newman, P.O. Box 64, Indian Head, MD 20640; Craig Howard Newman, 234 Carrolls Tract Rd., Fairfield, PA 17320; Douglas J. Newman, 476 Knorr Rd., Gettysburg, PA 17325

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

ESTATE OF ELLEN L. WILLIAMS, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: Ronald L. Williams, c/o 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-359 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point near the centerline of S.R. 0134, the Taneytown Road, at a corner of Lot No. 3 on the hereinafter mentioned draft of survey and subdivision plan; thence in S.R. 0134, the Taneytown Road, South Ten (10) degrees Three (03) minutes Seventeen (17) seconds East, One Hundred Thirty-five and Thirty-nine One-hundredths (135.39) feet to a point near the centerline of said S.R. 0134, the Taneytown Road; thence continuing in S.R. 0134, the Taneytown Road, South Eight (08) degrees Sixteen (16) minutes Twenty-six (26) seconds East 287.82 feet to a point in said S.R. 0134, the Taneytown Road; thence South Eighty-four (84) degrees Fifty (50) minutes Thirteen (13) seconds West, Twenty-five and Eighty-three One-hundredths (25.83) feet to an existing railroad spike on line of land of the Mt. Joy Evangelical Lutheran Church and along the edge of Benner Road; thence crossing Benner Road, North Five (05) degrees Forty (40) minutes Eighteen (18) seconds West, Twenty-six and Forty One-hundredths (26.40) feet to an existing wooden post; thence along and in said Benner Road, South Eighty (80) degrees Eleven (11) minutes Thirty (30) seconds West, One Hundred Forty-seven and Twenty-five One-hundredths (147.25) feet to an existing cotton gin spindle One (1) foot North of the centerline of said Benner Road; thence in said Benner Road, South Eighty (80) degrees Nine (09) minutes Twenty-five (25) seconds West, One Hundred Fifty-five (155.00) feet to a railroad spike set near the centerline of Benner Road, and at a corner of Lot No. 5, thence by Lot No. 5, North Twenty-six (26) degrees Eight (8) minutes Fifteen (15) seconds West, Two Hundred Seventy and Seventy-one One-hundredths (270.71) feet to a steel pin set on line of Lot No. 5 and at a corner of Lot No. 3; thence by Lot No. 3, and passing through a steel pin set Twenty-five (25) feet from the next mentioned point, North

Sixty-one (61) degrees Fifty-six (56) minutes Twenty-five (25) seconds East, Four Hundred Thirty-one and One One-hundredths (431.01) feet to a point near the centerline of S.R. 0134, Taneytown Road, at a corner of Lot No. 3, the place of BEGINNING.

CONTAINING 2.847 Acres, more or less. BEING PARCEL #30-F17-65.

THE ABOVE DESCRIPTION was taken from a draft of survey and subdivision plan entitled "Scheller Subdivision", dated October 27, 1997, and revised January 19, 1998, as prepared by Richard W. Boyer, Professional Land Surveyor No. 17399-E, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 73 at pages 23 and 23A, and designated as Lot No. 4 thereon.

UNDER AND SUBJECT to certain restrictions contained in prior deeds and instruments of record.

BEING the same premises which Vincent Scheller and Marie Scheller, husband and wife, by Deed dated September 2, 1999 and recorded on September 3, 1999 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 1909, Page 141, granted and conveyed unto Joseph M. Regler, IV and April L. Regler, husband and wife, as tenants by the entireties, in fee.

SEIZED AND TAKEN as the property of Joseph M. Regler, IV and April L. Regler under Judgment No. 03-S-359.

SEIZED and taken into execution as the property of **April L. Regler & Joseph M. Regler, IV** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/11, 18 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-528 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises, situate, lying and being in the Township of Latimore in the County of Adams and Commonwealth of Pennsylvania, being as Lot No. 1349 on a Plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book 1, Page 7, and subject to all legal highways, easements, rights of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Michael Kolson, married man by Deed from John H. Alger and Anna M. Alger, husband and wife dated 5/31/2002 and recorded 6/4/2002 in Record Book 2684, Page 339.

Premises Being: 195 Lake Meade Drive, East Berlin, PA 17316

Tax Parcel # 007-0009

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/4, 11 & 18

Adams County Legal Journal

Vol. 46

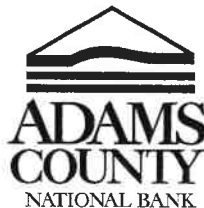
March 18, 2005

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IN THIS ISSUE

TROUT BUILDING VS. HOUSEMAN

Quality Customer Service.
Our promise to you every day.



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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-70 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described two tracts of land situated, lying and being along the public road leading from the Hanover-Carlisle State Highway to the Hanover-Abbotstown State Highway, in Berwick Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1:

BEGINNING at a post at the public road aforesaid (beginning on the semicircle around Bethlehem Quarries) at other land now or formerly of Charles H. Bittinger, also known as C.H. Bittinger, thence by said lands in an Easterly direction for a distance of 168 feet to a post at other land now or formerly of Charles H. Bittinger, also known as C.H. Bittinger; thence by the same in a Southerly direction for a distance of 79 feet to a post at other land now or formerly of Charles H. Bittinger, also known as C.H. Bittinger; thence by the same in a Westerly direction for a distance of 168 feet to a post at the public road aforesaid; thence by the same in a Northerly direction for a distance of 79 feet to a post; the place of BEGINNING.

TRACT NO. 2:

BEGINNING for a corner at a point on the Easterly edge of Township Road T-509 at lands now or formerly of John E. Wolf and wife, as shown on the hereinafter referred to subdivision plan; thence from said point of beginning and along the Easterly edge of the aforesaid Township Road T-509 North twenty-six (26) degrees thirty (30) minutes West, five (5) feet to a pin on the Easterly edge of said Township Road at Lot No. 1 as shown on the hereinafter referred to Subdivision plan; thence along the said Lot No. 1 North sixty-three (63) degrees fifty-one (51) minutes thirty-six (36) seconds East one hundred eighty-seven and forty-six hundredths (187.46) feet to an iron pin at other lands now or formerly

of the C.H. Bittinger Estate; thence along said last mentioned lands South twenty-six (26) degrees eighteen (18) minutes thirteen (13) seconds East eighty-four (84) feet to an existing concrete monument; thence along lands now or formerly of Samuel W. Sipling as shown on said Subdivision plan South sixty-three (63) degrees fifty-one (51) minutes forty (40) seconds West nineteen and seventeen hundredths (19.17) feet to a point at lands now or formerly of John E. Wolf and wife; thence binding on said lands now or formerly of John E. Wolf and wife North twenty-six (26) degrees thirty (30) minutes West seventy-nine (79) feet to a point; thence continuing along said lands now or formerly of John E. Wolf and wife, South sixty-three (63) degrees fifty-one minutes forty (40) seconds West one hundred sixty-eight (168) feet to a point on the easterly edge of Township Road T-509 aforesaid, being the point and place of BEGINNING. CONTAINING .056 acres of land.

THE ABOVE DESCRIPTION was taken from a Subdivision Plan prepared by George M. Wildasin, bearing date of December 4, 1979 as revised June 30, 1981 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 35 at Page 141, and designated on said Subdivision Plan as Lot No. 2.

BEING THE SAME which Giovanni O. Silievar a/k/a Siliezar and Carol S. Silievar a/k/a Carol S. Siliezar by their deed dated 2/24/00 and recorded 3/21/00 in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2018 at Page 1 granted and conveyed unto Giovanni O. Siliezar and Carol S. Siliezar, grantors herein.

Tax Parcel No.: 4-K-12-93

SEIZED and taken into execution as the property of Giovanni O. Siliezar & Carol S. Siliezar and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/11, 18 & 24

CHANGE OF NAME IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

NOTICE IS HEREBY GIVEN that on the 10th day of January, 2005, the Petition of Gerald Wayne Barnes was filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a decree to change his name from Gerald Wayne Barnes to Jerry Wayne Barnes.

The Court has fixed the 5th day of April, 2005, at 9:00 a.m. in Courtroom No. 1, 2 or 3 of the Adams County Courthouse as the time and place for a hearing on said Petition when and where all persons interested may appear and show cause, if any they have, why the relief in said Petition should not be granted.

Arthur W. Boyce, Esquire
Attorney for Petitioner
308 West Patrick Street
Frederick, MD 21701

3/18

TROUT BUILDING VS. HOUSEMAN

1. A petition to strike a judgment and a petition to open a judgment are two forms of relief with separate remedies. A petition to strike a judgment reaches defects apparent on the face of the record and operates as a demurrer of the record. On the other hand, a petition to open a judgment offers to show that the defendant can prove defenses to all or part of the plaintiff's claims.

2. Under Pennsylvania Rules of Civil Procedure, a party has a clear obligation to file an answer to a complaint containing a notice to defend. The obligation to file an answer carries with it the implicit requirement that the answer conform to the provisions outlined in the Pennsylvania Rules of Civil Procedure.

3. When read together, these provisions (Pa.R.C.P. 1028 and 1037) require an insufficient answer to be stricken prior to the entry of a default judgment.

4. When an answer is filed, the case is at issue and a default judgment is inappropriate. Even though an answer is not served on an opposing party, the mere filing of an answer precludes default judgment.

5. If the judgment was found to be void, ... timeliness would not be a factor and the petition to strike would be granted ... If the judgment was found to be voidable, timeliness would be a factor and the petition would be granted only if it was filed within a reasonable time. Finally, if the judgment was found to be valid and fully effective, the petition to strike would be denied and timeliness would not be a factor as a petition to strike a valid judgment will be denied even if filed immediately after the entry of that judgment.

6. Where a prothonotary enters a default judgment without authority to do so, then the judgment is a nullity and lacks legal effect.

7. In circumstance where the prothonotary is not empowered to enter judgment, the judgment is void *ab initio*.

8. Where a defendant files a pleading to a complaint within the required time period, even though such pleading is inartfully drafted, it nevertheless is a pleading. The prothonotary was therefore without authority to enter the default judgment, and the judgment is void *ab initio*.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 02-S-952, TROUT BUILDING OF FREDERICK, INC. VS. JAMES W. HOUSEMAN, INDIVIDUALLY, AND T/D/B/A TIMBER BUILDING SYSTEMS.

John J. Mooney, III, Esq., for Plaintiff
Timothy J. Shultis, Esq., for Defendant
George, J., April 29, 2004

OPINION

On September 11, 2002, Trout Building of Frederick, Inc. (hereinafter referred to as "Trout") initiated a breach of contract action against James W. Houseman, III, t/d/b/a Timber Building Systems (hereinafter referred to as "Houseman"). On September 30, 2002 Houseman, acting pro se, filed a two-page document consisting of

four separate paragraphs. Those paragraphs consisted of a general denial of the allegations in Trout's Complaint; a claim that Houseman was unable to afford an attorney; and allegations that Adams County was an improper jurisdiction for the filing of this suit.¹ Houseman's pleading did not contain a verification nor is there any indication in the record that it was ever served on Trout.

On October 9, 2002 Trout filed a Notice of Praecepto to Enter Judgment against Houseman in compliance with the Pennsylvania Rules of Civil Procedure. On October 28, 2002 Trout praeciped the Adams County Prothonotary to enter default judgment in the amount of \$13,971.68. The Prothonotary entered judgment on that same date.

The record reflects that notice of the entry of judgment was given to Houseman on October 28, 2002.

There was no further activity on the docket in this litigation until August 18, 2003, at which time Trout praeciped the Prothonotary's Office for a Writ of Execution on the previously entered judgment. Apparently, the imminency of execution on the judgment prompted Houseman to file a Petition to Strike Off or to Open the Default Judgment.² After an evidentiary hearing and argument by the parties, the matter is now ripe for disposition.

Instantly, Houseman has filed both a Petition to Strike and a Petition to Open the Default Judgment entered against him. A petition to strike a judgment and a petition to open a judgment are two forms of relief with separate remedies. *Manner Bldg. Corp. v. Manner Complex Assocs., Ltd.*, 645 A.2d 843, 845 n.2 (Pa.Super. 1994). A petition to strike a judgment reaches defects apparent on the face of the record and operates as a demurrer of the record. *Id.* On the other hand, a petition to open a judgment offers to show that the defendant can prove defenses to all or part of the plaintiff's claims. *Id.* Thus, a motion to open judgment is the proper procedure

¹ Interestingly, Houseman listed his address as 485 Basehoar School Road, Littlestown, Pennsylvania, 17340, which, incidentally, is the same address which is listed for Houseman in Trout's Complaint. Houseman's argument that this Court lacks jurisdiction is unimpressive in light of this acknowledgement that he resides in Adams County. Clearly, jurisdiction is appropriate in the locale of a defendant's residence. See 42 Pa.C.S.A. § 5301(a)(1)(i-ii).

² Houseman also filed a Petition to Stay the Sheriff's Sale, which was granted pending resolution of Houseman's Motion to Strike or Open the Default Judgment.

to be followed where one claims judgment should not have been entered for reasons not appearing in the record. *In re McCauley's Estate*, 385 A.2d 1324, 1326 (Pa. 1978). Because of the distinct nature of each form of relief, I will address each separately below.

In support of his Motion to Strike Judgment, Houseman argues that the document he filed on September 30, 2002 is a responsive pleading which precludes the filing of a default judgment. On the other hand, Trout argues that Houseman's pleading is insufficient under the Pennsylvania Rules of Civil Procedure to constitute an answer. Therefore, Trout concludes that Houseman's failure to file a proper responsive pleading justifies the entry of a default judgment. Thus, the issue turns on the validity of Houseman's pleading.

Under Pennsylvania Rules of Civil Procedure, a party has a clear obligation to file an answer to a complaint containing a notice to defend. Pa.R.C.P. 1026(a).³ The obligation to file an answer carries with it the implicit requirement that the answer conform to the provisions outlined in the Pennsylvania Rules of Civil Procedure. Among those requirements is that the material facts upon which any defense is based be stated in a concise and summary form. Pa.R.C.P. 1019(a). Furthermore, an answer must be divided into paragraphs numbered consecutively with each containing, as far as practical, only one material allegation. Pa.R.C.P. 1022. An answer containing averments of facts not appearing of record must include a verification indicating that the averments are true upon the signer's personal knowledge or information. Pa.R.C.P. 1024.

A review of Houseman's pleading indicates that it lacks compliance with the Pennsylvania Rules of Civil Procedure. Houseman's general denial of the allegations in Trout's Complaint is improper under the rules of pleading and is to be treated as an admission. See Pa.R.C.P. 1029(a-b); *Davis v. County of Westmoreland*, 844 A.2d 54 (Pa.Cmwlth. 2004). Houseman's lack of verification further illustrates the insufficiency of his pleading. His failure to conform with the provisions outlined in the Pennsylvania Rules of Civil Procedure clearly justifies striking the instrument from the record. Pa.R.C.P. 1028(a)(2). Instantly, however, Trout has not filed a preliminary objection requesting that Houseman's instrument be stricken, but

³The record reveals that Trout's current Complaint is accompanied by a Notice to Defend in compliance with Pennsylvania Rule of Civil Procedure 1026(a).

rather has chosen to ignore the filing of the document and proceed to default judgment. I find such a procedure improper under the Pennsylvania Rules of Civil Procedure.

Although an exhaustive search has failed to reveal any appellate authority on point, the Pennsylvania Rules of Civil Procedure provide a general framework under which to evaluate Trout's entry of default judgment. The relevant portion of Pennsylvania Rule of Civil Procedure 1037 reads as follows:

The [P]rothonotary, on praecipe of the plaintiff, shall enter judgment against the defendant for failure to file within the required time a pleading to a complaint

Pa.R.C.P. 1037(b).

Additionally, the Rules provide a specific remedy in addressing an opposing party's failure to comply with the rules of proper pleading. See Pa.R.C.P. 1028 (relating to preliminary objections). When read together, these provisions require an insufficient answer to be stricken prior to the entry of a default judgment. To interpret the Rules in any other manner would allow a zealous plaintiff the ability to enter default judgment any time that the plaintiff deems an answer to be non-compliant with the Rules of Civil Procedure. Such a procedure would not only allow the entry of snap judgments without the Court having an opportunity to address issues concerning the sufficiency of pleadings, but also would wreak havoc on the orderly administration of justice.

This interpretation is consistent with other jurisdictions. For instance, in *Kramer v. Agarwal*, 20 Pa.D.&C.3d 393 (1981), the Court of Common Pleas of Cumberland County found a default judgment was improperly entered on substantially similar factual circumstances. In doing so, it notes that "[a]lthough the answer did not conform to the Rules of Civil Procedure, it was enough to preclude a default judgment. When an answer is filed, the case is at issue and a default judgment is inappropriate." *Id.* at 395.

Similarly, although not exactly on point, the Pennsylvania Superior Court has recognized even though an answer is not served on an opposing party, the mere filing of an answer precludes default judgment. See *Lippin v. Alprando*, 518 A.2d 856, 857-58 (Pa.Super. 1986).

The determination that the default judgment was procedurally incorrect does not end our inquiry since an improperly entered

judgment is not automatically stricken. Rather, our appellate courts have instructed trial courts to reach a conclusion as to the nature of the judgment at issue, i.e., whether it was valid, void or voidable. See *Williams v. Wade*, 704 A.2d 132, 134 (Pa.Super. 1997). A determination concerning the nature of the judgment is critical to a determination as to whether the timeliness of the petition to strike is the relevant consideration. As the Pennsylvania Superior Court stated:

If the judgment was found to be void, . . . timeliness would not be a factor and the petition to strike would be granted. . . . If the judgment was found to be voidable, timeliness would be a factor and the petition would be granted only if it was filed within a reasonable time. Finally, if the judgment was found to be valid and fully effective, the petition to strike would be denied and timeliness would not be a factor as a petition to strike a valid judgment will be denied even if filed immediately after the entry of that judgment.

Id. at 134 (internal citations omitted).

While this general rule is fairly clear, appellate authority is less clear defining what constitutes a void judgment versus a voidable judgment. A review of cases in this area reveals a common line of opinions indicating that where a prothonotary enters a default judgment without authority to do so, then the judgment is a nullity and lacks legal effect. *Erie Ins. Co. v. Bullard*, 839 A.2d 383, 387-88 (Pa.Super. 2003) (concluding prothonotary lacked authority to enter default judgment where the record reflects a failure to comply with Pa.R.C.P. 237.1); *The Fountainville Historical Farm Assoc'n of Bucks County, Inc., v. Bucks County*, 490 A.2d 845, 848 (Pa.Super. 1985) (concluding prothonotary lacks authority to enter default judgment where fatal defect appears on the face of the record); *Helms v. Boyle*, 637 A.2d 630 (Pa.Super. 1994). This line of cases reasons that in circumstances where the prothonotary is not empowered to enter judgment, the judgment is void *ab initio*, *Erie Ins. Co.*, 839 A.2d at 387. In such instances, the authorized default judgment is a nullity and is to be treated as a void judgment. *Id.* at 388.

Instantly, Rule 1037 of the Pennsylvania Rules of Civil Procedure limits the prothonotary's ability to enter a default judgment in situations where a defendant fails to file a pleading to a complaint within

the required time period. Although Houseman's pleading is inartfully drafted, it nevertheless is a pleading. Since the prothonotary was without authority to enter the default judgment, the judgment is void *ab initio*. See *Jones v. Seymour*, 467 A.2d 878, 880 (Pa.Super. 1983). Accordingly, the Petition to Strike Judgment is granted.⁴

ORDER OF COURT

AND NOW, this 29th day of April, 2004, the Defendant's Petition to Strike Judgment is granted. The default judgment entered in this matter is stricken. The Sheriff's sale scheduled in this matter is cancelled.

⁴Although there has been much commentary by our appellate courts concerning the problems encountered by a rule that the timeliness of a petition to strike is not a consideration in a "void" judgment, see *Tice v. Nationwide Life Ins. Co.*, 425 A.2d 782 (Pa.Super. 1981) (Spaeth, J., concurring); see also *Provident Credit Corp. v. Young*, 446 A.2d 257 (Pa.Super. 1982), the Supreme Court has yet to overturn long-standing case law in this area. Although I find Houseman's lack of prompt action troubling, current appellate authority compels the relief granted herein.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1121 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING piece, parcel or tract of land, situate, lying and being in Berwick Township, Adams County, Pennsylvania, more particularly described as follows:

BEGINNING at a P.K. nail in the center of Maple Grove Road, S.R. 2033 at corner of Lot No. 5-A on the Subdivision Plan hereinafter referred to; thence along the centerline of Maple Grove Road the following two (2) courses and distances: (1) South forty-seven (47) degrees seventeen (17) minutes fifty-nine (59) seconds West, one hundred forty-four and eighty-eight hundredths (144.88) feet to a P.K. nail; (2) South forty-four (44) degrees fifty-three (53) minutes fifty-nine (59) seconds West, six hundred (600.00) feet to a P.K. nail at corner of Lot No. 4-B on the Subdivision Plan hereinafter referred to; thence along Lot No. 4-B North forty-one (41) degrees six (06) minutes fifty (50) seconds West, two hundred forty-six and forty-five hundredths (246.45) feet to a point at Lot A on the Subdivision Plan hereinafter referred to, lands now or formerly of Roy W. Myers; thence along said last mentioned lands, North forty-four (44) degrees thirty-six (36) minutes forty-six (46) seconds East, seven hundred nine and ninety-one hundredths (709.91) feet to a steel pin at Lot No. 5-A on the Subdivision Plan hereinafter referred to; thence along Lot No. 5-A South forty-nine (49) degrees four (04) minutes thirty-six (36) seconds East, two hundred fifty-five and ninety hundredths (255.90) feet to a P.K. nail in the centerline of Maple Grove Road, the point and place of BEGINNING.

CONTAINING 4.1403 acres and designated as Lot No. 5 on a Final Plan prepared for Dale T. and Cindy A. Ault and Roy W. Myers by Donald E. Worley, R.S., dated May 3, 1999, designated as File No. C-1030, which said Subdivision Plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 53, Page 33.

THIS Subdivision represents a Re-subdivision of Lot No. 5 as shown on Subdivision Plan recorded in Plat Book 51, Page 81.

TITLE TO SAID PREMISES IS VESTED IN James D. Bridenbeck and Theresa R. Bridenbeck, his wife by Deed from Ruth E. Cool, having since married now

known as Ruth E. Roessler and Randy L. Roessler, formerly husband and wife, dated 1/22/1999 and recorded 1/28/1999 in Record Book 1754, Page 112.

Tax Parcel: 27D Map #L11

Premises Being: 310 Maple Grove Road, Hanover, PA 17331

SEIZED and taken into execution as the property of James D. Bridenbeck & Theresa R. Bridenbeck and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1312 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern side of Meadow Lane, formerly Toddes Lane (the first street West of and parallel to the Gettysburg-Biglerville State Highway, Route 34) at its intersection with the Southern side of North Avenue; thence along the Southern side of North Avenue, North 78 degrees 30 minutes East 219 feet to a steel pin; thence along Lot No. 1, now or formerly of Russell Murray, South 11 degrees 30 minutes East 100 feet; thence by Lot No. 20, South 78 degrees 30 minutes West 219 feet to a point on the Eastern side of Meadow Lane; thence along the Eastern side of Meadow Lane, North 11 degrees 30 minutes West 100 feet to the point, the place of BEGINNING.

THE foregoing description is taken from a Plan of Development made April

17, 1961, by Wilbur V. Redding, R.E., as revised, on which said lot is designated as Lot No. 21.

TITLE TO SAID PREMISES IS VESTED IN Willie J. Smith, single and Suzanne R. Lovett, as joint tenants with right of survivorship by Deed from Kent Yager and Margarita Elorriague, his wife dated 3/31/2000 and recorded 4/12/2000 in Record Book 2029 Page 300.

Premises being: 30 North Avenue, Gettysburg, PA 17325

Tax Parcel No. F11-50A

SEIZED and taken into execution as the property of Willie J. Smith & Suzanne R. Lovett and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/11, 18 & 24

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that the Board of Directors of KIDZ BARN, INC. is winding up and settling the affairs of the Corporation for the purpose of filing Articles of Dissolution with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, pursuant to the Business Corporation Law of the Commonwealth of Pennsylvania, 1988, December 21, P.L. 1444, No. 177, and its amendments and supplements.

Kidz Barn, Inc.
c/o Hursh & Hursh, P.C.
60 N. Union Street
Middletown, PA 17057

3/18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1275 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground, together with improvements thereon, situate on the North side of Main Street in the Borough of McSherrystown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a post at Main Street aforesaid at lands now or formerly of Martin Weaver; thence by said lands in a Northerly direction for a distance of two hundred seven (207) feet, more or less, to a point at a public alley; thence along said alley in an Easterly direction for a distance of forty (40) feet to a point at Lot No. 2 hereof; thence by said lot in a Southerly direction for a distance of two hundred seven (207) feet, more or less, to a point at Main Street, aforesaid; thence along said street in a Westerly direction for a distance of forty-four (44) feet to a post, the place of BEGINNING.

IT BEING Lot No. 1 of those two lots of ground which Onofrio A. Assi and Julia A. Assi, husband and wife, by deed dated May 29, 1998 and recorded in the Recorder of Deeds Office of Adams County, Pennsylvania in Record Book 1595, page 287, granted and conveyed unto B & B Partners, Grantor herein.

TITLE TO SAID PREMISES IS VESTED IN Todd A. Meckley by Deed from B & B Partners dated 7/29/1998 and recorded 8/6/1998 in Record Book 1636 page 122.

Premises being: 223 Main Street, McSherrystown, PA 17344

Tax Parcel No. 28-2-124

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the

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

3/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1274 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of land, together with the improvements thereon erected, situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the right-of-way line of Williamsburg Court at Lot No. 44 as shown on the hereinafter referenced subdivision plan; thence along the right-of-way line of Williamsburg Court, North forty-six (46) degrees twelve (12) minutes twelve (12) seconds East, one hundred thirty-one and sixty-eight hundredths (131.68) feet to a point at Lot No. 42 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 42, South forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds East, sixty-five (65.00) feet to a point at Lot No. 46 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 46, South forty-six (46) degrees ten (10) minutes fifty-eight (58) seconds West, one hundred twenty-nine and eighteen hundredths (129.18) feet to a point on the right-of-way line of Williamsburg Court; thence along the right-of-way line of Williamsburg Court, North forty-three (43) degrees fifty (50) minutes nineteen (19) seconds West, sixty-five (65.00) feet to a point, the point and place of BEGINNING. CONTAINING 8,474.62 square feet/0.19 acres.

The above-described lot being designated as Lot No. 45 on the Final Subdivision Plan of "Heritage Hill - Phase 2", prepared by James R. Holley, Registered Professional Surveyor, dated March 10, 1993, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 63 at page 58.

BEING the same premises which Harry P. McKean, single man, t/d/b/a New Age Associates, by deed dated January 31, 1995, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 992, page 333, granted and conveyed

unto Joseph D. Zebec and Susan E. Zebec, his wife, Grantors herein.

SUBJECT to the Protective Covenants of "Heritage Hill" dated November 13, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 656, page 146, and amended in Record Book 779, page 212, and in Record Book 833, page 240.

TITLE TO SAID PREMISES IS VESTED IN Michael Bernard Rodgers and Jacquelyn Louise Rodgers as tenants by the entireties, their heirs and assigns by reason of the following:

BEING THE SAME premises which Joseph D. Zebec and Susan E. Zebec, husband and wife by Deed dated 12/30/1998 and recorded on 1/4/1999 in the County of Adams in Record Book 1737 Page 255, conveyed unto Michael Bernard Rodgers and Jacqueline Louise Bernard, husband and wife.

AND ALSO BEING THE SAME premises which Michael Bernard Rodgers and Jacquelyn Louise Rodgers, erroneous referred to Jacqueline Louise Bernard by Deed of Correction dated 9/29/1999 and recorded on 12/1/1999 in the County of Adams in Record Book 1961 Page 341, conveyed unto Michael Bernard Rodgers and Jacquelyn Louise Rodgers, as tenants by the entireties, their heirs and assigns.

Premises being: 14 Williamsburg Court, Littlestown, PA 17340

Tax Parcel No. 27-11-163

SEIZED and taken into execution as the property of Michael Rodgers a/k/a Michael Bernard Rodgers & Jacquelyn Rodgers a/k/a Jacquelyn Louise Rodgers and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-359 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point near the centerline of S.R. 0134, the Taneytown Road, at a corner of Lot No. 3 on the hereinafter mentioned draft of survey and subdivision plan; thence in S.R. 0134, the Taneytown Road, South Ten (10) degrees Three (03) minutes Seventeen (17) seconds East, One Hundred Thirty-five and Thirty-nine One-hundredths (135.39) feet to a point near the centerline of said S.R. 0134, the Taneytown Road; thence continuing in S.R. 0134, the Taneytown Road, South Eight (08) degrees Sixteen (16) minutes Twenty-six (26) seconds East 287.82 feet to a point in said S.R. 0134, the Taneytown Road; thence South Eighty-four (84) degrees Fifty (50) minutes Thirteen (13) seconds West, Twenty-five and Eighty-three One-hundredths (25.83) feet to an existing railroad spike on line of land of the Mt. Joy Evangelical Lutheran Church and along the edge of Benner Road; thence crossing Benner Road, North Five (05) degrees Forty (40) minutes Eighteen (18) seconds West, Twenty-six and Forty One-hundredths (26.40) feet to an existing wooden post; thence along and in said Benner Road, South Eighty (80) degrees Eleven (11) minutes Thirty (30) seconds West, One Hundred Forty-seven and Twenty-five One-hundredths (147.25) feet to an existing cotton gin spindle One (1) foot North of the centerline of said Benner Road; thence in said Benner Road, South Eighty (80) degrees Nine (09) minutes Twenty-five (25) seconds West, One Hundred Fifty-five (155.00) feet to a railroad spike set near the centerline of Benner Road, and at a corner of Lot No. 5; thence by Lot No. 5, North Twenty-six (26) degrees Eight (8) minutes Fifteen (15) seconds West, Two Hundred Seventy and Seventy-one One-hundredths (270.71) feet to a steel pin set on line of Lot No. 5 and at a corner of Lot No. 3; thence by Lot No. 3, and passing through a steel pin set Twenty-five (25) feet from the next mentioned point, North

Sixty-one (61) degrees Fifty-six (56) minutes Twenty-five (25) seconds East, Four Hundred Thirty-one and One One-hundredths (431.01) feet to a point near the centerline of S.R. 0134, Taneytown Road, at a corner of Lot No. 3, the place of BEGINNING.

CONTAINING 2.847 Acres, more or less. BEING PARCEL #30-F17-65.

THE ABOVE DESCRIPTION was taken from a draft of survey and subdivision plan entitled "Scheller Subdivision", dated October 27, 1997, and revised January 19, 1998, as prepared by Richard W. Boyer, Professional Land Surveyor No. 17399-E, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 73 at pages 23 and 23A, and designated as Lot No. 4 thereon.

UNDER AND SUBJECT to certain restrictions contained in prior deeds and instruments of record.

BEING the same premises which Vincent Scheller and Marie Scheller, husband and wife, by Deed dated September 2, 1999 and recorded on September 3, 1999 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 1909, Page 141, granted and conveyed unto Joseph M. Regler, IV and April L. Regler, husband and wife, as tenants by the entireties, in fee.

SEIZED AND TAKEN as the property of Joseph M. Regler, IV and April L. Regler under Judgment No. 03-S-359.

SEIZED and taken into execution as the property of April L. Regler & Joseph M. Regler, IV and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/11, 18 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-528 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises, situate, lying and being in the Township of Latimore in the County of Adams and Commonwealth of Pennsylvania, being as Lot No. 1349 on a Plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book 1, Page 7, and subject to all legal highways, easements, rights of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN Michael Kolson, married man by Deed from John H. Alger and Anna M. Alger, husband and wife dated 5/31/2002 and recorded 6/4/2002 in Record Book 2684, Page 339.

Premises Being: 195 Lake Meade Drive, East Berlin, PA 17316

Tax Parcel # 007-0009

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 2, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-26 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in the Township of Mount Joy, County of Adams and Commonwealth of Pennsylvania, being known and numbered as Lot No. 2 as shown on the Final Plan prepared for Dorothy J. Boggs by Adams County Surveyors, dated the 26th day of July 1999, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 77, page 39, and more particularly bounded, limited and described as follows, to wit:

BEGINNING at a magnetic spike in the public road known as Krug Road, also known as T-429, at a corner of lands now or formerly of Clarence Williams; thence crossing said road and along lands now or formerly of said Clarence Williams (passing thru an existing axle set thirty (30) feet from the aforesaid beginning point), and lands now or formerly of Clarence Myers, North 14 degrees 42 minutes 30 seconds East, 400.41 feet to a steel rod at a corner of Lot No. 1 on the above-mentioned Plan, which lands were formerly a part hereof; thence along said Lot No. 1, South 75 degrees 17 minutes 30 seconds East, 180.00 feet to a steel rod; thence continuing along said Lot No. 1 and passing thru a steel rod set on the Northern dedicated right-of-way line of the aforesaid public road known as Krug Road, South 14 degrees 42 minutes 30 seconds West, 332.92 feet to a magnetic spike in the aforesaid public road known as Krug Road, also known as T-429; thence in and along said Krug Road, South 84 degrees 09 minutes 15 seconds West, 192.24 feet to a magnetic spike, the point and place of BEGINNING.

CONTAINING 66,000 square feet in area.

Map #30-417-13E.

TITLE TO SAID PREMISES IS VESTED IN Ryan Robert Heflin and Erica Nicole Kint, as Joint Tenants with Right of Survivorship and not as Tenants in Common by Deed from Thomas R. Boggs and Noelle J. Boggs, husband and wife dated 5/10/2004 and recorded 5/11/2004, in Record Book 3562 Page 227.

SEIZED and taken into execution as the property of Ryan R. Heflin a/k/a

Ryan Robert Heflin & Erica N. Kint a/k/a Erica Nicole Kint and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-731 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a point three and eighty-one hundredths (3.81) feet South of the centerline of Possum Hollow Road (T-576); thence in and along said Possum Hollow Road (T-576) North forty (40) degrees forty-five (45) minutes East two hundred and thirty-one hundredths (200.31) feet to a point two and thirty-seven hundredths (2.37) feet South of the centerline of said Possum Hollow Road (T-576); thence along lands now or formerly of Donald Sponseller, South forty-six (46) degrees four (4) minutes sixteen (16) seconds East, four hundred fifty-seven and eighty hundredths (457.80) feet to a steel pin; thence along lands now or formerly of Ervin A. Sauble South fifty-eighty (58) degrees thirty-three (33) minutes three (3) seconds East two hundred seventy-eight and sixty-four hundredths (278.64) feet to a steel pin; thence along lands now or formerly of Larry E. Myers, South forty-five (45) degrees forty-four (44) minutes eleven (11) seconds West three hundred forty-nine and forty-seven hundredths (349.47) feet to a steel pin; thence along

lands now or formerly of Larry E. Myers North thirty-one (31) degrees fifty-one (51) minutes forty-three (43) seconds West three hundred sixty-two and ninety hundredths (362.90) feet to a steel pin; thence continuing along said land now or formerly of Larry E. Myers, North forty-six (46) degrees four (4) minutes sixteen (16) seconds West three hundred fifty-five and ninety-three hundredths (355.93) feet to the point and place of BEGINNING.

BEING THE SAME property conveyed to Kevin M. Myers and Rachel L. Myers, husband and wife by deed from Kevin M. Myers and Rachel L. Myers recorded 02/22/2000 in Deed Book 2088 Page 60, in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

Premises being: 745 Possum Hollow Road, East Berlin, PA 17316

Tax Parcel No. L7-1G

SEIZED and taken into execution as the property of Kevin M. Myers & Rachel L. Myers a/k/a Rachel L. Beamer and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1266 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain 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 on the right-of-way line of Charlestown Court as Lot No. 52 as shown on the hereinafter referenced subdivision plan; thence running along said right-of-way line of Charlestown Court North fifty-three (53) degrees nineteen (19) minutes three (3) seconds East, seventy and seventy-one hundredths (70.71) feet to a point on the right-of-way line of Charlestown Court at Lot No. 54 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 54 South twenty-seven (27) degrees thirty-six (36) minutes fifty-one (51) minutes East, one hundred nineteen and ninety-eight hundredths (119.98) feet to a point at Lot No. 55 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 55 South sixty-four (64) degrees seventeen (17) minutes thirty-four (34) seconds West, sixty-nine and eighty-six hundredths (69.86) feet to a point at Lot No. 52 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 52 North twenty-seven (27) degrees thirty-six (36) minutes fifty-one (51) seconds West, one hundred six and fifty-one hundredths (106.51) feet to a point on the right-of-way line of Charlestown Court as Lot No. 52 the point and place of BEGINNING, CONTAINING 7,907 square feet.

The above description being Lot No. 53 on the Phase 4 Final Plan for Heritage Hill II, prepared by Martin and Martin, Incorporated, dated December 7, 1997, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 76, Page 17.

SUBJECT, NEVERTHELESS, to the Protective Covenants of Heritance Hill II, dated April 1, 1996, and recorded April 10, 1996, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1172, Page 270.

BEING THE SAME PREMISES which Heritage Hill II Limited Partnership and New Age Associates, Incorporated by Deed dated September 22, 2000 and

recorded in the Office of the Recorder of Deeds of Adams County on September 22, 2000 in Deed Book Volume 2130, Page 226, granted and conveyed unto James R. Seldomridge and Christie D. Seldomridge, husband and wife, as tenants by the entireties.

DBV 2130

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Parcel 10-55

Grenen & Birsic, P.C.
Kristine M. Anthon, Esq.,
Attorney for Plaintiff
One Gateway Center, Ninth Floor
Pittsburgh, PA 15222
(412) 281-7650

SEIZED and taken into execution as the property of **James R. Seldomridge & Christie D. Seldomridge** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-4 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that herein described piece or parcel of land lying and being in the Borough of McSherrystown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at the center of the whole lot, being a point on the South side of North Street; thence by the division line between the said half lot and the remaining half lot on the West, and running Southward one hundred eighty-two (182) feet North to North Street alley; thence by said North Street alley, thirty (30) feet Eastward to lot now or formerly of Henry Noel; thence with the line of the lot now

or formerly of Henry Noel, one hundred eighty-two (182) feet North to North Street aforesaid; and thence with said North Street, Westward thirty (30) feet to the place of BEGINNING, CONTAINING 5,460 Square Feet, more or less.

IT BEING the same tract of land which Joseph A. Myers and Gladys A. Myers, his wife, by their Deed dated September 3, 1982, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book Vol. 364, page 303, granted and conveyed unto Yvonne R. Hayes, Grantor herein.

SUBJECT TO conditions pertaining to well as contained in Adams County Deed Book 65, at page 304.

Premises being: 220 North Street, McSherrystown, PA 17344

Tax Parcel No. 28-002-0072-000

SEIZED and taken into execution as the property of **James H. Groft & Joanne E. Groft** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1018 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN property situated in the Township of Reading in the County of Adams and Commonwealth of Pennsylvania, being more fully described in a deed dated August 15, 1992 and recorded on August 24, 1992 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 638, Page 1059.

IMPROVEMENTS thereon consisting of a residential dwelling.

BEING KNOWN AS 1275 Green Ridge Road, East Berlin, PA 17316.

BEING Tax Parcel No. 36-K08-0002F.

BEING the same premises which Kevin S. Holtzinger and Karen L. Holtzinger, husband and wife, by Deed dated August 19, 1992 and recorded on August 24, 1992 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 638, Page 1059, granted and conveyed unto Guy I. Brown and Lori A. Brown, husband and wife, in fee.

SEIZED AND TAKEN in execution as the property of Guy I. Brown and Lori A. Brown under Judgment No. 03-S-1018.

SEIZED and taken into execution as the property of Guy I. Brown & Lori A. Brown and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-64 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in Union Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a bolt along Township Road T-455, Clouser Road, at a corner of land now or formerly of Preston L. Bentzel; thence in and along Township Road T-455, Clouser Road, South 35 degrees 32 minutes 14 seconds East, 150.00 feet to a railroad spike in Township Road T-455, Clouser Road, and at a corner of Lot No. 2 on the hereinafter referred to draft of survey; thence by Lot No. 2 and passing through a steel pin set 20.00 feet from the last-mentioned point, South 76 degrees 22 minutes 53 seconds West, 149.27 feet to a steel pin set; thence by the same, South 44 degrees 51 minutes 21 seconds West, 162.43 feet to a steel pin set on line of Lot No. A on the hereinafter referred to draft of survey; thence by Lot No. A, South 44 degrees 51 minutes 21 seconds West, 162.43 feet to a steel pin set on line of Lot No. A on the hereinafter referred to draft of survey; thence by Lot No. A South 44 degrees 51 minutes 21 seconds West, 41.37 feet to a steel pin set; thence by same, North 35 degrees 32 minutes 14 seconds West, 160.81 feet to a steel pin set on line of land now or formerly of Preston L. Bentzel; thence by said land of Bentzel and passing through an iron pipe 40.98 feet from the last-mentioned point, North 59 degrees 56 minutes 9 seconds East, 340.98 feet, and passing through a steel pin found 20.00 feet from the end of this course, to a bolt along Township Road T-455, Clouser Road, the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a draft of survey prepared by Worley Surveying, dated May 5, 1989 and being a perimeter description of Lot 1 and Lot 8 thereon, and as recorded in Adams County, Plot Book 53, Page 6.

UNDER AND SUBJECT to restrictions and conditions as now appear of record.

BEING the same premises which Charles W. Weidner, Jr. and Tina M. Wagman, now through marriage known as Tina M. Stevens, joint by Robert M. Stevens, II, her husband, by Deed dated February 21, 2002 and recorded in Adams County on May 7, 2002 at Deed

Book Volume 2651, Page 1999, granted and conveyed to Charles W. Weidner, Jr. and James Weidner.

Weltman, Weinberg & Reis, Co., L.P.A.
Kimberly J. Hong, Esq.
Attorney for Plaintiff
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

Parcel No.: (41) K-18-16A

SEIZED and taken into execution as the property of Charles W. Weidner, Jr. & James Weidner and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

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 MARTHA E. ELICKER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executors: Walter J. Chrismer, 2 Sunset Drive, Gettysburg, PA 17325; Joyce L. Hartlaub, 411 Feeser Road, Littlestown, PA 17340

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

ESTATE OF NADINE AGNES SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Linda Melinger, c/o Paul G. Lutz, Esq., 110 South Northern Way, York, PA 17402

Attorney: Paul G. Lutz, Esq., 110 South Northern Way, York, PA 17402

SECOND PUBLICATION

ESTATE OF ALICE E. APPLGATE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Harold E. Applegate, 23B Clinton Court, New Oxford, PA 17350

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF WILLIAM M. ROSENSTEEL a/k/a WILLIAM MARK ROSENSTEEL, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Ronald Rosensteel, 2707 Meadow Drive, Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF MARGARET A. BAKER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator: Ruth A. Harman, 3494A York Road, Gettysburg, PA 17325

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

ESTATE OF DONALD GEARY BOWERS, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executrix: Elizabeth M. Eyer, 4020 North Stone Road, Taneytown, MD 21787

Attorney: Thomas E. Miller, Esq., Miller & Shultis, P.C., 249 York Street, Hanover, PA 17331

ESTATE OF EVADEL L. CRIDER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Lois Mae Ferrence, 839 Taneytown Rd., Gettysburg, PA 17325

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

ESTATE OF HUGH M. KING, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executrix: Nancy A. Groves, 20417 Kings Crest Boulevard, Hagerstown, MD 21742

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

ESTATE OF THOMAS R. LANDRIGAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Kathy L. Landrigan, 307 Oak Lane, Gettysburg, PA 17325

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

ESTATE OF EARL C. STARNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Denis Starnier, 295 Black Diamond Road, Smyrna, DE 19977; Van Starnier, 3083 Pelham Place, Doylestown, PA 18901

Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF ROBERT S. WARREN-FELTZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Sandra Stouck, 1908 Old Harrisburg Road, Gettysburg, PA 17325

Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-128 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of May, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point at North Queen Street aforesaid at lands now or formerly of L. Irene Crouso; thence by said lands in a Northeastly direction for a distance of 200 feet, more or less, to a point at an alley; thence by said alley in a Northwestly direction for a distance of 47 feet, more or less, to a point at lands now or formerly of Wallace R. Gullickson; thence by said lands in a Southwestly direction for a distance of 200 feet, more or less, to a point at North Queen Street aforesaid; thence by said street in a Southeastly direction for a distance of 47 feet, more or less, to a point, the place of BEGINNING.

BEING known as: 57 North Queen Street, Littlestown, PA 17340

Property ID No.: (27) 8-93

TITLE TO SAID PREMISES IS VESTED IN Timothy S. Kelley and Debra L. Kelley, husband and wife, as tenants of an estate by the entireties by Deed from Douglas R. Murren and Jacqueline E. Murren, husband and wife dated 8/19/94 recorded 8/24/94 in Deed Book 929 Page 305.

SEIZED and taken into execution as the property of Timothy S. Kelley & Debra L. Kelley and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 27, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1273 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of May, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain 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. 380 on subdivision plan hereinafter referred to; thence along Lot No. 380, 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) seconds East, twenty (20.00) feet to a corner of Lot No. 382 on subdivision plan hereinafter referred to; thence along Lot No. 382, 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, North zero (00) degrees twenty-nine (29) minutes twenty (20) seconds West, twenty (20) 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. 381 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated 7/15/94, as revised, project No. 921060, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, Page 89.)

Being Tract No. 2 which Davis S. Weinberg, individually, a married man, and David S. Weinberg and Delbert S. Null, co-partners, trading as D & D Partnership, a Maryland general partnership, by Edward G. Smariga, their attorney-in-fact, by deed dated May 29, 1996, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1205 at page 63, sold and conveyed unto Windsor Homes, Inc., a Pennsylvania Corporation, the grantors herein.

TITLE TO SAID PREMISES IS VESTED IN James M. Leonard and Kathy Kelley-Leonard, his wife by Deed from Windsor Homes, Inc., A Pennsylvania Corporation dated 9/16/1996 and record-

ed 9/25/1996, in Record Book 1263 Page 234.

Premises being: 27 Johnamac North, Littlestown, PA 17340

Tax Parcel No. 27-4-15

SEIZED and taken into execution as the property of James M. Leonard & Kathy K. Leonard a/k/a Kathy Kelley-Leonard and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 27, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

Adams County Legal Journal

Vol. 46

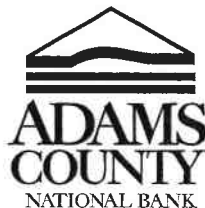
March 24, 2005

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IN THIS ISSUE

FRICKE ET AL VS. SAYLOR ET AL

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-70 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described two tracts of land situated, lying and being along the public road leading from the Hanover-Carlisle State Highway to the Hanover-Abbottstown State Highway, in Berwick Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1:

BEGINNING at a post at the public road aforesaid (beginning on the semi-circle around Bethlehem Quarries) at other land now or formerly of Charles H. Bittinger, also known as C.H. Bittinger, thence by said lands in an Easterly direction for a distance of 168 feet to a post at other land now or formerly of Charles H. Bittinger, also known as C.H. Bittinger, thence by the same in a Southerly direction for a distance of 79 feet to a post at other land now or formerly of Charles H. Bittinger, also known as C.H. Bittinger; thence by the same in a Westerly direction for a distance of 168 feet to a post at the public road aforesaid; thence by the same in a Northerly direction for a distance of 79 feet to a post; the place of BEGINNING.

TRACT NO. 2:

BEGINNING for a corner at a point on the Easterly edge of Township Road T-509 at lands now or formerly of John E. Wolf and wife, as shown on the hereinafter referred to subdivision plan; thence from said point of beginning and along the Easterly edge of the aforesaid Township Road T-509 North twenty-six (26) degrees thirty (30) minutes West, five (5) feet to a pin on the Easterly edge of said Township Road at Lot No. 1 as shown on the hereinafter referred to Subdivision plan; thence along the said Lot No. 1 North sixty-three (63) degrees fifty-one (51) minutes thirty-six (36) seconds East one hundred eighty-seven and forty-six hundredths (187.46) feet to an iron pin at other lands now or formerly

of the C.H. Bittinger Estate; thence along said last mentioned lands South twenty-six (26) degrees eighteen (18) minutes thirteen (13) seconds East eighty-four (84) feet to an existing concrete monument; thence along lands now or formerly of Samuel W. Sippling as shown on said Subdivision plan South sixty-three (63) degrees fifty-one (51) minutes forty (40) seconds West nineteen and seventeen hundredths (19.17) feet to a point at lands now or formerly of John E. Wolf and wife; thence binding on said lands now or formerly of John E. Wolf and wife North twenty-six (26) degrees thirty (30) minutes West seventy-nine (79) feet to a point; thence continuing along said lands now or formerly of John E. Wolf and wife, South sixty-three (63) degrees fifty-one minutes forty (40) seconds West one hundred sixty-eight (168) feet to a point on the easterly edge of Township Road T-509 aforesaid, being the point and place of BEGINNING. CONTAINING .056 acres of land.

THE ABOVE DESCRIPTION was taken from a Subdivision Plan prepared by George M. Wildasin, bearing date of December 4, 1979 as revised June 30, 1981 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 35 at Page 141, and designated on said Subdivision Plan as Lot No. 2.

BEING THE SAME which Giovanni O. Silievar a/k/a Siliezar and Carol S. Silievar d/k/a Carol S. Siliezar by their deed dated 2/24/00 and recorded 3/21/00 in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2018 at Page 1 granted and conveyed unto Giovanni O. Siliezar and Carol S. Siliezar, grantors herein.

Tax Parcel No. 4-K-12-93

SEIZED and taken into execution as the property of Giovanni O. Siliezar & Carol S. Siliezar and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/11, 18 & 24

ARTICLES OF INCORPORATION-
NONPROFIT

NOTICE IS HEREBY GIVEN that Articles of Incorporation-Nonprofit were filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on January 11, 2005, for the purpose of obtaining a Certificate of Incorporation-Nonprofit of a nonprofit corporation 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 CAMP EIGHTEEN OF ARENDTSTVILLE.

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

3/24

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announced their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately 2/28/05, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of TILLIE'S TREASURES AT LITTLE ROUND TOP, with its principal place of business at 1051 Taneytown Road, Gettysburg, PA 17325. The names and address of the persons owning or interested in said business are Elizabeth A. Hoffman, residing at 1051 Taneytown Road, Gettysburg, PA 17325. The character or nature of the business is antiques and collectibles.

3/24

FRICKE ET AL VS. SAYLOR ET AL

1. A party seeking to raise the issue of improper venue must do so through Preliminary Objections.

2. In a breach of contract action alleging failure to make payment, venue is proper in the county where the payment is due. So long as there is no agreement to the contrary payment is assumed to be due at the Plaintiff's place of business.

3. A court in which venue is proper and which has jurisdiction should decline to proceed with the case when the parties have freely agreed that litigation shall be conducted in another forum and where such agreement is not unreasonable at the time of litigation. An agreement is unreasonable when its enforcement would under all circumstances existing at the time of litigation, seriously impair Plaintiff's ability to pursue his cause of action. Mere inconvenience or additional expenses is not the test of unreasonableness.

4. The party seeking to void the agreement has the burden to prove unreasonableness.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 04-S-60, HARLAN L. FRICKE, T/D/B/A AG FINANCIAL SERVICES VS. RICHARD D. SAYLOR AND HILLCREST SAYLOR DAIRY FARMS, LLC.

Plaintiff *pro se*

Richard E. Thrasher, Esq., for Defendants

Bigham, J., May 6, 2004

OPINION

STATEMENT OF FACTS

Harlan L. Fricke, t/d/b/a Ag Financial Services, (hereinafter referred to as "Plaintiff"), an individual and sole proprietorship with a principal office in Adams County, initiated the present action by filing a Complaint alleging breach of contract. Plaintiff alleges that he entered into a contract for the acquisition of a loan with Richard D. Saylor, (hereinafter referred to as "Defendant Saylor"), an adult individual residing in Somerset County and Hillcrest Saylor Farms, LLC, (hereinafter referred to as "Defendant Saylor Farms"), a limited liability corporation with its principal office in Somerset County, (hereinafter referred to collectively as Defendants). The contract provided for a 1.5 percent commission, totaling \$49,822.76, in favor of Plaintiff if he successfully acquired a \$3,321,516.44 loan for Defendants. Such loan was acquired and Plaintiff alleges that Defendants made partial payments on the commission. The balance, remaining with finance charges, is \$34,545.07.

In response to Plaintiff's Complaint, Defendants filed a Preliminary Objection: (1) alleging that Adams County is not the proper forum in which to raise Plaintiff's claim, and (2) requesting the Court transfer the action to the Court of Common Pleas of Somerset County, Pennsylvania.

Plaintiff filed an answer to Defendants' Preliminary Objection and both parties timely filed briefs.

LEGAL DISCUSSION

Instantly, the issue before the Court is whether parties may contract as to where venue lies. A party seeking to raise the issue of improper venue must do so through Preliminary Objections. *Pa.R.C.P. 1006*.

Plaintiff argues that paragraph 8, page 2 of the Business/Commercial Consultation and Commission Agreement entered into by the parties is valid and enforceable. The paragraph is entitled "Oral Modification of Written Terms Unenforceable," and the relevant section is as follows, "The Agreement shall be subject to and governed by the laws of the Commonwealth of Pennsylvania and any dispute that rises between the parties hereunder shall be subject to the sole jurisdiction and venue of the Court of Common Pleas of Adams County, Pennsylvania." Defendant argues such a clause is enforceable only when venue is proper in the selected county. Defendant contends that there is no basis for venue in Adams County and therefore, the clause is unenforceable.

This Court finds that venue in the present case could lie in either jurisdiction, Somerset County or Adams County. The Pennsylvania Superior Court has held that in a breach of contract action alleging failure to make payment, venue is proper in the county where payment is due. *Lucas Enters., Inc. v. Paul C. Harman Co.* 417 A.2d 720, 721 (Pa.Super. 1980). So long as there is no agreement to the contrary payment is assumed to be due at the Plaintiff's place of business. *Id.* The record does not reflect the location where the payment was due, however, Plaintiff's place of business is designated as 730 Poplar Road, New Oxford, Adams County, Pennsylvania 17350, and it is assumed that the partial payments were made by Defendants at this location. Venue is therefore proper in Adams County.

Per Pennsylvania Rules of Civil Procedure 1006 and 2179(a)(1), (2) venue would be proper in Somerset County because Defendant Saylor lives in Somerset County and Defendant Saylor Farms has its principal place of business and regularly conducts business in Somerset County. *Pa.R.C.P. 1006, Pa.R.C.P. 2179(a)(1), (2)*. Under the modern rule adopted by the Pennsylvania Supreme Court in *Central Contracting Co. v C.E. Youngdahl & Co.* (209 A2d. 810 (Pa. 1965)), "...a court in which venue is proper and which has jurisdiction should decline to proceed with the case when the parties have freely agreed that litigation shall be conducted in another forum and where such agreement is not unreasonable at the time of litigation." *Central Contracting Co.* cited above, at 816. An agreement is unreasonable when, "its enforcement would, under all circumstances existing at the time of litigation, seriously impair Plaintiff's ability to pursue his cause of action. Mere inconvenience or additional expenses is not the test of unreasonableness." *Id.* This Court finds that enforcement of the parties' agreement is not unreasonable. Convenience should not be an issue for the Defendant to have to litigate in Adams County. Geographically, only three counties, Franklin, Fulton, and Bedford, separate Somerset County from Adams County.

The party seeking to void the agreement has the burden to prove unreasonableness. *Id.* Therefore, in the present case the Defendant has the burden to prove that enforcement of the agreement is unreasonable. The Defendant has not met that burden and therefore the Preliminary Objection will be denied.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 6th day of May 2004, Defendant's Preliminary Objection is denied. The Defendant shall file an Answer to the Complaint in compliance with the Pennsylvania Rules of Civil Procedure within twenty (20) days from the date of this Order. Failure to file an Answer may result in the entry of judgment in favor of the Plaintiff.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1312 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in Cumberland Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Eastern side of Meadow Lane, formerly Toddes Lane (the first street West of and parallel to the Gettysburg-Biglerville State Highway, Route 34) at its intersection with the Southern side of North Avenue; thence along the Southern side of North Avenue, North 78 degrees 30 minutes East 219 feet to a steel pin; thence along Lot No. 1, now or formerly of Russell Murray, South 11 degrees 30 minutes East 100 feet; thence by Lot No. 20, South 78 degrees 30 minutes West 219 feet to a point on the Eastern side of Meadow Lane; thence along the Eastern side of Meadow Lane, North 11 degrees 30 minutes West 100 feet to the point, the place of BEGINNING.

THE foregoing description is taken from a Plan of Development made April 17, 1961, by Wilbur V. Redding, R.E., as revised, on which said lot is designated as Lot No. 21.

TITLE TO SAID PREMISES IS VESTED IN Willie J. Smith, single and Suzanne R. Lovett, as joint tenants with right of survivorship by Deed from Kent Yager and Margarita Elorriaga, his wife dated 3/31/2000 and recorded 4/12/2000 in Record Book 2029 Page 300.

Premises being: 30 North Avenue, Gettysburg, PA 17325

Tax Parcel No. F11-50A

SEIZED and taken into execution as the property of **Willie J. Smith & Suzanne R. Lovett** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost,

whichever may be the higher, shall be paid forthwith to the Sheriff.

3/11, 18 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-359 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point near the centerline of S.R. 0134, the Taneytown Road, at a corner of Lot No. 3 on the hereinafter mentioned draft of survey and subdivision plan; thence in S.R. 0134, the Taneytown Road, South Ten (10) degrees Three (03) minutes Seventeen (17) seconds East, One Hundred Thirty-five and Thirty-nine One-hundredths (135.39) feet to a point near the centerline of said S.R. 0134, the Taneytown Road; thence continuing in S.R. 0134, the Taneytown Road, South Eight (08) degrees Sixteen (16) minutes Twenty-six (26) seconds East 287.82 feet to a point in said S.R. 0134, the Taneytown Road; thence South Eighty-four (84) degrees Fifty (50) minutes Thirteen (13) seconds West, Twenty-five and Eighty-three One-hundredths (25.83) feet to an existing railroad spike on line of land of the Mt. Joy Evangelical Lutheran Church and along the edge of Benner Road; thence crossing Benner Road, North Five (05) degrees Forty (40) minutes Eighteen (18) seconds West, Twenty-six and Forty One-hundredths (26.40) feet to an existing wooden post; thence along and in said Benner Road, South Eighty (80) degrees Eleven (11) minutes Thirty (30) seconds West, One Hundred Forty-seven and Twenty-five One-hundredths (147.25) feet to an existing cotton gin spindle One (1) foot North of the centerline of said Benner Road; thence in said Benner Road, South Eighty (80) degrees Nine (09) minutes Twenty-five (25) seconds West, One Hundred Fifty-five (155.00) feet to a railroad spike set near the centerline of Benner Road, and at a corner of Lot No. 5; thence by Lot No. 5, North Twenty-six (26) degrees Eight (8) minutes Fifteen (15) seconds West, Two Hundred Seventy and Seventy-one One-hundredths (270.71) feet to a steel pin set on line of Lot No. 5 and at a corner of Lot No. 3; thence by Lot No. 3, and passing through a steel pin set Twenty-five (25)

feet from the next mentioned point, North Sixty-one (61) degrees Fifty-six (56) minutes Twenty-five (25) seconds East, Four Hundred Thirty-one and One One-hundredths (431.01) feet to a point near the centerline of S.R. 0134, Taneytown Road, at a corner of Lot No. 3, the place of BEGINNING.

CONTAINING 2.847 Acres, more or less. BEING PARCEL #30-F17-65.

THE ABOVE DESCRIPTION was taken from a draft of survey and subdivision plan entitled "Scheller Subdivision", dated October 27, 1997, and revised January 19, 1998, as prepared by Richard W. Boyer, Professional Land Surveyor No. 17399-E, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 73 at pages 23 and 23A, and designated as Lot No. 4 thereon.

UNDER AND SUBJECT to certain restrictions contained in prior deeds and instruments of record.

BEING the same premises which Vincent Scheller and Marie Scheller, husband and wife, by Deed dated September 2, 1999 and recorded on September 3, 1999 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 1909, Page 141, granted and conveyed unto Joseph M. Regler, IV and April L. Regler, husband and wife, as tenants by the entireties, in fee.

SEIZED AND TAKEN as the property of Joseph M. Regler, IV and April L. Regler under Judgment No. 03-S-359.

SEIZED and taken into execution as the property of **April L. Regler & Joseph M. Regler, IV** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 16, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/11, 18 & 24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-26 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in the Township of Mount Joy, County of Adams and Commonwealth of Pennsylvania, being known and numbered as Lot No. 2 as shown on the Final Plan prepared for Dorothy J. Boggs by Adams County Surveyors, dated the 26th day of July 1999, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 77, page 39, and more particularly bounded, limited and described as follows, to wit:

BEGINNING at a magnetic spike in the public road known as Krug Road, also known as T-429, at a corner of lands now or formerly of Clarence Williams; thence crossing said road and along lands now or formerly of said Clarence Williams (passing thru an existing axle set thirty (30) feet from the aforesaid beginning point), and lands now or formerly of Clarence Myers, North 14 degrees 42 minutes 30 seconds East, 400.41 feet to a steel rod at a corner of Lot No. 1 on the above-mentioned Plan, which lands were formerly a part hereof; thence along said Lot No. 1, South 75 degrees 17 minutes 30 seconds East, 180.00 feet to a steel rod; thence continuing along said Lot No. 1 and passing thru a steel rod set on the Northern dedicated right-of-way line of the aforesaid public road known as Krug Road, South 14 degrees 42 minutes 30 seconds West, 332.92 feet to a magnetic spike in the aforesaid public road known as Krug Road, also known as T-429; thence in and along said Krug Road, South 84 degrees 09 minutes 15 seconds West, 192.24 feet to a magnetic spike, the point and place of BEGINNING.

CONTAINING 66,000 square feet in area.

Map #30-417-13E.

TITLE TO SAID PREMISES IS VESTED IN Ryan Robert Heflin and Erica Nicole Kint, as Joint Tenants with Right of Survivorship and not as Tenants in Common by Deed from Thomas R. Boggs and Noelle J. Boggs, husband and wife dated 5/10/2004 and recorded 5/11/2004, in Record Book 3562 Page 227.

SEIZED and taken into execution as the property of **Ryan R. Heflin a/k/a Ryan Robert Heflin & Erica N. Kint**

a/k/a Erica Nicole Kint and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-731 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner at a point three and eighty-one hundredths (3.81) feet South of the centerline of Possum Hollow Road (T-576); thence in and along said Possum Hollow Road (T-576) North forty (40) degrees forty-five (45) minutes East two hundred and thirty-one hundredths (200.31) feet to a point two and thirty-seven hundredths (2.37) feet South of the centerline of said Possum Hollow Road (T-576); thence along lands now or formerly of Donald Sponseller, South forty-six (46) degrees four (4) minutes sixteen (16) seconds East, four hundred fifty-seven and eighty hundredths (457.80) feet to a steel pin; thence along lands now or formerly of Ervin A. Sauble South fifty-eighty (58) degrees thirty-three (33) minutes three (3) seconds East two hundred seventy-eight and sixty-four hundredths (278.64) feet to a steel pin; thence along lands now or formerly of Larry E. Myers, South forty-five (45) degrees forty-four (44) minutes eleven (11) seconds West three hundred forty-nine and forty-seven hundredths (349.47) feet to a steel pin; thence along lands now or formerly of Larry E. Myers North thirty-one (31)

degrees fifty-one (51) minutes forty-three (43) seconds West three hundred sixty-two and ninety hundredths (362.90) feet to a steel pin; thence continuing along said land now or formerly of Larry E. Myers, North forty-six (46) degrees four (4) minutes sixteen (16) seconds West three hundred fifty-five and ninety-three hundredths (355.93) feet to the point and place of BEGINNING.

BEING THE SAME property conveyed to Kevin M. Myers and Rachel L. Myers, husband and wife by deed from Kevin M. Myers and Rachel L. Myers recorded 02/22/2000 in Deed Book 2088 Page 60, in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

Premises being: 745 Possum Hollow Road, East Berlin, PA 17316

Tax Parcel No. L7-1G

SEIZED and taken into execution as the property of **Kevin M. Myers & Rachel L. Myers a/k/a Rachel L. Beamer** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on February 14, 2005, pursuant to the Fictitious Name Act, setting forth that James Schrey is the only individual interested in a business, the character of which is the manufacture and distribution of tool and die products, that the designation under which the business is and will be conducted is SCHREY TECHNOLOGIES and that the location where said business is and will be conducted is 725 Funt Road, Aspers, PA 17304.

Bernard A. Yannetti, Jr., Esq.
Solicitor

3/24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1266 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain 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 on the right-of-way line of Charlestown Court as Lot No. 52 as shown on the hereinafter referenced subdivision plan; thence running along said right-of-way line of Charlestown Court North fifty-three (53) degrees nineteen (19) minutes three (3) seconds East, seventy and seventy-one hundredths (70.71) feet to a point on the right-of-way line of Charlestown Court at Lot No. 54 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 54 South twenty-seven (27) degrees thirty-six (36) minutes fifty-one (51) minutes East, one hundred nineteen and ninety-eight hundredths (119.98) feet to a point at Lot No. 55 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 55 South sixty-four (64) degrees seventeen (17) minutes thirty-four (34) seconds West, sixty-nine and eighty-six hundredths (69.86) feet to a point at Lot No. 52 as shown on the hereinafter referenced subdivision plan; thence running along Lot No. 52 North twenty-seven (27) degrees thirty-six (36) minutes fifty-one (51) seconds West, one hundred six and fifty-one hundredths (106.51) feet to a point on the right-of-way line of Charlestown Court as Lot No. 52 the point and place of BEGINNING, CONTAINING 7,907 square feet.

The above description being Lot No. 53 on the Phase 4 Final Plan for Heritage Hill II, prepared by Martin and Martin, Incorporated, dated December 7, 1997, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 76, Page 17.

SUBJECT, NEVERTHELESS, to the Protective Covenants of Heritage Hill II, dated April 1, 1996, and recorded April 10, 1996, in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1172, Page 270.

BEING THE SAME PREMISES which Heritage Hill II Limited Partnership and New Age Associates, Incorporated by Deed dated September 22, 2000 and

recorded in the Office of the Recorder of Deeds of Adams County on September 22, 2000 in Deed Book Volume 2130, Page 226, granted and conveyed unto James R. Seldomridge and Christie D. Seldomridge, husband and wife, as tenants by the entireties.

DBV 2130

Page 226

Parcel 10-55

Grenen & Birsic, P.C.
Kristine M. Anthou, Esq.
Attorney for Plaintiff
One Gateway Center, Ninth Floor
Pittsburg, PA 15222
(412) 281-7650

SEIZED and taken into execution as the property of **James R. Seldomridge & Christie D. Seldomridge** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-4 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that herein described piece or parcel of land lying and being in the Borough of McSherrystown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at the center of the whole lot, being a point on the South side of North Street; thence by the division line between the said half lot and the remaining half lot on the West, and running Southward one hundred eighty-two (182) feet North to North Street alley; thence by said North Street alley, thirty (30) feet Eastward to lot now or formerly of Henry Noel; thence with the line of the lot now

or formerly of Henry Noel, one hundred eighty-two (182) feet North to North Street aforesaid; and thence with said North Street, Westward thirty (30) feet to the place of BEGINNING, CONTAINING 5,460 Square Feet, more or less.

IT BEING the same tract of land which Joseph A. Myers and Gladys A. Myers, his wife, by their Deed dated September 3, 1982, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Deed Book Vol. 364, page 303, granted and conveyed unto Yvonne R. Hayes, Grantor herein.

SUBJECT TO conditions pertaining to well as contained in Adams County Deed Book 65, at page 304.

Premises being: 220 North Street, McSherrystown, PA 17344

Tax Parcel No. 28-002-0072-000

SEIZED and taken into execution as the property of **James H. Groft & Joanne E. Groft** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-1018 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN property situated in the Township of Reading in the County of Adams and Commonwealth of Pennsylvania, being more fully described in a deed dated August 15, 1992 and recorded on August 24, 1992 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 638, Page 1059.

IMPROVEMENTS thereon consisting of a residential dwelling.

BEING KNOWN AS 1275 Green Ridge Road, East Berlin, PA 17316.

BEING Tax Parcel No. 36-K08-0002F.

BEING the same premises which Kevin S. Holtzinger and Karen L. Holtzinger, husband and wife, by Deed dated August 19, 1992 and recorded on August 24, 1992 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 638, Page 1059, granted and conveyed unto Guy I. Brown and Lori A. Brown, husband and wife, in fee.

SEIZED AND TAKEN in execution as the property of Guy I. Brown and Lori A. Brown under Judgment No. 03-S-1018.

SEIZED and taken into execution as the property of **Guy I. Brown & Lori A. Brown** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-64 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 29th day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in Union Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a bolt along Township Road T-455, Clouser Road, at a corner of land now or formerly of Preston L. Bentzel; thence in and along Township Road T-455, Clouser Road, South 35 degrees 32 minutes 14 seconds East, 150.00 feet to a railroad spike in Township Road T-455, Clouser Road, and at a corner of Lot No. 2 on the hereinafter referred to draft of survey; thence by Lot No. 2 and passing through a steel pin set 20.00 feet from the last-mentioned point, South 76 degrees 22 minutes 53 seconds West, 149.27 feet to a steel pin set; thence by the same, South 44 degrees 51 minutes 21 seconds West, 162.43 feet to a steel pin set on line of Lot No. A on the hereinafter referred to draft of survey; thence by Lot No. A, South 44 degrees 51 minutes 21 seconds West, 162.43 feet to a steel pin set on line of Lot No. A on the hereinafter referred to draft of survey; thence by Lot No. A South 44 degrees 51 minutes 21 seconds West, 41.37 feet to a steel pin set; thence by same, North 35 degrees 32 minutes 14 seconds West, 160.81 feet to a steel pin set on line of land now or formerly of Preston L. Bentzel; thence by said land of Bentzel and passing through an iron pipe 40.98 feet from the last-mentioned point, North 59 degrees 56 minutes 9 seconds East, 340.98 feet, and passing through a steel pin found 20.00 feet from the end of this course, to a bolt along Township Road T-455, Clouser Road, the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a draft of survey prepared by Worley Surveying, dated May 5, 1989 and being a perimeter description of Lot 1 and Lot 8 thereon, and as recorded in Adams County, Plot Book 53, Page 6.

UNDER AND SUBJECT to restrictions and conditions as now appear of record.

BEING the same premises which Charles W. Weidner, Jr. and Tina M. Wagman, now through marriage known as Tina M. Stevens, joint by Robert M. Stevens, II, her husband, by Deed dated February 21, 2002 and recorded in Adams County on May 7, 2002 at Deed

Book Volume 2651, Page 1999, granted and conveyed to Charles W. Weidner, Jr. and James Weidner.

Wellman, Weinberg & Reis, Co., L.P.A.
Kimberly J. Hong, Esq.
Attorney for Plaintiff
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

Parcel No.: (41) K-18-16A

SEIZED and taken into execution as the property of **Charles W. Weidner, Jr. & James Weidner** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 23, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN in compliance with the requirements of Section 1306 of the Business Corporation Law of 1988 Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, on March 15, 2005, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the Business Corporation Law of 1988, as amended and supplemented. The name of the proposed corporation is: **BLB PLUMBING, INC.**

The purpose for which the corporation was organized is: To engage in and do any lawful act concerning any and all lawful business for which corporation may be incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania.

David W. Reager, Esq.
Reager & Adler, PC
2331 Market Street
Camp Hill, PA 17011
(717) 763-1383

3/24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-128 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of May, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point at North Queen Street aforesaid at lands now or formerly of L. Irene Crouso; thence by said lands in a Northeasterly direction for a distance of 200 feet, more or less, to a point at an alley; thence by said alley in a Northwesterly direction for a distance of 47 feet, more or less, to a point at lands now or formerly of Wallace R. Gullickson; thence by said lands in a Southwesterly direction for a distance of 200 feet, more or less, to a point at North Queen Street aforesaid; thence by said street in a Southeasterly direction for a distance of 47 feet, more or less, to a point, the place of BEGINNING.

BEING known as: 57 North Queen Street, Littlestown, PA 17340

Property ID No.: (27) 8-93

TITLE TO SAID PREMISES IS VESTED IN Timothy S. Kelley and Debra L. Kelley, husband and wife, as tenants of an estate by the entireties by Deed from Douglas R. Murren and Jacqueline E. Murren, husband and wife dated 8/19/94 recorded 8/24/94 in Deed Book 929 Page 305.

SEIZED and taken into execution as the property of **Timothy S. Kelley & Debra L. Kelley** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 27, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1273 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of May, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain 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. 380 on subdivision plan hereinafter referred to; thence along Lot No. 380, 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) seconds East, twenty (20.00) feet to a corner of Lot No. 382 on subdivision plan hereinafter referred to; thence along Lot No. 382, 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, North zero (00) degrees twenty-nine (29) minutes twenty (20) seconds West, twenty (20) 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. 381 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated 7/15/94, as revised, project No. 921060, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, Page 89.)

Being Tract No. 2 which Davis S. Weinberg, individually, a married man, and David S. Weinberg and Delbert S. Null, co-partners, trading as D & D Partnership, a Maryland general partnership, by Edward G. Smariga, their attorney-in-fact, by deed dated May 29, 1996, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1205 at page 63, sold and conveyed unto Windsor Homes, Inc., a Pennsylvania Corporation, the grantors herein.

TITLE TO SAID PREMISES IS VESTED IN James M. Leonard and Kathy Kelley-Leonard, his wife by Deed from Windsor Homes, Inc., A Pennsylvania Corporation dated 9/16/1996 and recorded 9/25/1996, in Record Book 1263 Page 234.

Premises being: 27 Johnamac North, Littlestown, PA 17340

Tax Parcel No. 27-4-15

SEIZED and taken into execution as the property of **James M. Leonard & Kathy K. Leonard a/k/a Kathy Kelley-Leonard** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 27, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/18, 24 & 4/1

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that on February 16, 2005, Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, incorporating **YELLOW BRICK HOUSE ANTIQUES, INC.**, under the provisions of the Business Corporation Law.

The purpose for which said corporation is formed: The corporation shall have unlimited power to engage in and do any lawful act concerning any and all lawful business for which corporations may be incorporated under the Business Corporation Law of 1988.

The location and post office address of the initial registered office of said corporation is 19 Center Square, New Oxford, PA 17350.

Alan M. Cashman, Esq.
141 Broadway, Suite 230
Hanover, PA 17331
(717) 632-9580

3/24

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1293 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of May, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate in Hamiltonban Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an existing steel rod with washer located on the Southern edge of a private existing 33 foot right-of-way at lands of Donald Rohrbaugh and lands of Michael Gastley; thence along said lands of Gastley and along the Southern edge of said private 33 foot right-of-way, North 71 degrees 05 minutes 30 seconds West, 172.07 feet to an existing tall pipe at corner of lands of Judith Eveland, et al.; thence along said lands of Eveland, North 20 degrees 36 minutes 00 seconds East, 340.00 feet to a steel rod at corner of Lot No. 1, thence along Lot No. 1, South 69 degrees 24 minutes 00 seconds East, 144.94 feet to a steel rod at corner of said Lot No. 1; thence along same and passing through a new 50 foot private right-of-way as shown on the hereinafter mentioned Final Plan, South 15 degrees 58 minutes 50 seconds West, 145.59 feet to an existing steel rod located at corner of lands of Donald Rohrbaugh; thence along said lands of Rohrbaugh and passing through the aforementioned private existing 33 foot right-of-way, South 15 degrees 58 minutes 50 seconds West, 190.42 feet to an existing steel rod with washer located on the Southern edge of said private existing 33 foot right-of-way, the point and place of BEGINNING.

CONTAINING 1.228 acre.

TITLE TO SAID PREMISES IS VESTED IN Karen E. McGarry by Deed from Robert O. Mickley and Elizabeth S. Mickley, husband and wife, dated 4/2/1993 and recorded 4/5/1993 in Record Book 0707 Page 159.

Premises being: 1125 Mount Hope Road, Fairfield, PA 17320

Tax Parcel No. 18B14-0092

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 27, 2005, and

distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/24, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-41 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of May, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in Reading Township, Adams County, Pennsylvania, being designated as Lot No. 1, on the final subdivision plan prepared for Edward C. Wallen, Sr., dated December 29, 1998, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 76 at Page 5, more particularly bounded and described as follows:

BEGINNING at a steel pin set in Miller Road (T-572) and corner of land now or formerly of Gene H. Shenberger; thence continuing along Miller Road North 40 degrees 19 minutes 42 seconds East 160.00 feet to a steel pin set; thence along land now or formerly of Edward Kopp and Edward C. Wallen and through an existing iron pipe set back 24.91 feet from the beginning of this course South 49 degrees 40 minutes 18 seconds East 281.50 feet to a steel pin set at corner of Lot No. 2; thence along Lot No. 2 South 40 degrees 19 minutes 42 seconds West 160.00 feet to a steel pin set; thence along land now or formerly of Gene H. Shenberger and through an existing iron pipe set back 24.65 feet from the terminus of this course North 49 degrees 40 minutes 18 seconds West 281.50 feet to a steel pin set in Miller Road, the point and place of BEGINNING.

TOGETHER with the right to use the stone driveway as it is extended across Lot No. 1 as shown on the aforesaid subdivision plan. The rights and responsibilities related to the use and maintenance of the driveway as between owners of Lots 1 and 2 are set forth in a Declaration of Right-of-way and Responsibilities recorded in the Office of the Recorder of

Deeds of Adams County, Pennsylvania, in Record Book 1784 at Page 159.

BEING the same property conveyed to Michelle L. McDannell and Ronald L. McDannell, husband and wife as joint tenants with right of survivorship by Deed from Edward C. Wallen, Sr. and Darlene K. Wallen, husband and wife recorded 09/29/2000 in Deed Book 2136 Page 56, in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

Premises being: 24 Miller Road, New Oxford, PA 17350

Tax Parcel No. J7-53

SEIZED and taken into execution as the property of **Ronald L. McDannell & Michelle L. McDannell** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 27, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/24, 4/1 & 8

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 MILDRED E. ADAMS, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Neva M. Hagarman, 3211 Centennial Road, Hanover, PA 17331

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

ESTATE OF GLADYS REBECCA BLACK a/k/a GLADYS R. BLACK, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executrix: Bernice M. Shenberger, 7129 Carlisle Pike, York Springs, PA 17372

Attorney: Mary A. Kenney, Esq., 1085 Stone Jug Road, Biglerville, PA 17307

ESTATE OF EDWARD T. CHIDBOY, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Personal Representative: Todd P. Chidboy, c/o Patterson, Kiersz & Murphy, P.C., 239-B East Main St., Waynesboro, PA 17268-1681

Attorney: Patterson, Kiersz & Murphy, P.C., 239-B East Main St., Waynesboro, PA 17268-1681

ESTATE OF HENRY W. JARVINEN, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Eric W. Jarvinen, 2579 Bullfrog Road, Fairfield, PA 17320

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF REGINA A. STEVENS, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executors: Anna Catherine Shanebrook, 110 N. Queen Street, Littlestown, PA 17340; Nadine Marie Keefer, 117 W. Hanover Street, Biglerville, PA 17307; Richard Nelson Stevens, Jr., 301 Centennial Road, Gettysburg, PA 17325

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

ESTATE OF MARGARET A. THOMAS, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Executor: PNC Bank, N.A., P.O. Box 308, 4242 Carlisle Pike, Camp Hill, PA 17011

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

ESTATE OF SUSAN M. THOMPSON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrices: Lori A. Thompson and Jill M. Kinsler, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF MARTHA E. ELICKER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executors: Walter J. Chrimer, 2 Sunset Drive, Gettysburg, PA 17325; Joyce L. Hartlaub, 411 Feeser Road, Littlestown, PA 17340

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

ESTATE OF NADINE AGNES SMITH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Linda Melinger, c/o Paul G. Lutz, Esq., 110 South Northern Way, York, PA 17402

Attorney: Paul G. Lutz, Esq., 110 South Northern Way, York, PA 17402

THIRD PUBLICATION

ESTATE OF ALICE E. APPLIGATE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Harold E. Applegate, 23B Clinton Court, New Oxford, PA 17350

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF WILLIAM M. ROSENSTEEL a/k/a WILLIAM MARK ROSENSTEEL, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Ronald Rosensteel, 2707 Meadow Drive, Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-40 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of May, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or piece of ground situate in Franklin Township, County of Adams, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in an alley; thence South 27 degrees West 175 feet to a point; thence North 66 degrees 10 minutes West 150 feet to a point; thence North 27 degrees East 175 feet to a point in said alley; thence in said alley South 66 degrees 10 minutes East 150 feet to the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a draft of survey prepared by W. Andrew Bitner, P.E., dated April 17, 1972.

TITLE TO SAID PREMISES IS VESTED IN Jack L. Ringler and Rhonda S. Ringler, husband and wife, as tenants of an Estate by the entireties by Deed from Patricia L. McKenna, single and Kimberly S. Henry, single dated 7/21/2000 and recorded 7/24/2000 in Record Book 2092 Page 240.

Premises being: 257 A High Street, Cashtown, PA 17310

Tax Parcel No. 12-C10-80A

SEIZED and taken into execution as the property of **Jack L. Ringler & Rhonda S. Ringler** and to be sold by me,

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 27, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

3/24, 4/1 & 8

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-75 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 6th day of May, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

TRACT NO. 1:

ALL THAT CERTAIN lot of land situated in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 304 on a Plan of Lots of Lake Meade Subdivision, duly entered and appearing on record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, Page 1 and subject to all legal highway, easements, rights of way and restrictions of record.

HAVING thereon erected a one-story ranch type dwelling house with detached 2-car garage.

TRACT NO. 2:

ALL THAT CERTAIN lot of land situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 303 on Plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, in Plan Book 1, Page 1 and subject to all legal highway, easement, right of way and restrictions of record.

TRACT No. 1 and 2 are conveyed under and subject nevertheless, to the building and use conditions, rules and regulations, etc., as set forth and referred to in a prior deed recorded in Adams County Deed Book 263 at Page 319.

TITLE TO SAID PREMISES IS VESTED IN Leonardo Landaeta, single person by Deed from Lyndon R. Landaeta, single person, dated 11/22/1995 and recorded 12/8/1995 in Deed Book 1120 Page 46.

Premises being: 538 Lake Meade Drive, East Berlin, PA 17316

Tax Parcel No. 37-11-80

SEIZED and taken into execution as the property of **Leonardo Landaeta** and to be sold by me,

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 27, 2005, and

distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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3/24, 4/1 & 8

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about February 22, 2005, for the purpose of obtaining a Certificate of Incorporation of a corporation 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 LAND OF LITTLE HORSE FARM PARK, INC.

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

3/24

NOTICE

NOTICE IS HEREBY GIVEN to all beneficiaries and creditors that the Account and Statement of Proposed Distribution of PNC Bank, N.A., Trustee of the Margaret S. Kessel Trust dated August 21, 1992 has been filed with the Adams County Clerk of Courts, No. OC-16-05, and will be presented to the Court of Common Pleas of Adams County - Orphans Court, Gettysburg, Pennsylvania, for confirmation and approval on April 5, 2005, at 9:00 a.m. The Trustee is PNC Bank, N.A., attention Carrie M. Vogelsong, Assistant Vice President, P.O. Box 308, Camp Hill, PA 17011.

Robert G. Teeter, Esq.
Teeter, Teeter & Teeter

3/24 & 4/1