

Adams County Legal Journal

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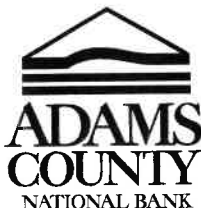
July 7, 2006

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REAVER VS. REAVER

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-344 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of August, 2006, 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 Tyrone Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an existing railroad spike in the center line of Cranberry Road (S.R. #1014) at the Southeast corner of land now or formerly of Maxine Calaman; thence by said Calaman land North eighteen (18) degrees eighteen (18) minutes twenty (20) seconds East, one hundred seventy-one and six one-hundredths (171.06) feet to an existing steel rod; thence continuing by the same North six (06) degrees thirty-six (36) minutes five (05) seconds East, one hundred twenty-four and ninety one-hundredths (124.90) feet to a steel rod at the Southwest corner of Lot No. 2 on a plan of lots mentioned hereinafter; thence by said Lot No. 2 and through a concrete monument set twenty-six and zero tenths (26.0) feet from the end of this course North sixty-six (66) degrees thirty-eight (38) minutes twenty-five (25) seconds East, four hundred seventy-three and ninety-one one-hundredths (473.91) feet to a magnetic spike in the center line of Upper Bermudian Road (S.R. #1016); thence running in said Upper Bermudian Road South twenty-three (23) degrees forty-seven (47) minutes thirty-five (35) seconds East, three hundred fifteen and forty-one one-hundredths (315.41) feet to an existing railroad spike 4 feet East of the center line of said road and at the common intersection of Upper Bermudian Road, Cranberry Road and Bull Valley Road (T-539); thence running in said intersection South thirty-one (31) degrees fifty-one (51) minutes fifty-five (55) seconds West, twenty-three and twenty-nine one-hundredths (23.29) feet to a magnetic spike near the center line of Cranberry

Road; thence running in said Cranberry Road South sixty-one (61) degrees fifty-four (54) minutes thirty-five (35) seconds West, one hundred six and sixty-three one-hundredths (106.63) feet to a magnetic spike at the center line; thence continuing in said road South sixty-eight (68) degrees twenty-five (25) minutes thirty (30) seconds West, one hundred seventy-two and seventy-four one-hundredths (172.74) feet to a magnetic spike two (2) feet North of the center line; thence continuing in said road South seventy-eight (78) degrees twenty-one (21) minutes thirty-five (35) seconds West, one hundred seventy-two and seventy-four one-hundredths (172.74) feet to a magnetic spike in the center line; thence continuing in said road South eighty-four (84) degrees fifty-two (52) minutes twenty-five (25) seconds West, one hundred ninety-four and ninety-nine one-hundredths (194.99) feet to an existing railroad spike in the center line of Cranberry Road, the place of BEGINNING. CONTAINING 4.100 acres.

The above description was taken from a Final Plan prepared by Adams County Surveyors, J. Riley Redding, R.P.L.S., dated October 27, 1996, and recorded in Adams County Plat Book 70, page 17, being designated as Lot No. 1, thereon.

IT BEING the same tract of land which Lawrence E. McGlaughlin and D. Juene McGlaughlin, husband and wife and Thomas D. Kennedy and Elizabeth Kennedy, husband and wife, by deed dated December 4, 1998 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Record Book 1720, page 260, granted and conveyed unto Michael L. Laughman, a/k/a Michael T. Laughman, and Caroline S. Feeser, who by marriage is known as Caroline S. Laughman, husband and wife, Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Michael T. Laughman and Caroline S. Laughman, his wife by Deed from Michael L. Laughman, a/k/a Michael T. Laughman and Caroline S. Feeser, now known as Caroline S. Laughman, husband and wife, dated 9/22/2000 and recorded 10/2/2000 in Record Book 2136, Page 321.

Premises being: 828 Cranberry Road, Aspers, PA 17304

Pat Map # H5

Parcel #29

SEIZED and taken into execution as the property of **Michael T. Laughman & Caroline S. Laughman** and to be sold by me.

James W. Muller-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 September 1, 2006, 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.

7/7, 14 & 21

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State, Commonwealth of Pennsylvania, Harrisburg, Pennsylvania, on November 9, 2005, for the purpose of obtaining a Certificate of Incorporation of a nonprofit corporation under the Pennsylvania Nonprofit Corporation Law of 1988. The name of the corporation is RIDGEVIEW PROPERTY OWNERS ASSOCIATION, INC.

John W. Phillips, Esq.
101 West Middle Street
Gettysburg, PA 17325
Attorney for the Corporation

7/7

REAYER VS. REAYER

1. Equitable distribution of property does not require an equal division of the marital estate. In fact, after considering all of the relevant statutory factors, a court may deem it necessary to award a party the "lion's share" or even the entire marital estate.

2. Alimony is awarded only as a secondary remedy and is available only where economic justice and the reasonable needs of the parties cannot be achieved by way of any equitable distribution award and development of an appropriate employment skill.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL ACTION NO. 00-S-1066. THOMAS H.
REAYER VS. MARY A. (CLAPSADDLE) REAYER.

Roy A. Keefer, Esq., for Plaintiff

Patrick W. Quinn, Esq., for Defendant

Bigham, J., October 3, 2005

OPINION

STATEMENT OF FACTS

Thomas H. Reaver (hereinafter "Plaintiff") filed a Complaint seeking divorce and equitable distribution of property on October 31, 2000. Mary A. Clapsaddle, formerly known as Mary A. Reaver, (hereinafter "Defendant") was served with a copy of the Complaint on November 7, 2000 by certified mail. A Master was appointed by this Court on March 12, 2003 to hear claims of divorce and equitable distribution. Defendant, by counterclaim filed May 12, 2003, raised claims for alimony pendente lite, alimony, and counsel fees and expenses. In addition, this Court ordered the Master to consider issues raised by Defendant in her Petition for Special Relief filed on February 14, 2005, regarding \$300 expense for septic tank repairs on the marital residence and \$135 expense for attorney's fees associated with filing the petition.

The Master recommended a divorce be granted pursuant to Section 3301(c) of the Divorce Code because both parties had filed Affidavits of Consent. Plaintiff's Affidavit of Consent and Waiver of Notice of Intention to Request Entry of a Divorce Decree were filed on October 29, 2004. Defendant filed an Affidavit of Consent on September 7, 2004.

Only the increases in value on three parcels of real estate were marital property subject to equitable distribution, with a gross value

of \$101,600. The total marital debt consisted of Supplemental Security Income (“SSI”) overpayment of \$18,800.10, Gettysburg Hospital fees of \$789.50, and Capital One Credit Card debt of \$2,480.18, which totaled \$22,069.78. The Master proposed Defendant receives sixty-five percent of the gross marital assets, which amounts to \$66,040.¹ Since the marital assets consisted only of the increase in value on real property owned by the Plaintiff, the Master instructed Plaintiff to make a lump sum payment of \$66,040 or installments of \$300/month. Additionally, the Master directed Plaintiff to reimburse Defendant \$300 for septic tank repairs along with \$135 for attorney’s fees. However, the Master denied Defendant’s alimony request and directed her to pay costs and fees owed to her former attorney and a real estate appraiser.

On July 25, 2005, Defendant filed Objections and Exceptions to the Master’s Report and a supporting brief was filed on September 6, 2005. Defendant argued she should receive the entire marital estate or in the alternative alimony because she believed the Master had incorrectly weighed the statutory factors listed in **23 Pa.C.S.A. §§ 3501(b) and 3502**. In addition, she requested Plaintiff be denied the option of making installment payments and be required to pay in a lump sum. Also, Defendant believes the Master should not have ordered her to pay costs and expenses to a former attorney and appraiser. On September 13, 2005, Plaintiff filed a Brief in Opposition to Defendant’s Exceptions. This Court heard oral argument on September 20, 2005.

Plaintiff does not believe the Master’s findings should be disturbed because Defendant is already receiving eighty-three percent of the net marital estate (as calculated by taking the gross marital assets \$101,600 subtracting marital debt of \$22,069.78 to equal the net marital estate valued at \$79,530.22 which is divided by \$66,040). Plaintiff proposes if he chooses to pay Defendant in installments then reasonable interest should be paid. With respect to Defendant’s objection to paying her former attorney and appraiser fees, Plaintiff merely requests these fees not be imposed on him.

¹ This figure was calculated by taking 101,600 multiplied by .65 to equal \$66,040.00.

DISCUSSION

Both parties have cited to *Mercatell v. Mercatell*, 854 A.2d 609 (Pa. Super. 2004), where the Pennsylvania Superior Court recognized Master's findings are entitled to great weight in assessing the weight of all factors concerning equitable distribution. The weight given to these statutory factors depends on the facts of each case and is within the court's discretion. *Id.* at 611. Equitable distribution of property does not require an equal division of the marital estate. In fact after considering all of the relevant statutory factors, a court may deem it necessary to award a party the "lion's share" or even the entire marital estate. *Platek v. Platek*, 309 Pa. Super. 16, 454 A.2d 1049 (1982). The Divorce Code enumerated in § 3502 the following relevant factors to consider:

- 1) The length of the marriage.
- 2) Any prior marriage of the party.
- 3) The age, health, station, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties.
- 4) The contribution by one party to the education, training or increased earning power of the other party.
- 5) The opportunity of each party for future acquisitions of capital assets and income.
- 6) The sources of income of both parties, including, but not limited to, medical, retirement, insurance or other benefits.
- 7) The contribution or dissipation of each party in the acquisition, preservation, depreciation or appreciation of the marital property, including the contribution of a party as homemaker.
- 8) The value of the property set apart to each party.
- 9) The standard of living of the parties established during the marriage.
- 10) The economic circumstances of each party at the time the division of property is to become effective.
- 10.2 The Federal, State, and local tax ramifications associated with each asset to be divided, distributed or assigned, which ramifications need not be immediate and certain.

10.2 The expense of sale, transfer or liquidation associated with a particular asset, which expense need not be immediate and certain.

11) Whether the party will be serving as the custodian of any dependent minor children.

23 Pa.C.S.A. § 3502(a)(1)-(11).

Certain factors such as the age, health, income and needs of the parties weigh heavily in Defendant's favor because she is a 55 year old unemployed woman who has been receiving SSI for the past ten years. She suffers from anxiety disorder, bowel and bladder problems, dizziness, and sciatic nerve problems. Defendant's health conditions will likely prevent her from gainful employment and her only source of income appears to be the continued receipt of SSI. She has no retirement funds or savings set aside for her future. On the other hand, Plaintiff is a 62 year old truck driver able to work at least another three or four years with no serious medical problems.

The only marital property subject to equitable distribution is the increases in value of the three parcels of real estate listed below:

	Value as of 11/29/96	Value as of 12/22/02	Increase in Value
1176 Hoffman Road Littlestown, PA 17340	\$84,000	\$105,600	\$21,600
1309 Hoffman Road Littlestown, PA 17340	\$147,000	\$190,000	\$43,000
245 Krug Road Littlestown, PA 17340	\$88,000	\$125,000	\$37,000
Total Increase in Value			\$101,600

The dates referenced above were taken from the date the parties were married, November 29, 1996, to the date of legal separation, December 22, 2002. Each of these properties was owned by the Plaintiff prior to marriage and will remain in his possession after entry of the divorce decree, even though the distribution proposed below may require him to sell or pledge a portion of his real estate holdings. The equitable distribution scheme proposed by the Master suggested Plaintiff pay the Defendant 65% of the gross marital estate

equaling \$66,040.² At oral argument, Plaintiff's counsel pointed out Defendant will actually receive 83% of the net marital estate because Defendant was not required to pay any marital debt which consisted of \$22,069.78.³ Defendant is requesting this Court to award her the entire value of the marital estate or in the alternative alimony. Also, Defendant is requesting the Plaintiff pay her in a lump sum.

This Court believes Defendant should be entitled to \$71,577.20, which represents ninety percent of the net marital estate.⁴ Plaintiff will be required to pay the Defendant this amount within sixty days of this Court Order. Plaintiff will still be responsible for paying all of the marital debts valued at \$22,069.78 and reimbursing Defendant \$435.00 for expenses related to charges for septic tank repairs performed on the marital residence. The reasoning of this Court behind awarding Defendant such a large portion of the net marital estate is because of the financial positions of the parties. Plaintiff has gainful employment as a truck driver and he retains substantial real estate holdings. Defendant is not able to obtain employment due to her health conditions and her only source of income will be through continued receipt of SSI.

This Court agrees with the Master's recommendation to deny Defendant's request for alimony. Alimony is awarded only as a secondary remedy and is available only where economic justice and the reasonable needs of the parties cannot be achieved by way of any equitable distribution award and development of an appropriate employment skill. *Hess v. Hess*, 327 Pa. Super. 279, 475 A.2d 796 (1984); *Geyer v. Geyer*, 310 Pa. Super. 456, 456 A.2d 1025 (1983). Under the equitable distribution scheme, Defendant will be receiving ninety percent of the net marital estate and is not required to pay any of the marital debts. Defendant admitted her SSI payments will increase to approximately \$584.00 per month once the overpayment is repaid by the Plaintiff. In addition, Defendant was requesting alimony only as an alternative to receiving the entire marital estate

² This figure was calculated by taking \$101,600 multiplied by .65 to equal \$66,040.00.

³ The 83% figure was calculated by taking gross marital assets of \$101,600 subtracting the marital debt of \$22,069.78 to equal \$79,530.22, and then taking \$79,530.22 divided by \$66,040 to equal 83%.

⁴ This Court determined \$75,577.20 would represent 90% of the net marital estate by taking 90% of \$79,530.22.

for this very reason. Even though this Court is not willing to award Defendant the entire marital estate, we have increased Defendant's award from 85% of the net marital estate to 90% of the net marital estate. This Court believes economic justice will be promoted between the parties by not awarding alimony.

Lastly, this Court grants Defendant's Objection to the Master's Report directing Defendant to pay her former attorney's fees and appraiser fee because these expenses do not involve both parties to this action. The Master should not have made these expenses as part of his Report and Recommendation. This is a dispute between Defendant and her former attorney. Defendant is not requesting this Court to require the Plaintiff to pay for her former counsel fees or appraiser fee. Plaintiff has no concern over whether these expenses are paid, as long as he is not held responsible for them. Therefore, this is a dispute between Defendant and her former attorney.

ORDER

AND NOW, this 3rd day of October 2005, in consideration of Defendant's Objections and Exceptions to the Master's Report, IT IS ORDERED THAT, Defendant's Exceptions are granted in part and denied in part. Instead of awarding Defendant 65% of the gross marital assets which resulted in 83% of the net marital estate, this Court believes Defendant is entitled to 90% of the net marital estate. Defendant's Exception to the Master's recommendation regarding payment of counsel fees and expenses is granted. Defendant's request for alimony is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-340 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of August, 2006, 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, together with improvements thereon erected, situate on the east side of Jacobs Street in the Borough of East Berlin, Adams County, Pennsylvania, being the southern half of Lot #25 and all of Lots #26 & #27 on a plan of lots as laid out by Paul E. Jacobs, and being known and numbered as 210 Jacobs Street, more fully bounded and described as follows:

BEGINNING at a stake at the intersection of the east side of Jacobs Street with the North side of Walnut Street; thence by Jacobs Street, North 22 degrees 50 minutes East, 131 feet to a stake on the center line of Lot #25; thence through the center of Lot #25, South 67 degrees 10 minutes East, 180 feet to a stake on the west side of a 20 foot alley; thence along the west side of said alley, South 22 degrees 50 minutes West, 131 feet to a stake on the north side of Walnut Street; thence along the north side of Walnut Street, North 67 degrees 10 minutes West, 180 feet to the first mentioned stake on the East side of Jacobs Street, and the place of BEGINNING.

BEING the same which Genevieve L. Tate, widow, by her deed dated February 22, 1984 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 375 at page 393, sold and conveyed unto Robert A. Brodbeck and Patricia J. Rabine, as joint tenants with the right of survivorship, the Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Robert A. Brodbeck and Patricia J. Brodbeck, husband and wife, as Tenants of an Estate by the Entireties, by Deed from Robert A. Brodbeck and Patricia J. Rabine, dated 9-26-84, recorded 9-27-84 in Deed Book 387, page 449.

Premises being: 210 Jacobs Street, East Berlin, PA 17316

Tax Parcel No. 10-006-0052-000

SEIZED and taken into execution as the property of **Robert A. Brodbeck & Patricia J. Brodbeck** and to be sold by me.

James W. Muller-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 August 28, 2006, 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.

6/23, 30 & 77

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-396 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of August, 2006, 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 Reading and Straban Townships, Adams County, Pennsylvania, bounded and described in accord with the final subdivision plan of Earl J. Sipe prepared by Thomas and Associates Surveyors, E. L. Mart R. S., dated October 13, 1978 as follows, to wit:

BEGINNING at a point in Township Road T-328 thence across said road and through an iron pipe set back twenty-five (25) feet from the beginning of this course North fifty-six degrees (56°) eleven minutes (11') twelve seconds (12") West, one hundred nineteen and thirty-nine hundredths feet (119.39) to a point in the stream bed of Conewago Creek as shown on said plan; thence along and through creek bed of said Conewago Creek on the aforesaid plan the following seven (7) courses and distances; North fifteen degrees (15°) forty minutes (40') zero seconds (00") East, two hundred seventy feet (270.00) to a point; thence by same North sixty-five degrees (65°) nine minutes (9') zero seconds (00") West, three hundred feet (300.00) to a point; thence by same North fifty-one degrees (51°) ten minutes (10') zero seconds (00") West, two hundred fifty feet (250.00) to a point; thence by same South sixty-seven degrees (67°) twenty-one minutes (21') forty-six seconds (46") West, one hundred ninety-six and seventy-four hundredths feet (196.74) to a point; thence by same South thirty-seven degrees (37°) fifty minutes (50') zero seconds (00") East, one hundred seventy-five feet (175.00) to a point; thence by same North eighty degrees (80°) fifteen minutes (15') zero seconds (00") West, three hundred forty-four and eighty-six hundredths feet (344.86) to a point; thence by same

North sixty-four degrees (64°) zero minutes (00') zero seconds (00") West, three hundred forty-seven and ninety hundredths feet (347.90) to a point on the south side of said Conewago Creek; thence through said Conewago Creek and through an iron pipe set back two hundred feet (200.00) from the beginning of this course and along land now or formerly of Ronald Mundy North seventy-three degrees (73°) twenty-two minutes (22') twenty-one seconds (21") East, one thousand ninety and twenty-five hundredths feet (1,090.25) to a point at a fence post at land now or formerly of Ronald Mundy; thence by same and through an iron pipe set back twenty-five feet (25.00) from the terminus of this course South fifty-six degrees (56°) thirty-three minutes (33') fifty-four seconds (54") East, five hundred sixty-one feet (561.00) to a point in the West edge of Township Road T-328; thence along said Township Road T-328 South twenty-five degrees (25°) forty minutes (40') sixteen seconds (16") West, six hundred seventy-five and seventy-nine hundredths feet (675.79) to a point in Township Road T-328, the point and place of BEGINNING.

CONTAINING 11.332 Acres.

HAVING ERECTED THEREON a dwelling known as 327 Group Mill Road, New Oxford, Pennsylvania 17350.

BEING the same premises which Earl J. Sipe, single and Pearl Minella and Joseph Minella, her husband, granted and conveyed unto Michael J. Sneeringer, single, by deed dated December 13, 1978, and recorded on December 22, 1978 in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book Volume 342, page 906.

Tax ID No. J9-2A

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

James W. Muller-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 August 28, 2006, 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.

6/23, 30 & 77

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-155 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of August, 2006, 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 Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in a public road leading from the Biglerville Highway to the Mummasburg Highway, which point is South 23 degrees 52 minutes West 200 feet from an iron pin; thence by lands now or formerly of Leo Kuhn, North 66 degrees 8' West 356.123 feet to a point; thence North 24 degrees East, 100 feet to a point at land now or formerly of Buford, Inc.; thence by said last mentioned land, South 66 degrees 8'; East, 355.866 feet to a point in the public road leading from the Biglerville Highway to the Mummasburg Highway, thence in said last mentioned road, South 29 degrees 52'; West, 100 feet to a point, the place of BEGINNING.

HAVING ERECTED THEREON a dwelling known as 715 Herra Ridge Road, Gettysburg, Pennsylvania 17325.

BEING the same premises which Elton M. Shelton, Jr. and Theresa M. Shelton, husband and wife, granted and conveyed unto Elton M. Shelton, Jr., by deed dated July 17, 1997, and recorded on August 14, 1997 in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book Volume 1423, page 185.

Tax ID No. F11-102

SEIZED and taken into execution as the property of **Elton M. Shelton, Jr.** and to be sold by me.

James W. Muller-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 August 28, 2006, 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.

6/23, 30 & 77

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-219 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of August, 2006, 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 land situate in the Borough of Bonneauville, Adams County, Pennsylvania, being more particularly described as Lot No. 79 on a plan of lots of Bonnie Field, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9, at Page 24, and subject to all legal highways, easements, rights-of-way and restrictions of record.

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

Map 9 Parcel 93

Premises being: 4 West Bonniefield Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Rick D. Leese & Catherine M. Leese** and to be sold by me.

James W. Muller-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 August 28, 2006, 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.

6/30, 77 & 14

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-454 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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 McSherrystown, Adams County, Pennsylvania, being shown as Lot No. 12 on a Final

Subdivision Plan for Adams County Interfaith Housing Corporation, dated August 10, 1999, prepared by Wm. F. Hill & Assoc., Inc., and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 79 at page 2 and 2A, more particularly bounded and described as follows:

BEGINNING at a steel pin set at corner of Lot No. 13 and Saint Joseph Lane; thence continuing along Saint Joseph Lane by a curve to the right having a radius of 125.00 feet, arc of 109.89 feet and a chord bearing and distance of South 39 degrees 46 minutes 03 seconds East 106.38 to a steel pin set at corner of Lot No. 11; thence continuing along Saint Joseph Lane South 14 degrees 35 minutes 00 seconds East 12.92 feet to a steel pin set at corner of Lot No. 11; thence continuing along Lot No. 11 South 75 degrees 25 minutes 00 seconds West 152.00 feet to a steel pin set at corner of Lot No. 13; thence continuing along Lot No. 13 North 29 degrees 45 minutes 54 seconds East 152.69 feet to a steel pin set at edge of Saint Joseph Lane, the point and place of BEGINNING. CONTAINING 9,442 square feet.

Tax parcel No.: 28-3-3

Premises being: 22 St. Joseph Lane, McSherrystown, PA

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

James W. Muller-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 September 15, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-125 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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.:

BEGINNING for a corner at a point in the center of South Ridge Road (Township Road Number T-568) said point being the Northeastern corner of Lot Number 2. Thence by Lot Number 2 and through a Steel Pin set back on line 25.26 feet, (1) North 59 degrees 29 minutes 51 seconds West 599.79 feet to a Steel Pin set at land of Bradford S. Feather. Thence by Bradford S. Feather (2) North 21 degrees 14 minutes 20 seconds East, 354.21 feet to a Steel Pin set at the Southwestern corner of Lot Number 3. Thence by Lot Number 3 and passing through a Concrete Monument set 25.05 feet from the end of this line, (3) South 63 degrees 54 minutes 37 seconds East, 601.00 feet to a point in the center of South Ridge Road (T-568). Thence with the center of South Ridge Road (T-568) South 22 degrees 13 minutes 29 seconds West, 400.00 feet to the place of BEGINNING, CONTAINING 5.1599 acres (4.9309 acres net, exclusive of dedicated right-of-way) being shown as Lot Number 1 on a plan of lots prepared by Jerry D. LaRue PLS No. 19369-E dated March 3, 2005, and recorded in the Land Records of Adams County in Plan Book 88, Page 55.

BEING known as Lot No. 1, 390 South Ridge Road, Huntington Township, Adams County, Pennsylvania.

SEIZED and taken into execution as the property of **Luke I. Friedline, Denise M. Friedline, Virginia L. Hollabaugh & The United States of America** and to be sold by me.

James W. Muller-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 September 15, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-558 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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, together with the improvements thereon erected, situate in Berwick Township, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING at a steel pin 25 feet from the centerline of Carlisle Pike (Legislative Route No. 94) at other lands now or formerly of David I. O'Brian and Annette E. O'Brian, his wife, thence along said other lands, North 55 degrees 46 minutes East, 201.6 feet to a steel pin at said other lands; thence along the same, South 27 degrees East, 100 feet to a steel pin at lands now or formerly of John Griest; thence along said lands now or formerly of John Griest, South 55 degrees 46 minutes West, 201.6 feet to a steel pin on the Eastern side of the aforesaid Carlisle Pike (25 feet from the center of said Road); thence along the Eastern side of said Carlisle Pike, North 27 degrees West, 100 feet to a steel pin, the point and place of BEGINNING, CONTAINING 20,000 square feet.

The description is taken from a survey made by Donald E. Worley, Registered Surveyor, dated February 16, 1971.

BEING the same which Emanuel C. Apostolakis and Angela L. Apostolakis, husband and wife, by their deed dated September 20, 1999, and intended to be recorded immediately prior hereto in the Office of the Recorder of Deeds of Adams County, Pennsylvania, sold and conveyed unto Mark A. Stapleton and Sharon L. Stapleton, husband and wife.

Premises being: 2675 Carlisle Pike, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Mark A. Stapleton & Sharon L. Stapleton** and to be sold by me.

James W. Muller-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 September 15, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution on Judgment No. 06-N-337 Issuing out of the Court of Common Pleas, Adams County, and to me directed, will be exposed to Public Sale on the 27th day of July, 2006 at 1:30 P.M. in the afternoon, at 54 Perrin Ave., Gettysburg, PA 17325. The following personal property, viz.:

MOBILE HOME, situate at the above address, Tan in color w/Brown Trim & Shutters

1994 OLDSMOBILE CUTLASS
SEDAN - Burgundy in color.
VIN # 1G3AG55M8R6419331

AND ANY OF THE PERSONAL PROPERTY OWNED BY DEFENDANT TO SATISFY JUDGMENT.

Seized and taken into execution **June 27, 2006** as the property of **Ersell & Ruth Withrow** and to be sold by me.

/s/James W. Muller-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 July 31, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof.

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

PLAINTIFF OR THEIR REPRESENTATIVE MUST BE PRESENT AT THE SALE TO START THE BIDDING. ALL PURCHASED ITEMS MUST BE REMOVED IMMEDIATELY AT THE TIME OF PURCHASE.

NOTICE: you are further notified that by virtue of Section 4110 of the Crimes Code, 18 Pa. S. 4110, a person commits a misdemeanor of the second degree if he destroys, removes, conceals, encumbers, transfers or otherwise deals with property after levy has been made thereon with intent to hinder enforcement of such interest, and upon conviction thereof is subject to a fine not exceeding \$5,000 and sentence to imprisonment for not more than two years.

7/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-718 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 September, 2006, 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 situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a point on the right-of-way line of Constitution Court and Lot No. 34 as shown on the hereinafter referred subdivision plan; thence along Lot No. 34, North forty-eight (48) degrees twenty-two (22) minutes zero (00) seconds East, one hundred twenty-five (125) feet to a point at Lot No. 3 and Lot No. 31 as shown on the hereinafter referenced subdivision plan; thence along Lot No. 30, South forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds East, sixty-five (65) feet to a point at Lot No. 29 and Lot No. 36 as shown on the hereinafter referenced subdivision plan; thence along Lot No. 36, South forty-eight (48) degrees twenty-two (22) minutes zero (00) seconds West, one hundred twenty-five (125.00) feet to a point on the right-of-way line of Constitution Court; thence along Constitution Court, North forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds West, sixty-five and zero hundredths (65.00) feet to the point and place of BEGINNING. CONTAINING 8,125.00 square feet or 0.19 acre.

The above described lot being designated as Lot No. 35 on the Final Subdivision Plan of "Heritage Hill - Phase 1" prepared by James R. Holley, Registered Professional Surveyor, dated July 31, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 61 at page 84.

Vested by Special Warranty Deed dated 12-28-01, given by Gloria J. Keene and Jeffrey W. Aaron and Heather Aaron, husband and wife to Cassie Wamsley and Stanley E. Kohlhepp, Sr., as joint tenants with the right of survivorship recorded 1-4-02 in Book 2521 Page 0005.

Premises Being: 200 Constitution Court, Littlestown, PA 17340
Tax ID (27) 011-0153

SEIZED and taken into execution as the property of **Cassie C. Wamsley & Stanley E. Kohlhepp, Sr.** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-8-06(B)

NOTICE

TO: THOMAS REEVES

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for August 3, 2006, at 9:00 a.m., prevailing time, in the Conference Room on the 4th Floor of the Adams County Courthouse, at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: (717) 337-9846

Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

7/7, 14 & 21

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-8-06(A)

NOTICE

TO: RICHARD JULIEN

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for August 3, 2006, at 9:00 a.m., prevailing time, in the Conference Room on the 4th Floor of the Adams County Courthouse, at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: (717) 337-9846

Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

7/7, 14 & 21

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 May 3, 2006, pursuant to the Fictitious Name Act, setting forth that Joseph J. Jackson, Lorraine A. Jackson, Angelo J. Agosta and Lorraine A. Agosta are the only individuals interested in a business, the character of which is real estate management, that the designation under which the business is and will be conducted is A & J PARTNERSHIP and that the principal place of business is 40 Fawn Trail, Fairfield, PA 17320.

Bernard A. Yannetti, Jr.
Solicitor

7/7

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 BETTY RIDER BAKER, DEC'D**

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Vicki Lynn Rinehart, 75 Mummert Dr., Littlestown, PA 17340; Robbie Lee Davis, 21 Park Ave., Littlestown, PA 17340; Billie Jo D'Amico, 4079 English Creek Ave., Egg Harbor Township, NJ 08234

Attorney: Robert E. Campbell, Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF MELVIN L. DITZLER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: Harold L. Ditzler, 162 S. Main Street, Biglerville, PA 17307

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

ESTATE OF DORA E. GORDON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Marlin E. & Louise A. Sharp, 1030 Highfield Court, Mechanicsburg, PA 17055

Attorney: Susan E. Lederer, Esq., 4811 Jonestown Road, Suite 226, Harrisburg, PA 17109

ESTATE OF ANNA V. HEARE, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

L. James Heare, 50 Fern Drive, New Oxford, PA 17350; Mark S. Heare, 701 S. Church Street, Waynesboro, PA 17268

Attorney: Jeffery M. Cook, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF JOHN C. MENGES a/k/a JOHN CLAIR MENGES, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: John C. Menges, II & Kathleen Hermann, c/o Jean White E. Jones, Esq., 130 West Lancaster Avenue, Wayne, PA 19087

Attorney: Jean White E. Jones, Esq., 130 West Lancaster Avenue, Wayne, PA 19087

ESTATE OF LEROY B. REAVER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Evelyn M. Reaver, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York St., Hanover, PA 17331

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

ESTATE OF ROBERT E. SCOTT, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Robin L. Hammett, 2901 Fallstaff Road, #503, Baltimore, MD 21209

Attorney: Timothy J. Shultis, Esq., Miller & Shultis, P.C., Hanover, PA 17331

ESTATE OF IRA L. WILLIAMS, JR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator c.t.a.: Robert P. Dubs, Jr., 180 Camp Gettysburg Road, Gettysburg, PA 17325

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

SECOND PUBLICATION**ESTATE OF MARY NATALIE CONOVER, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Willis M. Conover, Jr., 110 Hemlock Drive, Clarks Summit, PA 18411

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

ESTATE OF RUTH E. HARTLAUB, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Tina M. Smith & Ronald E. Wolford, 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

ESTATE OF ROSALIE M. KNOWLES, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Administrators C.T.A.: Judy R. Sechrist, 200 Woodland View Dr., York, PA 17402; John D. Berkheimer, 2040 Sandalwood Court, York, PA 17404

Attorney: Charles J. Long, Esq., Smith, Anderson, Baker & Long, 25 N. Duke St., 2nd Fl., York, PA 17401

ESTATE OF BRENT E. LeTERSKY, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administratrix: Lisa M. Toomey, 32 McAllister Street, Unit 2, Hanover, PA 17331

Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

ESTATE OF MARION H. LITTLE, DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Executrix: C. Kay Kime, 604 W. Myrtle Street, Littlestown, PA 17340

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

ESTATE OF TERRY L. ZUMBRUM, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Co-Executors: Clair J. Zumbum, Jr., 350 S. Center St., Hanover, PA 17331; Darlene M. Eckert, 1200 Glatco Lodge Rd., Hanover, PA 17331

Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

THIRD PUBLICATION**ESTATE OF MARGARET A. ALLENDER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executors: Raymond A. Williams, 122 Valley View Drive, Hanover, PA 17331; Robert H. Webb, 217 Grant Drive, Hanover, PA 17331

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

ESTATE OF HAROLD E. FREED, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Toni K. Sterner, 29 Heritage Drive, Hanover, PA 17331

Attorney: Daniel M. Frey, Esq., Barley Snyder, 14 Center Square, Hanover, PA 17331

ESTATE OF LOUISE M. KUMP, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Clair M. Kump, 451 Silo Road, Orfanna, PA 17353

Attorney: Robert E. Campbell, Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

(continued on page 8)

THIRD PUBLICATION (continued)

ESTATE OF JOHN P. LUCABAUGH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Sterling L. Lucabaugh, 9082 Yellow Church Rd., Seven Valleys, PA 17360; David E. Lucabaugh, 3339 Sunnyside Lane, Spring Grove, PA 17362; Darlene F. Hershey, 1703 KBS Road, Spring Grove, PA 17362

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

ESTATE OF EZEKIEL R. MOXLEY, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Bonita A. Reaver, 1379 Frederick Pike, Littlestown, PA 17340; Gary J. Moxley, 1365B Frederick Pike, Littlestown, PA 17340

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

ESTATE OF MARY E. MOXLEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Bonita A. Reaver, 1379 Frederick Pike, Littlestown, PA 17340; Gary J. Moxley, 1365B Frederick Pike, Littlestown, PA 17340

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

ESTATE OF BEULAH M. SMITH, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Jack Owens a/k/a John R. Owens, Jr., 31 Sawmill Road, Chepachet, RI 02814

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

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

NO. 06-S-320
Action to Quiet Title

CECIL R. YOUNGBLOOD, Plaintiff
vs.

HANSEN C. DEARDORFF, Deceased, his heirs, devisees, personal representatives, successors and assigns, TAX CLAIM BUREAU OF ADAMS COUNTY, its successors and assigns, and JOHN DOE, and all parties who may have an interest in the subject premises, their successors and assigns, Defendants

ORDER

AND NOW, to wit, this 26th day of June, 2006, it appearing that a Complaint with Notice to Defend was filed herein on March 20, 2006, and that same was served on Defendants Hansen C. Deardorff, Deceased, his heirs, devisees, personal representatives, successors and assigns, Tax Claim Bureau of Adams County, John Doe, and all parties who may have an interest in the subject premises, by publication pursuant to an Order of Court dated March 21, 2006, on dates set forth in an Affidavit of Service filed of record; and it further appearing that no appearance of any answer or other pleading has been filed herein on behalf of any Defendant within the time allotted by law for the same and, therefore, upon motion of George W. Swartz, II, Esquire, of Mooney & Associates, attorney for Plaintiff, IT IS HEREBY ORDERED AND DIRECTED that judgment by default be and the same is hereby entered in favor of Plaintiff, Cecil R. Youngblood.

AND IT IS FURTHER ORDERED AND DIRECTED that the said Defendants be and the same are forever barred from asserting any right, title, interest or claim inconsistent with the right, title, interest, and claim of Plaintiff as set forth in the Complaint with respect to all that certain tract of land located in Franklin Township, Adams County, Pennsylvania, bounded and limited as follows to wit:

BEGINNING at a stone at corner of lands now or formerly of Glenn A. Powell and Philip C. Banes, et al; thence by said Powell lands South twenty-four (24) degrees East, one hundred eighty-nine and seventy-hundredths (189.75) feet to a stone at lands now or formerly of Glenn A. Powell and lands now or formerly of SPECO; thence by said SPECO lands South twenty-six (26) degrees two (2) minutes West two hundred sixty (260) feet, more or less, to a point at lands now or formerly of William L. Osterman; thence by lands now or formerly of William L. Osterman North sixty-seven

(67) degrees thirty-eight (38) minutes forty (40) seconds West, one hundred fifty-seven and fifty-four (157.54) feet to a point at lands now or formerly of Philip C. Banes, et al; thence by said lands now or formerly of Glenn A. Powell aforesaid, then point and place of BEGINNING. CONTAINING 1.64 acres, more or less.

Unless the same Defendants shall within thirty (30) days after publication of the Notice of this Order commence an Action in Ejectment or other appropriate action to assert any claim they may have against the Plaintiff herein; and upon the failure of the Defendants to commence such action against the Plaintiff within thirty (30) days after said publication, the Prothonotary of Adams County, Pennsylvania, is directed upon Praecepte of the Plaintiff to enter Final Judgment herein in favor of Plaintiff and against Defendants pursuant to Pa.R.C.P. 1066(b)(1), and to cause a true and attested copy of this Order and such final judgment to be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, the same to be indexed in the name of the Defendants, Hansen C. Deardorff, Deceased, his heirs, devisees, personal representatives, successors and assigns, Tax Claim Bureau of Adams County, John Doe, and all parties who may have an interest in the subject premises, as GRANTORS, and the name of the Plaintiff, Cecil R. Youngblood, GRANTEE.

By the Court:
/s/Michael A. George
J.

7/7

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 May 3, 2006, pursuant to the Fictitious Name Act, setting forth that Joseph J. Jackson, Lorraine A. Jackson, Angelo J. Agosta and Lorraine A. Agosta are the only individuals and that Jackson Agosta, Inc. is the only entity interested in a business, the character of which is management of a country gift and antique shop, that the designation under which the business is and will be conducted is CONEWAGO CREEK FORKS and that the principal place of business is 1255 Oxford Road, New Oxford, PA 17350.

Bernard A. Yannetti, Jr.
Solicitor

7/7

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on May 15, 2006.

The name of the corporation is BILL DOWLING ENTERPRISES INC. The corporation has been incorporated under the Pennsylvania Business Corporation Law of 1988.

Bill Dowling Enterprises Inc.
640 Cedar Ridge Road
New Oxford, PA 17350-9141

7/7

Adams County **Legal Journal**

Vol. 48

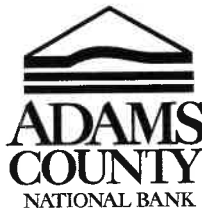
July 14, 2006

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IN THIS ISSUE

**PRIVATE ROAD IN HIGHLAND AND
HAMILTONBAN TWPS.**

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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. 06-S-454 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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 McSherrystown, Adams County, Pennsylvania, being shown as Lot No. 12 on a Final Subdivision Plan for Adams County Interfaith Housing Corporation, dated August 10, 1999, prepared by Wm. F. Hill & Assoc., Inc., and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 79 at page 2 and 2A, more particularly bounded and described as follows:

BEGINNING at a steel pin set at corner of Lot No. 13 and Saint Joseph Lane; thence continuing along Saint Joseph Lane by a curve to the right having a radius of 125.00 feet, arc of 109.89 feet and a chord bearing and distance of South 39 degrees 46 minutes 03 seconds East 106.38 to a steel pin set at corner of Lot No. 11; thence continuing along Saint Joseph Lane South 14 degrees 35 minutes 00 seconds East 12.92 feet to a steel pin set at corner of Lot No. 11; thence continuing along Lot No. 11 South 75 degrees 25 minutes 00 seconds West 152.00 feet to a steel pin set at corner of Lot No. 13; thence continuing along Lot No. 13 North 29 degrees 45 minutes 54 seconds East 152.69 feet to a steel pin set at edge of Saint Joseph Lane, the point and place of BEGINNING. CONTAINING 9,442 square feet.

Tax parcel No.: 28-3-3

Premises being: 22 St. Joseph Lane, McSherrystown, PA

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

James W. Muller-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 September 15,

2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-125 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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.:

BEGINNING for a corner at a point in the center of South Ridge Road (Township Road Number T-568) said point being the Northeastern corner of Lot Number 2. Thence by Lot Number 2 and through a Steel Pin set back on line 25.25 feet, (1) North 59 degrees 29 minutes 51 seconds West 599.79 feet to a Steel Pin set at land of Bradford S. Feather. Thence by Bradford S. Feather (2) North 21 degrees 14 minutes 20 seconds East, 354.21 feet to a Steel Pin set at the Southwestern corner of Lot Number 3. Thence by Lot Number 3 and passing through a Concrete Monument set 25.05 feet from the end of this line, (3) South 63 degrees 54 minutes 37 seconds East, 601.00 feet to a point in the center of South Ridge Road (T-568). Thence with the center of South Ridge Road (T-568) South 22 degrees 13 minutes 29 seconds West, 400.00 feet to the place of BEGINNING. CONTAINING 5.1599 acres (4.9309 acres net, exclusive of dedicated right-of-way) being shown as Lot Number 1 on a plan of lots prepared by Jerry D. LaRue PLS No. 19369-E dated March 3, 2005, and recorded in the Land Records of Adams County in Plan Book 88, Page 55.

BEING known as Lot No. 1, 390 South Ridge Road, Huntington Township, Adams County, Pennsylvania.

SEIZED and taken into execution as the property of **Luke I. Friedline, Denise M. Friedline, Virginia L. Hollabaugh & The United States of America** and to be sold by me.

James W. Muller-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 September 15, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on May 15, 2006.

The name of the corporation is **EMIG'S AUTO REPAIR, INC.**

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

Emig's Auto Repair, Inc.
7446 Lincoln Highway
Abbottstown, PA 17301

7/14

PRIVATE ROAD IN HIGHLAND AND HAMILTONBAN TWPS.

1. The Private Road Act authorizes courts to open private roads to the nearest highway when the owner of an adjoining property lacks a means of ingress and egress.
2. If the Petition for appointment of a Board of View contains the necessary information, no further challenge to the appointment of the Board is appropriate.
3. It is with a Board of View's discretion to divert a road over the property of an additional respondent.
4. The location of the road is wholly within the province of the Board of View.
5. Appellate cases acknowledge, with apparent approval, the procedure of joining neighboring landowners in proceedings under the Private Road Act.
6. The purpose of the Private Road Act is to allow for the establishment of private roads over the land of one man for the benefit of another so that the latter may have access to highways or places of necessary public resort.
7. Although a Board of View must determine that a necessity exists for the proposed road, the Act does not require the showing of an absolute necessity.
8. Upon a showing of necessity, the Board of View must consider four factors when determining the appropriateness of the site for a private road: the shortest distance, best ground, least injury to private parties, and desire of the petitioners.
9. The Board of View may designate the most appropriate route provided that the route is across the property of a party to the litigation. This authority implies that a Board of View may properly refuse to place a private road across the respondent's property when a more practical route is available across the property of a party not participating in the litigation.
10. Since the Board of View is vested with the authority to determine the location of a private road, the interests of judicial economy favor the joinder of neighboring property owners in one proceeding.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL ACTION NO. 05-S-699. IN RE: PRIVATE
ROAD IN HIGHLAND AND HAMILTONBAN TOWNSHIPS.

Henry O. Heiser, III, Esq., for Petitioners
Matthew R. Battersby, Esq. and James M. Stein, Esq., for Respondents
George, J., October 7, 2005

OPINION

On July 5, 2005, Harold and Betty Yingling ("Yinglings") petitioned the Court for the appointment of a Board of View regarding the opening of a private road from their landlocked lot located in Hamiltonban Township. The Yinglings wish to have the road placed over the adjoining lands of property owners Daniel and Shirley Scott ("Scotts"). On August 8, 2005, the Scotts filed an Answer to the Petition arguing that it is not necessary to place the right-of-way over their land because it would be more appropriately located across the

land of neighboring landowners. Their Answer requests that the Court direct the Yinglings to join the neighboring landowners as parties in this matter.

Proceedings to open private roads are specifically governed by statutory authority. See 36 P.S. § 2731, et seq., Private Road Act (“Act”). The Act authorizes courts to open private roads to the nearest highway when the owner of an adjoining property lacks a means of ingress and egress. See generally *Henning v. Watanabe (In re Private Rd. in East Rockhill Township)*, 645 A.2d 313 (Pa.Cmwth. 1994), app. denied, 653 A.2d 1235 (Pa. 1994). The Act specifically provides the procedure for instituting a proceeding. For instance, upon the petition of one or more persons, the court shall direct that a view of the requested private road be conducted. See 36 P.S. § 2731. The statute further mandates that the petition contain requisite information prior to the appointment of a board. See generally, *In re Private Road in Nescopeck Twp.*, 422 A.2d 199 (Pa.Super. 1980). If the Petition for appointment of a Board of View contains the necessary information, no further challenge to the appointment of the Board is appropriate. *Id.* at 201. Since the Scotts have not raised any deficiencies in the Petition, a Board of View will be appointed.

Although the procedure for instituting a proceeding for the laying out of a private road is specific, the Act provides little guidance with regard to other procedural issues that sometimes accompany litigation. Specifically, the Act does not address issues concerning the propriety or procedure for joining additional parties to the litigation. The Pennsylvania Rules of Civil Procedure also lack guidance in this regard.¹ I must, therefore, turn to appellate authority for guidance, if any, on this issue.

An exhaustive search of appellate authority has failed to reveal any case specifically addressing the propriety or procedure for joining neighboring property owners in proceedings under the Act. The search, however, did reveal a number of appellate cases that have a procedural history involving the joinder of additional parties. In *Bidding v. Beaston*, 549 A.2d 611 (1988), the Commonwealth Court recognized that it is within a Board of View’s discretion to divert a

¹ In *Miller v. France, et al*, 99-S-400 __ ACLJ__ (MAG-05/03/05), this Court determined that the Pennsylvania Rules of Civil Procedure do not apply to proceedings under the Private Road Act. *Id.*

road over the property of an additional respondent. The *Bidding* Court specifically rejected an argument that the Board of View could not place a road over the property of persons other than the original respondents named in the petition. *Id.* at 613, fn2.

In the recent case of *Holtzman v. Etzweiler*, 760 A.2d 1195 (Pa.Cmwth. 2000), the Commonwealth Court called attention to the joinder of an additional respondent by the original respondent in a petition pending before a Board of View. In *Holtzman*, the Holtzmans filed a petition for a private road proposing that the private road be opened across the property of neighboring landowners. Following the filing of the petition, the neighboring landowners joined another neighboring landowner, Hawn, as a respondent alleging that the private road would be better located across Hawn's property.² After viewing the property, the Board of View determined that the most feasible route for the private road was the route across the additional respondent's property despite this route being entirely different from that requested in the original Petition. Following exceptions filed by Holtzman, the Court of Common Pleas upheld the Board of View's determination. Similarly, the Commonwealth Court affirmed the Board's decision. In doing so, the Commonwealth Court noted:

The location of the road is wholly within the province of the viewers. Viewers go upon the premise of a proposed road and observe all the physical aspects of the land and are far better able to select a location than any judges sitting in a courthouse. The statute gives the viewers power to locate the road.

Id. at 1197.

Similarly, the Pennsylvania Superior Court implicitly recognized the joinder of additional parties in petitions under the Act in *In re Laying Out & Opening a Private Road*, 592 A.2d 343 (Pa.Super. 1991). In that case, the Superior Court addressed the original respondent's argument that the private road should have been laid

²It appears that joinder in *Holtzman* was accomplished as a result of the initial respondent filing objections to the petition. In light of the lack of clear procedural authority for the manner in which joinder is accomplished, I am unwilling to distinguish *Holtzman* on the de minimus issue of whether joinder is raised by preliminary objection or answer.

out across the property of parties joined as additional respondents, rather than the route across the original respondent's property. Critically, the Superior Court resolved the issue without comment concerning the propriety of the joinder of neighboring property owners to the litigation.

These cases acknowledge, with apparent approval, the procedure of joining neighboring landowners in proceedings under the Act. The Yinglings, however, rely on some of this same authority to suggest that once it is determined that a petitioner's property is landlocked, the only issue that remains to be decided is the location of the road over the property specified in the Petition. See, *Bidding*, cited above. The Yinglings conclude that while a Board of View may make minor adjustments to the route proposed in their Petition, the Board may not assign a different route. Accordingly, joinder serves no purpose since the Yinglings are seeking a private road on a route across the Scott's property.

It is true that the reasoning in *Bidding* supports the Yinglings' argument. However, the *Bidding* decision appears directly at odds with the conclusion reached by the Commonwealth Court in the subsequent case of *Holtzman v. Etzweiler*, cited above. Although the *Bidding* Court recognized that a Board of View has the discretion to divert a proposed road or make other minor variations in the location of a proposed road, it specifically held that a Board may not place a road in a location completely different from that requested. This decision is in contradiction with the *Holtzman* Court's affirmance of a Board of View's complete relocation of a private road from the location requested in the petition.

Until clear guidance is provided by the Commonwealth Court, I will follow the instruction of the *Holtzman* Court, as I find the reasoning to be more persuasive. The purpose of the Private Road Act is to allow for the establishment of private roads over the land of one man for the benefit of another so that the latter may have access to highways or places of necessary public resort. See generally, *Waddell's Appeal*, 84 Pa. 90 (Pa. 1877). Although a Board of View must determine that a necessity exists for the proposed road, *In re Private Rd., Cogan Twp., Lycoming Co.*, 684 A.2d 237, 239 (Pa.Cmwlt. 1996), the Act does not require the showing of an absolute necessity. *Phillippi v. Knotter*, 748 A.2d 757 (Pa.Super.

2000), app. denied, 760 A.2d 855. Upon a showing of necessity, the Board of View must consider four factors when determining the appropriateness of the site for a private road: “the shortest distance, best ground, least injury to private parties, and desire of the petitioners.” *In re Laying Out & Opening a Private Road*, 592 A.2d at 347 (citing 36 P.S. 1785). This authority, when read together, would seem to suggest that before the location of a proposed private road is laid out by a Board of View, the proposed road must be necessary and placed on the most feasible route causing the least injury to private parties. It follows, therefore, that the Board of View may designate the most appropriate route provided that the route is across the property of a party to the litigation. Likewise, this authority implies that a Board of View may properly refuse to place a private road across the respondent’s property when a more practical route is available across the property of a party not participating in the litigation. Obviously, it would be improper for a Board to lay out a route across the property of a party not involved in the litigation, since the same would be a taking without due process. To reach any other conclusion would essentially permit a petitioner to elect whatever route he deemed appropriate regardless of how impractical or unfair the route would be to a neighboring landowner. In essence, permitting a landlocked property owner to pick his route would essentially void the objective criteria set forth by our appellate courts in determining the location of a private road. See *In re Laying Out & Opening a Private Road*, cited above; *Holtzman v. Etzweiler*, cited above. Such a result would be an affront to the concepts of fairness which weaves the fiber of our system of justice.

Since the Board of View is vested with the authority to determine the location of a private road, the interests of judicial economy favor the joinder of neighboring property owners in one proceeding. Absent statutory or appellate authority to the contrary, and in recognition of the tacit approval of joinder in prior appellate opinions, I conclude that the Scotts’ request to join neighboring property owners is appropriate.

Having found that the Scotts’ request to join additional parties is proper, an issue remains regarding the means by which joinder may be accomplished. The Scotts suggest that the Petitioners are the only people who are allowed to join additional parties in light of the language set forth in the Act indicating that only a landowner seeking

relief under the Act may initiate a petition. I do not read this language as being so restrictive. Although it is clear that the Act requires proceedings under the Act be initiated by petition, the Act is silent as to procedures following the initiation of the action. While the Act does not specifically authorize the joinder of additional parties by respondents, it does not prohibit such joinder. Moreover, each of the appellate cases cited above involves the joinder of additional respondents by the original respondent. Absent clear procedural or legislative guidance, I see no reason to prohibit the Scotts from joining neighboring property owners in the litigation where those parties are proper to the convenient resolution of the matter.³

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 7th day of October, the Adams County Court Administrator is directed to appoint a Board of View in the above-captioned matter pursuant to local practice.

It is further Ordered that James N. Hamill and Helen G. Hamill and Irvin W. Weigandt are joined as parties to this action. The respondents are directed to serve a copy of all pleadings on each of the parties and file an appropriate Certificate of Service with the Prothonotary's Office.

³The Private Road Act was initially adopted by the legislature on June 13, 1836. The majority of the case law interpreting this Section predates the 1937 Act of the Pennsylvania General Assembly vesting the Pennsylvania Supreme Court with the authority to prescribe rules of practice and procedure. Perhaps because of the antiquity of this statute, neither the legislature nor the Pennsylvania Supreme Court have defined the parameters of litigation under the Act. I speculate that the lack of meaningful direction is probably linked to a decrease in the number of petitions filed under the Act since the early 1900's. Obviously, the increase in the number of public roads compared to the static amount of real estate has undoubtedly reduced the necessity of the Act. Nevertheless, in rural communities such as Adams County, a significant number of landlocked parcels of land exist. It would seem prudent, therefore, for the legislature to revisit the viability of this legislation and provide guidance as to its application. In the alternative, the adoption of procedural rules governing actions for the adoption of private roads would provide guidance for parties when proceeding under this Act. However, maintaining the status quo will only result in a procedural potpourri of proceedings under the Act.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-558 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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, together with the improvements thereon erected, situate in Berwick Township, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING at a steel pin 25 feet from the centerline of Carlisle Pike (Legislative Route No. 94) at other lands now or formerly of David I. O'Brian and Annette E. O'Brian, his wife; thence along said other lands, North 55 degrees 46 minutes East, 201.6 feet to a steel pin at said other lands; thence along the same, South 27 degrees East, 100 feet to a steel pin at lands now or formerly of John Griest; thence along said lands now or formerly of John Griest, South 55 degrees 46 minutes West, 201.6 feet to a steel pin on the Eastern side of the aforesaid Carlisle Pike (25 feet from the center of said Road); thence along the Eastern side of said Carlisle Pike, North 27 degrees West, 100 feet to a steel pin, the point and place of BEGINNING. CONTAINING 20,000 square feet.

The description is taken from a survey made by Donald E. Worley, Registered Surveyor, dated February 16, 1971.

BEING the same which Emanuel C. Apostolakis and Angela L. Apostolakis, husband and wife, by their deed dated September 20, 1999, and intended to be recorded immediately prior hereto in the Office of the Recorder of Deeds of Adams County, Pennsylvania, sold and conveyed unto Mark A. Stapleton and Sharon L. Stapleton, husband and wife.

Premises being: 2675 Carlisle Pike, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Mark A. Stapleton & Sharon L. Stapleton** and to be sold by me.

James W. Muller-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 September 15, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-718 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 September, 2006, 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 situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a point on the right-of-way line of Constitution Court and Lot No. 34 as shown on the hereinafter referred subdivision plan; thence along Lot No. 34, North forty-eight (48) degrees twenty-two (22) minutes zero (00) seconds East, one hundred twenty-five (125) feet to a point at Lot No. 3 and Lot No. 31 as shown on the hereinafter referenced subdivision plan; thence along Lot No. 30, South forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds East, sixty-five (65) feet to a point at Lot No. 29 and Lot No. 36 as shown on the hereinafter referenced subdivision plan; thence along Lot No. 36, South forty-eight (48) degrees twenty-two (22) minutes zero (00) seconds West, one hundred twenty-five (125.00) feet to a point on the right-of-way line of Constitution Court; thence along Constitution Court, North forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds West, sixty-five and zero hundredths (65.00) feet to the point and place of BEGINNING. CONTAINING 8,125.00 square feet or 0.19 acre.

The above described lot being designated as Lot No. 35 on the Final Subdivision Plan of "Heritage Hill - Phase 1" prepared by James R. Holley, Registered Professional Surveyor, dated July 31, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 61 at page 84.

Vested by Special Warranty Deed dated 12-28-01, given by Gloria J. Keene and Jeffrey W. Aaron and Heather Aaron, husband and wife to Cassie Wamsley and Stanley E. Kohlhepp, Sr., as joint tenants with the right of survivorship recorded 1-4-02 in Book 2521 Page 0005.

Premises Being: 20 Constitution Court, Littlestown, PA 17340

Tax ID (27) 011-0153

SEIZED and taken into execution as the property of **Cassie C. Wamsley & Stanley E. Kohlhepp, Sr.** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-8-06(B)

NOTICE

TO: THOMAS REEVES

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for August 3, 2006, at 9:00 a.m., prevailing time, in the Conference Room on the 4th Floor of the Adams County Courthouse, at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: (717) 337-9846

Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-441 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of September, 2006, 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 Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on a bridge over Willoughby Run in the center of the Lincoln Highway running from Gettysburg to Chambersburg; thence in the center of said Lincoln Highway North 52 degrees West, 275.5 feet to a point in the center of said Lincoln Highway at corner of land of Harvey F. Gardenhour; thence by land of the said Harvey F. Gardenhour North 38-1/2 degrees East, 283 feet, more or less, to an iron pin; thence by the same South 60 degrees East, 121 feet, more or less, to an iron pin at or near the West side of Willoughby Run; thence along or near said Willoughby Run South 21-1/4 degrees West, 173.2 feet to an iron pin; thence in said Willoughby Run South 3 degrees East, 166.5 feet to a point, the place of BEGINNING. CONTAINING 1 acre, 26 perches and 43 square feet.

The foregoing description was taken from a draft of survey prepared by P.S. Omer, County Surveyor, on April 23, 1952.

The tract of land above described being the same which Helena M. Pearson, single woman, by deed dated May 2, 1955, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 210 at page 28, conveyed unto Roland L. Erb and Elizabeth E. Erb, husband and wife, as tenants of an estate by the entireties, the Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN the Karen E. LaRue, a/k/a Karon E. LaRue now by marriage Karon E. Baumgardner by reason of the following:

BEING THE SAME premises which Roland L. Erb and Elizabeth E. Erb, husband and wife, by Deed dated 9/26/1997, recorded 9/29/1997 in Deed Book 1447, page 244, conveyed unto Karen E. LaRue and Donald R. Horton, as joint tenants with the right of survivorship.

AND THE SAID Donald R. Horton being so seized thereof, departed this life on April 19, 2003, whereby title to said premises became vested in Karen E. LaRue, a/k/a Karon E. LaRue now by marriage Karon E. Baumgardner, by operation of law.

Premises: 703 Chambersburg Road, Gettysburg, PA 17325, Adams County, Pennsylvania

SEIZED and taken into execution as the property of **Karon E. LaRue a/k/a Karen E. LaRue a/k/a Karon E. Baumgardner** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-8-06(A)

NOTICE

TO: RICHARD JULIEN

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for August 3, 2006, at 9:00 a.m., prevailing time, in the Conference Room on the 4th Floor of the Adams County Courthouse, at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: (717) 337-9846

Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-219 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of August, 2006, 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 land situate in the Borough of Bonneauville, Adams County, Pennsylvania, being more particularly described as Lot No. 79 on a plan of lots of Bonnie Field, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9, at Page 24, and subject to all legal highways, easements, rights-of-way and restrictions of record.

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

Map 9 Parcel 93

Premises being: 4 West Bonniefield Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Rick D. Leese & Catherine M. Leese** and to be sold by me.

James W. Muller-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 August 28, 2006, 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.

6/30, 7/7 & 14

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF SARA E. HOLLABAUGH, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executors: Pamela J. Lerew and Larry D. Lerew, 130 Century Lane, Dillsburg, PA 17019

Attorney: Jan M. Wiley, Esq., Wiley, Lenox, Colgan & Marzacco, P.C., 130 W. Church St., Suite 100, Dillsburg, PA 17019

ESTATE OF MARY MARGARET MILLER, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Carol Keys Simpson, 865 Seven Stars Rd., Biglerville, PA 17307

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

ESTATE OF CAROLYN A. RILEY, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administratrix: Rebecca S. Metzger, P.O. Box 140, York Springs, PA 17372

Attorney: Wendy Weikal-Beauchat, Esq., 63 W. High Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF BETTY RIDER BAKER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Vicki Lynn Rinehart, 75 Mummert Dr., Littlestown, PA 17340; Robbie Lee Davis, 21 Park Ave., Littlestown, PA 17340; Billie Jo D'Amico, 4079 English Creek Ave., Egg Harbor Township, NJ 08234

Attorney: Robert E. Campbell, Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF MELVIN L. DITZLER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: Harold L. Ditzler, 162 S. Main Street, Biglerville, PA 17307

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

ESTATE OF DORA E. GORDON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Marlin E. & Louise A. Sharp, 1030 Highfield Court, Mechanicsburg, PA 17055

Attorney: Susan E. Lederer, Esq., 4811 Jonestown Road, Suite 226, Harrisburg, PA 17109

ESTATE OF ANNA V. HEARE, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

L. James Heare, 50 Fern Drive, New Oxford, PA 17350; Mark S. Heare, 701 S. Church Street, Waynesboro, PA 17268

Attorney: Jeffrey M. Cook, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF JOHN C. MENGES a/k/a JOHN CLAIR MENGES, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: John C. Menges, II & Kathleen Hermann, c/o Jean White E. Jones, Esq., 130 West Lancaster Avenue, Wayne, PA 19087

Attorney: Jean White E. Jones, Esq., 130 West Lancaster Avenue, Wayne, PA 19087

ESTATE OF LEROY B. REAVER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Evelyn M. Reaver, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York St., Hanover, PA 17331

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

ESTATE OF ROBERT E. SCOTT, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Robin L. Hammett, 2901 Fallstaff Road, #503, Baltimore, MD 21209

Attorney: Timothy J. Shultis, Esq., Miller & Shultis, P.C., Hanover, PA 17331

ESTATE OF IRA L. WILLIAMS, JR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator c.t.a.: Robert P. Dubs, Jr., 180 Camp Gettysburg Road, Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF MARY NATALIE CONOVER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Willis M. Conover, Jr., 110 Hemlock Drive, Clarks Summit, PA 18411

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

ESTATE OF RUTH E. HARTLAUB, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Tina M. Smith & Ronald E. Wolford, 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

ESTATE OF ROSALIE M. KNOWLES, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Administrators C.T.A.: Judy R. Sechrist, 200 Woodland View Dr., York, PA 17402; John D. Berkheimer, 2040 Sandalwood Court, York, PA 17404

Attorney: Charles J. Long, Esq., Smith, Anderson, Baker & Long, 25 N. Duke St., 2nd Fl., York, PA 17401

ESTATE OF BRENT E. LETERSKY, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administratrix: Lisa M. Toomey, 32 McAllister Street, Unit 2, Hanover, PA 17331

Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

ESTATE OF MARION H. LITTLE, DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Executrix: C. Kay Kime, 604 W. Myrtle Street, Littlestown, PA 17340

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

ESTATE OF TERRY L. ZUMBRUM, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Co-Executors: Clair J. Zumbur, Jr., 350 S. Center St., Hanover, PA 17331; Darlene M. Eckert, 1200 Glatco Lodge Rd., Hanover, PA 17331

Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-830 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 September, 2006, 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 Butler Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at a corner of lands now or formerly of James Parry and at side of a public road which road which leads to Route 234, thence along other land of James Parry, crossing the aforesaid public road and running along an old mill race, North 13 degrees West, 42 perches to a point, thence along land of the same North 22 degrees West, 7.9 perches to an iron pin; thence leaving said mill race, crossing another public road and running along land now or formerly of Earl Kime, South 66-1/4 degrees West, 12.4 perches to a point in Opossum Creek; thence along the said Creek and land now or formerly of Zula Himes and recrossing the first mentioned public road, South 10 degrees East 50.1 perches to a point in said Creek at corner of land now or formerly of Harry Kime Estate; thence leaving said Creek and running along land of the James Parry, North 65 degrees East, 18 perches to the point, the place of BEGINNING. CONTAINING 4 Acres and 120 perches.

BEING KNOWN AS: 921 Stone Jug Road, Biglerville, PA 17307

TITLE TO SAID PREMISES IS VESTED IN Carol Ann Burke by deed from Ruth E. Burke, Widow by General Warranty Deed dated 12/14/1967 and recorded 12/14/1967 in Deed Book 264, Page 1176.

Tax I.D. #: Map G8 Parcel 5

TO BE SOLD AS THE PROPERTY OF: Carol Ann Burke

SEIZED and taken into execution as the property of **Carol Ann Burke** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-107 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 September, 2006, 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 Tyrone Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a steel rod at corner of lot along the right-of-way of PA 234 and along a 20 foot alley (open), as shown on the hereinafter boundary survey; thence along said alley North 29 degrees 30 minutes 55 seconds East, 260.00 feet to a steel rod at corner of lot along said alley and along a 20 foot alley (not open); thence along said alley (not open) South 65 degrees 58 minutes 30 seconds East, 220.00 feet to a steel rod at corner of said lot and along the right-of-way of Old Harrisburg Road (S.R. 3001); thence along said right-of-way of Old Harrisburg Road South 29 degrees 30 minutes 55 seconds West, 195.00 feet to a steel rod; thence North 65 degrees 58 minutes 30 seconds West, 65.00 feet to a steel rod; thence South 29 degrees 30 minutes 55 seconds West, 65.00 feet to a steel rod at corner of said lot and along the right-of-way of PA 234; thence along the right-of-way of PA 234 North 65 degrees 58 minutes 30 seconds West, 155.00 feet to a steel rod at corner of lot along the right-of-way of PA 234 and along a 20 foot alley (open), the point and place of BEGINNING. CONTAINING 1,211 acres.

Tax Parcel No. 40-1-30

BEING the same premises which Shirley P. Helfbriidle, by Deed dated August 14, 1998 and recorded in the Adams County Recorder of Deeds Office on August 14, 1998 in Deed Book 1642 Page 31, granted and conveyed unto Thomas P. Hunt.

SUBJECT TO MORTGAGE

Premises Being: 2796 Heidlersburg Rd., Gettysburg, PA

SEIZED and taken into execution as the property of **Thomas P. Hunt** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

OPRANS' COURT DIVISION
NO. RT-6-06

IN RE: ADOPTION OF BRIAN ALEJANDRO ESTRADA

DECREE

AND NOW, this 28th day of June, 2006, all rights of Miguel Angel Martinez, as Father of Brian Alejandro Estrada, born May 20, 1999, are hereby terminated. Custody, pending adoption, is hereby awarded to the Petitioners, Fabian Aguilar and Miriam Monica Aguilar.

Said Miguel Angel Martinez shall not be entitled to receive further notice of the adoption proceedings nor to object to those proceedings.

Service of this Decree shall be made by Petitioners by first class mail, upon Miguel Angel Martinez, mailed to his last known address, and proof of service shall be filed of record.

Said Miguel Angel Martinez is hereby notified that he has a right to appeal this decision to the Superior Court of Pennsylvania by filing a Notice of Appeal with the Clerk of Courts within 30 days of the date of this Decree, otherwise, any right to appeal may be waived.

The Clerk of Courts will have no duty to forward the notices to the natural Father unless directed to do so in the future by the Court.

/s/Robert G. Bigham
Judge

Thomas E. Miller, Esq.
Christina M. Simpson, Esq.

7/14

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**PRIVATE ROAD IN HIGHLAND AND
HAMILTONBAN TWPS.**

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. 06-S-454 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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 McSherrystown, Adams County, Pennsylvania, being shown as Lot No. 12 on a Final Subdivision Plan for Adams County Interfaith Housing Corporation, dated August 10, 1999, prepared by Wm. F. Hill & Assoc., Inc., and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 79 at page 2 and 2A, more particularly bounded and described as follows:

BEGINNING at a steel pin set at corner of Lot No. 13 and Saint Joseph Lane; thence continuing along Saint Joseph Lane by a curve to the right having a radius of 125.00 feet, arc of 109.89 feet and a chord bearing and distance of South 39 degrees 46 minutes 03 seconds East 106.38 to a steel pin set at corner of Lot No. 11; thence continuing along Saint Joseph Lane South 14 degrees 35 minutes 00 seconds East 12.92 feet to a steel pin set at corner of Lot No. 11; thence continuing along Lot No. 11 South 75 degrees 25 minutes 00 seconds West 152.00 feet to a steel pin set at corner of Lot No. 13; thence continuing along Lot No. 13 North 29 degrees 45 minutes 54 seconds East 152.69 feet to a steel pin set at edge of Saint Joseph Lane, the point and place of BEGINNING. CONTAINING 9,442 square feet.

Tax parcel No.: 28-3-3

Premises being: 22 St. Joseph Lane, McSherrystown, PA

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

James W. Muller-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 September 15,

2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-125 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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.:

BEGINNING for a corner at a point in the center of South Ridge Road (Township Road Number T-568) said point being the Northeastern corner of Lot Number 2. Thence by Lot Number 2 and through a Steel Pin set back on line 25.26 feet, (1) North 59 degrees 29 minutes 51 seconds West 599.79 feet to a Steel Pin set at land of Bradford S. Feather. Thence by Bradford S. Feather (2) North 21 degrees 14 minutes 20 seconds East, 354.21 feet to a Steel Pin set at the Southwestern corner of Lot Number 3. Thence by Lot Number 3 and passing through a Concrete Monument set 25.05 feet from the end of this line, (3) South 63 degrees 54 minutes 37 seconds East, 601.00 feet to a point in the center of South Ridge Road (T-568). Thence with the center of South Ridge Road (T-568) South 22 degrees 13 minutes 29 seconds West, 400.00 feet to the place of BEGINNING, CONTAINING 5.1599 acres (4.9309 acres net, exclusive of dedicated right-of-way) being shown as Lot Number 1 on a plan of lots prepared by Jerry D. LaRue PLS No. 19369-E dated March 3, 2005, and recorded in the Land Records of Adams County in Plan Book 88, Page 55.

BEING known as Lot No. 1, 390 South Ridge Road, Huntington Township, Adams County, Pennsylvania.

SEIZED and taken into execution as the property of **Luke I. Friedline, Denise M. Friedline, Virginia L. Hollabaugh & The United States of America** and to be sold by me.

James W. Muller-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 September 15, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on May 15, 2006.

The name of the corporation is **EMIG'S AUTO REPAIR, INC.**

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

Emig's Auto Repair, Inc.
7446 Lincoln Highway
Abbottstown, PA 17301

7/14

PRIVATE ROAD IN HIGHLAND AND HAMILTONBAN TWPS.

1. The Private Road Act authorizes courts to open private roads to the nearest highway when the owner of an adjoining property lacks a means of ingress and egress.
2. If the Petition for appointment of a Board of View contains the necessary information, no further challenge to the appointment of the Board is appropriate.
3. It is with a Board of View's discretion to divert a road over the property of an additional respondent.
4. The location of the road is wholly within the province of the Board of View.
5. Appellate cases acknowledge, with apparent approval, the procedure of joining neighboring landowners in proceedings under the Private Road Act.
6. The purpose of the Private Road Act is to allow for the establishment of private roads over the land of one man for the benefit of another so that the latter may have access to highways or places of necessary public resort.
7. Although a Board of View must determine that a necessity exists for the proposed road, the Act does not require the showing of an absolute necessity.
8. Upon a showing of necessity, the Board of View must consider four factors when determining the appropriateness of the site for a private road: the shortest distance, best ground, least injury to private parties, and desire of the petitioners.
9. The Board of View may designate the most appropriate route provided that the route is across the property of a party to the litigation. This authority implies that a Board of View may properly refuse to place a private road across the respondent's property when a more practical route is available across the property of a party not participating in the litigation.
10. Since the Board of View is vested with the authority to determine the location of a private road, the interests of judicial economy favor the joinder of neighboring property owners in one proceeding.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL ACTION NO. 05-S-699. IN RE: PRIVATE
ROAD IN HIGHLAND AND HAMILTONBAN TOWNSHIPS.

Henry O. Heiser, III, Esq., for Petitioners
Matthew R. Battersby, Esq. and James M. Stein, Esq., for Respondents
George, J., October 7, 2005

OPINION

On July 5, 2005, Harold and Betty Yingling ("Yinglings") petitioned the Court for the appointment of a Board of View regarding the opening of a private road from their landlocked lot located in Hamiltonban Township. The Yinglings wish to have the road placed over the adjoining lands of property owners Daniel and Shirley Scott ("Scotts"). On August 8, 2005, the Scotts filed an Answer to the Petition arguing that it is not necessary to place the right-of-way over their land because it would be more appropriately located across the

land of neighboring landowners. Their Answer requests that the Court direct the Yinglings to join the neighboring landowners as parties in this matter.

Proceedings to open private roads are specifically governed by statutory authority. See 36 P.S. § 2731, et seq., Private Road Act (“Act”). The Act authorizes courts to open private roads to the nearest highway when the owner of an adjoining property lacks a means of ingress and egress. See generally *Henning v. Watanabe (In re Private Rd. in East Rockhill Township)*, 645 A.2d 313 (Pa.Cmwlt. 1994), app. denied, 653 A.2d 1235 (Pa. 1994). The Act specifically provides the procedure for instituting a proceeding. For instance, upon the petition of one or more persons, the court shall direct that a view of the requested private road be conducted. See 36 P.S. § 2731. The statute further mandates that the petition contain requisite information prior to the appointment of a board. See generally, *In re Private Road in Nescopeck Twp.*, 422 A.2d 199 (Pa.Super. 1980). If the Petition for appointment of a Board of View contains the necessary information, no further challenge to the appointment of the Board is appropriate. *Id.* at 201. Since the Scotts have not raised any deficiencies in the Petition, a Board of View will be appointed.

Although the procedure for instituting a proceeding for the laying out of a private road is specific, the Act provides little guidance with regard to other procedural issues that sometimes accompany litigation. Specifically, the Act does not address issues concerning the propriety or procedure for joining additional parties to the litigation. The Pennsylvania Rules of Civil Procedure also lack guidance in this regard.¹ I must, therefore, turn to appellate authority for guidance, if any, on this issue.

An exhaustive search of appellate authority has failed to reveal any case specifically addressing the propriety or procedure for joining neighboring property owners in proceedings under the Act. The search, however, did reveal a number of appellate cases that have a procedural history involving the joinder of additional parties. In *Bidding v. Beaston*, 549 A.2d 611 (1988), the Commonwealth Court recognized that it is within a Board of View’s discretion to divert a

¹ In *Miller v. France, et al*, 99-S-400 __ ACLJ__ (MAG-05/03/05), this Court determined that the Pennsylvania Rules of Civil Procedure do not apply to proceedings under the Private Road Act. *Id.*

road over the property of an additional respondent. The *Bidding* Court specifically rejected an argument that the Board of View could not place a road over the property of persons other than the original respondents named in the petition. *Id.* at 613, fn2.

In the recent case of *Holtzman v. Etzweiler*, 760 A.2d 1195 (Pa.Cmwlt. 2000), the Commonwealth Court called attention to the joinder of an additional respondent by the original respondent in a petition pending before a Board of View. In *Holtzman*, the Holtzmans filed a petition for a private road proposing that the private road be opened across the property of neighboring landowners. Following the filing of the petition, the neighboring landowners joined another neighboring landowner, Hawn, as a respondent alleging that the private road would be better located across Hawn's property.² After viewing the property, the Board of View determined that the most feasible route for the private road was the route across the additional respondent's property despite this route being entirely different from that requested in the original Petition. Following exceptions filed by Holtzman, the Court of Common Pleas upheld the Board of View's determination. Similarly, the Commonwealth Court affirmed the Board's decision. In doing so, the Commonwealth Court noted:

The location of the road is wholly within the province of the viewers. Viewers go upon the premise of a proposed road and observe all the physical aspects of the land and are far better able to select a location than any judges sitting in a courthouse. The statute gives the viewers power to locate the road.

Id. at 1197.

Similarly, the Pennsylvania Superior Court implicitly recognized the joinder of additional parties in petitions under the Act in *In re Laying Out & Opening a Private Road*, 592 A.2d 343 (Pa.Super. 1991). In that case, the Superior Court addressed the original respondent's argument that the private road should have been laid

²It appears that joinder in *Holtzman* was accomplished as a result of the initial respondent filing objections to the petition. In light of the lack of clear procedural authority for the manner in which joinder is accomplished, I am unwilling to distinguish *Holtzman* on the de minimus issue of whether joinder is raised by preliminary objection or answer.

out across the property of parties joined as additional respondents, rather than the route across the original respondent's property. Critically, the Superior Court resolved the issue without comment concerning the propriety of the joinder of neighboring property owners to the litigation.

These cases acknowledge, with apparent approval, the procedure of joining neighboring landowners in proceedings under the Act. The Yinglings, however, rely on some of this same authority to suggest that once it is determined that a petitioner's property is landlocked, the only issue that remains to be decided is the location of the road over the property specified in the Petition. See, *Bidding*, cited above. The Yinglings conclude that while a Board of View may make minor adjustments to the route proposed in their Petition, the Board may not assign a different route. Accordingly, joinder serves no purpose since the Yinglings are seeking a private road on a route across the Scott's property.

It is true that the reasoning in *Bidding* supports the Yinglings' argument. However, the *Bidding* decision appears directly at odds with the conclusion reached by the Commonwealth Court in the subsequent case of *Holtzman v. Etzweiler*, cited above. Although the *Bidding* Court recognized that a Board of View has the discretion to divert a proposed road or make other minor variations in the location of a proposed road, it specifically held that a Board may not place a road in a location completely different from that requested. This decision is in contradiction with the *Holtzman* Court's affirmation of a Board of View's complete relocation of a private road from the location requested in the petition.

Until clear guidance is provided by the Commonwealth Court, I will follow the instruction of the *Holtzman* Court, as I find the reasoning to be more persuasive. The purpose of the Private Road Act is to allow for the establishment of private roads over the land of one man for the benefit of another so that the latter may have access to highways or places of necessary public resort. See generally, *Waddell's Appeal*, 84 Pa. 90 (Pa. 1877). Although a Board of View must determine that a necessity exists for the proposed road, *In re Private Rd., Cogan Twp., Lycoming Co.*, 684 A.2d 237, 239 (Pa.Cmwlt. 1996), the Act does not require the showing of an absolute necessity. *Phillippi v. Knotter*, 748 A.2d 757 (Pa.Super.

2000), app. denied, 760 A.2d 855. Upon a showing of necessity, the Board of View must consider four factors when determining the appropriateness of the site for a private road: “the shortest distance, best ground, least injury to private parties, and desire of the petitioners.” *In re Laying Out & Opening a Private Road*, 592 A.2d at 347 (citing 36 P.S. 1785). This authority, when read together, would seem to suggest that before the location of a proposed private road is laid out by a Board of View, the proposed road must be necessary and placed on the most feasible route causing the least injury to private parties. It follows, therefore, that the Board of View may designate the most appropriate route provided that the route is across the property of a party to the litigation. Likewise, this authority implies that a Board of View may properly refuse to place a private road across the respondent’s property when a more practical route is available across the property of a party not participating in the litigation. Obviously, it would be improper for a Board to lay out a route across the property of a party not involved in the litigation, since the same would be a taking without due process. To reach any other conclusion would essentially permit a petitioner to elect whatever route he deemed appropriate regardless of how impractical or unfair the route would be to a neighboring landowner. In essence, permitting a landlocked property owner to pick his route would essentially void the objective criteria set forth by our appellate courts in determining the location of a private road. See *In re Laying Out & Opening a Private Road*, cited above; *Holtzman v. Etzweiler*, cited above. Such a result would be an affront to the concepts of fairness which weaves the fiber of our system of justice.

Since the Board of View is vested with the authority to determine the location of a private road, the interests of judicial economy favor the joinder of neighboring property owners in one proceeding. Absent statutory or appellate authority to the contrary, and in recognition of the tacit approval of joinder in prior appellate opinions, I conclude that the Scotts’ request to join neighboring property owners is appropriate.

Having found that the Scotts’ request to join additional parties is proper, an issue remains regarding the means by which joinder may be accomplished. The Scotts suggest that the Petitioners are the only people who are allowed to join additional parties in light of the language set forth in the Act indicating that only a landowner seeking

relief under the Act may initiate a petition. I do not read this language as being so restrictive. Although it is clear that the Act requires proceedings under the Act be initiated by petition, the Act is silent as to procedures following the initiation of the action. While the Act does not specifically authorize the joinder of additional parties by respondents, it does not prohibit such joinder. Moreover, each of the appellate cases cited above involves the joinder of additional respondents by the original respondent. Absent clear procedural or legislative guidance, I see no reason to prohibit the Scotts from joining neighboring property owners in the litigation where those parties are proper to the convenient resolution of the matter.³

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 7th day of October, the Adams County Court Administrator is directed to appoint a Board of View in the above-captioned matter pursuant to local practice.

It is further Ordered that James N. Hamill and Helen G. Hamill and Irvin W. Weigandt are joined as parties to this action. The respondents are directed to serve a copy of all pleadings on each of the parties and file an appropriate Certificate of Service with the Prothonotary's Office.

³The Private Road Act was initially adopted by the legislature on June 13, 1836. The majority of the case law interpreting this Section predates the 1937 Act of the Pennsylvania General Assembly vesting the Pennsylvania Supreme Court with the authority to prescribe rules of practice and procedure. Perhaps because of the antiquity of this statute, neither the legislature nor the Pennsylvania Supreme Court have defined the parameters of litigation under the Act. I speculate that the lack of meaningful direction is probably linked to a decrease in the number of petitions filed under the Act since the early 1900's. Obviously, the increase in the number of public roads compared to the static amount of real estate has undoubtedly reduced the necessity of the Act. Nevertheless, in rural communities such as Adams County, a significant number of landlocked parcels of land exist. It would seem prudent, therefore, for the legislature to revisit the viability of this legislation and provide guidance as to its application. In the alternative, the adoption of procedural rules governing actions for the adoption of private roads would provide guidance for parties when proceeding under this Act. However, maintaining the status quo will only result in a procedural potpourri of proceedings under the Act.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-558 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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, together with the improvements thereon erected, situate in Berwick Township, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING at a steel pin 25 feet from the centerline of Carlisle Pike (Legislative Route No. 94) at other lands now or formerly of David I. O'Brian and Annette E. O'Brian, his wife; thence along said other lands, North 55 degrees 46 minutes East, 201.6 feet to a steel pin at said other lands; thence along the same, South 27 degrees East, 100 feet to a steel pin at lands now or formerly of John Griest; thence along said lands now or formerly of John Griest, South 55 degrees 46 minutes West, 201.6 feet to a steel pin on the Eastern side of the aforesaid Carlisle Pike (25 feet from the center of said Road); thence along the Eastern side of said Carlisle Pike, North 27 degrees West, 100 feet to a steel pin, the point and place of BEGINNING. CONTAINING 20,000 square feet.

The description is taken from a survey made by Donald E. Worley, Registered Surveyor, dated February 16, 1971.

BEING the same which Emanuel C. Apostolakis and Angela L. Apostolakis, husband and wife, by their deed dated September 20, 1999, and intended to be recorded immediately prior hereto in the Office of the Recorder of Deeds of Adams County, Pennsylvania, sold and conveyed unto Mark A. Stapleton and Sharon L. Stapleton, husband and wife.

Premises being: 2675 Carlisle Pike, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Mark A. Stapleton & Sharon L. Stapleton** and to be sold by me.

James W. Muller-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 September 15, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-718 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 September, 2006, 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 situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a point on the right-of-way line of Constitution Court and Lot No. 34 as shown on the hereinafter referred subdivision plan; thence along Lot No. 34, North forty-eight (48) degrees twenty-two (22) minutes zero (00) seconds East, one hundred twenty-five (125) feet to a point at Lot No. 33 and Lot No. 31 as shown on the hereinafter referenced subdivision plan; thence along Lot No. 30, South forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds East, sixty-five (65) feet to a point at Lot No. 29 and Lot No. 36 as shown on the hereinafter referenced subdivision plan; thence along Lot No. 36, South forty-eight (48) degrees twenty-two (22) minutes zero (00) seconds West, one hundred twenty-five (125.00) feet to a point on the right-of-way line of Constitution Court; thence along Constitution Court, North forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds West, sixty-five and zero hundredths (65.00) feet to the point and place of BEGINNING. CONTAINING 8,125.00 square feet or 0.19 acre.

The above described lot being designated as Lot No. 35 on the Final Subdivision Plan of "Heritage Hill - Phase 1" prepared by James R. Holley, Registered Professional Surveyor, dated July 31, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 61 at page 84.

Vested by Special Warranty Deed dated 12-28-01, given by Gloria J. Keene and Jeffrey W. Aaron and Heather Aaron, husband and wife to Cassie Wamsley and Stanley E. Kohlhepp, Sr., as joint tenants with the right of survivorship recorded 1-4-02 in Book 2521 Page 0005.

Premises Being: 20 Constitution Court, Littlestown, PA 17340

Tax ID (27) 011-0153

SEIZED and taken into execution as the property of **Cassie C. Wamsley & Stanley E. Kohlhepp, Sr.** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-8-06(B)

NOTICE

TO: THOMAS REEVES

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for August 3, 2006, at 9:00 a.m., prevailing time, in the Conference Room on the 4th Floor of the Adams County Courthouse, at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: (717) 337-9846

Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-441 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of September, 2006, 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 Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on a bridge over Willoughby Run in the center of the Lincoln Highway running from Gettysburg to Chambersburg; thence in the center of said Lincoln Highway North 52 degrees West, 275.5 feet to a point in the center of said Lincoln Highway at corner of land of Harvey F. Gardenhour; thence by land of the said Harvey F. Gardenhour North 38-1/2 degrees East, 283 feet, more or less, to an iron pin; thence by the same South 60 degrees East, 121 feet, more or less, to an iron pin at or near the West side of Willoughby Run; thence along or near said Willoughby Run South 21-1/4 degrees West, 173.2 feet to an iron pin; thence in said Willoughby Run South 3 degrees East, 166.5 feet to a point, the place of BEGINNING. CONTAINING 1 acre, 26 perches and 43 square feet.

The foregoing description was taken from a draft of survey prepared by P.S. Orner, County Surveyor, on April 23, 1952.

The tract of land above described being the same which Helena M. Pearson, single woman, by deed dated May 2, 1955, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 210 at page 28, conveyed unto Roland L. Erb and Elizabeth E. Erb, husband and wife, as tenants of an estate by the entireties, the Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN the Karen E. LaRue, a/k/a Karon E. LaRue now by marriage Karon E. Baumgardner by reason of the following:

BEING THE SAME premises which Roland L. Erb and Elizabeth E. Erb, husband and wife, by Deed dated 9/26/1997, recorded 9/29/1997 in Deed Book 1447, page 244, conveyed unto Karen E. LaRue and Donald R. Horton, as joint tenants with the right of survivorship.

AND THE SAID Donald R. Horton being so seized thereof, departed this life on April 19, 2003, whereby title to said premises became vested in Karen E. LaRue, a/k/a Karon E. LaRue now by marriage Karon E. Baumgardner, by operation of law.

Premises: 703 Chambersburg Road, Gettysburg, PA 17325, Adams County, Pennsylvania

SEIZED and taken into execution as the property of **Karon E. LaRue a/k/a Karen E. LaRue a/k/a Karon E. Baumgardner** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-8-06(A)

NOTICE

TO: RICHARD JULIEN

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for August 3, 2006, at 9:00 a.m., prevailing time, in the Conference Room on the 4th Floor of the Adams County Courthouse, at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: (717) 337-9846

Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-219 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of August, 2006, 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 land situate in the Borough of Bonneauville, Adams County, Pennsylvania, being more particularly described as Lot No. 79 on a plan of lots of Bonnie Field, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 9, at Page 24, and subject to all legal highways, easements, rights-of-way and restrictions of record.

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

Map 9 Parcel 93

Premises being: 4 West Bonniefield Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Rick D. Leese & Catherine M. Leese** and to be sold by me.

James W. Muller-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 August 28, 2006, 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.

6/30, 7/7 & 14

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF SARA E. HOLLABAUGH, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executors: Pamela J. Lerew and Larry D. Lerew, 130 Century Lane, Dillsburg, PA 17019

Attorney: Jan M. Wiley, Esq., Wiley, Lenox, Colgan & Marzacco, P.C., 130 W. Church St., Suite 100, Dillsburg, PA 17019

ESTATE OF MARY MARGARET MILLER, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Carol Keys Simpson, 865 Seven Stars Rd., Biglerville, PA 17307

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

ESTATE OF CAROLYN A. RILEY, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administratrix: Rebecca S. Metzger, P.O. Box 140, York Springs, PA 17372

Attorney: Wendy Weikal-Beauchat, Esq., 63 W. High Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF BETTY RIDER BAKER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Vicki Lynn Rinehart, 75 Mummer Dr., Littlestown, PA 17340; Robbie Lee Davis, 21 Park Ave., Littlestown, PA 17340; Billie Jo D'Amico, 4079 English Creek Ave., Egg Harbor Township, NJ 08234

Attorney: Robert E. Campbell, Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF MELVIN L. DITZLER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: Harold L. Ditzler, 162 S. Main Street, Biglerville, PA 17307

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

ESTATE OF DORA E. GORDON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Marlin E. & Louise A. Sharp, 1030 Highfield Court, Mechanicsburg, PA 17055

Attorney: Susan E. Lederer, Esq., 4811 Jonestown Road, Suite 226, Harrisburg, PA 17109

ESTATE OF ANNA V. HEARE, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

L. James Heare, 50 Fern Drive, New Oxford, PA 17350; Mark S. Heare, 701 S. Church Street, Waynesboro, PA 17268

Attorney: Jeffery M. Cook, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF JOHN C. MENGES a/k/a JOHN CLAIR MENGES, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: John C. Menges, II & Kathleen Hermann, c/o Jean White E. Jones, Esq., 130 West Lancaster Avenue, Wayne, PA 19087

Attorney: Jean White E. Jones, Esq., 130 West Lancaster Avenue, Wayne, PA 19087

ESTATE OF LEROY B. REAVER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Evelyn M. Reaver, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York St., Hanover, PA 17331

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

ESTATE OF ROBERT E. SCOTT, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Robin L. Hammett, 2901 Fallstaff Road, #503, Baltimore, MD 21209

Attorney: Timothy J. Shultis, Esq., Miller & Shultis, P.C., Hanover, PA 17331

ESTATE OF IRA L. WILLIAMS, JR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator c.t.a.: Robert P. Dubs, Jr., 180 Camp Gettysburg Road, Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF MARY NATALIE CONOVER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Willis M. Conover, Jr., 110 Hemlock Drive, Clarks Summit, PA 18411

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

ESTATE OF RUTH E. HARTLAUB, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executors: Tina M. Smith & Ronald E. Wolford, 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

ESTATE OF ROSALIE M. KNOWLES, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Administrators C.T.A.: Judy R. Sechrist, 200 Woodland View Dr., York, PA 17402; John D. Berkheimer, 2040 Sandalwood Court, York, PA 17404

Attorney: Charles J. Long, Esq., Smith, Anderson, Baker & Long, 25 N. Duke St., 2nd Fl., York, PA 17401

ESTATE OF BRENT E. LETERSKY, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administratrix: Lisa M. Toomey, 32 McAllister Street, Unit 2, Hanover, PA 17331

Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

ESTATE OF MARION H. LITTLE, DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Executrix: C. Kay Kime, 604 W. Myrtle Street, Littlestown, PA 17340

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

ESTATE OF TERRY L. ZUMBRUM, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Co-Executors: Clair J. Zumbur, Jr., 350 S. Center St., Hanover, PA 17331; Darlene M. Eckert, 1200 Glatco Lodge Rd., Hanover, PA 17331

Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-830 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 September, 2006, 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 Butler Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at a corner of lands now or formerly of James Parry and at side of a public road which road which leads to Route 234; thence along other land of James Parry, crossing the aforesaid public road and running along an old mill race, North 13 degrees West, 42 perches to a point; thence along land of the same North 22 degrees West, 7.9 perches to an iron pin; thence leaving said mill race, crossing another public road and running along land now or formerly of Earl Kime, South 66-1/4 degrees West, 12.4 perches to a point in Opossum Creek; thence along the said Creek and land now or formerly of Zula Himes and recrossing the first mentioned public road, South 10 degrees East 50.1 perches to a point in said Creek at corner of land now or formerly of Harry Kime Estate; thence leaving said Creek and running along land of the James Parry, North 65 degrees East, 18 perches to the point, the place of BEGINNING. CONTAINING 4 Acres and 120 perches.

BEING KNOWN AS: 921 Stone Jug Road, Biglerville, PA 17307

TITLE TO SAID PREMISES IS VESTED IN Carol Ann Burke by deed from Ruth E. Burke, Widow by General Warranty Deed dated 12/14/1967 and recorded 12/14/1967 in Deed Book 264, Page 1176.

Tax I.D. #: Map G8 Parcel 5

TO BE SOLD AS THE PROPERTY OF: Carol Ann Burke

SEIZED and taken into execution as the property of **Carol Ann Burke** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-107 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 September, 2006, 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 Tyrone Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a steel rod at corner of lot along the right-of-way of PA 234 and along a 20 foot alley (open), as shown on the hereinafter boundary survey; thence along said alley North 29 degrees 30 minutes 55 seconds East, 260.00 feet to a steel rod at corner of lot along said alley and along a 20 foot alley (not open); thence along said alley (not open) South 65 degrees 58 minutes 30 seconds East, 220.00 feet to a steel rod at corner of said lot and along the right-of-way of Old Harrisburg Road (S.R. 3001); thence along said right-of-way of Old Harrisburg Road South 29 degrees 30 minutes 55 seconds West, 195.00 feet to a steel rod; thence North 65 degrees 58 minutes 30 seconds West, 65.00 feet to a steel rod; thence South 29 degrees 30 minutes 55 seconds West, 65.00 feet to a steel rod at corner of said lot and along the right-of-way of PA 234; thence along the right-of-way of PA 234 North 65 degrees 58 minutes 30 seconds West, 155.00 feet to a steel rod at corner of lot along the right-of-way of PA 234 and along a 20 foot alley (open), the point and place of BEGINNING. CONTAINING 1,211 acres.

Tax Parcel No. 40-1-30

BEING the same premises which Shirley P. Heltbride, by Deed dated August 14, 1998 and recorded in the Adams County Recorder of Deeds Office on August 14, 1998 in Deed Book 1642 Page 31, granted and conveyed unto Thomas P. Hunt.

SUBJECT TO MORTGAGE

Premises Being: 2796 Heidlersburg Rd., Gettysburg, PA

SEIZED and taken into execution as the property of **Thomas P. Hunt** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-6-06

IN RE: ADOPTION OF BRIAN ALEJANDRO ESTRADA

DECREE

AND NOW, this 26th day of June, 2006, all rights of Miguel Angel Martinez, as Father of Brian Alejandro Estrada, born May 20, 1999, are hereby terminated. Custody, pending adoption, is hereby awarded to the Petitioners, Fabian Aguilar and Miriam Monica Aguilar.

Said Miguel Angel Martinez shall not be entitled to receive further notice of the adoption proceedings nor to object to those proceedings.

Service of this Decree shall be made by Petitioners by first class mail, upon Miguel Angel Martinez, mailed to his last known address, and proof of service shall be filed of record.

Said Miguel Angel Martinez is hereby notified that he has a right to appeal this decision to the Superior Court of Pennsylvania by filing a Notice of Appeal with the Clerk of Courts within 30 days of the date of this Decree, otherwise, any right to appeal may be waived.

The Clerk of Courts will have no duty to forward the notices to the natural Father unless directed to do so in the future by the Court.

/s/Robert G. Bigham
Judge

Thomas E. Miller, Esq.
Christina M. Simpson, Esq.

7/14

Adams County Legal Journal

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July 21, 2006

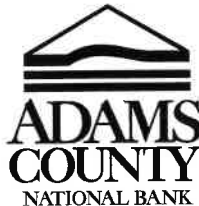
No. 9, pp. 55-64

IN THIS ISSUE

DRAMKA VS. HAMILTON TWP.

Commitment:

The philosophy upon which
Adams County National Bank is
founded and upon which we are planning
for your future financial needs today.



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. 06-S-454 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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 McSherrystown, Adams County, Pennsylvania, being shown as Lot No. 12 on a Final Subdivision Plan for Adams County Interfaith Housing Corporation, dated August 10, 1999, prepared by Wm. F. Hill & Assoc., Inc., and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 79 at page 2 and 2A, more particularly bounded and described as follows:

BEGINNING at a steel pin set at corner of Lot No. 13 and Saint Joseph Lane; thence continuing along Saint Joseph Lane by a curve to the right having a radius of 125.00 feet, arc of 109.89 feet and a chord bearing and distance of South 39 degrees 46 minutes 03 seconds East 106.38 to a steel pin set at corner of Lot No. 11; thence continuing along Saint Joseph Lane South 14 degrees 35 minutes 00 seconds East 12.92 feet to a steel pin set at corner of Lot No. 11; thence continuing along Lot No. 11 South 75 degrees 25 minutes 00 seconds West 152.00 feet to a steel pin set at corner of Lot No. 13; thence continuing along Lot No. 13 North 29 degrees 45 minutes 54 seconds East 152.69 feet to a steel pin set at edge of Saint Joseph Lane, the point and place of BEGINNING. CONTAINING 9,442 square feet.

Tax parcel No.: 28-3-3

Premises being: 22 St. Joseph Lane, McSherrystown, PA

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

James W. Muller-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 September 15,

2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-125 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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.:

BEGINNING for a corner at a point in the center of South Ridge Road (Township Road Number T-568) said point being the Northeastern corner of Lot Number 2. Thence by Lot Number 2 and through a Steel Pin set back on line 25.26 feet, (1) North 59 degrees 29 minutes 51 seconds West 599.79 feet to a Steel Pin set at land of Bradford S. Feather. Thence by Bradford S. Feather (2) North 21 degrees 14 minutes 20 seconds East, 354.21 feet to a Steel Pin set at the Southwestern corner of Lot Number 3. Thence by Lot Number 3 and passing through a Concrete Monument set 25.05 feet from the end of this line, (3) South 63 degrees 54 minutes 37 seconds East, 601.00 feet to a point in the center of South Ridge Road (T-568). Thence with the center of South Ridge Road (T-568) South 22 degrees 13 minutes 29 seconds West, 400.00 feet to the place of BEGINNING, CONTAINING 5.1599 acres (4.9309 acres net, exclusive of dedicated right-of-way) being shown as Lot Number 1 on a plan of lots prepared by Jerry D. LaRue PLS No. 19369-E dated March 3, 2005, and recorded in the Land Records of Adams County in Plan Book 88, Page 55.

BEING known as Lot No. 1, 390 South Ridge Road, Huntington Township, Adams County, Pennsylvania.

SEIZED and taken into execution as the property of **Luke I. Friedline, Denise M. Friedline, Virginia L. Hollabaugh & The United States of America** and to be sold by me.

James W. Muller-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 September 15, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on June 19, 2006 under Pennsylvania Business Corporation Law for CLARENCE ANDREW BUILDING & REMODELING, INC. The address of the Corporation is 199 Blacksmith Shop Road, Gettysburg, Pennsylvania 17325.

7/21

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that HAMMOND HOLDINGS, INC., has been organized under the provisions of the Business Corporation Law of 1988 and has filed Articles of Incorporation with the Pennsylvania Department of State.

7/21

DRAMKA VS. HAMILTON TWP.

1. Mandamus is an extraordinary writ of common law, designed to compel performance of a ministerial act or mandatory duty where there exists a clear legal right in the plaintiff, a corresponding duty in the defendant, and want of any other adequate and appropriate remedy.
2. As a matter of the court's discretion, a mandamus is not a remedy of absolute right and can never be invoked in a doubtful case.
3. In granting a motion for peremptory judgment under Pa. R.C.P. 1098, courts use the same standard which governs the disposition of a motion for summary judgment.
4. A waiver is an abandonment or relinquishment of a known right.
5. Equitable estoppel is a doctrine that prevents one party from doing an act differently than the manner in which it induced another party to reasonably expect.
6. Equitable estoppel may be applied when the following elements are met: (1) the party against whom the doctrine is sought to be asserted intentionally or negligently misrepresented a material fact, knowing or with reason to know that the other party would justifiably rely on the misrepresentation, (2) the other party acted to his or her detriment by justifiably relying on the misrepresentation, and (3) there was no duty of inquiry on the party seeking to assert estoppel.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL ACTION NO. 2005-S-298. DRAMKA,
INC. VS. HAMILTON TOWNSHIP.

Glenn Vaughn, Esq., for Plaintiff
Craig Milsten, Esq., for Defendant
Kuhn, P.J., October 12, 2005

OPINION ON PLAINTIFF'S MOTION FOR PEREMPTORY JUDGMENT ON THE PLEADINGS

On March 16, 2005, Dramka, Inc. (hereinafter "Dramka") filed a Complaint against Hamilton Township (hereinafter "Township") asking for a mandamus judgment and equitable enforcement of an agreement between both parties. Before the Court for disposition is Dramka's Motion for Peremptory Judgment on the Pleadings filed May 25, 2005. The relevant pleadings consist of the Complaint, Township's Answer and New Matter, and Dramka's Reply to Township's New Matter. For the reasons set forth herein, Dramka's Motion for Peremptory Judgment on the Pleadings is granted.

STATEMENT OF FACTS

The facts, when viewed in the light most favorable to Township for purposes of this motion, reveal the following circumstances: Dramka received final subdivision and land development approval

from Township for a residential development in Hamilton Township known as Greystone Manor. Included in the approved plan were streets and storm water management facilities to be built to standards of Township's ordinances. Township concedes that Dramka built the storm water management facilities to the specifications of Township's ordinances.

Dramka posted a bond to guarantee the proper construction and paving of the streets and implementation of the storm water management facilities. Township never demanded payment of the bonds for the streets or storm water management facilities.

At some unknown date, Dramka sent correspondence to Township and its engineer claiming that the streets were completed to the extent that the final wearing course could be applied and that the storm water management facilities were also completed. Township and its engineer did not prepare or send Dramka any written report of inspection of the streets nor did they issue a written report specifying Dramka's failure to build the storm water management facilities according to the approved specifications.

In November 2003, both parties entered into a written agreement (hereinafter "Greystone Agreement") to resolve issues concerning Township's withholding of building permits for Greystone Manor due to Dramka's failure to complete certain improvements and rectify storm water problems. The material portions of the Greystone Agreement are set forth as follows:

1. There is an existing storm water issue along Foxtown Drive. The Developer [Dramka] agrees to establish a drainage swale starting at the shared property line of lots 41 and 42 and ending at existing inlet I-2. Both parties also agree that this situation will be monitored. If the aforementioned swale is deemed inadequate because it is not in compliance with the approved land development plan and the ordinance requirements of the Township by an engineer selected jointly by the Township and the Developer, and the neutral engineer determines that the remedy to bring the storm water conveyance into compliance with the Township ordinance requirements is to install inlets and storm sewer in accordance with the revised plan set drawings numbered 8, 9 and 11 of 18,

prepared by Maryland Land Design, Inc., revised on August 19, 2003, then the Developer will proceed to complete that work accordingly. The cost of the neutral engineer will be paid by Developer.

2. The Developer shall post a bond or letter of credit (to be approved by the Township solicitor) in the amount of \$14,500.00, within ten (10) days of the date of this Agreement, to secure installation of the above mentioned inlets and storm sewer if required under Paragraph 1 hereof.

3. In consideration of the above, Township shall lift the hold on building permits in this development.

The neutral engineer selected by both parties was Christopher S. Pecora, P.E., P.L.S.. Pecora issued a written report on September 10, 2004, wherein he stated that “[o]ur conclusion from an evaluation of both the approved data and the as built conditions is that the development was constructed in relative conformance to the design documents.”

Dramka brings this mandamus action to request that the Court order Township to approve the streets, release the street construction bond, and release the storm water management facilities construction bond posted by Dramka in conjunction with the development and pursuant to the Greystone Agreement.

LEGAL DISCUSSION

Mandamus is “an extraordinary writ of common law, designed to compel performance of a ministerial act or mandatory duty where there exists a clear legal right in the plaintiff, a corresponding duty in the defendant, and want of any other adequate and appropriate remedy.” *Green v. Tioga County Bd. of Comm’rs*, 661 A.2d 932, 934 (Pa. Commw. 1995). As a matter of the court’s discretion, a mandamus is not a remedy of absolute right and can never be invoked in a doubtful case. *Bakerstown Liquid Burners, Inc. v. Richland Township*, 447 A.2d 1074 (Pa. Commw. 1982).

In a mandamus action, Pa.R.C.P. 1098 permits a court to enter preemphory judgment at any time after the filing of the complaint if the right of the plaintiff is clear. *Thayer v. Lincoln Borough*, 687 A.2d 1195, 1197 (Pa. Super. 1997), alloc. Den., 698 A.2d 598 (1997);

See also, Pa.R.C.P. 1098, 42 Pa.C.S.A. The *Thayer* Court went on to recite the standard for peremptory judgment as follows:

In granting a motion for peremptory judgment under rule 1098, courts use the same standard which governs the disposition of a motion for summary judgment under Rules 1035.1 - 1035.5 of the Pennsylvania Rules of Civil Procedure. *Washowich*, 503 A.2d at 1086. Thus, courts consider both the record actually presented and the potential record at the time of trial. *Id.* A judgment will be entered only in the clearest of cases where there is no doubt as to the absence of a material fact. *Id.* The burden of demonstrating that there is no dispute as to a material fact is on the moving party, and the record must be examined in the light most favorable to the nonmoving party. *Id.*

Thayer, 687 A.2d at 1197 (citations omitted).

Determination of whether there is a dispute as to a material fact in this mandamus action first requires that relevant provisions of Pennsylvania's Municipalities Planning Code (hereinafter "MPC") be examined. 53 P.S. § 10510 (a-d) provides the following procedures for subdivision improvements:

- (a) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The municipal governing body shall, within ten days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the municipal engineer of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate approval or

rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

- (b) The municipal governing body shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of said municipal governing body with relation thereto.
- (c) If the municipal governing body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- (d) If any portion of the said improvements shall not be approved or shall be rejected by the municipal governing body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

Section 510(a) of the MPC has been interpreted by the Pennsylvania Commonwealth Court to require that:

After notice of the completion of an improvement, the municipal body has a maximum of 40 days within which to accept or reject it. If it rejects the improvement then it must send the Developer a detailed inspection report indicating what portion or portions of the improvement are rejected and the reasons for the non-approval. *Mertz v. Lakatos*, 381 A.2d 497, 500 (1978).

Furthermore, 53 P.S. § 1058(4) places the following limitations on the application of ordinance changes to previously approved plans:

- (i) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning,

subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

- (ii) When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired, provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

(iii) Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

Here, in conformity with 53 P.S. § 10510(a), Dramka notified Township and its engineer in writing that the streets were completed to the extent that the final wearing course could be applied and that the storm water management facilities were also completed. Both Township and its engineer failed to send a written report of inspection of the streets to Dramka and additionally failed to send a written report to Dramka specifying Dramka's failure to build the storm water management facilities according to the approved plans, thereby violating 53 P.S. § 10510(a).

Township argues in its brief that Dramka either waived its right to seek mandamus to enforce the statutory requirements of 53 P.S. § 10510 or, in the alternative, it should be estopped from now attempting to enforce such requirements. More specifically, Township argues that Dramka, by entering into the Greystone Agreement with Township, waived its right to proceed under the procedural requirements of 53 P.S. § 10510.

A waiver is an abandonment or relinquishment of a known right. *Curry v. Bacharach Quality Shops, Inc.*, 117 A. 435, 438 (Pa. 1921). In this case, waiver is not found in the Greystone Agreement because Dramka never expressly agreed to abandon or relinquish its known right to proceed under the requirements of 53 P.S. § 10510. The Greystone Agreement states that there is an existing storm water issue, Dramka agrees to establish a drainage swale, both parties agree to employ a neutral engineer to inspect the storm water management facilities to determine if they are inadequate because they are not in compliance with the approved plan, and if determined by the neutral engineer to be inadequate, Dramka agrees to install inlets and storm sewers to bring the storm water conveyance into compliance with Township's ordinance requirements. Nowhere in the Greystone Agreement is there discussion or agreement that signing

the Greystone Agreement waives either party's requirement to follow the procedural requirements of 53 P.S. § 10510.¹

Accordingly, because Township has not complied with the statutory mandate, it appears that Dramka is entitled to a deemed approval unless the Court finds a discernible basis to otherwise deny relief at this stage of the proceedings.

Equitable estoppel is a doctrine that prevents one party from doing an act differently than the manner in which it induced another party to reasonably expect. *Homart Dev. Co. v. Sgrenci*, 662 A.2d 1092, 1099 (Pa. Super. 1995). Equitable estoppel may be applied when the following elements are met: (1) the party against whom the doctrine is sought to be asserted intentionally or negligently misrepresented a material fact, knowing or with reason to know that the other party would justifiably rely on the misrepresentation, (2) the other party acted to his or her detriment by justifiably relying on the misrepresentation, and (3) there was no duty of inquiry on the party seeking to assert estoppel. *Id.*

Here, equitable estoppel would not be applicable because there is no assertion that Dramka misrepresented a material fact and therefore, Township could not have justifiably relied on any such misrepresentation. Furthermore, Township should have been aware of the requirements of the MPC and consequently had a duty to inquire whether the Greystone Agreement was intended to supercede these requirements. Thus, Dramka is not estopped from seeking enforcement of the statutory requirements of 53 P.S. § 10510.

Because Dramka neither waived its rights to receive the mandatory responses required by 53 P.S. § 10510 nor was estopped from enforcing such requirements, Township does not have a defense to the present action. Consequently, pursuant to 53 P.S. § 10510(c), Dramka's improvements to the streets and the storm water management facilities are deemed approved. Dramka is released from responsibility under the performance bond for the storm water management system only.

¹Based on its experience, knowledge, and familiarity of dealing with disputes concerning the MPC, Township should not have relied on any form of implicit waiver. At that time, Township, not Dramka, was facing the statutory mandate to respond. If it was the intent of Township for Dramka to waive enforcement of the procedural requirement of 53 P.S. § 10510 by signing the Greystone Agreement, it should have ensured that such language was explicitly written into the agreement.

In opposition to Dramka's mandamus action, Township also argues that there are additional problems with the storm water management facilities that justify its refusal to approve the facilities and to release the construction bonds. Township questions the effectiveness of the storm water management facilities, contending that such facilities are inadequate in that they do not effectively manage the storm water run-off and fail to protect the health and safety of the Township's residents in violation of the Township's ordinances.²

To resolve this matter, the Greystone Agreement itself must be examined and interpreted. The material parts of the Greystone Agreement only come into effect if the drainage swale constructed by Dramka is deemed inadequate by a neutral engineer because it is not in compliance with the approved land development plan and the ordinance requirements of the Township. After evaluating the development plans and the constructed swale, Christopher Pecora, the neutral engineer, reported that the development and the swale were "constructed in relative conformance to the design documents."

In its New Matter and brief, Township points out that even though Pecora's report concludes that Dramka's swale was constructed according to its design documents, his report does not expressly state that the swale was adequate to handle the storm water run-off effectively or that it was in compliance with the ordinance requirements of the Township. However, Township misinterprets the Greystone Agreement. The Greystone Agreement requires the neutral engineer to report that the system is "inadequate," not that it is "adequate." Further action on the part of Dramka was only required if inadequacies were reported. Because none were reported, no further action is required by Dramka under the express terms of the Greystone Agreement.

Furthermore, it can be inferred that Pecora's statement that the swale was "constructed in relative conformance to the design documents" essentially conveys that the swale was adequate to handle the storm water run-off and that it was in compliance with the ordinance requirements of the Township. If the swale was inadequate to handle the storm water run-off or not in compliance with the ordinance

²Township seems to acknowledge that the road and storm water systems were built in conformity with the ordinances. It fails to point to any other ordinance or statute which requires Dramka to go beyond the ordinance requirements it has satisfied. If any exist, it is not the role of this Court to provide that research and reference.

requirements, one would expect that Pecora would have stated that fact in his report.

Additionally, it is inconsistent for Township to argue that the neutral engineer agreed that the system was constructed in conformity with Township specifications and then, in turn, deny approval because the system is allegedly inadequate. One must wonder what standards are applicable. Township has not offered insight. However, it appears that Township is imposing additional conditions or requirements upon Dramka, which are not part of the approved development plan.

If so, Township's additional conditions on the storm water management facilities are improper because they violate 53 P.S. § 10508(4)(i-ii). In this case, Township placed the conditions on Dramka that the storm water management facilities must effectively manage the storm water run-off and protect the health and safety of the Township's residents after the final subdivision approval and subsequent Greystone Agreement.³ Moreover, these conditions were imposed within the five-year time period prohibited for subsequent changes or amendments to subdivision plans or governing ordinances.

Based on the pleadings and briefs, it is clear that no genuine issue of fact exists as to the issues in dispute. As a result, mandamus is appropriate as to approval of the streets, the release of the street construction bond upon completion of the final street surface, and the release of the storm water management facilities construction bond(s) posted by Dramka.

Accordingly, the attached Order is entered.

ORDER

AND NOW, this 12th day of October, 2005, in accordance with the reasoning set forth in the attached Opinion, Plaintiff's Motion for Peremptory Judgment on the Pleadings is granted.

³As already noted, Pecora found that the storm water management facilities were constructed in relative conformance to the design documents for Greystone Manor. Pecora's approval was based on an evaluation of the storm water management facilities which did not include Township's additional conditions.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-558 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of August, 2006, 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, together with the improvements thereon erected, situate in Berwick Township, Adams County, Pennsylvania, bounded and limited as follows:

BEGINNING at a steel pin 25 feet from the centerline of Carlisle Pike (Legislative Route No. 94) at other lands now or formerly of David I. O'Brian and Annette E. O'Brian, his wife; thence along said other lands, North 55 degrees 46 minutes East, 201.6 feet to a steel pin at said other lands; thence along the same, South 27 degrees East, 100 feet to a steel pin at lands now or formerly of John Griest; thence along said lands now or formerly of John Griest, South 55 degrees 46 minutes West, 201.6 feet to a steel pin on the Eastern side of the aforesaid Carlisle Pike (25 feet from the center of said Road); thence along the Eastern side of said Carlisle Pike, North 27 degrees West, 100 feet to a steel pin, the point and place of BEGINNING. CONTAINING 20,000 square feet.

The description is taken from a survey made by Donald E. Worley, Registered Surveyor, dated February 16, 1971.

BEING the same which Emanuel C. Apostolakis and Angela L. Apostolakis, husband and wife, by their deed dated September 20, 1999, and intended to be recorded immediately prior hereto in the Office of the Recorder of Deeds of Adams County, Pennsylvania, sold and conveyed unto Mark A. Stapleton and Sharon L. Stapleton, husband and wife.

Premises being: 2675 Carlisle Pike, New Oxford, PA 17350

SEIZED and taken into execution as the property of **Mark A. Stapleton & Sharon L. Stapleton** and to be sold by me.

James W. Muller-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 September 15, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-718 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 September, 2006, 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 situate, lying and being in Littlestown Borough, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a point on the right-of-way line of Constitution Court and Lot No. 34 as shown on the hereinafter referred subdivision plan; thence along Lot No. 34, North forty-eight (48) degrees twenty-two (22) minutes zero (00) seconds East, one hundred twenty-five (125) feet to a point at Lot No. 3 and Lot No. 31 as shown on the hereinafter referenced subdivision plan; thence along Lot No. 30, South forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds East, sixty-five (65) feet to a point at Lot No. 29 and Lot No. 36 as shown on the hereinafter referenced subdivision plan; thence along Lot No. 36, South forty-eight (48) degrees twenty-two (22) minutes zero (00) seconds West, one hundred twenty-five (125.00) feet to a point on the right-of-way line of Constitution Court; thence along Constitution Court, North forty-one (41) degrees thirty-eight (38) minutes zero (00) seconds West, sixty-five and zero hundredths (65.00) feet to the point and place of BEGINNING. CONTAINING 8,125.00 square feet or 0.19 acre.

The above described lot being designated as Lot No. 35 on the Final Subdivision Plan of "Heritage Hill - Phase 1" prepared by James R. Holley, Registered Professional Surveyor, dated July 31, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 61 at page 84.

Vested by Special Warranty Deed dated 12-28-01, given by Gloria J. Keene and Jeffrey W. Aaron and Heather Aaron, husband and wife to Cassie Wamsley and Stanley E. Kohlhepp, Sr., as joint tenants with the right of survivorship recorded 1-4-02 in Book 2521 Page 0005.

Premises Being: 20 Constitution Court, Littlestown, PA 17340

Tax ID (27) 011-0153

SEIZED and taken into execution as the property of **Cassie C. Wamsley & Stanley E. Kohlhepp, Sr.** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/7, 14 & 21

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
NO. RT-8-06(B)

NOTICE

TO: THOMAS REEVES

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for August 3, 2006, at 9:00 a.m., prevailing time, in the Conference Room on the 4th Floor of the Adams County Courthouse, at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: (717) 337-9846

Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-441 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of September, 2006, 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 Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on a bridge over Willoughby Run in the center of the Lincoln Highway running from Gettysburg to Chambersburg; thence in the center of said Lincoln Highway North 52 degrees West, 275.5 feet to a point in the center of said Lincoln Highway at corner of land of Harvey F. Gardenhour; thence by land of the said Harvey F. Gardenhour North 38-1/2 degrees East, 283 feet, more or less, to an iron pin; thence by the same South 60 degrees East, 121 feet, more or less, to an iron pin at or near the West side of Willoughby Run; thence along or near said Willoughby Run South 21-1/4 degrees West, 173.2 feet to an iron pin; thence in said Willoughby Run South 3 degrees East, 166.5 feet to a point, the place of BEGINNING. CONTAINING 1 acre, 26 perches and 43 square feet.

The foregoing description was taken from a draft of survey prepared by P.S. Omer, County Surveyor, on April 23, 1952.

The tract of land above described being the same which Helena M. Pearson, single woman, by deed dated May 2, 1955, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 210 at page 28, conveyed unto Roland L. Erb and Elizabeth E. Erb, husband and wife, as tenants of an estate by the entireties, the Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN the Karen E. LaRue, a/k/a Karen E. LaRue now by marriage Karon E. Baumgardner by reason of the following:

BEING THE SAME premises which Roland L. Erb and Elizabeth E. Erb, husband and wife, by Deed dated 9/26/1997, recorded 9/29/1997 in Deed Book 1447, page 244, conveyed unto Karen E. LaRue and Donald R. Horton, as joint tenants with the right of survivorship.

AND THE SAID Donald R. Horton being so seized thereof, departed this life on April 19, 2003, whereby title to said premises became vested in Karen E. LaRue, a/k/a Karen E. LaRue now by marriage Karon E. Baumgardner, by operation of law.

Premises: 703 Chambersburg Road, Gettysburg, PA 17325, Adams County, Pennsylvania

SEIZED and taken into execution as the property of **Karon E. LaRue a/k/a Karen E. LaRue a/k/a Karon E. Baumgardner** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
NO. RT-8-06(A)

NOTICE

TO: RICHARD JULIEN

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for August 3, 2006, at 9:00 a.m., prevailing time, in the Conference Room on the 4th Floor of the Adams County Courthouse, at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: (717) 337-9846
Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

7/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-499 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 September, 2006, 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 land situated in Straban Township, Adams County, Pennsylvania, being more particularly described as (Lot No. 416) on a plan of lots of Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Miscellaneous Volume 4 at page 427, and subject to all legal highways, easements, rights of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN George H. Simeone and Jodi F. Simeone, husband and wife by Deed from Fred M. Fowler and Carolyn N. Fowler, husband and wife dated 9/30/1998 and recorded 10/8/1998 in Record Book 1677, Page 231.

Tax Parcel: 4-26

Premises Being: 416 Heritage Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **George H. Simeone & Jodi F. Simeone** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/21, 28 & 8/4

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 FRANCIS H. GONOSKI, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Stephanie J. Banks, 19720 Olney Mill Road, Brookeville, MD 20833

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

ESTATE OF BRANDON HATCHER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Administratrix: Sherry Jean Hatcher, 449 West Middle Street, Gettysburg, PA 17325

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

ESTATE OF SHIRLEY M. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Juanita Strause, 44678 Willow Oak Court, California, MD 20619

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

ESTATE OF JOHN JOSEPH PLATTNER a/k/a JOHN J. PLATTNER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Trudy Plattner, 1052 Pickett Drive, Gettysburg, PA 17325

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

ESTATE OF GEORGE F. SHELEMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Alice R. Shelleman, 3822 Old Harrisburg Road, Gettysburg, PA 17325

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF MARTHA K. SHELLY, DEC'D

Late of Union Township, Adams County, Pennsylvania

Co-Executrices: Rose Diller, 5663 Senft Road, Spring Grove, PA 17362; Debra Grove, 12674 Littlestown Rd., Hanover, PA 17331

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

SECOND PUBLICATION

ESTATE OF SARA E. HOLLABAUGH, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executors: Pamela J. Lerew and Larry D. Lerew, 130 Century Lane, Dillsburg, PA 17019

Attorney: Jan M. Wiley, Esq., Wiley, Lenox, Colgan & Marzacco, P.C., 130 W. Church St., Suite 100, Dillsburg, PA 17019

ESTATE OF MARY MARGARET MILLER, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Carol Keys Simpson, 865 Seven Stars Rd., Biglerville, PA 17307

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

ESTATE OF CAROLYN A. RILEY, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administratrix: Rebecca S. Metzger, P.O. Box 140, York Springs, PA 17372

Attorney: Wendy Weikal-Beauchat, Esq., 63 W. High Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF BETTY RIDER BAKER, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Vicki Lynn Rinehart, 75 Mummert Dr., Littlestown, PA 17340; Robbie Lee Davis, 21 Park Ave., Littlestown, PA 17340; Billie Jo D'Amico, 4079 English Creek Ave., Egg Harbor Township, NJ 08234

Attorney: Robert E. Campbell, Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF MELVIN L. DITZLER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: Harold L. Ditzler, 162 S. Main Street, Biglerville, PA 17307

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

ESTATE OF DORA E. GORDON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Marlin E. & Louise A. Sharp, 1030 Highfield Court, Mechanicsburg, PA 17055

Attorney: Susan E. Lederer, Esq., 4811 Jonestown Road, Suite 226, Harrisburg, PA 17109

ESTATE OF ANNA V. HEARE, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

L. James Heare, 50 Fern Drive, New Oxford, PA 17350; Mark S. Heare, 701 S. Church Street, Waynesboro, PA 17268

Attorney: Jeffery M. Cook, Esq., 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF JOHN C. MENGES a/k/a JOHN CLAIR MENGES, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: John C. Menges, II & Kathleen Hermann, c/o Jean White E. Jones, Esq., 130 West Lancaster Avenue, Wayne, PA 19087

Attorney: Jean White E. Jones, Esq., 130 West Lancaster Avenue, Wayne, PA 19087

ESTATE OF LEROY B. REAVER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Evelyn M. Reaver, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York St., Hanover, PA 17331

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

ESTATE OF ROBERT E. SCOTT, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Robin L. Hammett, 2901 Fallstaff Road, #503, Baltimore, MD 21209

Attorney: Timothy J. Shultz, Esq., Miller & Shultz, P.C., Hanover, PA 17331

ESTATE OF IRA L. WILLIAMS, JR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator c.t.a.: Robert P. Dubs, Jr., 180 Camp Gettysburg Road, Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-830 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 September, 2006, 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 Butler Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at a corner of lands now or formerly of James Parry and at side of a public road which road which leads to Route 234; thence along other land of James Parry, crossing the aforesaid public road and running along an old mill race, North 13 degrees West, 42 perches to a point; thence along land of the same North 22 degrees West, 7.9 perches to an iron pin; thence leaving said mill race, crossing another public road and running along land now or formerly of Earl Kime, South 66-1/4 degrees West, 12.4 perches to a point in Opossum Creek; thence along the said Creek and land now or formerly of Zula Himes and recrossing the first mentioned public road, South 10 degrees East 50.1 perches to a point in said Creek at corner of land now or formerly of Harry Kime Estate; thence leaving said Creek and running along land of the James Parry, North 65 degrees East, 18 perches to the point, the place of BEGINNING. CONTAINING 4 Acres and 120 perches.

BEING KNOWN AS: 921 Stone Jug Road, Biglerville, PA 17307

TITLE TO SAID PREMISES IS VESTED IN Carol Ann Burke by deed from Ruth E. Burke, Widow by General Warranty Deed dated 12/14/1967 and recorded 12/14/1967 in Deed Book 264, Page 1176.

Tax I.D. #: Map G8 Parcel 5

TO BE SOLD AS THE PROPERTY OF: Carol Ann Burke

SEIZED and taken into execution as the property of **Carol Ann Burke** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-107 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 September, 2006, 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 Tyrone Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a steel rod at corner of lot along the right-of-way of PA 234 and along a 20 foot alley (open), as shown on the hereinafter boundary survey; thence along said alley North 29 degrees 30 minutes 55 seconds East, 260.00 feet to a steel rod at corner of lot along said alley and along a 20 foot alley (not open); thence along said alley (not open) South 65 degrees 58 minutes 30 seconds East, 220.00 feet to a steel rod at corner of said lot and along the right-of-way of Old Harrisburg Road (S.R. 3001); thence along said right-of-way of Old Harrisburg Road South 29 degrees 30 minutes 55 seconds West, 195.00 feet to a steel rod; thence North 65 degrees 58 minutes 30 seconds West, 65.00 feet to a steel rod; thence South 29 degrees 30 minutes 55 seconds West, 65.00 feet to a steel rod at corner of said lot and along the right-of-way of PA 234; thence along the right-of-way of PA 234 North 65 degrees 58 minutes 30 seconds West, 155.00 feet to a steel rod at corner of lot along the right-of-way of PA 234 and along a 20 foot alley (open), the point and place of BEGINNING. CONTAINING 1,211 acres.

Tax Parcel No. 40-1-30

BEING the same premises which Shirley P. Heltbride, by Deed dated August 14, 1998 and recorded in the Adams County Recorder of Deeds Office on August 14, 1998 in Deed Book 1642 Page 31, granted and conveyed unto Thomas P. Hunt.

SUBJECT TO MORTGAGE

Premises Being: 2796 Heidlersburg Rd., Gettysburg, PA

SEIZED and taken into execution as the property of **Thomas P. Hunt** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

INCORPORATION NOTICE

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

The name of the corporation is
ADAMS COUNTY SURVEYORS, INC.

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

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Adams County Legal Journal

Vol. 48

July 28, 2006

No. 10, pp. 65-70

IN THIS ISSUE

PA. BUILDERS ASSN. ET AL VS. CARROLL VALLEY

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. 06-S-441 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of September, 2006, 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 Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on a bridge over Willoughby Run in the center of the Lincoln Highway running from Gettysburg to Chambersburg; thence in the center of said Lincoln Highway North 52 degrees West, 275.5 feet to a point in the center of said Lincoln Highway at corner of land of Harvey F. Gardenhour; thence by land of the said Harvey F. Gardenhour North 38-1/2 degrees East, 283 feet, more or less, to an iron pin; thence by the same South 60 degrees East, 121 feet, more or less, to an iron pin at or near the West side of Willoughby Run; thence along or near said Willoughby Run South 21-1/4 degrees West, 173.2 feet to an iron pin; thence in said Willoughby Run South 3 degrees East, 166.5 feet to a point, the place of BEGINNING. CONTAINING 1 acre, 26 perches and 43 square feet.

The foregoing description was taken from a draft of survey prepared by P.S. Orner, County Surveyor, on April 23, 1952.

The tract of land above described being the same which Helena M. Pearson, single woman, by deed dated May 2, 1955, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 210 at page 28, conveyed unto Roland L. Erb and Elizabeth E. Erb, husband and wife, as tenants of an estate by the entireties, the Grantors herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN the Karen E. LaRue, a/k/a Karon E. LaRue now by marriage Karon E. Baumgardner by reason of the following:

BEING THE SAME premises which Roland L. Erb and Elizabeth E. Erb, husband and wife, by Deed dated 9/26/1997, recorded 9/29/1997 in Deed Book 1447, page 244, conveyed unto Karen E. LaRue and Donald R. Horton, as joint tenants with the right of survivorship.

AND THE SAID Donald R. Horton being so seized thereof, departed this life on April 19, 2003, whereby title to said premises became vested in Karen E. LaRue, a/k/a Karon E. LaRue now by marriage Karon E. Baumgardner, by operation of law.

Premises: 703 Chambersburg Road, Gettysburg, PA 17325, Adams County, Pennsylvania

SEIZED and taken into execution as the property of **Karon E. LaRue a/k/a Karen E. LaRue a/k/a Karon E. Baumgardner** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that the shareholders and directors of LONE STAR BROKERAGE, INC., a Pennsylvania corporation, with an address at 1596 Hanover Pike, Gettysburg, Pennsylvania, have approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

Barley Snyder LLC
Solicitors

7/28

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on May 15, 2006, for the purpose of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Law of 1988, P.L. 1444, No. 177, as amended. The name of the corporation is ELITE TEAM CAMP, INC., with a registered office of the corporation being 44 Longstreet Drive, East Berlin, PA 17316.

David K. James, III, Esq.
234 Baltimore Street
Gettysburg, PA 17325

7/28

PA. BUILDERS ASSN. ET AL VS. CARROLL VALLEY

1. Once regulations under the Act (the Uniform Construction Code), are adopted by the Department of Labor, those regulations preempt local legislation and effectively repeal and rescind any statute or local ordinance affecting new construction.

2. Municipalities may enact ordinances after the effective date of the Act provided that the requirements of the ordinances are equivalent to or exceed the minimum requirements promulgated under the Act.

3. Regardless of whether the ordinance meets or exceeds the minimum requirements of the Act, any aggrieved party may file a challenge with the Department challenging the propriety of the local ordinance in light of the provisions of the Act.

4. When reviewing an appeal from an agency decision, the trial court is effectively functioning as an appellate court.

5. Where a full and complete record is made of the agency proceedings, the role of a trial court in exercising its appellate function is limited to determining whether the agency's findings are supported by substantial evidence, whether the proceeding was conducted in compliance with the procedural provisions of local agency law, whether an error of law was committed, or whether constitutional rights were violated.

6. When the language of a statute is clear and unambiguous, it must be given effect in accordance with its plain and common meaning. Historically, the courts of this Commonwealth generally use dictionaries as source material to determine the common and approved usage of terms.

7. Substantial evidence has been defined as such relevant evidence that a reasonable mind might accept as adequate to support a conclusion.

8. A reviewing court may not substitute its judgment for that of an agency since the fact finding agency is in a better position to determine the facts based upon its observation of the testimony and witnesses.

9. A finding of substantial evidence may be supported by circumstantial or inferential evidence.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CIVIL ACTION NO. 05-S-237. PENNSYLVANIA BUILDERS ASSOCIATION, BUILDERS ASSOCIATION OF ADAMS COUNTY, TERRY STEM D/B/A TLS CARPENTRY, DANNIE W. HOLSINGER AND ANN M. HOLSINGER, AND SCH, INC. VS. CARROLL VALLEY BOROUGH

Loudon L. Campbell, Esq., for Petitioners

Thomas R. Campbell, Esq., for Respondent

George, J., October 14, 2005

OPINION

This matter comes before the Court on a Petition for Review of the Decision of the Pennsylvania Secretary of Labor and Industry. The Petitioners, Pennsylvania Builders Association, Builders Association of Adams County, Terry Stem d/b/a TLS Carpentry, Dannie W. Holsinger and Ann M. Holsinger and SHC, Inc. ("the Builders"), ask

this Court to overturn the decision of the Secretary of Labor upholding the validity of Ordinance No. 2-2004 (relating to fire flow requirements and residential sprinklers) enacted by Carroll Valley Borough, Adams County, Pennsylvania, on September 14, 2004.

Carroll Valley Ordinance No. 02-2004 essentially requires that new residential construction in the Borough include the installation of automatic sprinkler systems and water flow alarms. Carroll Valley cites the Pennsylvania Construction Code Act (“the Act”), 35 P.S. § 7210.101, et seq, as authority.¹ The Act was created by the legislature, *inter alia*, to provide uniform construction standards and regulations throughout the Commonwealth. The Act authorizes the Department of Labor and Industry to adopt uniform regulations applicable to the construction, alteration, repair and occupancy of all buildings.² Once regulations are adopted by the Department of Labor, those regulations preempt local legislation and effectively repeal and rescind any statute or local ordinance affecting new construction. 35 P.S. § 7210.104(d). However, municipal building code ordinances, effective July 1, 1999, that are equivalent to or exceed the regulations promulgated under the Act shall remain in effect until such time as the provisions fail to equal or exceed those minimum requirements. 35 P.S. § 7210.303(b). Municipalities may enact ordinances after the effective date of the Act provided that the requirements of the ordinances are equivalent to or exceed the minimum requirements promulgated under the Act. 35 P.S. § 7210.503. Such ordinances, however, are subject to review by the Department of Labor to confirm their compliance with the Act’s minimum requirements. *Id.* Regardless of whether the ordinance meets or exceeds the minimum requirements of the Act, any aggrieved party may file a challenge with the Department challenging the propriety of the local ordinance in light of the provisions of the Act. 35 P.S. § 7210.503(j).

On October 13, 2004, the Petitioners filed a challenge pursuant to Section 7210.503(j) with the Department of Labor and Industry. After a hearing, the Secretary of the Department of Labor and

¹Although enacted as Act 45 of 1999, the legislation provided that the provisions of the Act, which are relevant to this proceeding, take effect ninety days following the publication of notice, in the *Pennsylvania Bulletin*, that the regulations required by the Act have been finally adopted. The regulations were adopted on January 10, 2004, and published at 34 Pa.B. 319 effective April 9, 2004.

²The Act lists a number of exceptions that are not relevant to the inquiry before the Court. See 35 P.S. § 7210.104(b).

Industry (“Secretary”) issued an Adjudication and Order upholding the validity of Carroll Valley Ordinance No. 02-2004. The Builders have filed a timely appeal with this Court. Review by this Court is appropriate pursuant to 42 Pa.C.S.A. § 933(a)(3) (relating to appeals from government agencies) and 35 P.S. § 7210.504 (relating to appeals under the Construction Code Act).

When reviewing an appeal from an agency decision, the trial court is effectively functioning as an appellate court. See, e.g., *City of Pittsburgh v. Kisner*, 746 A.2d 661, 666 (Pa.Cmwlth. 2000). Where a full and complete record is made of the agency proceedings, the role of a trial court in exercising its appellate function is limited to determining whether the agency’s findings are supported by substantial evidence, whether the proceeding was conducted in compliance with the procedural provisions of local agency law, whether an error of law was committed, or whether constitutional rights were violated. *Gilotty v. Moon Twp.*, 846 A.2d 195, 198 (Pa.Cmwlth.) (citing *City of Pittsburgh*, cited above).

The cornerstone of the Builders’ challenge rests upon the statutory construction of Section 503(j)(2) of the Act. That Section provides:

- (2) The department shall review any ordinance which would equal or exceed the minimum requirements of the Uniform Construction Code based on the following standards:
 - (i) that certain clear and convincing local climatic, geologic, topographic or public health and safety circumstances or conditions justify the exception;
 - (ii) the exception shall be adequate for the purpose intended and shall meet a standard of performance equal to or greater than prescribed by the Uniform Construction Code;
 - (iii) the exception would not diminish or threaten the health, safety and welfare of the public; and
 - (iv) the exception would not be inconsistent with the legislative findings and purpose described in section 102.³

35 P.S. § 7210.503(j)(2). Although the Builders concede that the Ordinance is in compliance with subparagraphs (2)(ii) and (2)(iii), they argue that the Ordinance violates subparagraphs (2)(i) and

³35 P.S. § 7210.102.

(2)(iv). As such, the Builders suggest that the Secretary committed both an error of law and an abuse of discretion in upholding the validity of the Ordinance. Specifically, the Builders claim that the Secretary committed an error of law in interpreting the meaning of “local” under subparagraph (2)(i).

Although the Secretary did not specifically address issues related to the statutory construction of the legislature’s use of the word “local,” a fair reading of the decision reveals that the Secretary rejected the Builders’ argument that the use of the word “local” required a showing of conditions “confined to a particular place” and “non-existent elsewhere.” The Builders suggest that this interpretation constituted an error of law. They read the statutory language as requiring a showing that the conditions at issue are confined to a municipality and not widespread or general across the State. In support of their argument, they suggest that the subsections of the legislation must be read in *pari materi* with each other. When doing so, they conclude that the legislative findings and purpose as described in Section 102⁴ require a restrictive application of the word “local.”

Since the resolution of the issues raised by the Builders requires the interpretation of the meaning of the word “local,” I will begin my analysis by applying the Rules of Statutory Construction. The objective of Statutory Construction is to determine the legislative intent. *Council of Middletown Twp. v. Benham*, 523 A.2d 311, 315 (Pa. 1987). When the language of a statute is clear and unambiguous, it must be given effect in accordance with its plain and common meaning. 1 Pa.C.S. § 1921(b); *The Philadelphia Eagles Football Club, Inc. v. City of Philadelphia*, 823 A.2d 108, 127 (Pa. 2003). Similarly, non-technical words and phrases, which are not defined, should be interpreted according to their ordinary usage. *Commonwealth v. Kelley*, 801 A.2d 551, 555 (Pa. 2002). Historically, the courts of this Commonwealth generally use dictionaries as source material to determine the common and approved usage of terms. *Fogle v. Malvern Courts, Inc.*, 722 A.2d 680, 682 (Pa. 1999); *Love v. Philadelphia*, 543 A.2d 531 (Pa. 1988).

Interestingly, both parties in their briefs have cited respective dictionary definitions to support their arguments. The Builders suggest that the legislature’s use of the word “local” was intended to require

⁴35 P.S. § 7210.102.

exclusive features in a municipality which are not apparent elsewhere in the State. On the other hand, the Borough suggests that “local” refers only to conditions which pertain to a particular area or place. An independent review of *Webster’s Third New International Dictionary* (unabridged), 1993, reveals that each cites a different sense of the meaning of “local” as segregated in the dictionary entry:

local 1: characterized by or relating to a position in space: having a definite spatial form or location... **2:** characterized by, relating to, or occupying a particular place: characteristic of or confined to a particular place: not general or widespread

Webster’s Third New International Dictionary, 1993 (unabridged).

I find the Builders’ interpretation to be overly restrictive. A plain reading of the statutory language does not require that the local conditions be unique. Rather, commonsense suggests that the exception is justified where there are clear and convincing climatic, geologic, topographic, or public health and safety circumstances relating to a particular place.⁵

Reading the statute *in pari materi* does not lead to a different result. Undoubtedly, Section 503(j)(2)(iv)⁶ requires that legislation that exceeds the minimum requirements of the Act be consistent with the legislative findings and purpose. This provision, however, does not necessarily lead to a conclusion espousing a restrictive interpretation

⁵The Builders’ interpretation that this section requires “exclusive” climatic, geological, topographical, or public health and safety circumstances leads to an absurd result. For instance, it is difficult to imagine a climatic condition applicable to a municipality in Pennsylvania to the exclusion of any other municipality in the State. Similarly, while the geology throughout Pennsylvania may differ from region to region, geological conditions throughout the State are not defined by the borders of a municipality. The same can be said for the topography throughout the State. The Builders’ argument that the word “local” was meant to require proof of conditions that are confined to a municipality, see The Builders’ Brief, page 7, would essentially lead to the absurd result of no municipality in Pennsylvania being able to establish local climatic, geologic, or topographic conditions justifying the exception. Obviously, the General Assembly did not institute a legislative scheme that is impossible to execute. 1 Pa.C.S.A. § 1922. Yet, the legislature clearly chose to include such conditions as a basis for the exception. Thus, this language is not mere surplusage but rather exists as unambiguous evidence of the legislature’s intent. See generally *Keystone Aerial Surveys, Inc. v. Pennsylvania Property & Cas. Ins. Guar. Ass’n*, 777 A.2d 84, 90 (Pa.Super. 2001), re-argument denied, app. granted, 796 A.2d 983 (Pa. 2002), affirmed 829 A.2d 297 (Pa. 2003).

⁶35 P.S. § 7210.503(j)(2)(iv).

of the term “local.” The Act is intended not only to encourage uniformity in construction, but also to provide for the protection of life, health, property and environment and for the safety and welfare of the general public and occupants of buildings and structures. 35 P.S. § 7210.102(b)(1). In this regard, the Act sets the minimum standards for construction with specific provisions permitting additional regulation where the needs of a particular municipality justify the same. Certainly, the Act attempts to eliminate unnecessary expenses and restrictive regulations which are obsolete, conflicting or duplicative. 35 P.S. § 7210.102(b)(4). Nonetheless, reading the legislation in its entirety reveals a legislative scheme aimed at setting minimum standards in construction, which may be exceeded where a municipality has particular needs that justify additional regulations. Reading the legislation in *pari materi*, I find nothing that leads to the conclusion advocated by the Builders. To the contrary, acceptance of the Builders’ argument would, in effect, be a disregard for the clear language of the legislation under the pretext of pursuing its spirit in violation of the instruction from our appellate courts. See generally *Ramich v. Worker’s Comp. Appeal Bd.*, 770 A.2d 318, 332 (Pa. 2001). Accordingly, I find no error of law in the Secretary’s interpretation and application of the provisions of the Act.

Continued to next issue (8/4/2006)

**LEGAL NOTICE
ADAMS COUNTY TAX CLAIM BUREAU**

Pursuant to Court Orders 06-S-646 through 06-S-656, the following real property will be offered for sale Friday, September 29, 2006 at 1:00 p.m. E.D.S.T., at the Adams County Courthouse, 111-117 Baltimore St., 4th floor, Gettysburg, Pennsylvania. The purpose of this sale is to dispose at public sale the following parcels of real estate:

OWNERS OR REPUTED OWNERS	TOWNSHIP/ BOROUGH	MAP NO., PARCEL NO., LOT NO. OR PROPERTY DESCRIPTION
Dennis & Sonya Smith, Jr.	Butler Township	F10-0038—085 1990 Fleetwood Mobile
Daniel & Stephanie Haas	Franklin Township	B08-0013—010, Dwelling Only
James & Mary Green	Freedom Township	E18-0014—001, Structure Only
Cindy L. Mellott	Huntington Township	G03-0122—009, 1981 Conner Mobile Home
Highway Petroleum Sales Inc.	Latimore Township	I04-0085
Richard F. Thomas Jr.	Menallen Township	D05-0028—001 1974 Derose Mobile Home
Lee Laughman & Melody Smith	Menallen Township	F06-0012A—001 1981 Oakwood Mobile
John R. & Helen E. Reida	Carroll Valley Borough	043-0005, RD-126
B. Dean Stake	Carroll Valley Borough	040-0077, RH-75
Michel J. & Carole A. Unger	Carroll Valley Borough	043-0004, RD-125

TERMS OF SALE: CASH IN THE FORM OF CURRENCY OF THE UNITED STATES IF THE PURCHASE PRICE IS \$50.00 OR LESS. For properties selling for more than \$50.00, \$50.00 in the form of currency of the United States and a check or other satisfactory payment of the balance. All properties shall be paid for at the time the property is struck down. The purchaser(s) shall be required to pay, in addition to the bid price, the fees for preparing and recording a deed, and any applicable transfer taxes due (1% of the assessed value x 3.28) x 2).

A purchase verification form must be notarized and submitted. Pursuant to Section 618 of the Real Estate Tax Sale Law, 72 P.S. § 5860.618, this form verifies that you are not the owner, a partner or shareholder of the owner, or in any of the following relationships with the owner: trust, partnership, limited partnership, corporation or any other business association.

**ADAMS COUNTY TAX CLAIM BUREAU
NOTICE OF PUBLIC TAX SALE**

TO OWNERS OF PROPERTIES DESCRIBED IN THIS NOTICE AND TO ALL PERSONS HAVING LIENS, JUDGMENTS OR MUNICIPAL OR OTHER CLAIMS AGAINST SUCH PROPERTIES.

Notice is hereby given by the Tax Claim Bureau in and for the County of Adams under the Act of 1947, P.L. 1368, as amended, that the Bureau will expose at public sale in the Adams County Courthouse, fourth floor, Jury Assembly Room, 111-117 Baltimore Street, in the Borough of Gettysburg, Pennsylvania at 9:00 a.m. E.D.S.T. on September 29, 2006 or any date to which the sale may be adjourned, re-adjourned or continued, for the purpose of collecting unpaid 2004 and any prior real estate taxes, prior liens, municipal, and all costs thereto, the following described set forth.

The sale of the property may, at the option of the Bureau, be stayed if the owner thereof or any lien creditor of the owner, on or before the date of the sale enters into an agreement with the Bureau to pay the taxes, claims, and all costs in installments in the manner provided by said Act, and the agreement be entered into.

There will be no Redemption Period after the date of the sale, but these taxes and costs can be paid up to the date of the sale, September 29, 2006.

It is strongly urged that the prospective purchasers have an examination made of the title of any property in which they may be interested. Every reasonable effort has been made to keep the proceedings free from error. However, in every case the Tax Claim Bureau is selling the taxable interest and the property is offered for sale by the Tax Claim Bureau without guarantee or warranty whatsoever.

The property so struck down will be settled for before the next property is offered for sale. Deeds for the premises will be prepared by the Tax Claim Bureau and recorded. Buyer(s) will be required to pay, in addition to their bid, at the time the property is struck down to them, the basic sum for preparing and recording the deed, and the costs of such realty transfer stamps as required (1% of the (assessed value x 3.98 %) X 2). The Tax Claim Bureau will mail the deeds to the address given by the purchaser.

A property will not be sold if the delinquent taxes and all costs are paid prior to the sale and it is suggested that this be done as soon as possible before the sale, as the earlier this is done, the more saving there will be in the amount of costs etc.

It is repeated that there is no redemption after the property is sold and all sales will be final. No adjustments will be made after the property is struck down.

TERMS OF SALE: In the case of all properties selling for one hundred dollars (\$100.00) or less, cash in the form of currency of the United States must be paid in full at the time the property is struck down. In the case of properties for which more than one hundred dollars (\$100.00) has been bid, the sum of one hundred dollars (\$100.00) cash in the form of currency of the United States must be paid in full when the property is struck down. If the balance of the purchase price is not paid for any reason (for example, if a check is not paid), the one hundred dollars (\$100.00) cash paid shall be forfeited as liquidated damages.

NOTICE TO PROSPECTIVE TAX SALE BIDDERS

IN ACCORDANCE WITH ACT NO. 133 P.L. 1368, NO. 542, PROSPECTIVE PURCHASERS AT ALL TAX SALES ARE NOW REQUIRED TO CERTIFY TO THE TAX CLAIM BUREAU AS FOLLOWS:

1. A SUCCESSFUL BIDDER SHALL BE REQUIRED TO PROVIDE CERTIFICATION TO THE BUREAU THAT, WITHIN THE MUNICIPAL JURISDICTION, SUCH PERSON IS NOT DELINQUENT IN PAYING REAL ESTATE TAXES OWED TO TAXING BODIES WITHIN ADAMS COUNTY, AND
2. A SUCCESSFUL BIDDER SHALL BE REQUIRED TO PROVIDE CERTIFICATION TO THE BUREAU THAT, WITHIN THE MUNICIPAL JURISDICTION, SUCH PERSON IS NOT DELINQUENT IN PAYING MUNICIPAL UTILITY BILLS OWED TO MUNICIPALITIES WITHIN ADAMS COUNTY.

David K. James, III
Solicitor, Tax Claim Bureau
Danielle Asper
Director, Tax Claim Bureau

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
	ABBOTTSTOWN BOROUGH	
Speelman, Joseph & Myra	L10, 40, 136, 1990 Skyline	\$2,027
Auman, Brenda	L10, 40, 123, 1999 Fleetwood	\$3,466
Wagaman, Bryan & Michelle	5, 17A	\$1,000
Wagaman, Bryan & Michelle	5, 17AA	\$900
	ARENDSVILLE BOROUGH	
Hays, Lawrence Walter III & Bessie D.	4, 8	\$3,100
	BENDERSVILLE BOROUGH	
Black, Dorothy A.	10, 35	\$2,500
	BERWICK TOWNSHIP	
Luckenbaugh, Albert Lee Sr. & Vivian	L12, 94	\$8,000
Sanders, Byron A.	L10, 40, 301, 1997 Skyline	\$1,720
Kennedy, David A. & Brenda E.	K11, 48E	\$4,500
Schmidt, David & Adams Co. Nat'l Bank	K11, 150	\$8,300
Pittinger, Brenda S.	L10, 40, 427, 1988 Fleetwood	\$1,324
Caraballo, Miguel & Valez, Miriam	L10, 40, 279, 1996 Liberty	\$1,500
Freeman, Randall S.	L10, 40, 419, 1983 Pineview	\$534
Feeser, Robert	L10, 40, 320, 1995 Imperial	\$1,169
Healey, Nancy	L10, 40, 512, 1979 Landmark	\$456
	BIGLERVILLE BOROUGH	
Petrosky, David A. & Angela K.	3, 97	\$3,500
Copenhaver, David M. & Debra K. & Laura	3, 116	\$948
Coldsmith, B. Zachary & Zirpoli, Maresa	3, 101	\$14,100
Blocher, Donald E. Trust	3, 39	\$8,900
	BONNEAUVILLE BOROUGH	
Walter, Paul J. & Doris M.	6, 98	\$12,017
	BUTLER TOWNSHIP	
Acevedo, Gloria	F10, 38, 8, 1985 Skyline	\$1,200
Stull, Bradley & Christine	F10, 38, 78, 1996 Liberty MH	\$1,500
Hockley, Ryan	F10, 38, 84, 1992 Imperial MH	\$1,300
Kauffman, David & Debbie	F9, 39, 1, 1968 Swiss Chalet	\$300
Kuhn, Toni L.	F10, 38, 81, 1998 Summerset MH	\$3,800
Stapleton, Shaun	F10, 38, 48, 1989 Wingate MH	\$2,200
Kump, Cindy	F10, 38, 79, 1993 Redman New Moon	\$2,686
Stahley, Ricky Lee	F8, 98	\$9,000
Miller, George & Rose	F10, 38, 13A, 1993 Colony	\$1,500
Grimes, Michael E. & Mona S.	G8, 15	\$2,100
Heldebride, Steve & Connie	F10, 38, 5A, 1995 Coronado Fleetwood	\$800
Thomas, Jay Jr. & Swift, Julie	E8, 36, 2, 1982 Liberty	\$433
Cooper, Jack	F10, 38, 46, 1989 Windgate MH	\$1,300

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Showvaker, Dale & Ruth	F10, 38, 33, 1989 Windgate MH	\$1,100
Angeles, Victoria	G8, 20	\$1,100
Southerly, Michael A.	F07, 35, 1, 1974 Hillcrest MH	\$500
Sanders, Francis & Rebecca	F10, 38, 67, 1989 Holly Park	\$1,340
Riley, Devan & Jody L.	F10, 62	\$7,600
CONEWAGO TOWNSHIP		
Brendle, Terry Lee & Rosalind	K13, 23	\$5,200
Kocher, Robert & Josephine	101, 15	\$2,600
Small, Gregory A.	K14, 6	\$2,484
CUMBERLAND TOWNSHIP		
McGhee, Sarah	E12, 6	\$5,300
Baker, Colleen	E13, 25A	\$4,200
Monn, Larry R. & Pamela G.	F18, 32	\$2,000
Withrow, Ersell & Ruth H.	E12, 82, 54, 78 Homette MH	\$800
Patterson, Keith & Barbara	F15, 65, 19, Ritzcraft MH	\$800
Heiges, David & Wendy	F11, 106S	\$7,800
Laramy, Edwin & Tina	F15, 65, 31, Fleetwood MH	\$1,500
Frealing, Marsha	F14, 62	\$422
Bowers, Douglas & Houlihan, Sandy	E12, 82, 56, Vindale MH	\$257
Miller, John & Cleta	F11, 29	\$4,339
EAST BERLIN BOROUGH		
Brown, Earl W. II	4, 175	\$3,530
FAIRFIELD BOROUGH		
Flory, Robert & Debra	7, 18	\$2,124
FRANKLIN TOWNSHIP		
Beamer, William H. & Lynda M.	D8, 10	\$2,390
Strausbaugh, Charles W. & Alverta	B9, 38G	\$600
Slee, John A.	A9, 47	\$17,800
Gilbert, Doug & Diana	B7, 1, 69, 1950 Mobile Home	\$785
Bank Of New York	2, 24	\$245
Moudy, James I.	A10, 26	\$3,500
Quigley, Dennis L. & Sharon A.	A9, 79	\$7,100
Haws, Robert W. Sr. & Jamie D. Caskey	C10, 189	\$2,100
Williams, Raymond B. & Candi	C9, 32	\$280
Wagner, Wayde S. & Joyce L.	B9, 199	\$3,100
Wright, Mary M.	2, 3	\$835
Melton, Jimmy & Lois Jean	B11, 24A	\$3,800
Cooke, David J.	C10, 50C	\$1,015
Hernandez, Miguel	C11, 31, 8, 1975 Star	\$201
Valme, Cornelle & Gina M.	B9, 33	\$1,297
FREEDOM TOWNSHIP		
Olswski, Michael A.	D15, 25	\$3,744
GERMANY TOWNSHIP		
Link Associates	I17, 8B	\$7,307
Rickrode, Gary L. & Deborah	I18, 7F	\$3,800
Garrison, Mary	I18, 16M	\$1,727
Beck, Ronald J. & Elaine A.	H18, 17B	\$4,300
GETTYSBURG BOROUGH		
Ivey, Eric & Katherine	E18, 11	\$800
Jones, William H. & Cindy R.	10, 346	\$2,000
Costley, Valerie Lynn	10, 228	\$1,700
Mauston, James W. & Catherine	10, 346	\$1,700

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Costley, Valerie Lynn	10, 228	\$1,700
Reed, Richard R.	9, 87	\$6,255
Reed, Richard R.	10, 108	\$1,929
Heiges, David & Wendy	10, 46	\$4,000
Baker, Kenneth & Colleen	7, 111	\$3,700
HAMILTON TOWNSHIP		
White Oak Leasing	K10, 48	\$1,357
Brewbaker, Charles	K10, 58	\$3,800
Fischer, F. Patrick & Kimberly	K8, 151	\$17,000
Sneeringer, Melissa & Freet, Michael	K9, 8B	\$3,119
Staub, Jeffery & Wendy C.	J9, 144	\$5,151
HAMILTONBAN TOWNSHIP		
Fitzgerald, David B. & Kathleen	B17, 104	\$8,100
Bull, Walter & Joyce	B17, 60	\$6,000
Nicholas, George W. & Mary A.	B16, 61	\$6,800
Stouter, Ester	B13, 24	\$11,000
Baker, William H.	A17, 50	\$2,200
Smith, Robert A.	B14, 73	\$1,200
Cook, Melissa J.	B13, 1E	\$982
Beard, Roy C. & Shannon, & Lyons, Robert E. (CPA)	C14, 16	\$2,319
Ayers, Roger Dansie	B13, 75	\$2,638
HUNTINGTON TOWNSHIP		
Bailer, Dale	H3, 25	\$1,644
Chronister, Kenneth E.	I5, 24A	\$3,100
Conner, Randal K. & Susan	H4, 12, 7, 1979 Skyline MH	\$285
Hermansen, Kai A.	J6, 1A	\$3,559
Hermansen, Christian J. & Marie	J6, 41	\$1,312
Strudwick, Stephen & Ann M.	J5, 35A	\$1,900
Barth, Wilbur & Virginia M.	H6, 33A	\$1,179
Chronister, Kenneth E.	I5, 13B	\$1,700
Greenaway, George R. & Doris L.	G3, 122, 3, 1987 Zimmerman MH	\$800
Barrick, Melissa	H4, 12	\$2,340
Reich, Paul S. & Hilary S.	G3, 104	\$1,300
Reich, Paul S. & Hilary S.	G3, 105	\$1,300
Reich, Paul S. & Hilary S.	G3, 114	\$1,400
LATIMORE TOWNSHIP		
Clopper, Brian K.	J3, 9	\$1,849
Yohn, Arthur C. & Jeannette Marie	K3, 6	\$1,900
Smith, Barbara A.	K4, 29A	\$1,200
Stouffer, Jeff	I1, 82	\$1,214
LIBERTY TOWNSHIP		
Burgess, Phillip G. & Leslie D.	OO, 123	\$700
Burgess, Phillip G. & Leslie D.	OO, 14	\$400
Burgess, Phillip G. & Leslie D.	OO, 51	\$500
Burgess, Phillip G.	OO, 53	\$400
Burgess, Phillip G.	OO, 62	\$400
Burgess, Phillip G. & Leslie D.	OO, 114	\$400
Hurley, Gary A. & Susan S.	D17, 27, 1, 1973 Atlantic MH	\$600
Burgess, Phillip G. & Leslie D.	OO, 122	\$500
Sheldon, William Robert & Cheryl Ann	OO, 64	\$500
Sheldon, William Robert & Cheryl Ann	OO, 61	\$500
Ritter, Ralph R. & Veronica G.	AB, 93	\$369

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Zimmerman, Thomas W. & Deborah	AB, 36	\$5,600
Zimmerman, Thomas & Deborah	AB, 47	\$500
Burgess, Phillip & Leslie D.	OO, 124	\$2,100
Kemper, Charles T. & Judy	C18, 27	\$7,532
Burgess, Phillip	OO, 119	\$500
Leaman, Jodi	AA, 234	\$500
Rutherford, John & Lee	C18, 53	\$4,500
Lynch, Jeannine & Kevin	B17, 74	\$1,794
LITTLESTOWN BOROUGH		
Foltz, Richard L. & April D.	8, 328	\$3,399
Morgan, Suzanne E.	11, 70	\$3,800
Koontz, Linda L.	8, 307	\$2,617
Jackowski, Michael G. & Roberta	12, 72	\$3,100
Via, Robert J.	8, 302	\$26,410
Davis, Glenn & J. & Donna L.	8, 281	\$2,442
Williams, Stacey L.	11, 44A	\$1,300
MCSHERRYSTOWN BOROUGH		
Appler, Michael E.	2, 82	\$4,093
MENALLEN TOWNSHIP		
Beamer, Donald E. & Nellie M.	D5, 30	\$1,600
Musgrave, Robert S. & Susan G.	B5, 3	\$1,200
Rice, Wallace C.	C6, 36O	\$3,517
Thomas, Richard F. Jr.	D5, 28, 1	\$1,000
Hoover, Kenneth L. & Julie A.	F5, 142	\$5,000
Mickley, James & Jamie	E6, 27A	\$3,300
Hays, L. Walter III	E4, 45	\$1,800
Keystone Country Furniture	2, 6	\$21,000
Crum, Martin & Harry & Eyley, Julia & Redding, Betty	E7, 15	\$1,444
Bridenbeck, James D. & Theresa	B5, 49	\$1,000
Smith, Melody	F6, 12A	\$1,600
Thomas, William D. & Barbara S.	C6, 45	\$3,783
Roth, Jeffrey B.	E5, 92	\$3,800
Cochran, Steven Richard	E5, 34H	\$1,505
Guise, Charles F. & Beverly Ann	E7, 70	\$4,533
Forsythe, Garrett & Wendy A.	D5, 13B	\$3,636
MT. JOY TOWNSHIP		
West Edge II Inc. & Pappas, Harry	H17, 20	\$5,804
Alexander, Sally	H16, 52	\$4,548
Zeigler, G. Steven	H16, 47B	\$3,162
Zeigler, G. Steven	H16, 43	\$254
MT. PLEASANT TOWNSHIP		
Becker, Randal L. & Wendy Sue	5, 155	\$4,386
Benson, John C.	I15, 78	\$1,600
Bixler, Larry R. & Vivian	J12, 61, 25, 1993 Skyline MH	\$3,400
Groft, Jerry L.	J12, 61, 81, 1985 Liberty MH	\$820
Jacobs, Richard & Cynthia S.	J12, 61, 143, 1981 Liberty MH	\$655
Mullin, Richard P. & Michael S.	J11, 6A	\$2,500
Smith, Roger & Jane	J12, 61, 60, 1985 Liberty MH	\$600
Yingling, Wendell & Mary	J12, 61, 124, Liberty MH	\$700
Shindledecker, Mike	J12, 61, 135, Windsor MH	\$600
Basehoar, Charles D. & Robin I.	I13, 13	\$2,980
Beach, Carl L.	J12, 61, 141, 1981 Derose MH	\$700

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Mills, Dwayne A. & Teresa A.	2, 63	\$5,400
Sharpe, James D.	I11, 36A	\$2,800
Coffelt, Keith S. & Jacqueline	H13, 29, 4, 1978 Skyline	\$500
Eckenrode, Amy S.	H14, 32, 9, 1995 Wexford MH	\$1,000
Vasquez, Miguel & Beatriz	J11, 52, 30, 1987 Commodore MH	\$1,299
Smith, Robert A.	I13, 29	\$8,000
Ramsey, Linda	H14, 32, 31, 1992 Redman MH	\$1,484
Zirk, Tina & Smith, Anthony A.	J12, 61, 160, 2004 Fleetwood MH	\$1,771
Grau, Kirk D. & Jennifer R.	I12, 29	\$3,000
Sirk, Krista L. & Jarrett M.	J12, 61, 155, Derose MH	\$600
Meary, Richard	J12, 61, 5, 1979 Skyline MH	\$503
Kennedy, Rebecca	J11, 52, 20, 1996 Southern Energy MH	\$2,192
Sharpe, James D.	JAA, 52, 48, 2000 Champion MH	\$1,170
NEW OXFORD BOROUGH		
Wolf, Sonja M.	7, 76	\$2,400
Slike, Donald E. & Rose Marie	4, 55	\$4,200
Cox, Jeffrey L. & Kathy L.	7, 57	\$5,977
Weikert, Jean M.	5, 161	\$3,700
Bittinger, Elaine L.	2, 30	\$3,800
OXFORD TOWNSHIP		
Bair, Clifford L.	K12, 83	\$4,000
Trimmer, James	J12, 155	\$741
Becker, Timothy L.	J10, 82	\$2,000
Sneeringer, Peter M. & Kennedy, Tracy M.	1, 24	\$3,900
Ketterman, Barry & Barbara	K11, 26C, 13, 1997 Liberty MH	\$2,200
Schmidt, Walter, Wayne, David & David Ariel & David Eagle	K12, 125	\$1,400
Barnhart, Gary	K11, 105F, 5	\$500
READING TOWNSHIP		
Copenhaver, Ronald E.	L8, 19	\$1,100
Slonaker, Robert A. & Stacey N.	2, 19	\$1,800
Hampton Plains Inc.	J8, 119	\$500
Miller, Charles M. & Belinda L.	1, 38	\$2,118
Cook, Robert J.	J8, 45, 126, 1986 Skyline MH	\$1,403
Reese, Steven & Samual & Stephanie Lawrence	J8, 45, 108, 1992 Skyline MH	\$1,600
Rondeau, Peter A.	J8, 116	\$900
Warne, Wilbur R. Jr. & Shriver, Erma	J8, 118	\$400
Schraver, Andrew & Hunter, Brady	J8, 45, 42, 1986 Jefri MH	\$845
Rinehoit, Leonard M.	L7, 44	\$1,523
Household Finance Corporation	L7, 45	\$200
Moya, Beatriz	L7, 5, 29	\$1,000
James, Troy	J8, 45, 123, 1978 Hillcrest MH	\$500
Pennabaker, Gerald A. & Sabina	014-0047	\$3,440
Meckley, Thomas & Armstrong, Robin	L7, 5, 16, 1999 Clarmon MH	\$1,239
Perkoski, Michael & Barbara	L7, 5, 30, 1985 Liberty MH	\$941
Burris, Betty	L7, 5, 18, Castle MH	\$2,300
Smith, Robert D. Jr. & Kretz, Shirley	L7, 5, 19, 1984 Skyline MH	\$1,649
Glattfelder, David & Lori	J8, 45, 113, Fleetwood MH	\$1,649
Salazar, Claudia	J8, 45, 6, Cranbrook MH	\$287
Brown, Tobias & Jennifer	J8, 45, 11, Mobile Home	\$800
Mummert, Anna Mae	L7, 5, 7, Shannon Mobile Home	\$600
Devor, James	L7, 5, 35, Fleetwood MH	\$1,924

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Sponseller, Michael & Dorothy	L7, 5, 3, 1984 Hollypark MH	\$700
Snelbecker, Benjamin L. & Amy J.	K6, 8	\$912
Bair, Allen L.	J6, 8	\$1,700
Shatzer, Lance D.	J9, 70G	\$504
Costella, Neil C., Jr.	J8, 45, 131, Zimmer MH	\$342
Hull, Fred & Michelle	L7, 1H	\$1,487
STRABAN TOWNSHIP		
Ashley, Rebecca S.	4, 52	\$3,800
Fissel, Vicky I.	H10, 17, 105, Skyline MH	\$500
Junkins, Timothy	G12, 124, 124, Kirkwood MH	\$400
Green, Linden W. & Linda M.	H10, 17, 129, 1985 Skyline MH	\$934
Kump, Darryl	G12, 124, 126, 1989 Deroose MH	\$1,376
Rondeau, Gloria W.	H11, 57A	\$2,000
Brown, Lynwood	G12, 124, 84, Classic MH	\$373
Starner, Rodney J. & Cheryl K.	I10, 13	\$10,265
Group, Nancy	H10, 17, 130, Skyline MH	\$1,000
West Edge, Inc.	G12, 49A	\$20,000
Maltese, Jerome	G13, 70	\$1,800
Maltese, Jerome	G13, 70A	\$400
Herb, David & Carrie	H10, 17, 152, Skyline MH	\$2,600
Cruz, Marcus & Sharon	G12, 124, 44, 1979 Dupont MH	\$412
Flynn, Joseph A.	H10, 4	\$592
Shealer, Rebecca	H11, 13	\$716
Gillespie, Richard F.	H10, 105, 1, 1982 Liberty MH	\$2,300
Weverink, Heinz J. & Debra R.	G9, 16	\$2,200
Rondeau, Brian K.	H12, 63	\$2,600
Haines, Sandy	G10, 16B, 15, 1990 Fleetwood MH	\$1,059
Moreno, Armando & Esperonzo	H10, 17, 125, Fleetwood MH	\$1,400
Weaver, Bernice ETAL	H10, 17, 159, Fortune MH	\$2,500
Ash, Ronald K. & Michelle S.	G10, 16B, 29, Clayton MH	\$2,000
Lebaron, Matthew C.	G12, 124, 123, Fairmont MH	\$506
Lupian, Hilario & Talavera, Silvia	H10, 17, 162, Redman MH	\$2,800
Castillo, Raul & Salazar, Maria	H10, 17, 163, Ritzcraft MH	\$3,390
Brodhead, Robert & Melanie	G10, 16B, 38, 1997 Castle Palace	\$1,415
Meyers, Steven Lee & Linda Lee	H11, 75	\$1,807
TYRONE TOWNSHIP		
Murray, Michael Scott	H5, 21	\$1,694
Degroft, Donald F.	H5, 15D	\$1,856
Kuhn, Garry C. & Cheryl L.	G4, 56	\$2,300
Green Point Credit	H7, 75, 999, 1995 Imperial MH	\$7,500
All American Housing	H7, 75, 15A, 1996 Liberty	\$2,700
Ruth, Timothy C. & Tammy L.	I8, 19	\$2,300
Rudolph, Patrick J. & Sara A.	I9, 16A, 13, 1970 Mobile Home	\$271
Shafer, Robert S. & Lois H.	F3, 10	\$4,437
Woodson, William & Wanda	H7, 75, 93, Imperial MH	\$2,500
Rojos, Armando, & Stephanie	H7, 75, 70, 1996 Imperial MH	\$3,100
Emig, William Sr.	I7, 33B	\$1,600
Lowe, Kevin E. & Heather M.	H7, 75, 109, Southern Energy MH	\$3,000
Keefer, Fred B.	I9, 16A, 9, 1968 Mobile Home	\$221
All American Housing	H7, 75, 996, Claremont MH	\$2,000
Barra, John J. & Connie J.	I9, 10A	\$9,299
Mellott, O. Guy	H7, 75, 144, 1999 Suncrest	\$450

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Reisen, Eric & Barb	H7, 75, 166, Fleetwood MH	\$2,456
Laughman, Earl D.	H5, 31A, 2, Mobile Home	\$1,070
All American Housing	H7, 75, 995, 1996 Liberty MH	\$3,000
Jones, Douglas W.	H7, 75, 163, Redman MH	\$3,381
Mummert, John G. & Barbara	I7, 46	\$1,300
All American Housing	H7, 75, 997, 1996 Fleetwood MH	\$1,900
All American Housing	H7, 75, 998, 2000 Suncrest	\$1,800
UNION TOWNSHIP		
Sterner, Eric J.	K18, 6G	\$2,500
White, Jack W. & Flora Victoria	L18, 15	\$2,500
Flowers, James E. & Connie J.	K17, 106	\$2,000
YORK SPRINGS BOROUGH		
Bothe, Frederick A. III & Tinamarie	5, 51	\$2,700
Harris, Phillip B.	2, 5	\$2,788
Harris, Phillip B.	2, 19A	\$708
Harris, Phillip B.	2, 18	\$4,068
Talex Enterprises	2, 40	\$44,589
CARROLL VALLEY BOROUGH		
Boothe, Louise M.	22, 119	\$600
Givings, Dorothy F.	41, 87, R148	\$562
Hamilton Homes Inc.	25, 130, D74	\$210
Mort, Charles H. & Agnes	45, 67	\$4,200
Mort, Charles H. & Agnes	41, 139	\$4,200
Mort, Dwayne E.	40, 89, RD8	\$2,637
Mort, Dwayne E. & Sharon K.	43, 42	\$3,600
Mort, Dwayne E.	41, 34	\$900
Mort, Dwayne E. & Sharon K.	43, 54	\$12,000
Sharrer, Paul D. Scott, Ed	6, 77	\$800
McClellan, John B.	19, 63	\$500
Sedr, William W. & Dolores C.	18, 49	\$400
Virostek, Geraldine A.	18, 17	\$700
Stake, B. Dean	40, 77	\$700
Monteleone, Joe	34, 174, P125	\$364
Rushford Enterprises	37, 9, R193	\$340
Wivell, Jay & Michelle	43, 119	\$500
Hart, Gary	47, 49	\$800
Honeycutt, Douglas	29, 64	\$400
Halkias, James Peter	43, 44, RD35	\$582
Halkias, James Peter	43, 45, RD34	\$582
Mort, Charles & Agnes	27, 2	\$500
Smith, Juanita K. & John Hannan	35, 17, B43CR	\$1,042
Coldwell, Dora V.	41, 36, R1180	\$423
Lawson, Oscar O. & Dawne II	38, 79, R1124	\$399
Halkias, James Peter	18, 50, C24	\$918
Coady, Nancy	46, 101	\$568
Friel, Hugh C. & Elizabeth B.	46, 90, RC136	\$327
Gearey, Thomas P.	30, 40	\$521
Knight, William F. & Saunders, Alleyne F.	29, 49, W304	\$673
Mitchell, Agnes T.	30, 101, B282	\$525
Mort, Charles & Agnes	41, 139, RH62	\$902
Hines, Chrystal	34, 39	\$2,491
Mort, Charles & Agnes	41, 139	\$3,109

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-830 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 September, 2006, 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 Butler Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at a corner of lands now or formerly of James Parry and at side of a public road which road which leads to Route 234; thence along other land of James Parry, crossing the aforesaid public road and running along an old mill race, North 13 degrees West, 42 perches to a point; thence along land of the same North 22 degrees West, 7.9 perches to an iron pin; thence leaving said mill race, crossing another public road and running along land now or formerly of Earl Kime, South 66-1/4 degrees West, 12.4 perches to a point in Opossum Creek; thence along the said Creek and land now or formerly of Zula Himes and recrossing the first mentioned public road, South 10 degrees East 50.1 perches to a point in said Creek at corner of land now or formerly of Harry Kime Estate; thence leaving said Creek and running along land of the James Parry, North 65 degrees East, 18 perches to the point, the place of BEGINNING. CONTAINING 4 Acres and 120 perches.

BEING KNOWN AS: 921 Stone Jug Road, Biglerville, PA 17307

TITLE TO SAID PREMISES IS VESTED IN Carol Ann Burke by deed from Ruth E. Burke, Widow by General Warranty Deed dated 12/14/1967 and recorded 12/14/1967 in Deed Book 264, Page 1176.

Tax I.D. #: Map G8 Parcel 5

TO BE SOLD AS THE PROPERTY OF: Carol Ann Burke

SEIZED and taken into execution as the property of **Carol Ann Burke** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-107 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 September, 2006, 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 Tyrone Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a steel rod at corner of lot along the right-of-way of PA 234 and along a 20 foot alley (open), as shown on the hereinafter boundary survey; thence along said alley North 29 degrees 30 minutes 55 seconds East, 260.00 feet to a steel rod at corner of lot along said alley and along a 20 foot alley (not open); thence along said alley (not open) South 65 degrees 58 minutes 30 seconds East, 220.00 feet to a steel rod at corner of said lot and along the right-of-way of Old Harrisburg Road (S.R. 3001); thence along said right-of-way of Old Harrisburg Road South 29 degrees 30 minutes 55 seconds West, 195.00 feet to a steel rod; thence North 65 degrees 58 minutes 30 seconds West, 65.00 feet to a steel rod; thence South 29 degrees 30 minutes 55 seconds West, 65.00 feet to a steel rod at corner of said lot and along the right-of-way of PA 234; thence along the right-of-way of PA 234 North 65 degrees 58 minutes 30 seconds West, 155.00 feet to a steel rod at corner of lot along the right-of-way of PA 234 and along a 20 foot alley (open), the point and place of BEGINNING. CONTAINING 1,211 acres.

Tax Parcel No. 40-1-30

BEING the same premises which Shirley P. Heltibridge, by Deed dated August 14, 1998 and recorded in the Adams County Recorder of Deeds Office on August 14, 1998 in Deed Book 1642 Page 31, granted and conveyed unto Thomas P. Hunt.

SUBJECT TO MORTGAGE

Premises Being: 2796 Heidlersburg Rd., Gettysburg, PA

SEIZED and taken into execution as the property of **Thomas P. Hunt** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/14, 21 & 28

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation for SUSQUOD, INC. were filed with the Department of State of the Commonwealth of Pennsylvania on May 16, 2006, under the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988, P.L. 1444.

Guthrie, Nonemaker, Yingst & Hart
Solicitor

7/28

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN, that by virtue of a Writ of Execution, (Mortgage Foreclosure), issued out of the United States District Court for the Middle District of Pennsylvania, to me directed, I will expose and offer for sale at public vendue to the highest bidder, the real estate situated at 6431 York Rd., New Oxford, PA. Sale will be held at the Adams County Courthouse, Gettysburg, PA on August 24, 2006 at 11:00 A.M. all the right, title and interest of Silver Moon Restaurants, Inc. And George N. Halkias, defendant(s) and mortgagor(s) in and to the following described real estate and property including improvements thereof.

TERMS OF SALE: Ten percent of the bid due the day of the sale. Balance is due within 30 days. All stamps and transfer taxes shall be the responsibility of the purchaser.

EXHIBIT "A"

DESCRIPTION OF REAL ESTATE

ALL THE FOLLOWING described tracts of land situate in the Township of Berwick, Adams County, Pennsylvania, more particularly described as follows, to wit:

TRACT NO. 1:

BEGINNING at a point in the center line of the Lincoln Highway leading from Cross Keys to Abbottstown, said point being at the Northwest corner of land now or formerly of Edward Odenwald; thence along land now or formerly of Odenwald, South 23 degrees East 300 feet to an iron pin at a 40 foot right-of-way; thence along the Northern boundary of said right-of-way, South 67 degrees West 165 feet to an iron pin at a 35 foot right-of-way; thence along said right-of-way, North 23 degrees West 300 feet to a point in the corner of the aforesaid Lincoln Highway; thence along line in center of said highway, North 67 degrees East 165 feet to a point; the Place of BEGINNING.

TOGETHER with a right-of-way for ingress, egress and regress to and along the within described tract and to the aforesaid 40 foot right-of-way at the rear thereof, and to and along the 35 foot right-of-way strip on the Western side of Tract No. 2 herein, said right-of-way being in and over the following described strip of land.

BEGINNING at a point in the center of the Lincoln Highway at the Northwest corner of the within described Tract No. 1; thence along same, South 23 degrees East 300 feet to a 40 foot right-of-way; thence along the Northern boundary of said right-of-way, South 67 degrees West 35 feet to an iron pin; thence along land now or formerly of Credon Shearer; North 23 degrees West 300 feet to a

point in center of said State Highway; thence along line in center of said State Highway, North 67 degrees East 35 feet to a point at the Place of BEGINNING.

TRACT NO. 2:

BEGINNING at an iron pin at a 40 foot right-of-way said iron pin being 40 foot Southeast of the corner of Southern boundary of land now or formerly of Cross Keys Industries, Inc., and land now or formerly of Edward Odenwald and along the course South 23 degrees East from said iron pin; thence along land now or formerly of Cross Keys Industries, Inc., South 23 degrees East 300 feet to an iron pin; thence along the same, South 67 degrees West 165 feet to a point at a 35 foot right-of-way; thence along said right-of-way, North 23 degrees West 300 feet to a point at the aforesaid 40 foot right-of-way; thence along the Southern boundary of said right-of-way, North 67 degrees East 165 feet to the Place of BEGINNING.

TOGETHER with a right-of-way for ingress, egress and regress to and along the within described tract and to the aforesaid 40 foot right-of-way along the Northern side thereof, and to and along the 35 foot right-of-way strip on the Western side of Tract No. 1 herein, said right-of-way in and over the following described strip of land;

BEGINNING at a point on the Northwest corner of the within Tract No. 2; thence along the Western boundary of said tract, South 23 degrees East 300 feet to a point; thence South 67 degrees West 35 feet to an iron pin; thence along other lands now or formerly of Cross Keys Industries, Inc., North 23 degrees West 300 feet to an iron pin at the aforesaid 40 foot right-of-way between Tracts Nos. 1 and 2; thence along said right-of-way, North 67 degrees East 35 feet to a point, the Place of BEGINNING.

BEING the same property which Hristos Kopanis and Maria Kopanis, husband and wife, legal owners, and Harilaos Koufomihalis and Terri M. Koufomihalis, husband and wife, equitable owners, by their Deed dated April 1, 2005 and recorded in the Office of the Recorder of Deeds in and for Adams County, simultaneously herewith, granted and conveyed unto George N. Halkias, married man, Mortgage herein.

NOTICE TO ALL PARTIES IN INTEREST AND CLAIMANTS: A Schedule of Distribution of Sale will be filed by the United States Marshal with the Clerk of Court, Scranton, PA on September 8, 2006. Any claims or exception to said distribution must be filed with the Clerk of Court within 10 days thereafter.

United States Marshal
Middle District of PA

7/28, 8/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-499 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 September, 2006, 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 land situated in Straban Township, Adams County, Pennsylvania, being more particularly described as (Lot No. 416) on a plan of lots of Lake Heritage Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Miscellaneous Volume 4 at page 427, and subject to all legal highways, easements, rights of way and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN George H. Simeone and Jodi F. Simeone, husband and wife by Deed from Fred M. Fowler and Carolyn N. Fowler, husband and wife dated 9/30/1998 and recorded 10/8/1998 in Record Book 1677, Page 231.

Tax Parcel: 4-26

Premises Being: 416 Heritage Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **George H. Simeone & Jodi F. Simeone** and to be sold by me.

James W. Muller-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 September 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 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.

7/21, 28 & 8/4

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 NAOMI L. DIVELEY, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executors: Gary V. Diveley, 1585 Potato Road, Biglerville, PA 17307; Eddie E. Diveley, 150 Brysonia School Road, Biglerville, PA 17307

Attorney: Robert E. Campbell, Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF JACQUELINE A. FREUNDEL, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executors: Cathy F. Elkiss, 623 Chestnut Hill Rd., Hanover, PA 17331; Earl Stephen Freundel, 950 Baer Ave., Hanover, PA 17331

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

ESTATE OF ALFRED NATHANIEL LAUGHMAN, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executor: Stephen M. Hoffman, c/o Eric R. Dutcher, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Eric R. Dutcher, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF JOSEPH L. MAZALESKI, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executor: Sterling Financial Trust Company, 25 Carlisle Street, Hanover, PA 17331

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

ESTATE OF SCOTT A. MEHRING, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Administrator: Daryl M. Mehring, c/o Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 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

ESTATE OF RUTHE B. PORAMBO, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Marianne Bushman, 67 Hunters Trail, Gettysburg, PA 17325

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF GLADYS M. WERNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Evelyn M. Emminger, formerly Werner, 910-G Rhue Haus Lane, Hummels-town, PA 17036

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

SECOND PUBLICATION

ESTATE OF FRANCIS H. GONOSKI, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Stephanie J. Banks, 19720 Olney Mill Road, Brookeville, MD 20833

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

ESTATE OF BRANDON HATCHER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Administratrix: Sherry Jean Hatcher, 449 West Middle Street, Gettysburg, PA 17325

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

ESTATE OF SHIRLEY M. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Juanita Strause, 44678 Willow Oak Court, California, MD 20619

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

ESTATE OF JOHN JOSEPH PLATTNER a/k/a JOHN J. PLATTNER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Trudy Plattner, 1052 Pickett Drive, Gettysburg, PA 17325

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

ESTATE OF GEORGE F. SHELLEMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Alice R. Shelleman, 3822 Old Harrisburg Road, Gettysburg, PA 17325

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF MARTHA K. SHELLY, DEC'D

Late of Union Township, Adams County, Pennsylvania

Co-Executrices: Rose Diller, 5663 Senft Road, Spring Grove, PA 17362; Debra Grove, 1267A Littlestown Rd., Hanover, PA 17331

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

THIRD PUBLICATION

ESTATE OF SARA E. HOLLABAUGH, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executors: Pamela J. Lerew and Larry D. Lerew, 130 Century Lane, Dillsburg, PA 17019

Attorney: Jan M. Wiley, Esq., Wiley, Lenox, Colgan & Marzacco, P.C., 130 W. Church St., Suite 100, Dillsburg, PA 17019

ESTATE OF MARY MARGARET MILLER, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executrix: Carol Keys Simpson, 865 Seven Stars Rd., Biglerville, PA 17307

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

ESTATE OF CAROLYN A. RILEY, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administratrix: Rebecca S. Metzger, P.O. Box 140, York Springs, PA 17372

Attorney: Wendy Weikal-Beauchat, Esq., 63 W. High Street, Gettysburg, PA 17325

