

Adams County **Legal Journal**

Vol. 41

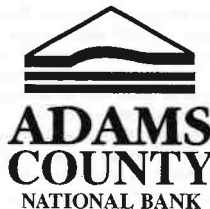
May 5, 2000

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IN RE: COMMONWEALTH VS. ATWELL

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

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 111 Baltimore Street, Room 305, Gettysburg, PA 17325.

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

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-895 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, May 19, 2000, at 10:00 o'clock in the forenoon at the Court-house in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

EXHIBIT "A"

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

BEGINNING at a p.k. nail found in the centerline of Herr's Ridge Road (T-388), which p.k. nail is at corner land lands now or formerly of Alexandria Barnes Norton, Susan Deborah Barnes Kern and Leonard J. Martin, et ux.; thence along the centerline of Herr's Ridge Road and along lands now or formerly of Leonard J. Martin, et ux., South 20 degrees 42 minutes 40 seconds West 438.42 feet to a p.k. nail found in the centerline of said Herr's Ridge Road (T-338); thence continuing in said road, on a curve to the right having a radius of 719.97 feet, an arc distance of 99.0 feet, and a chord bearing and distance of South 22 degrees 56 minutes 50 seconds West, 98.925 feet to a point in the centerline of Herr's Ridge Road (T-338); thence by lands now or formerly of Leonard J. Martin, South 65 degrees 08 minutes 30 seconds East, 203.86 feet, passing through a steel rod set 30.02 feet from the beginning of this course, to a steel rod; thence by said lands now or formerly of Leonard J. Martin, et ux., North 20 degrees 42 minutes 40 seconds East 521.90 feet to a steel rod found on line of lands now or formerly of Susan Deborah Barnes Kern; thence by said lands now or formerly of Susan Deborah Barnes Kern, South 60 degrees 42 minutes 15 seconds East, 844.59 feet to a steel rod found at the northwesterly corner of lands now or formerly of Adams County Construction, Inc.; thence by said lands now or formerly of Adams County Construction, Inc., South 39 degrees 40 minutes 40 seconds West, 573.22 feet to a 5/8 inch rebar; thence by same, North 50 degrees 19 minutes 20 seconds West, 381.94 feet to a steel rod; thence by same, South 39 degrees 40 minutes 40 seconds West, 150.00 feet to a steel rod; thence by same, South 50 degrees 19 minutes 20 seconds East, 381.94 feet to a steel rod; thence South 39 degrees 40

minutes 40 seconds West, 642.78 feet to a steel rod; thence South 39 degrees 28 minutes 30 seconds East, 595.95 feet to a steel rod; thence by same, North 76 degrees 48 minutes 50 seconds East, 22.35 feet to a pipe at the southwesterly corner of lands now or formerly of Adams County Construction, Inc., and corner of lands now or formerly of Donald Martin; thence by lands now or formerly of Donald Martin, South 39 degrees 27 minutes 50 seconds East, 194.94 feet to a point in the centerline of the Fairfield Road, S.R. 0116, thence in and along the centerline of the Fairfield Road, S.R. 0116, South 77 degrees 02 minutes 05 seconds West, 176.02 feet to a bolt found in the Fairfield Road, S.R. 0116, at corner of lands now or formerly of Fred J. Hughes; thence along lands now or formerly of Fred J. Hughes, North 51 degrees 38 minutes 55 seconds West, 400.21 feet to a pipe; thence along same, South 57 degrees 27 minutes 00 seconds West, 259.20 feet, crossing Fairplay Road (T-339) to a point along line of lands now or formerly of James Paddock, thence along line of lands now or formerly of James Paddock, North 57 degrees 04 minutes 35 seconds West, 1,115.87 feet to a p.k. nail found in the centerline of Herr's Ridge Road (T-338) at its intersection with Fairplay Road (T-339) at corner of lands now or formerly of Colleen Martin; thence continuing in said Herr's Ridge Road (T-338) and by said lands now or formerly of Colleen Martin, North 41 degrees 56 minutes 00 seconds East, 152.78 feet to a p.k. nail found in the centerline of Herr's Ridge Road at the northeasternmost corner of lands now or formerly of Colleen Martin; thence by same, North 56 degrees 53 minutes 50 seconds West, 295.00 feet passing through a 5/8 inch rebar set 30.56 feet from the beginning of this course, to a point in an existing pond; thence continuing by same and through said pond, South 41 degrees 58 minutes 00 seconds West 152.78 feet to a point on line of lands now or formerly of M. Elizabeth Bigham; thence by said lands now or formerly of M. Elizabeth Bigham, North 56 degrees 53 minutes 50 seconds West, 1,470.79 feet to a steel rod found at a wood post at corner of lands now or formerly of M. Elizabeth Bigham and corner of lands now or formerly of Billy C. Leonard; thence by said lands now or formerly of Billy C. Leonard, North 44 degrees 55 minutes 05 seconds East, 1,775.41 feet to a steel rod found in a corner post hole at corner of lands now or formerly of Billy C. Leonard and corner of lands now or formerly of Alexandria

Barnes Norton; thence by said lands now or formerly of Alexandria Barnes Norton, South 60 degrees 43 minutes 35 seconds East, 1,491.26 feet to a p.k. nail found in the centerline of Herr's Ridge Road at corner of lands now or formerly of Alexandria Barnes Norton, corner of lands now or formerly of Susan Deborah Barnes Kern and corner of lands now or formerly of Leonard J. Martin, the point and place of BEGINNING. CONTAINING 108.576 acres, more or less.

The above description was taken from a Preliminary/Final Subdivision Plat prepared by Robert A. Sharrah, P.L.S., which plan was dated October 15, 1995, and revised April 26, 1996, File No. 9131.

LESS, HOWEVER, the following tracts which are not included as security for the within mortgage:

(1) Tracts No. 2, No. 3, and No. 4 of land to be conveyed from The Herr's Ridge Development Company to Gettysburg Municipal Authority, more particularly described as follows.

Tract 2

BEGINNING at a steel rod found at the most westerly corner of land labelled as Parcel E on the Plan herein referred to; thence through lands now or formerly of Franz C. Martin, Jr., North 39° 40 minutes 40 seconds East 50.00' to a 5/8" rebar to be set; thence continuing through said land of Franz C. Martin, Jr. South 50° 19 minutes 20 seconds East 311.94' to a 5/8" rebar to be set on line of lands to be conveyed to Adams County Construction, Inc. and labelled as Parcel C on the Plan hereinafter referred to; thence by said Parcel C South 39° 40 minutes 40 seconds West 50.00' to a 5/8" rebar to be set on line of lands now or formerly of aforesaid Adams County Construction, Inc.; thence by said Adams County Construction, Inc. North 50° 19 minutes 20 seconds West 311.94' to the place of BEGINNING. CONTAINING: 0.358 acres, more or less. Known as Parcel E on the hereinafter referred to Plan.

Tract 3

BEGINNING at a steel rod to be set at the corner of this Parcel and the corner of lands of Adams County Construction, Inc. and Parcel D as shown on the Plan hereinafter referred to; hence by said Parcel D South 39° 40 minutes 40 seconds West 50.00' to a rebar to be set; thence by lands now or formerly of Franz C. Martin, Jr., North 50° 19 minutes 20 seconds West 311.94' to a rebar to be set; thence continuing through lands

continued after opinion

COMMONWEALTH VS. ATWELL

1. A party's false statement about the matter in litigation, whether before suit or on the stand, his fabrication of false documents, his undue pressure, by bribery or intimidation or other means, to influence a witness to testify for him or to avoid testifying, his destruction or concealment of relevant documents or objects, his attempt to corrupt the jury, his hiding or transferring property in anticipation of judgment - all these are instances of this type of admission by conduct. Pennsylvania decisions have also held that admissions by conduct are properly introduced to show consciousness of guilt.

2. When ruling on a defendant's demurrer, the test is whether the Commonwealth's evidence and all reasonable inferences arising therefrom are sufficient to support a finding that the defendant was guilty beyond a reasonable doubt.

3. Proof beyond a reasonable doubt of the identity of the accused as the person who committed the crime is essential to a conviction. The evidence of identification, however, needn't be positive and certain in order to convict, although any indefiniteness and uncertainty in the identification testimony goes to its weight. Direct evidence of identity is, of course, not necessary and a defendant *may be convicted solely on circumstantial evidence*.

4. In a directed verdict the prosecution's evidence, and all inferences arising therefrom, is considered in the light most favorable to the prosecution. Applying this standard, if the evidence is still insufficient to prove beyond a reasonable doubt that the accused is guilty of the crimes charged the motion for a directed verdict is warranted.

5. For a new trial to lie on a challenge that the verdict is against the weight of the evidence, the evidence must be so tenuous, vague and uncertain that the verdict shocks the conscience of the court.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal. No. CC-678-98. COMMONWEALTH OF PENNSYLVANIA VS. GEOFFREY WILLARD ATWELL.

Paul Dean, Assistant District Attorney, for Commonwealth
Farley G. Holt, Esq., for Defendant.

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

Kuhn, J., January 25, 1999.

On June 5, 1998, Appellant, Geoffrey Willard Atwell, was issued two non-traffic citations for criminal mischief. On July 21, 1998, the District Justice found Appellant guilty on both citations. On July 28, 1998, a Summary Conviction Appeal was filed and a *de novo* hearing was held before this Court on October 20, 1998. The Court found Appellant guilty on both citations. The Court indicated that it intended to impose maximum sentences on each count but if the Appellant requested a pre-sentence investigation be prepared for the purpose of offering mitigating factors that request would be granted.

Appellant accepted that offer and sentencing was deferred to November 23, 1998. Appellant has appealed.

STATEMENT OF FACTS

The record reveals the following factual scenario. The victim is Mary Wehler. Ms. Wehler is a waitress at the Hofbrauhaus in Abbottstown, Adams County, Pennsylvania. (T. at 12). She was dating Appellant but the relationship ended less than amicably on August 3, 1997. (T. at 40). Ms. Wehler testified that Appellant began harassing her in October of 1997. (T. at 40).

On February 17, 1998, Ms. Wehler reported an incident involving Appellant. She testified that at or about 11:25 P.M. on that evening Appellant was outside her residence in East Berlin and turned off her electricity. (T. at 15). Ms. Wehler saw Appellant on this occasion as he walked from her residence toward her car and scratched the word "whore" into the paint with a key. (T. at 28). Her vision was aided by a dusk to dawn light. (T. at 44). Appellant walked toward a red car parked at a nearby video store. Shortly thereafter the red car pulled away. (T. at 28).

Subsequently, at approximately 10:15 P.M. on February 20, 1998, Ms. Wehler and her boyfriend, Dwight Alcott, were walking to Ms. Wehler's car which was in the rear parking lot of the Hofbrauhaus where she was employed. (T. at 17, 47). They noticed a red car drive by slowly in the alley behind the parking lot. Ms. Wehler recognized the car as being similar to the red car she saw Appellant walk towards near her residence on February 17, 1998. (T. at 17, 47). The car was recognizable due to unusual taillights, hubcaps, and the color and sound of the vehicle. (T. at 16). The car drove toward Route 194 which is a roadway that leads to East Berlin. Ms. Wehler then discovered wet glue in all the door and trunk locks of her car but could only manage to open the driver's side door. (T. at 18, 48).

Ms. Wehler and Mr. Alcott then proceeded to Ms. Wehler's residence in East Berlin and discovered that her apartment doors had also been glued shut. (T. at 19, 49). The same red car was immediately seen driving by Ms. Wehler's residence. (T. at 20, 49). At no time on February 20, 1998, was the driver of the red car visually identified.

Appellant was residing in Akron near Ephrata at that time. Ms.

Wehler testified that Appellant had told her when they were dating that he had rented cars from Landis Rent-A-Car previously because they were reasonable. (T. at 21, 32). Ms. Wehler went to Landis Rent-A-Car on February 26, 1998, and saw the same red car she had seen on February 17 and 20. (T. at 23, 37). Again, the car was identifiable due to the taillights, hubcaps, and color. (T. at 23). Jay Garber, General Manager, testified that Appellant leased a red Lumina from Landis Rent-A-Car near Ephrata at 3:00 P.M. on February 17 and returned it to the dealership at 2:00 P.M. on February 21 after driving it for 1,650 miles. (T. at 5).

State Police Trooper Nicholas Bloschichak testified that Appellant provided him with information about his whereabouts on February 20, 1998. (T. at 54). Appellant testified at the initial hearing on the citations before the District Justice that at the time of the incident in question he was on his way home from Fairfield, Virginia, and therefore could not have committed the violations. (T. at 54). Appellant provided the District Justice's Office with a copy of a receipt from a gas station in Fairfield, Virginia, indicating that he made a purchase there on February 20 at 8:12:23 P.M. (T. at 55). Trooper Bloschichak obtained an original copy of the receipt and in comparing the two noticed that Appellant's copy appeared to be different than the original. (T. at 55). Specifically, the original copy obtained from the gas station showed a time of 6:12:23 P.M. (T. at 57). It appeared to the Trooper that Appellant's copy of the receipt was tampered with. With the two-hour difference in time it would have been possible for Appellant to have committed the violations. (T. at 59).

LEGAL DISCUSSION

Appellant's first argument raised in his concise statement of matters complained of on appeal is that the Court abused its discretion in permitting evidence of the alleged forged or altered gas receipt. The Commonwealth argued the evidence was admissible to show consciousness of guilt. Our Superior Court has held as follows with respect to the admission of evidence to show consciousness of guilt:

As might be expected, wrongdoing by the party in connection with his case, amounting to an obstruction of justice is also commonly regarded as an admission by conduct. By resorting to wrongful devices he is said to

give ground for believing that he thinks his case is weak and not to be won by fair means. Accordingly, a party's false statement about the matter in litigation, *whether before suit or on the stand, his fabrication of false documents*, his undue pressure, by bribery or intimidation or other means, to influence a witness to testify for him or to avoid testifying, his *destruction or concealment of relevant documents or objects*, his attempt to corrupt the jury, his hiding or transferring property in anticipation of judgment - all these are instances of this type of admission by conduct." *McCormick on Evidence*, § 273 at 660 (2d Ed. 1972). (Emphasis added). *Pennsylvania decisions have also held that admissions by conduct are properly introduced to show consciousness of guilt*: "When a person commits a crime knows [sic] that he is wanted therefor, and flees or conceals himself, such conduct is evidence of consciousness of guilt, and may form the basis in connection with other proof from which guilt may be inferred." *Commonwealth v. Osborne*, 433 Pa. 297, 302-303, 249 A.2d 330, 333 (1969), quoting *Commonwealth v. Coyle*, 415 Pa. 379, 393, 203 A.2d 782, 789 (1964). See also *Commonwealth v. Homeyer*, 373 Pa. 150, 94 A.2d 743 (1953) (attempted destruction of evidence admissible as a circumstance from which guilt may be inferred); *Commonwealth v. Petro*, 115 Pa.Super. 388, 176 A. 46 (1934) (defendant's attempt to intimidate potential Commonwealth witnesses properly admitted). *Commonwealth v. Markle*, 239 Pa. Super. 505, 514, 361 A.2d 826, 830 (1976); *alloc. den.* 600 A.2d 1258 (alteration in original) (emphasis added).

Thus, Appellant's alleged attempt to alter the gas receipt in an effort to provide an alibi at a previous hearing may be considered an "admission by conduct." This information is admissible to show consciousness of guilt from which, in connection with other evidence, guilt may be inferred.

Appellant's second argument is that the Court abused its discretion when it refused to grant his motion for a demurrer due to the Commonwealth's inability to prove the identity of the perpetrator.

When ruling on a defendant's demurrer, the test is whether the Commonwealth's evidence and all reasonable inferences arising therefrom are insufficient to support a finding that the defendant was guilty beyond a reasonable doubt.

Commonwealth v. Soto, 437 Pa. Super. 442, 445, 650 A.2d 108, 110 (1994).

In the instant case, Appellant was charged with criminal mischief under Section 3304 of the Crimes Code.¹ Appellant argues specifically that the Commonwealth failed to prove identity beyond a reasonable doubt. In discussing the proof of identity of a suspect, our Supreme Court has held:

Proof beyond a reasonable doubt of the identity of the accused as the person who committed the crime is essential to a conviction. *Commonwealth v. Reid*, 123 Pa.Super. 459, 187 A. 263 (1936). The evidence of identification, however, needn't be positive and certain in order to convict, although any indefiniteness and uncertainty in the identification testimony goes to its weight. *Commonwealth v. Mason*, 211 Pa.Super. 328, 236 A.2d 548 (1967). Direct evidence of identity is, of course, not necessary and a defendant *may be convicted solely on circumstantial evidence*.

Commonwealth v. Hickman, 453 Pa. 427, 430, 309 A.2d 564, 566 (1973) (emphasis added).

Identification here was made circumstantially through Appellant's proven rental of the red Chevrolet Lumina and the presence of that car at the scene of each incident. Ms. Wehler and Mr. Alcott were able to identify the car through its distinct appearance. The fact that Appellant rented a car from Landis Rent-A-Car with the same

¹ Upon review of the record it appears that Appellant was charged under subsection (a)(1). However, all parties proceeded under subsection (a)(2). By this Order the Court will amend the charge to conform with the language of the original citations which shows an intent to charge Appellant under subsection (a)(2). This subsection reads as follows:

(a) **Offense defined.**- A person is guilty of criminal mischief if he:
(2) intentionally or recklessly tampers with tangible property of another so as to endanger person or property;

18 Pa.C.S.A. § 3304(a)(2).

distinct features and the presence of the car at the scene of each incident in question is persuasive circumstantial evidence that Appellant was the perpetrator.

Additionally, Ms. Wehler testified that she had seen Appellant at her home on February 17, 1998, and had witnessed him walking toward the same red Lumina in a place where he normally parked when he came to her home. (T. at 16). The Court found the testimony of both Ms. Wehler and Mr. Alcott trustworthy. Thus, although the identification of Appellant was shown through circumstantial evidence, the Court believed it was sufficient to prove identity beyond a reasonable doubt. In addition, the Court considered the nature of the relationship of Ms. Wehler and Appellant as bearing upon his motive to commit the acts as well as her indication that she was experiencing no animosity with any other person at that time.

Appellant also argues that the Court abused its discretion in refusing to grant his motion for a directed verdict.² In a directed verdict the prosecution's evidence, and all inferences arising therefrom, is considered in the light most favorable to the prosecution. Applying this standard, if the evidence is still insufficient to prove beyond a reasonable doubt that the accused is guilty of the crimes charged the motion for a directed verdict is warranted. See, *Commonwealth v. Potts*, 314 Pa. Super. 256, 460 A.2d 1127 (1983).

As discussed above, the Court believed the Commonwealth's evidence to be sufficient to prove beyond a reasonable doubt that Appellant was the perpetrator of the violations as charged. Appellant's identity was established through the testimony of both Ms. Wehler, Mr. Alcott, and Mr. Garber. Additionally, as required by Section 3304(a)(2) of the Crimes Code, there was sufficient evidence to prove that Appellant "intentionally or recklessly" tampered with the "tangible property of another so as to endanger...property." 18 Pa.C.S.A. § 3304(a)(2). Testimony established that the locks on the doors of Ms. Wehler's car and residence were glued shut

² A demurrer is properly raised at the close of the Commonwealth's case and a directed verdict is properly raised at the end of trial. There is no indication in the record that Appellant ever specifically asked for a directed verdict; however, the motion for a demurrer at the end of trial may be considered a motion for a directed verdict in light of its timing. In any event, the standard applied in determining a directed verdict is very similar to the standard used in determining a demurrer. The Court will overlook the technical error and address both issues for purposes of clarity.

resulting in damage thereto. (T. at 18, 25-26). Placing glue in door locks is clearly an intentional act which caused damage to the extent that many of the locks had to be replaced. (T. at 18-19). Thus, a directed verdict would not have been warranted.

Lastly, Appellant argues that the Court abused its discretion in its finding of guilt because it was not supported by the weight of the evidence. "For a new trial to lie on a challenge that the verdict is against the weight of the evidence, the evidence must be so tenuous, vague and uncertain that the verdict shocks the conscience of the court." *Commonwealth v. Edwards*, 399 Pa. Super. 545, 554, 582 A.2d 1078, 1083 (1990).

As set forth throughout this Opinion, the Court believes Appellant's identity was sufficiently proven as well as the elements required for criminal mischief. Merely because the evidence was circumstantial does not mean that it was tenuous, vague or uncertain.

now, or formerly of Franz C. Martin, Jr., North 39° 40 minutes 40 seconds East 50.00' to a corner of lands labelled as Parcel G on the hereinafter referred to Plan, to be conveyed to Gettysburg Municipal Authority by Adams County Construction, Inc. (Wellhouse property); thence by said Parcel G and by Parcel H, both shown on the Plan hereinafter referred to, South 50° 19 minutes 20 seconds East 311.94' to the point and place of BEGINNING; CONTAINING 0.358 acres, more or less Known as Parcel F on the hereinafter referred to Plan.

Tract 4

BEGINNING at a steel rod found in a corner post hole at a corner of lands of Alexandra Barnes Norton, which adjoining tract is more fully depicted and described as Lot No. 3 in Adams County Plat Book No. 56 at Page 44; thence along the lands of Alexandra Barnes Norton S60°43'35"E 516.38' to a 5/8" rebar to be set on the line of lands of aforementioned Alexandra Barnes Norton; thence through lands now or formerly of Franz C. Martin, Jr., South 26° 45 minutes 52 seconds West 335.00' to a 5/8" rebar to be set; thence continuing through said Franz C. Martin, Jr., lands, North 70° 41 minutes 43 seconds West 667.18' to a 5/8" rebar to be set on a line of lands now or formerly of Billy C. Leonard; thence along lands now or formerly of Billy C. Leonard North 44° 55 minutes 05 seconds East 467.48' to the place of BEGINNING. CONTAINING: 5.212 acres, more or less. Known as Parcel I on the hereinafter referred to Plan.

The above descriptions of Tracts 2, 3 and 4 were taken from a Plan prepared by Robert A. Sharrah, P.L.S. which Plan was dated October 15, 1995, revised April 26, 1996, and revised December 9, 1996, File No. 9131, and is to be recorded.

(2) Tracts No. 1, No. 2, and No. 3 to be conveyed from The Herr's Ridge Development Company to Adams County Construction, Inc., more particularly described as follows:

Tract 1

BEGINNING at the most easterly corner of the tract about to be described at a steel rod found on line of lands of Susan Deborah Barnes Kern, and at a corner of lands now or formerly of owned by Adams County Construction, Inc.; thence by said aforesaid Adams County Construction, Inc. South 39° 40 minutes 40 seconds West 208.41' to a 5/8" rebar to be set; thence through lands now or formerly of Franz C. Martin, Jr., North 60° 42 minutes 15 seconds West 71.16' to a 5/8" rebar to be set; thence North 39° 40 minutes 40 seconds East 208.41' to a 5/8" rebar to be set on line of lands of aforementioned Susan Deborah Barnes Kern; thence by said Kern lands South 60° 42 minutes 15 seconds East 71.16' to the place of BEGINNING. CONTAINING: 0.335 acres, more or less.

Tract 2

BEGINNING at a steel rod at lands of Adams County Construction, Inc.; thence by lands of aforesaid Adams County Construction, Inc. North 50° 19 minutes 20 seconds West 70.00' to a 5/8" rebar to be set; thence through lands now or formerly of Franz C. Martin, Jr., North 39° 40 minutes 40 seconds East 301.16' to a 5/8" rebar to be set; thence continuing through land now or formerly of Franz C. Martin, Jr., South 60° 42 minutes 15 seconds East 71.16' to a 5/8" rebar to be set on line of aforesaid Adams County Construction, Inc. lands; thence by aforesaid Adams County Construction, Inc., South 39° 40 minutes 40 seconds West 313.98' to the place of BEGINNING. CONTAINING: 0.494 acres, more or less.

Tract 3

BEGINNING at a steel rod found at lands now or formerly of Adams County Construction, Inc.; thence through lands now or formerly of Franz C. Martin, Jr., North 22° 14 minutes 04 seconds East 233.52' to a 5/8" rebar to be set; thence continuing through lands now or formerly of Franz C. Martin, Jr., North 39° 40 minutes 40 seconds East 420.00' to a 5/8" rebar to be set on line of lands now or formerly of Adams County Construction, Inc.; thence continuing by lands now or formerly of Adams County Construction, Inc., South 50° 19 minutes 20 seconds East 70.00' to a steel rod found; thence continuing by lands now or formerly of Adams County Construction, Inc., South 39° 40 minutes 40 seconds West 642.78' to the place of BEGINNING. CONTAINING: 0.854 acres, more or less.

The above descriptions were taken from a Plan prepared by Robert A. Sharrah, P.L.S. which Plan was dated October 15, 1995, revised April 26, 1996, and revised December 9, 1996, File No. 9131, and is to be recorded.

(3) A tract of land to be conveyed by The Herr's Ridge Development Company to Leonard J. Martin, more particularly described as follows:

BEGINNING at a 5/8" rebar to be set on the eastern right-of-way limits of Herr's Ridge Road (T-338), which 5/8" rebar bears the following course and distance from a cotton gin spindle found in the centerline of aforesaid T-338, South 65° 08 minutes 30 seconds East 30.02' to the true place of beginning; thence by lands now or about to be conveyed to Leonard J. Martin, (which adjoining tract is more fully depicted in Adams County Plat Book 66, Page 92), South 65° 08 minutes 30 seconds East 173.84' to a steel rod found; thence through lands now or formerly of Franz C. Martin Jr., South 39° 40 minutes 40 seconds West 86.59' to a 5/8" rebar to be set; thence through the same North 58° 14 minutes 08 seconds West 157.95' to a point on the eastern right-of-way limits of aforementioned Herr's Ridge Road; thence by a curve to the left having a radius of 749.97', arc length of 64.94', chord bear-

ing of North 29° 17 minutes 01 seconds East, and chord distance of 64.92' to a 5/8" rebar to be set, the true place of BEGINNING; CONTAINING 12,365.5 square feet or 0.284 acres, more or less.

The above description was taken from a Plan prepared by Robert A. Sharrah, P.L.S. which Plan was dated October 15, 1995, revised April 26, 1996, and, revised December 9, 1996, File No. 9131, and is to be recorded.

(4) A tract of land to be designated as Lot No. 37 in a future subdivision more particularly described as follows:

BEGINNING at 5/8" rebar to be set at the most northerly corner of the tract about to be described, which rebar is on line of lands now or formerly of Alexandra Barnes Norton, which rebar bears North 60 degrees 43 minutes 35 seconds West 643.76 feet from a p.k. nail found in the centerline of T-338 (Herr's Ridge Road); thence with said Barnes Norton lands South 60 degrees 43 minutes 35 seconds East 89.78 feet to a 5/8" rebar to be set at the most northwesterly corner of Lot No. 38 of the Herr's Ridge Hunt Subdivision; thence by said Lot No. 38 South 15 degrees 25 minutes 53 seconds East 234.02 feet to a 5/8" rebar to be set on the arc of the cul-de-sac of a proposed public street; thence along said cul-de-sac arc in a counterclockwise direction, said arc having a radius of 60 feet, an arc length of 115.48 feet, a chord bearing of South 19 degrees 25 minutes 49 seconds West and a chord distance of 98.46 feet to a 5/8" rebar to be set at the most northeasterly lot corner of Lot No. 36 of aforesaid subdivision; thence by Lot No. 36 North 58 degrees 14 minutes 08 seconds Northwest 282.42 feet to a 5/8" rebar to be set at the common corner between aforesaid Lot No. 36, Lot No. 32, and Lot No. 33; thence along the rear lot line of Lot No. 33 and Lot No. 34 North 31 degrees 45 minutes 52 seconds East 251.31 feet to the place of BEGINNING. CONTAINING 1.196+/- ACRES.

THE ABOVE DESCRIPTION was taken from a Plan prepared by Robert A. Sharrah, P.L.S. which Plan is dated _____, 1997, having File No. 9131 and Drawing No. _____

SEIZED and taken into execution as the property of **Herr's Ridge Development Company, Inc.** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 12, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/20, 28 & 5/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1096 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, May 26, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those three contiguous tracts of land situate in Hamiltonban Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1:

BEGINNING at a stone on line of lands now or formerly of Christian Frey; thence by same, North 60° West 9.1 perches to a stone; thence by lands now or formerly of Dick O. Sanders, North 16° East 11.7 perches to stones; thence by lands now or formerly of Joseph Spangler, due East 81.2 perches to stones; thence by lands now or formerly of Joseph R. Scott, due South 15.8 perches to stones; thence by lands now or formerly of J. G. Weikert, afterwards sold to C. I. Foutz, due West 70 perches to the place of beginning. CONTAINING 7 acres and 128 perches.

Tract No. 2:

BEGINNING at a point in a public road at lands now or formerly of Harry Gallagher and Elmer Carbaugh Estate; thence by said road and lands now or formerly of Harry Gallagher and John McLeaf, South 40 1/2° West 15 perches to a point; thence by said road and lands now or formerly of John McLeaf, G. W. Scott and other lands of John McLeaf, South 64 3/4° West 25.3 perches to a point; thence by said road and lands now or formerly of John McLeaf, South 19 1/2° West 10.5 perches to a point; thence by the same, South 39° West 10.5 perches to a point; thence by the same, South 37 1/4° West 5.5 perches to a point; thence by the same South 27 3/4° West 21 perches to a point; thence by the same South 32° West 10 perches to a point; thence by the said road and lands now or formerly of Upton Cromer, South 30° West 10 perches to stones; thence by the same South 2 1/2° West 17 perches to stones; thence by said road and lands now or formerly of H. K. Reed, South 45° West 26.3 perches to stones; thence by lands now or formerly of the said H. K. Reed, South 60 3/4° West 7 perches to stones; thence by land now or formerly of Charles E. Wills, North 44° West 33.1 perches to stone; thence by the same, North 24 1/2° East 25.3 perches to stones; thence by the same North 29° West 52.8 perches to stones; thence by same North 62° West 47 perches to stones; thence by the

same North 6° East 31 perches to stones; thence by lands now or formerly of Dick's Estate, Harvey Group and H. K. Reed South 58° East 49.1 perches to stones; thence by lands now or formerly of H. K. Reed and Elmer Carbaugh Estate, South 89 1/2° East 126.3 perches to a point in the public road aforesaid, the place of beginning. CONTAINING 56 acres and 19 perches, more or less.

Tract No. 3:

BEGINNING at stones at corner of lands now or formerly of Hemler and Currens, and of lands now or formerly of Christian Frey; thence by lands now or formerly of Christian Frey, North 60° West 37.6 perches to stones; thence by lands now or formerly of Henry Wintrode, due East 70 perches to stones; thence by lands now or formerly of John Trostle, South 14° East 20.5 perches to stones; thence by lands now or formerly of Hemler and Currens, North 89° West 40.2 perches to the place of beginning. CONTAINING 7 acres and 9 perches, more or less.

BEING the same real estate conveyed to George W. Nicholas and Mary A. Nicholas, his wife, Mortgagors herein, by deed of Price C. Willoughby dated August 9, 1991, and recorded in Adams County Record Book 596, Page 1098.

TOGETHER with all of the rights which Price C. Willoughby acquired from Connie E. Baker, single woman, et al., by Right-of-Way Agreement dated August 8, 1986, and recorded in the office of the aforesaid Recorder of Deeds in Record Book 440 at page 584.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 19, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/28, 5/5 & 12

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on February 23, 2000, for the purpose of incorporating a business corporation organized under the Business Corporation Law of the Commonwealth of Pennsylvania, as amended. The name of the corporation is VAZQUEZ, INC.

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

5/5

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that a certificate of organization for a domestic nonprofit corporation was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about April 10, 2000, for the purpose of obtaining a Certificate of Incorporation of a Pennsylvania nonprofit-nonstock company, organized under the Nonprofit Corporation Law of 1988.

The name of the corporation is LHNEWSCLUB, INC.

The purpose for which the corporation has been organized is: Publication of a newsletter and such other business for which the corporation may be organized under the Nonprofit Corporation Law.

Wolfe & Rice, LLC
47 West High Street
Gettysburg, PA 17325

5/5, 12 & 19

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an application for fictitious name registration has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, under the Fictitious Name Act approved March 16, 1982, setting forth that Andrea D. Fuhrman and Denwood S. Grove are the only persons owning or interested in the business the character of which is financing and refinancing of mobile homes, etc., and that the name under which said business will be conducted is ANDEN FINANCIAL, and the location of said business is 11 Jacqueline Drive, New Oxford, Pennsylvania, 17350.

W. W. Hafer
Solicitor

5/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-70 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and described as follows:

Lot 156

BEGINNING at a point at the only common corner of Lots 155, 156 and the Southern edge of a 60 foot right-of-way known as Dakota Drive on the Subdivision plan described below; thence along the Southern edge of Dakota Drive, North 64 degrees 45 minutes 15 seconds East, 75.00 feet to a point at the corner of Lot 157 of said plan; thence along the Western edge of Lot 157, South 25 degrees 14 minutes 45 seconds East, 139.22 feet to a point at the corner of Lot 122 of said plan; thence along the Northern edge of Lot 122, South 75 degrees 46 minutes 34 seconds West, 76.41 feet to a point at the corner of Lot 155 of said plan; thence along the Eastern edge of Lot 155, North 25 degrees 14 minutes 45 seconds West, 124.61 feet to a point on the Southern edge of a 60 foot right-of-way known as Dakota Drive, the point and place of beginning. Containing 9,893.4334 square feet.

THE above description was taken from a plan of lots entitled "Final Plan, Phase Three - Indian Ridge", prepared by Worley Surveying dated February 21, 1994, File No. C-1350, and recorded in the Office of the Recording of Deeds of Adams County, Pennsylvania, in Plat Book 66, page 66, and designated thereon as Lot No. 156.

Tax Parcel # 12-67

SEIZED and taken into execution as the property of **Showcase Custom Builders, Inc.**, and to be sold by me.

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 26, 2000, 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.

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 WILSON EDWARD STARNER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Rebecca Anne Staub, 808 Mountain View Drive, Westminster, MD 21157

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

SECOND PUBLICATION

ESTATE OF CHARLES FOX, a/k/a CHARLES R. FOX, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrix: Patricia Anne Fox, 108 Wheaton Drive, Littlestown, PA 17340

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

ESTATE OF SHIRLEY W. LEFEVER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Robert S. Lefever, II, 661 Knox Road, Gettysburg, PA 17325; Jane Lefever Troxell, 465 Frazer Road, Aspers, PA 17304

Attorney: John R. White, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MABEL H. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Harold I. Miller, 126 Victoria Drive, Mechanicsburg, PA 17055

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF JOHN R. TRITLE, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Co-Administrators: Kimberly A. Schuler, 11105 Eagletrace Drive, New Market, MD 21774; Scott R. Trittle, 685 Carr Hill Road, Gettysburg, PA 17325

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

THIRD PUBLICATION

ESTATE OF LESTER A. KAISER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Anna E. Kaiser, 412 Kohler Mill Road, New Oxford, PA 17350

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

ESTATE OF KENNETH L. OYERLY, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executors: Marie DeWees and Robert DeWees, 70 Van Lieus Road, Ringoes, NJ 08551

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

ESTATE OF FRANCES P. WALTER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrator c.t.a.: Elizabeth Ann Jacobs, 305 Hoover Street, Staunton, VA 24401

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

IN THE COURT OF
COMMON PLEAS OF ADAMS
COUNTY, PENNSYLVANIA

ACTION TO QUIET TITLE

TO: WILLIAM PENN and HANNAH PENN, his wife, deceased, their heirs, successors, administrators and assigns and all other persons claiming any right, title or interest in the within-described property, being situate in Berwick Township, Adams County, Pennsylvania, identified on Adams County Tax Map L- 11 as Parcel 67.

Take Notice that on the 15th day of February, 2000, Charles H. Bittinger, II, Janice K. Kevern and Patricia Shanfeld, Executors of the Last Will and Testament of Earl S. Bittinger, deceased filed their Complaint against the above-named Defendants in an Action to Quiet Title docketed to No. 00-S-130 with reference to an unimproved tract of land situate in Berwick Township, Adams County, Pennsylvania, bounded and described as follows:

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

BEGINNING at a point in the centerline of Race Track Road (T-505) at corner of land now or formerly of Gary L. Reichart; thence along said Reichart land and passing through a 5/8" steel pin found 27.61 feet from the beginning hereof, South 13 degrees 43 minutes 28 seconds East, 893.39 feet to a 1" steel pin in stones on line of land now or formerly of Philip D. Hoffman; thence along said Hoffman land, South 87 degrees 14 minutes 17 seconds West, 208.69 feet to a metal fence post in stones at corner of land now or formerly of Terry E. Harman; thence along said Harman land, North 74 degrees 18 minutes 47 seconds West, 75.76 feet to a 3/4" steel pin set at corner of land now or formerly of the Abbottstown Municipal Authority; thence along said Abbottstown Municipal Authority's land and passing through a 5/8" steel pin found 11.07 feet from the end hereof, North 15 degrees 12 minutes 38 seconds West, 709.50 feet to a point in the centerline of Race Track Road aforesaid; thence in and through said Race Track Road, North 55 degrees 56 minutes 11 seconds East, 308.52 feet to the point and place of BEGINNING. CONTAINING 5.2131 Acres.

The above description was taken from a Property Survey of the E. S. Bittinger Estate, by Worley Surveying, dated October 20, 1999.

Said Complaint requests the Court to decree that the rights of the Defendants in the hereinabove described premises are released and/or extinguished. Further, said Complaint requests the Court to decree that the fee simple title to the hereinabove described premises is in Plaintiff, Charles H. Bittinger, II, Janice

K. Kevern and Patricia Shanfeld, Executors of the Last Will and Testament of Earl S. Bittinger, deceased. Whereupon the court ordered that notice of said Complaint be served by the Plaintiffs on the Defendants, their heirs, personal representatives, successors and assigns by an advertisement requiring them to answer said Complaint no later than twenty (20) days after the last publication, and that in default of said pleading, the Court may decree that you, the Defendants, will forever be barred from asserting any right, lien, title or interest in and against said property inconsistent with the interest or claim of the Plaintiffs.

NOTICE

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

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

Court Administrator
Adams County Courthouse
113-117 Baltimore Street
Gettysburg, PA 17325
Telephone: 717-337-9846

Donald W. Dorr, Esq.,
Attorney for Plaintiffs

4/28, 5/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-757 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, May 26, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN PROPERTY SITUATED IN THE TOWNSHIP OF READING IN THE COUNTY OF ADAMS AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED IN A DEED DATED 6/12/85 AND RECORDED 6/21/85, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, IN DEED VOLUME 402 AND PAGE 1042.

ADDRESS: 8 FAWN AVENUE; NEW OXFORD, PA 17350

TAX MAP OR PARCEL ID NO.: 2-2

SEIZED and taken into execution as the property of Daniel M. Carbaugh & Barbara J. Althoff a/k/a Barbara J. Carbaugh and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 19, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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4/28, 5/5 & 12

Adams County **Legal Journal**

Vol. 41

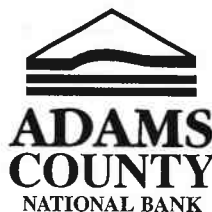
May 12, 2000

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IN THIS ISSUE

MOATS VS. STAHL

Helping families achieve
their long-range financial goals
is our business.



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 111 Baltimore Street, Room 305, Gettysburg, PA 17325.

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

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IN THE COURT OF
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ACTION TO QUIET TITLE

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INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that a certificate of organization for a domestic nonprofit corporation was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about April 10, 2000, for the purpose of obtaining a Certificate of Incorporation of a Pennsylvania nonprofit-nonstock company, organized under the Nonprofit Corporation Law of 1988.

The name of the corporation is LHNEWSCLUB, INC.

The purpose for which the corporation has been organized is: Publication of a newsletter and such other business for which the corporation may be organized under the Nonprofit Corporation Law.

Wolfe & Rice, LLC
47 West High Street
Gettysburg, PA 17325

5/5,12 & 19

NOTICE

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

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

Court Administrator
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113-117 Baltimore Street
Gettysburg, PA 17325
Telephone: 717-337-9846

Donald W. Dorr, Esq.,
Attorney for Plaintiffs

4/28, 5/5 & 12

MOATS VS. STAHL

1. The "serious impairment of body function" threshold contains two inquiries:
(A) What body function, if any, was impaired because of the injuries sustained in a motor vehicle accident?

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

2. Summary judgment should be granted only if the case is free and clear from doubt. Threshold determinations should not be made routinely by a judge. The issue is one for the jury "unless reasonable minds could not differ on the issue of whether a serious injury had been sustained." Further, when undisputed facts could support conflicting inferences, summary judgment is inappropriate.

3. The question to be answered is not whether Appellant has adduced sufficient evidence to show that Appellant suffered any injury; rather the question is whether Appellant has shown that he has suffered a *serious* injury such that a body function has been seriously impaired.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil. No. 97-S-1140. SHELBY SUE MOATS VS. LESLIE L.
STAHL.

Gregory E. Martin, Esq., for Plaintiff

Richard H. Wix, Esq., for Defendant

Spicer, P.J., January 26, 1999.

OPINION ON MOTION FOR SUMMARY JUDGMENT

Plaintiff seeks noneconomic damages for injuries allegedly suffered in a motor vehicle accident that occurred January 27, 1996. Because plaintiff elected a limited tort option, defendant moves for partial summary judgment, contending that plaintiff did not sustain serious injury. The Motor Vehicle Financial Responsibility Law (MVFL), 75 Pa.C.S.A., §1705, states in part:

(e)each person who elects the limited tort alternative remains eligible to seek compensation for economic loss sustained in a motor vehicle accident as the consequence of the fault of another person pursuant to applicable tort law. Unless the injury is a serious injury, each person who is bound by the limited tort election shall be precluded from maintaining an action for any noneconomic loss.

Supreme Court recently adopted the test announced in *DiFranco v. Pickard*, 427 Mich. 32, 398 N.W.2d 896 (1986) for determination of serious injury.

Now that we have decided that the ultimate determination should be made by the jury in all but the clearest of cases, we turn to the question of what the determination consists. Act 6 does not provide any assistance to us in defining “serious impairment of a body function”; nor do we find any elucidation of the meaning of this term in the legislative history. We do, however, find that the *DiFranco* definition of “serious impairment of a body function” is a sound one and hereby expressly adopt it. That definition states that:

The “serious impairment of body function” threshold contains two inquiries:

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

b) Was the impairment of the body function serious?

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

DiFranco, 398 N.W.2d AT 901

Washington v. Baxter, Pa. 719 A.2d 733, 740 (1998).

Supreme Court further established the summary judgment standard for gate-keeping in this area. Summary judgment should be granted only if the case is free and clear from doubt. Threshold determinations should not be made routinely by a judge. The issue is one for the jury “unless reasonable minds could not differ on the issue of whether a serious injury had been sustained.” 719 A.2d at 740. Further, when undisputed facts could support conflicting inferences, summary judgment is inappropriate. *Id.*

Interestingly, Supreme Court affirmed summary judgment in *Washington*, saying that Washington's injuries were clearly *de minimis*. Prior to his accident, Washington worked two jobs, and was off work from primary employment four or five days, and his part-time job one to two months. A year later, he suffered pain every other week and from some type of arthritis or coalition in his right foot. He could do what he did before the accident except for riding a lawnmower.

In the case sub judice, we consider plaintiff's answer to the motion, her deposition, taken July 13, 1998, and an MRI report, that was performed October 2, 1998. Relevant to this motion, the report states, "From C3-C4 thru C6-C7 there is mild disc space narrowing and disc dehydration as well as small diffuse bulges. There is no focal disc herniation identified." On the day of oral argument, plaintiff handed up a short faxed report from a chiropractor that read: "Greg here is a current MRI of Shelby's neck. The significant findings are disc space narrowing and disc dehydration. In my opinion these are directly related to the trauma of the MVA. This is well supported in the literature. If you have any questions please call."

Plaintiff testified that she experienced chest and neck pain and difficulty in breathing at the scene of the accident. She sought medical treatment in 1998 from a physician who was a physical medicine specialist, complaining of severe neck and shoulder pain. At the time of her deposition she said she continued to experience neck, low back and right shoulder pain. She could not lift and carry her children on her right side, as before the accident, had to vacuum with her left arm, and no longer participated in such activities as horseshoes and bowling. She said she performed household chores with difficulty and pain. She testified that she has slowed down at work as a hair stylist, that she was technically required to do 50 customers per week and had been averaging between 35 and 50. She said her supervisor kept her on only because the quality of her work was good.

She attached two payroll printouts as part of her answer to the motion for summary judgment. Both are post-accident (weeks ending 12-17-97 and 9-5-98). This writer could find neither testimony nor records with comparisons for pre-accident earnings. Her answer also contained a disability certificate, signed by James N. Hammett, D.O., stating that plaintiff was not able to perform her regular duties

from "10/1/98 to further notice." Nothing in Dr. Hammett's certificate identifies the condition causing the disability.

Plaintiff concedes that, in her claim for noneconomic damages, she cannot rely on her subjective testimony alone, and that expert testimony is required. However, she argues that she has presented sufficient professional evidence to require jury determination of the issue.

Defendant, on the other hand, argues that, although soft tissue injuries may be accompanied by subjective complaints of pain so severe that it is a serious impairment of a body function, the impairment must be objectively manifested. *Dodson v. Elvey*, 445 Pa. Super. 479, 665 A.2d 1223 (1995) allocatur granted 544 Pa. 608, 674 A.2d 1072 (1996).

Supreme Court extensively discussed *Dodson* in *Washington v. Baxter*, supra, and indicated support for Judge, now Justice, Saylor's dissent. However, neither the dissent nor Supreme Court's commentary diminished the need for expert testimony. *Washington*, in fact, reaffirms the rule that plaintiff has the burden of producing medical evidence sufficiently warranting submission of the critical issue to the jury.

The medical evidence in the case before us falls short of fulfilling plaintiff's burden. Although the chiropractor's faxed report may establish causation for the physical cervical condition, nothing in the record establishes even a likelihood that the physical condition causes or could cause severe pain as plaintiff asserts. If this issue were submitted to a jury on the present record, laypersons on that panel would have no basis other than speculation for correlating pain with physical injuries.

We think the following quotation from *Washington* is relevant:

The question to be answered is not whether Appellant has adduced sufficient evidence to show that Appellant suffered *any* injury; rather, the question is whether Appellant has shown that he has suffered a *serious* injury such that a body function has been seriously impaired. Clearly, it is insufficient for Appellant to show there has been some injury—no matter how minor—in order to avoid the entry of summary judgment against him. Were we to

fail to require Appellant to adduce evidence that not only was there an injury, but that it was also serious, before allowing him to present his case to the jury, we would make a mockery of the summary judgment standard. Although Appellant has introduced evidence that there is some type of arthritis or coalition in his foot, he has failed to show that this injury has had such an impact on him so that it constitutes a serious injury.

719 A.2d at 741

Applying that statement to the case at bar, it is clear that plaintiff has shown that she suffered an injury. It is also clear that she has indicated that the injury might be serious. What is missing is evidence tying the injury with the effects plaintiff describes. Furthermore, even if plaintiff could prove medical causation, her evidence of wage or earnings impairment lacks coherence.

We determine that defendant is entitled to summary judgment on the basis of the record before us. If plaintiff can tie up loose ends by supplementing the record, we might suggest that she request reconsideration while we have jurisdiction to grant it.

ORDER

And Now, this 5TH day of January, 1999, partial summary judgment is awarded defendant and against plaintiff. Plaintiff's claim for non-economic damages is hereby dismissed.

ORDER

And Now, this 26TH day of January, 1999, based on plaintiff's motion for reconsideration, the order of January 5, 1999 is vacated. Defendant shall have 20 days to respond to the petition. Either party may request additional oral argument or to have the matter decided on brief. Briefs are due as follows: Plaintiff's within 30 days, Defendant's within 45 days of this order.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-757 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, May 26, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN PROPERTY SITUATED IN THE TOWNSHIP OF READING IN THE COUNTY OF ADAMS AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED IN A DEED DATED 6/12/85 AND RECORDED 6/21/85, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, IN DEED VOLUME 402 AND PAGE 1042.

ADDRESS: 8 FAWN AVENUE; NEW OXFORD, PA 17350

TAX MAP OR PARCEL ID NO.: 2-2

SEIZED and taken into execution as the property of Daniel M. Carbaugh & Barbara J. Althoff a/k/a Barbara J. Carbaugh and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 19, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/28, 5/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-667 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate, lying and being on the East side of South Queen Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the East side of South Queen Street aforesaid; thence in a Northerly direction for a distance of 200 feet, more or less, to a public alley; thence in an Easterly direction along said alley for a distance of 50 feet to a corner of land now or formerly of Henry Byers; thence by the same in a Southerly direction for a distance of 200 feet, more or less, to South Queen Street aforesaid; thence by said South Queen Street in a Westerly direction for a distance of 50 feet, more or less, to a point, the place of BEGINNING. CONTAINING 10,000 square feet, more or less.

TAX PARCEL NO. 12-16

TITLE TO SAID PREMISES IS VESTED IN James A. Bloom by Deed from Hilda M. Snyder dated 10/2/86, recorded 11/24/86, in Record Book 442 page 675.

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

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-42 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pipe at lands now or formerly of Otis M. Sabatini, Jr., thence by said lands, North 13 degrees, 12 minutes west, 304.6 feet to an iron pipe at lands now or formerly of Elsa B. Crum, thence by said lands, North 76 degrees, 48 minutes East, 155.4 feet to an iron pipe, at lands now or formerly of Nelson Cole; thence by said lands, South 11 degrees, 33 minutes East, 317.4 feet to an iron pipe, thence South 0 degrees, 10 minutes East, 218.2 feet to an iron pipe at lands now or formerly of Harry Scott; thence by said lands, South 87 degrees, 34 minutes West, 131.5 feet to an iron pipe at lands formerly of Ernest R. Shriver; thence by said lands, North 13 degrees 14 minutes East, 204.8 feet to the place of BEGINNING. CONTAINING 1.6133 Acres.

SEIZED and taken into execution as the property of Neal R. Krout and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/12, 19 & 26

IN THE COURT OF
COMMON PLEAS OF ADAMS
COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW
NO. 00-S-39

ACTION TO QUIET TITLE

COUNTY OF ADAMS,
Plaintiff,

vs.

JOHN PENN; ET AL., and all of said Defendants' respective heirs, executors, administrators, personal representatives, successors and assigns in title, and all persons and entities unknown claiming any right, title or interest in that certain real estate situate in Cumberland Township, Adams County, Pennsylvania, containing 90.094 acres,

Defendants.

TO: JOHN PENN; THOMAS PENN; RICHARD PENN; ANDREW McCURY, a/k/a ANDREW McCREADY; ARCHIBALD TATE and JEAN TATE, his wife; WILLIAM TATE and JAMES TATE; HENRY WEAVER; ALEXANDER RUSSELL, Esquire; HENRY HOKE; JAMES SCOTT; ABRAHAM SCOTT and ROBERT HAYS, Administrators of the Estate of JAMES SCOTT; ROBERT HAYES and JOHN McCONAUGHY, Administrators of the Estate of JAMES SCOTT; RALPH LASHHELLS; ABRAHAM SCOTT and MARGARET SCOTT, his wife; MARTIN WINTER; and all of said Defendants' respective heirs, executors, administrators, personal representatives, successors and assigns in title, and all persons and entities unknown claiming any right, title or interest in that certain real estate situate in Cumberland Township, Adams County, Pennsylvania, containing 90.094 acres, Defendants

You are hereby notified that the Court of Common Pleas of Adams County, Pennsylvania, has entered the following Order of Court, dated May 9, 2000, in the above-captioned Action To Quiet Title. You will be forever barred from asserting any right, lien, title or interest in the Plaintiff's subject real property inconsistent with the interest or claim of the Plaintiff, as set forth in its Complaint, unless you enter an appearance and file an Answer to Plaintiff's Complaint within thirty (30) days of the date of the present Legal Notice:

ORDER OF COURT

AND NOW, this 9th day of May, 2000, upon presentation and consideration of the within Motion For Final Judgment, IT IS HEREBY ORDERED AND DECREED that the above-named Defendants, and all of said Defendants'

respective heirs, executors, administrators, personal representatives, successors and assigns in title, and all persons and entities unknown claiming any right, title or interest in that certain real estate situate in Cumberland Township, Adams County, Pennsylvania, containing 90.094 acres, which is the subject of the above-captioned action, shall be forever barred from asserting any right, lien, title or interest in the Plaintiff's subject real property inconsistent with the interest or claim of the Plaintiff, as set forth in its Complaint, unless said Defendants enter an appearance and file an Answer to Plaintiff's Complaint within no more than thirty (30) days of the date of service of this Order. If such action is not taken within the aforesaid thirty (30) day period, the Adams County Prothonotary, upon Praeceptum from Plaintiff's attorney, shall enter final judgment for the relief sought in Plaintiff's Complaint in favor of Plaintiff.

Service of the present Order of Court upon the Defendants, and their respective heirs, etc. shall be made as follows: (1) by publication one (1) time in The Gettysburg Times and the Adams County Legal Journal upon the above-named deceased Defendants, in accordance with this Court's January 18, 2000 Order in this case; the date of publication shall constitute, and shall be deemed to be, the date of service for such purpose; and (2) and by first class U.S. mail, postage prepaid, upon all of the other above-named Defendants; the mailing date of such first class mail service, as evidenced by U.S. Postal Service Form 3817 (Certificate Of Mailing), shall constitute, and shall be deemed to be, the date of service for such purpose. Plaintiff's attorney of record shall file appropriate Certificates of Service evidencing compliance with such service requirements.

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

AND NOW, this ___ day of _____, 2000, upon Praeceptum of Plaintiff, in accordance with the above Order of Court, dated May ___, 2000, and it appearing that Defendants have failed to take action as directed in the above Order, final judgment for the relief sought in Plaintiff's Complaint is hereby entered in favor of the Plaintiff and against the Defendants and all of said Defendants' respective heirs, executors, administrators, personal representatives, successors and assigns in title, and all persons and entities unknown claiming any right, title or interest in that certain real estate situate in Cumberland Township, Adams County, Pennsylvania, containing 90.094 acres, which is the subject of the above-captioned action, for failure to take action as required by the above Order, dated May ___, 2000.

Adams County Prothonotary
Patricia A. Funt
County of Adams
Adams County Commissioners
John R. White,
Adams County Special Counsel
Attorney for Plaintiff

Dated: May 12, 2000

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 LILLIAN J. BOWLING, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Adams County National Bank, 2 Chambersburg Street, Gettysburg, PA 17325

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

ESTATE OF JOSEPH WILLIAM KIMPLE, a/k/a WILLIAM J. KIMPLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Kenneth W. Kimple, 125 Table Rock Road, Gettysburg, PA 17325

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

ESTATE OF FRED B. KNACKSTEDT, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administrator: Dennis D. Knackstedt, 1111 Old Carlisle Road, Aspers, PA 17304

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

ESTATE OF HOLBERT I. RILEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executrices: Joyce R. Maitland, 1365 Chambersburg Road, Gettysburg, PA 17325; Linda R. Bushey, 1550 Scotland Avenue, Chambersburg, PA 17201

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

ESTATE OF HAROLD WILLIAM WENTZ, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Administrator: Bernard I. Wentz, 2524 E Shippensburg Road, Biglerville, PA 17307

Attorney: Walton V. Davis, Esq., 63 West High Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF WILSON EDWARD STARNER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Rebecca Anne Staub, 808 Mountain View Drive, Westminster, MD 21157

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

THIRD PUBLICATION

ESTATE OF CHARLES FOX, a/k/a CHARLES R. FOX, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrix: Patricia Anne Fox, 108 Wheaton Drive, Littlestown, PA 17340

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

ESTATE OF SHIRLEY W. LEFEVER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Co-Executors: Robert S. Lefever, II, 661 Knox Road, Gettysburg, PA 17325; Jane Lefever Troxell, 465 Frazer Road, Aspers, PA 17304

Attorney: John R. White, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MABEL H. MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Harold I. Miller, 126 Victoria Drive, Mechanicsburg, PA 17055

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF JOHN R. TRITLE, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Co-Administrators: Kimberly A. Schuler, 11105 Eagletrace Drive, New Market, MD 21774; Scott R. Trittle, 685 Carr Hill Road, Gettysburg, PA 17325

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1096 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, May 26, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those three contiguous tracts of land situate in Hamiltonban Township, Adams County, Pennsylvania, bounded and described as follows:

Tract No. 1:

BEGINNING at a stone on line of lands now or formerly of Christian Frey; thence by same, North 60° West 9.1 perches to a stone; thence by lands now or formerly of Dick O. Sanders, North 16° East 11.7 perches to stones; thence by lands now or formerly of Joseph Spangler, due East 81.2 perches to stones; thence by lands now or formerly of Joseph R. Scott, due South 15.8 perches to stones; thence by lands now or formerly of J. G. Weikert, afterwards sold to C. I. Foutz, due West 70 perches to the place of beginning. CONTAINING 7 acres and 128 perches.

Tract No. 2:

BEGINNING at a point in a public road at lands now or formerly of Harry Gallagher and Elmer Carbaugh Estate; thence by said road and lands now or formerly of Harry Gallagher and John McLeaf, South 40 1/2° West 15 perches to a point; thence by said road and lands now or formerly of John McCleaf, G. W. Scott and other lands of John McCleaf, South 64 3/4° West 25.3 perches to a point; thence by said road and lands now or formerly of John McCleaf, South 19 1/2° West 10.5 perches to a point; thence by the same, South 39° West 10.5 perches to a point; thence by the same, South 37 1/4° West 5.5 perches to a point; thence by the same South 27 3/4° West 21 perches to a point; thence by the same South 32° West 10 perches to a point; thence by the said road and lands now or formerly of Upton Cromer, South 30° West 10 perches to stones; thence by the same South 2 1/2° West 17 perches to stones; thence by said road and lands now or formerly of H. K. Reed, South 45° West 26.3 perches to stones; thence by lands now or formerly of the said H. K. Reed, South 60 3/4° West 7 perches to stones; thence by land now or formerly of Charles E. Willis, North 44° West 33.1 perches to stone; thence by the same, North 24 1/2° East 25.3 perches to stones; thence by the same North 29° West 52.8 perches to stones; thence by same North 62° West 47 perches to stones; thence by the same North 6° East 31 perches to stones; thence by lands now or formerly of Dick's Estate, Harvey Group and H. K. Reed South 58° East 49.1 perches to stones; thence by lands now or formerly of H. K. Reed and Elmer Carbaugh Estate, South 89 1/2° East 126.3 perches to a point in

the public road aforesaid, the place of beginning. CONTAINING 56 acres and 19 perches, more or less.

Tract No. 3:

BEGINNING at stones at corner of lands now or formerly of Hemler and Currens, and of lands now or formerly of Christian Frey; thence by lands now or formerly of Christian Frey, North 60° West 37.6 perches to stones; thence by lands now or formerly of Henry Wintrode, due East 70 perches to stones; thence by lands now or formerly of John Trostle, South 14° East 20.5 perches to stones; thence by lands now or formerly of Hemler and Currens, North 89° West 40.2 perches to the place of beginning. CONTAINING 7 acres and 9 perches, more or less.

BEING the same real estate conveyed to George W. Nicholas and Mary A. Nicholas, his wife, Mortgagors herein, by deed of Price C. Willoughby dated August 9, 1991, and recorded in Adams County Record Book 596, Page 1098.

TOGETHER with all of the rights which Price C. Willoughby acquired from Connie E. Baker, single woman, et al., by Right-of-Way Agreement dated August 8, 1986, and recorded in the office of the aforesaid Recorder of Deeds in Record Book 440 at page 584.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 19, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

4/28, 5/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-70 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and described as follows:

Lot 156

BEGINNING at a point at the only common corner of Lots 155, 156 and the Southern edge of a 60 foot right-of-way known as Dakota Drive on the Subdivision plan described below; thence along the Southern edge of Dakota Drive, North 64 degrees 45 minutes 15 seconds East, 75.00 feet to a point at the corner of Lot 157 of said plan; thence along the Western edge of Lot 157, South 25 degrees 14 minutes 45 seconds East, 139.22 feet to a point at the corner of Lot 122 of said plan; thence along the Northern edge of Lot 122, South 75 degrees 46 minutes 34 seconds West, 76.41 feet to a point at the corner of Lot 155 of said plan; thence along the Eastern edge of Lot 155, North 25 degrees 14 minutes 45 seconds West, 124.61 feet to a point on the Southern edge of a 60 foot right-of-way known as Dakota Drive, the point and place of BEGINNING. CONTAINING 9,893.4334 square feet.

THE above description was taken from a plan of lots entitled "Final Plan, Phase Three - Indian Ridge", prepared by Worley Surveying dated February 21, 1994, File No. C-1350, and recorded in the Office of the Recording of Deeds of Adams County, Pennsylvania, in Plat Book 66, page 66, and designated thereon as Lot No. 156.

Tax Parcel # 12-67

SEIZED and taken into execution as the property of **Showcase Custom Builders, Inc.**, and to be sold by me.

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 26, 2000, 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.

5/5, 12, 19

Adams County Legal Journal

Vol. 41

May 19, 2000

No. 51, pp. 297-302

CONTINUING LEGAL EDUCATION PROGRAM

Malpractice Avoidance Seminar

May 24, 2000 – 1:30 p.m. - 3:00 p.m.

Gettysburg Hotel

Credits: Substantive Law – 3, Ethics – 0

Taxes Affecting Decedents' Estates

June 27, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Alternative Medical Approaches to Reduce Stress

June 28, 2000 – 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 0, Ethics – 1

Trial Evidence in Criminal Cases

August 3, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Issues in Commercial Mortgage Foreclosures

August 9, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Advanced Nursing Home Planning

September 13, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Fundamentals of Family Law

September 19, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

(continued)

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 111 Baltimore Street, Room 305, Gettysburg, PA 17325.

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

Periodicals postage paid at Gettysburg, PA 17325.

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Tax Planning Strategies for Small Businesses

October 19, 2000 - 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law - 3.5, Ethics - 0

Litigating in Orphan's Court

November 9, 2000 - 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law - 5, Ethics - 1

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

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that a certificate of organization for a domestic nonprofit corporation was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about April 10, 2000, for the purpose of obtaining a Certificate of Incorporation of a Pennsylvania non-profit-nonstock company, organized under the Nonprofit Corporation Law of 1988.

The name of the corporation is LNEWSCLUB, INC.

The purpose for which the corporation has been organized is: Publication of a newsletter and such other business for which the corporation may be organized under the Nonprofit Corporation Law.

Wolfe & Rice, LLC
47 West High Street
Gettysburg, PA 17325

5/5, 12 & 19

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity(ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately April 17, 2000, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of JUST ROOSTER CRUISIN' TRUCKING CO. (J.R.C.) with its principal place of business at 881 Yellow Hill Road, P.O. Box 831, Biglerville, PA 17307. The names and addresses of the persons owning or

interested in said business are Kimberly K. Hess, residing at 881 Yellow Hill Road, Biglerville, PA 17307. The character or nature of the business is long haul trucking.

5/19

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity(ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately October 13, 1999, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of EAST COAST SPREADING, with its principal place of business at 692 Coleman Road, Gettysburg, PA 17325. The names and addresses of the persons owning or interested in said business are David G. Seymore, residing at 881 Yellow Hill Road, Biglerville, PA 17307. The character or nature of the business is Custom farming, application of liquid waste.

5/19

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on the 4th day of April, 2000, the Petition of James Harold Ritchie, III, an adult individual, was filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a decree to change the name of petitioner to James Paul Wolfe.

The Court has affixed the 26th day of June, 2000, at 9:00 a.m., in either

Courtroom No. 1, 2 or 3, Fourth Floor, Adams County Courthouse, Gettysburg, Pennsylvania, as the time and place for the hearing of said petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said petition should not be granted.

Bernard A. Yannetti, Esq.
Hartman & Yannetti
126 Baltimore Street
Gettysburg, PA 17325
717 334-3105
Attorneys for Petitioner

5/19

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that Trevor Lynn Baez, a minor, by his guardian, Oscar Hernandez, has filed with the Court of Common Pleas of Adams County, Pennsylvania, a Petition to change his name from Trevor Lynn Baez to Trevor Lynn Baez-Hernandez.

Said Court has fixed a hearing on said Petition for May 30, 2000, at 9:00 a.m. in Courtroom No. 1, 2 or 3 of the Adams County Courthouse, in Gettysburg, Pennsylvania, at which time and place all persons interested may appear and show cause, if any they have as to why the prayer of said Petition should not be granted.

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

5/19

BOTHE VS. RICKER ET AL

1. The material facts on which a cause of action or defense is based shall be stated in a concise and summary form.

2. The lower court has broad discretion in determining the amount of detail that must be averred since the standard of pleading set forth in Rule 1010(a) is incapable of precise measurement.

3. The elements of a contract are 1. A manifested intent by both parties to be bound by the terms of the agreement, 2. Terms which are sufficiently definite, and 3. Consideration. Plaintiffs seeking to prove a breach of a contract must also allege 4. A breach of the duty imposed by the contract and 5. Resultant damages.

4. Although it is impossible to establish precise standards as to the degree of particularity required under this rule, two conditions must be met to fulfill the requirement: (1) the pleadings must adequately explain the nature of the claim to the opposing party so as to permit the preparation of a defense, and (2) they must be sufficient to convince the court that the averments are not merely subterfuge.

5. The elements of fraud are (1) a misrepresentation, (2) a fraudulent utterance, (3) an intention by the maker that the recipient will thereby be induced to act, (4) justifiable reliance by the recipient upon the misrepresentation, and (5) damage to the recipient as the proximate result.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil No. 98-S-222. FRED A. BOTHE, III, VS. TIMOTHY RICKER AND ROBERT BRINGHURST d/b/a RT CONSTRUCTION.

John R. Fenstermacher, Esq. and David A. Jones, Esq., for Plaintiff
Paul F. Lantieri, Esq., Gregory S. Hirtzel, Esq., and Marla B.
Bigeleisen, Esq., for Defendants
Bigam, J., January 27, 1999.

OPINION ON DEFENDANTS' PRELIMINARY OBJECTIONS

Defendants Timothy Ricker and Robert Bringhurst, d/b/a RT Construction, ("Contractor"), filed Preliminary Objections to Plaintiff Fred A. Bothe's, ("Homeowner") Complaint. Both Homeowner and Contractor have filed timely Briefs¹ regarding these Preliminary Objections, and these Objections and Briefs are now before the Court for disposition.

¹ Apparently, "several procedural miscues" caused Contractor to file a Praecepto to Assign for Argument Court, and Homeowner to file a Motion to Strike the Praecepto to Assign, in response. The parties have resolved the issues which raised the miscues, and Homeowner has withdrawn his Motion to Strike, and Contractor does not object to the Court's consideration of Homeowner's Brief in Support, per letter dated December 7, 1998. Accordingly, the Preliminary Objections and both parties' Briefs are considered by this Court.

STATEMENT OF FACTS

In March of 1997, Homeowner filed a Complaint against Contractor, alleging that Contractor failed to satisfactorily perform and complete several contracts for home improvements. The parties entered into two contracts for home improvements on October 21, 1997.² Homeowner alleges that a third contract was agreed to orally by the parties regarding shelving and closet work, and that, despite Homeowner's repeated requests for a written contract, none was ever provided by Contractor. Work began at Homeowner's residence on October 23, 1997, and work was begun pursuant to the third contract, but Homeowner claims that Contractor never completed work under any of the three contracts. According to Homeowner, the last date that Contractor performed any work at the residence was January 1, 1998.

Homeowner states that he paid \$9525.00 between October 21 and December 26, 1997. Homeowner states that he had to obtain a second contractor to complete the work originally contracted-for with Contractor, and that this second contractor charged \$13,350.00. The work was completed in May of 1998.

In his Complaint, Homeowner raises six counts. First, Homeowner alleges a Breach of Contract, in that Contractor's work was incomplete and defective. Second, Homeowner alleges Negligence, in that Contractor failed to complete the work in a workmanlike manner and failed to protect Homeowner's residence from damage during construction. Third, Homeowner alleges Fraud, in that Contractor intentionally misrepresented their ability to satisfactorily complete the work. Fourth, Homeowner alleges Negligent Misrepresentation, in that Contractor misrepresented their ability to satisfactorily complete the work. Fifth, Homeowner alleges Unfair Trade Practices per 73 P.S. §201-1 et seq. Last, Homeowner alleges Unjust Enrichment, in that Contractor received payment for work that they did not complete.

Contractor raises two Preliminary Objections to Homeowner's Complaint. First, Contractor argues that Homeowner's Complaint fails to conform to the applicable law or rule of Court, and in the

² Parts of these contracts are inexplicably redacted, and seemingly in places next to dollar signs, next to the word 'Dollars,' and next to the words 'payments to be made as follows.'

alternative, that more specific pleading is needed. Second, Contractor raises a demurrer to Homeowner's non-contract claims. Contractor asks that Homeowner's non-contract claims, Counts II through VI, be dismissed with prejudice.

LEGAL DISCUSSION OF CONTRACTOR'S FIRST PRELIMINARY OBJECTION

Contractor argues that Pennsylvania Rule of Civil Procedure 1019(a), (b) and (f) require Homeowner to aver the facts of his Complaint with greater specificity. This Court is persuaded that, for the following reasons, Homeowner has not disclosed the material facts sufficient to enable Contractor to prepare his case. *Landau v. Western Pennsylvania National Bank*, 445 Pa. 217 (1971), and as such, Contractor's request for a more specific pleading is granted.

First, Contractor is correct in stating that Homeowner fails to state in a clear and concise form any facts regarding the alleged oral contract, in violation of Rule 1019(a). Paragraph (a) states that "The material facts on which a cause of action or defense is based shall be stated in a concise and summary form." 42 Pa.C.S.A. §1019(a). The Superior Court has stated that "the lower court has broad discretion in determining the amount of detail that must be averred since the standard of pleading set forth in Rule 1019(a) is incapable of precise measurement." *Pike County Hotels, Corp., v. Kiefer*, 262 Pa.Super. 126, 133 (1978). However, "our present liberalized system of pleading requires that the material facts upon which a cause of action is premised be pled with sufficient specificity so as to set forth the prima facie elements of the tort or torts alleged. *Feingold v. Hill*, 360 Pa.Super. 539, 549 (1987), *app. den'd* 515 Pa. 607. The elements of a contract are 1. A manifested intent by both parties to be bound by the terms of the agreement, 2. Terms which are sufficiently definite, and 3. consideration. *Johnston the Florist, Inc. v. TEDCO Const. Corp.*, 441 Pa.Super. 281, 291 (1995). Plaintiffs seeking to prove a breach of a contract must also allege 4. a breach of the duty imposed by the contract and 5. resultant damages. *General State Authority v. Coleman Cable & Wire Co.*, 27 Pa.Cmwlt. 385, 388-389 (1976).

Here, Homeowner's Complaint alleges that a contract was orally agreed to by the parties, that it was to cover two shelving units and a closet, and that such work was never completed. Homeowner also alleges that he requested a written copy of the contract, but that the

copy was never provided to him. Homeowner, however, does not allege any facts regarding the terms of the agreement, such as a cost estimate or a completion date. Homeowner also fails to allege any facts regarding the price agreed upon by the parties. Furthermore, although Homeowner alleges that the work was never completed, he does not state if the work was begun, or how much of the work was performed, or what the cost was to have the work completed, such that damages are unascertainable.

Second, Contractor is correct in stating that Homeowner's Complaint alleges fraud in Counts III (Fraud), IV (Negligent Misrepresentation), and V (Unfair Trade Practices), but that these Counts fail to aver with particularity the specific acts, statements or omissions allegedly constituting fraudulent conduct, in violation of Rule 1019(b). Paragraph (b) states that "Averments of fraud or mistake shall be averred with particularity. Malice, intent, knowledge, and other conditions of mind may be averred generally." 42 Pa.C.S.A. §1019(b). In response, Homeowner claims that the copies of the contracts, attached to and incorporated into the Complaint, serve to fulfill the particularity requirement. The Supreme Court has said "although it is impossible to establish precise standards as to the degree of particularity required under this rule [Rule 1019(b)], two conditions must be met to fulfill the requirement: (1) the pleadings must adequately explain the nature of the claim to the opposing party so as to permit the preparation of a defense, and (2) they must be sufficient to convince the court that the averments are not merely subterfuge." *Martin v. Lancaster Battery Co., Inc.*, 530 Pa. 11, 18 (1992). Again, "our present liberalized system of pleading requires that the material facts upon which a cause of action is premised be pled with sufficient specificity so as to set forth the prima facie elements of the tort or torts alleged. *Feingold* at 549. "The elements of fraud are (1) a misrepresentation, (2) a fraudulent utterance, (3) an intention by the maker that the recipient will thereby be induced to act, (4) justifiable reliance by the recipient upon the misrepresentation, and (5) damage to the recipient as the proximate result." *Hess v. Hess*, 397 Pa.Super. 395, 400 (1990).

Here, Homeowner's Count III, Fraud, alleges that Contractor made intentional misrepresentations about his ability to satisfactorily complete the work, that Homeowner was induced to enter into the contracts, that Homeowner relied on Contractor's representations,

and that Homeowner has been injured by Contractor's failure to complete the work; Homeowner prays for judgment against Contractor and damages, costs, and fees as the Court finds merited. Count IV, Negligent Misrepresentation, alleges the same except that it does not claim that the misrepresentation was intentionally made. Count VI, Unfair Trade Practices, alleges that Contractor fraudulently represented that the goods and services to be provided were of a particular standard, and created a misunderstanding; Homeowner prays for the same relief. Homeowner has pled the elements of the causes of action, but has failed to plead the facts of those elements. In response, Homeowner directs the Court's attention to the contracts as incorporated into the Complaint. These contracts, at best, speak only to the representations made by Contractor. Homeowner alleges no facts regarding the falsity of these representations or the injury suffered as a result.

Third, Contractor is correct in stating that none of the counts in Homeowner's Complaint specifically set forth the nature of the damages alleged, the manner in which the damages allegedly occurred, or the amount of the damages, in violation of Rule 1019(f). Paragraph (f) states that "Averments of time, place and items of special damages shall be specifically stated." 42 Pa.C.S.A. §1019(f).

Here, at the conclusion of each Count, Homeowner ask the Court "to enter judgment against the Defendants, and award all damages, fees, costs, and other relief this Honorable Court deems just." Homeowner allegedly paid \$9,525.00 to Contractor, and allegedly paid \$13,350.00 to a second contractor to have the initial work completed, but Homeowner fails to state the contract price as between the parties, and fails to state the value of the work actually completed by Contractor. Without determining that the damages at issue are 'special,' per Rule 1019(f), this Court finds that Homeowner has failed to state the damages, as a material fact, in a clear and concise manner.

This Court is persuaded that Contractor's Preliminary Objection (I) must be sustained, and that Homeowner may file an Amended Complaint containing more specific pleadings.

LEGAL DISCUSSION OF CONTRACTOR'S SECOND PRELIMINARY OBJECTION

Contractor also argues that, as Homeowner's claims sound in contract, actions in tort will not lie. This Court is persuaded that Contractor's second Preliminary Objection must be overruled.

Pennsylvania Rule of Civil Procedure 1020(a) states that "The plaintiff may state in the complaint more than one cause of action against the same defendant heretofore asserted in assumpsit or trespass." Paragraph (c) of this Rule further states that "Causes of action and defenses may be pleaded in the alternative." Last, paragraph (d) states that, where a transaction or occurrence gives rise to multiple causes of action including those in the alternative, that these actions should be joined as counts in the same action; a plaintiff's failure to join a cause of action shall be deemed a waiver of that cause of action. This Court is faced with a different question than the court in *PHICO Ins. Co. v. Presbyterian Medical Services Corp.*, 444 Pa.Super 221 (1995). This Court is persuaded that Homeowner has properly pleaded his grounds for relief in the alternative as permitted by Rule 1020, and that Contractor's Preliminary Objection (II) must be overruled.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 27th day of January, 1999, Defendant's first Preliminary Objection in the nature of a Motion for a More Specific Pleading is sustained. Plaintiff is directed to file an Amended Complaint, within twenty (20) days, which complies with applicable Rules and statutes. Defendant's second Preliminary Objection in the nature of a Demurrer to Plaintiff's Non-Contract Claims is overruled.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-667 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate, lying and being on the East side of South Queen Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the East side of South Queen Street aforesaid; thence in a Northerly direction for a distance of 200 feet, more or less, to a public alley; thence in an Easterly direction along said alley for a distance of 50 feet to a corner of land now or formerly of Henry Byers; thence by the same in a Southerly direction for a distance of 200 feet, more or less, to South Queen Street aforesaid; thence by said South Queen Street in a Westerly direction for a distance of 50 feet, more or less, to a point, the place of BEGINNING. CONTAINING 10,000 square feet, more or less.

TAX PARCEL NO. 12-16

TITLE TO SAID PREMISES IS VESTED IN James A. Bloom by Deed from Hilda M. Snyder dated 10/2/86, recorded 11/24/86, in Record Book 442 page 675.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-42 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pipe at lands now or formerly of Otis M. Sabatini, Jr., thence by said lands, North 13 degrees, 12 minutes west, 304.6 feet to an iron pipe at lands now or formerly of Elsa B. Crum, thence by said lands, North 76 degrees, 48 minutes East, 155.4 feet to an iron pipe, at lands now or formerly of Nelson Cole; thence by said lands, South 11 degrees, 33 minutes East, 317.4 feet to an iron pipe, thence South 0 degrees, 10 minutes East, 218.2 feet to an iron pipe at lands now or formerly of Harry Scott; thence by said lands, South 87 degrees, 34 minutes West, 131.5 feet to an iron pipe at lands formerly of Ernest R. Shriver; thence by said lands, North 13 degrees 14 minutes East, 204.8 feet to the place of BEGINNING. CONTAINING 1.6133 Acres.

SEIZED and taken into execution as the property of Neal R. Krout and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-70 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and described as follows:

Lot 156

BEGINNING at a point at the only common corner of Lots 155, 156 and the Southern edge of a 60 foot right-of-way known as Dakota Drive on the Subdivision plan described below; thence along the Southern edge of Dakota Drive, North 64 degrees 45 minutes 15 seconds East, 75.00 feet to a

point at the corner of Lot 157 of said plan; thence along the Western edge of Lot 157, South 25 degrees 14 minutes 45 seconds East, 139.22 feet to a point at the corner of Lot 122 of said plan; thence along the Northern edge of Lot 122, South 75 degrees 46 minutes 34 seconds West, 76.41 feet to a point at the corner of Lot 155 of said plan; thence along the Eastern edge of Lot 155, North 25 degrees 14 minutes 45 seconds West, 124.61 feet to a point on the Southern edge of a 60 foot right-of-way known as Dakota Drive, the point and place of BEGINNING. CONTAINING 9,893.4334 square feet.

THE above description was taken from a plan of lots entitled "Final Plan, Phase Three - Indian Ridge", prepared by Worley Surveying dated February 21, 1994, File No. C-1350, and recorded in the Office of the Recording of Deeds of Adams County, Pennsylvania, in Plat Book 66, page 66, and designated thereon as Lot No. 156.

Tax Parcel # 12-67

SEIZED and taken into execution as the property of Showcase Custom Builders, Inc., and to be sold by me.

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 26, 2000, 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.

5/5, 12 & 19

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, Commonwealth of Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed Professional Corporation under Section 2903 of the "Pennsylvania Business Corporation Law of 1988" of the Commonwealth of Pennsylvania.

The name of the Corporation is BROWN ANIMAL HOSPITAL LLC, a Professional Corporation, and its registered address is 3885 Carlisle Pike, New Oxford, Pennsylvania 17350.

Stonesifer and Kelley, P.C.

5/19

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-849 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate, lying and being in Carroll Valley Borough, formerly Liberty Township, Adams County, Pennsylvania, being Lot No. 26 in Section B, more particularly bounded and described as follows:

BEGINNING at a point in the center of Sky Lark Trail at Lot No. 25; thence by said lot, South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 41; thence by said lot, South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 27; thence by said lot, North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Sky Lark Trail; thence in said Sky Lark Trail, North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

THE above description was taken from a plan of lots labeled "Section B Supplemental Charnita, dated July 10, 1965, prepared by Gordon L. Brown, R.S., recorded in Adams County Miscellaneous Docket 4 at page 654.

BEING the same which Edward F. Lane, widower, by his deed dated March 19, 1998, and intended to be recorded immediately prior hereto in the Office of the Recorder of Deeds of Adams County, Pennsylvania, sold and conveyed unto Country Builders Custom Homes, Inc., a Pennsylvania corporation, the Mortgagor herein.

TOGETHER WITH the rights and SUBJECT TO the restrictions, reservations, conditions and easements as contained in Miscellaneous Book 4 at page 654 and Deed Book 277 at page 278.

SEIZED and taken into execution as the property of **Country Builders Custom Homes, Inc.**, and to be sold by me.

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2000, 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.

5/19, 26 & 6/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-905 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT LOT of ground, as improved, situate in Conewago Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake for a corner at the Oxford Avenue (T-476); thence by said Oxford Road North 30 degrees West 50 feet to a stake for a corner at Lot formerly of Augustine Strausbaugh, now or formerly of Larry J. Hollinger and Barbara J. Hollinger; thence by lands now or formerly of Larry J. Hollinger and Barbara J. Hollinger, South 69 3/4 degrees West, 164.5 feet to a stake for a corner at a 20 foot wide public alley on the rear; thence by said public alley South 38 degrees East 50 feet to a stake for a corner at Lot formerly of John Markle; thence by lands formerly of John Markle, now or formerly of Ronald P. Markle and Catherine E. Markle, North 69 3/4 degrees East, 164.5 feet to a stake for a corner at the Oxford Road, the place of BEGINNING.

Tax Parcel # K-13-54

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2000, 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.

5/19, 26 & 6/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1035 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point at Lynx Drive and Lot No. 133A; thence along Lot No. 133A South Forty-three (43) degrees, Nineteen (19) minutes, Twenty-four (24) seconds East One hundred Eighty (180.00) feet to a point at Conewago Industrial Park; thence along said lands South Forty-six (46) degrees, Forty (40) minutes, Thirty-six (36) seconds West Sixty-five (65.00) feet to a point at Lot No. 134; thence along Lot No. 134 North Forty-three (43) degrees, Nineteen (19) minutes, Twenty-four (24) seconds West One hundred Eighty (180.00) feet to a point at Lynx Drive; thence along Lynx Drive North Forty-six (46) degrees, Forty (40) minutes, Thirty-six (36) seconds East Sixty-five (65.00) feet to the point and place of BEGINNING. CONTAINING 11,700 square feet and identified as Lot No. 133B on a plan of lots entitled Lot 133, Conewago Estates, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 58 page 90.

TITLE TO SAID PREMISES IS VESTED IN David Gregory Herb and Barbara J. Herb, husband and wife by Deed from Leroy E. Hoffheins and Nadine E. Hoffheins, husband and wife dated 7/8/94 recorded 7/18/94 in Record Book 913 page 151.

SEIZED and taken into execution as the property of **David Gregory Herb & Barbara J. Herb** and to be sold by me.

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2000, 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.

5/19, 26 & 6/2

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 IGNACIO C. CARBAJAL, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Administrator: Hipolito Carbajal, 10 Diana Drive, New Oxford, PA 17350

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

ESTATE OF MATTIA M. HANKEY, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: Kathryn C. Ilgenfritz, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews

ESTATE OF ELEANOR A. JACOBS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: F. Ann Guarneschelli, 4724 Laurel Dr., Harrisburg, PA 17110

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

ESTATE OF H. RENEE KLEINFELTER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Barbara K. Lawver, 55 Ridgewood Way, Gettysburg, PA 17325

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

ESTATE OF MARY K. KOPP, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executrices: Susan K. Hyde, 56 Allen Drive, Hanover, PA 17331; Elizabeth A. Staub, 117 White Fence Lane, York, PA 17404

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

ESTATE OF HAZEL R. LAWVER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Phyllis Mae Bream, P.O. Box 105, Fairfield, PA 17320

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

ESTATE OF MARY FRANCES LYNCH, DEC'D

Late of Borough of Littlestown, Adams County, Pennsylvania

Executor: Phillip E. Schaszberger, 37 North Queen Street, Littlestown, PA 17340

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

ESTATE OF MABEL I. WISENSALE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Eileen P. Maitland, 310 McKinley Avenue, Hanover, PA 17331; Steven K. Wisensale, P.O. Box 565, Essex, CT 06426

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

SECOND PUBLICATION**ESTATE OF LILLIAN J. BOWLING, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Adams County National Bank, 2 Chambersburg Street, Gettysburg, PA 17325

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

ESTATE OF JOSEPH WILLIAM KIMPLE, a/k/a WILLIAM J. KIMPLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Kenneth W. Kimple, 125 Table Rock Road, Gettysburg, PA 17325

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

ESTATE OF FRED B. KNACKSTEDT, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administrator: Dennis D. Knackstedt, 1111 Old Carlisle Road, Aspers, PA 17304

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

ESTATE OF HOLBERT I. RILEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executrices: Joyce R. Maitland, 1365 Chambersburg Road, Gettysburg, PA 17325; Linda R. Bushey, 1550 Scotland Avenue, Chambersburg, PA 17201

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

ESTATE OF HAROLD WILLIAM WENTZ, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Administrator: Bernard I. Wentz, 2524 E. Shippensburg Road, Biglerville, PA 17307

Attorney: Walton V. Davis, Esq., 63 West High Street, Gettysburg, PA 17325

THIRD PUBLICATION**ESTATE OF WILSON EDWARD STARNER, DEC'D**

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Rebecca Anne Staub, 808 Mountain View Drive, Westminster, MD 21157

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-910 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land Situate, lying and being in the Borough of Carroll Valley (formerly Liberty Township), Adams County, Pennsylvania, being Lot No. 58 in Section RD, bounded and described as follows:

BEGINNING at a point in the center of Hickory Trail (formerly Autumn Trail) at Lot No. 57; thence by said lot North 45 degrees 54 minutes 40 seconds East, 225 feet to Lot No. 25; thence by said Lot South 44 degrees 05 minutes 20 seconds East, 100 feet to Lot No. 59; thence by said lot South 45 degrees 54 minutes 40 seconds West, 225 feet to a point in the center of said Hickory Trail; thence in said Hickory Trail North 44 degrees 05 minutes 20 seconds West, 100 feet to the place of BEGINNING.

THE above description was taken from a plan of lots labeled "Section RD of Charnita, Inc." dated November 18, 1968, prepared by Gordon I. Brown, R.S., and recorded in Adams County Plat Book 1 at page 36.

Tax Parcel # 43-76

TITLE TO SAID PREMISES IS VESTED IN Edward C. Sanders and Deborah L. Sanders, husband and wife by Deed from Robert L. Donnelly and Gail A. Donnelly, husband and wife dated 3/28/92, recorded 4/1/92, in Record Book 620, Page 619.

SEIZED and taken into execution as the property of **Edward C. Sanders & Deborah L. Sanders** and to be sold by me.

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2000, 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.

5/19, 26 & 6/2

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Pennsylvania's "Fictitious Names Act", 54 Pa. C.S.A. §§ 301 et seq., of the filing of an Application for Registration of Fictitious Name under the said Act. The fictitious name is ALL WIRELESS. The address of the principal office or place of business to be carried on under or through the fictitious name is Harbaugh Enterprises, Inc., t/d/b/a ALL WIRELESS of 33 Buford Avenue, Gettysburg, Adams County, Pennsylvania 17325. The names and addresses of the persons who are parties to the registration are Harbaugh Enterprises, Inc., of 80 Herrs Ridge Road, Gettysburg, Adams County, Pennsylvania 17325. An application for registration under the Fictitious Names Act of the said fictitious name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on April 19, 2000.

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

5/19

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Pennsylvania's "Fictitious Names Act", 54 Pa. C.S.A. §§ 301 et seq., of the filing of an Application for Registration of Fictitious Name under the said Act. The fictitious name is TAYLOR'S TRANSFER SERVICE. The address of the principal office or place of business to be carried on under or through the fictitious name is 314 Nawakwa Road, Biglerville, Adams County, Pennsylvania 17307. The name and address of the person who is party to the registration is Deborah R. Taylor, of 314 Nawakwa Road, Biglerville, Adams County, Pennsylvania 17307. An application for registration under the Fictitious Names Act of the said fictitious name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on April 26, 2000.

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

5/19

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County — Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, May 30, 2000, at 9:00 o'clock a.m.

SWISHER—Orphans' Court Action Number OC-31-00. The First and Final Account of David M. Swisher, II and Donald W. Swisher, Executors of the Last Will and Testament of Anna M. Swisher, deceased, late of Cumberland Township, Adams County, Pennsylvania.

WHISTLER—Orphans' Court Action Number OC-9-00. The First and Final Account of William K. Fengfish, Jr. and Adams County National Bank, Executor of the Estate of Charles W. Whistler a/k/a Charles W. Whistler, Jr., deceased, late of Straban Township, Adams County, Pennsylvania.

MILLER—Orphans' Court Action Number OC-37-00. The First and Final Account of Adams County National Bank, Executor of the Last Will and Testament of Bernard V. Miller, Sr., deceased, late of Cumberland Township, Adams County, Pennsylvania.

KITZMILLER—Orphans' Court Action Number OC-39-00. The First and Final Account of Lori Ann Kitzmiller and Tammy Jane Kitzmiller, Co-Executrices under the Last Will and Testament of Nathan P. Kitzmiller, deceased, late of New Oxford Borough, Adams County, Pennsylvania.

DUBS—Orphans' Court Action Number OC-40-00. The First and Final Account of Robert Paul Dubs, Jr., Executor of the Estate of Mildred V. Dubs, deceased, late of Highland Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

5/19 & 26

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania, Department of State, at Harrisburg, Pennsylvania for the purpose of obtaining a Certificate of Incorporation.

The name of the proposed corporation which has been organized under the Pennsylvania Business Corporation Law of 1988, is PACE-SHEFTIC ENTERPRISES, INC.

Buchen, Wise & Dorr, Solicitors

5/19

Adams County Legal Journal

Vol. 41

May 26, 2000

No. 52, pp. 303-305

CONTINUING LEGAL EDUCATION PROGRAM

Taxes Affecting Decedents' Estates

June 27, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Alternative Medical Approaches to Reduce Stress

June 28, 2000 – 9:00 a.m. - 10:00 a.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 0, Ethics – 1

Trial Evidence in Criminal Cases

August 3, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Issues in Commercial Mortgage Foreclosures

August 9, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

Advanced Nursing Home Planning

September 13, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Fundamentals of Family Law

September 19, 2000 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

Tax Planning Strategies for Small Businesses

October 19, 2000 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 3.5, Ethics – 0

(continued)

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 111 Baltimore Street, Room 305, Gettysburg, PA 17325.

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

Periodicals postage paid at Gettysburg, PA 17325.

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Litigating in Orphan's Court

November 9, 2000 - 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law - 5, Ethics - 1

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-667 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate, lying and being on the East side of South Queen Street in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the East side of South Queen Street aforesaid; thence in a Northerly direction for a distance of 200 feet, more or less, to a public alley; thence in an Easterly direction along said alley for a distance of 50 feet to a corner of land now or formerly of Henry Byers; thence by the same in a Southerly direction for a distance of 200 feet, more or less, to South Queen Street aforesaid; thence by said South Queen Street in a Westerly direction for a distance of 50 feet, more or less, to a point, the place of BEGINNING. CONTAINING 10,000 square feet, more or less.

TAX PARCEL NO. 12-16

TITLE TO SAID PREMISES IS VESTED IN James A. Bloom by Deed from Hilda M. Snyder dated 10/2/86, recorded 11/24/86, in Record Book 442 page 675.

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

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after

filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/12, 19 & 26

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-42 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pipe at lands now or formerly of Otis M. Sabatini, Jr., thence by said lands, North 13 degrees, 12 minutes west, 304.6 feet to an iron pipe at lands now or formerly of Elsa B. Crum, thence by said lands, North 76 degrees, 48 minutes East, 155.4 feet to an iron pipe, at lands now or formerly of Nelson Cole; thence by said lands, South 11 degrees, 33 minutes East, 317.4 feet to an iron pipe, thence South 0 degrees, 10 minutes East, 218.2 feet to an iron pipe at lands now or formerly of Harry Scott; thence by said lands, South 87 degrees, 34 minutes West, 131.5 feet to an iron pipe at lands formerly of Ernest R. Shriver; thence by said lands, North 13 degrees 14 minutes East, 204.8 feet to the place of BEGINNING. CONTAINING 1.6133 Acres.

SEIZED and taken into execution as the property of **Neal R. Krout** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 3, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/12, 19 & 26

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on May 5th, 2000, a certificate was filed under the Fictitious Name Act approved May 24, 1945, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Specialty Construction Services, Inc. is the only person owning or interested in a business, the character of which is construction, and that the name, style and designation under which said business is and will be conducted is BETTER BUILT HOMES, and the location where said business is and will be located is 11 Harrison Drive, East Berlin, PA 17316.

Larry W. Wolf, Esquire

5/26

NEWMAN VS. MILLER

1. Case law established that lump sum Workers' Compensation awards were to be considered as income as early as 1981.
2. The courts are required to determine the ability to pay from all financial resources in determining earning capacity, and not just from actual earnings.
3. The Superior Court not only affirmed the concept of looking beyond actual earnings, but also affirmed the averaging of a lump sum tort benefit over a 12-month period. Pennsylvania Supreme Court, in adopting new guidelines effective April 1, 1999, has supported the trial court's discretion to determine the most appropriate method for imputing the lump sum awards as income.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil No. DR-43-83. GOLDIE I. NEWMAN VS. HAROLD ELWOOD MILLER.

Andrea M. Levy, Esq., for Plaintiff
D. L. Reichard, II, Esq., for Defendant
Bigham, J., February 1, 1999

STATEMENT PURSUANT TO Pa.R.A.P. §1925(a)

This is an Appeal by Defendant and a Cross-Appeal by Plaintiff from an Order of this Court dated November 18, 1998. It is noted that the original Order of this Court pursuant to the *de novo* hearing was dated November 12, 1998. It was later discovered that the Court had inadvertently indicated that Defendant's support obligation was \$150.00 per month when it was intended that it be \$150.00 per week, and on November 18, 1998, the Court entered an Amended Order of Court to correct that oversight. This matter was before the Court in the form of a request for a hearing *de novo*; Plaintiff appealed from the recommendations of the Domestic Relations conference officer which resulted in a Court Order, dated September 17, 1998, awarding support. The Appeal and Cross-Appeal will be dealt with separately.

APPEAL BY DEFENDANT

In his Statement of Matters Complained of, Defendant suggests that the lump sum Workers' Compensation award granted to him, in the amount of \$92,500.00, should not be considered income for child support purposes, but rather only the interest that could be earned on such award should be considered as income. Defendant also complains that the Court used an 18-month period of averaging rather than a longer period of time, which would have resulted in a lower gross monthly earning capacity.

Pennsylvania Rule of Civil Procedure 1910.16-5(b) adopts the definition of income from 23 Pa.C.S.A. § 4302. Included in that definition is Workers' Compensation. The rule and the statute do not say 'interest only,' on the Workers' Compensation award, but the Workers' Compensation award itself. Case law had previously established that lump sum Workers' Compensation awards were to be considered as income as early as 1981. *Witherow v. Witherow*, 288 Pa.Super. 519, 432 A.2d 634 (1981).

According to *Blaisure v. Blaisure*, 395 Pa.Super. 473, 577 A.2d 640 (1990), the courts are required to determine the ability to pay from all financial resources in determining earning capacity, and not just from actual earnings. Therefore, this Court believes that it is more fair to spread the lump sum award over an 18-month period than, for instance, a 12-month period, especially in light of the fact that the Court was advised by both parties that each party had applied for Social Security and Disability income benefits. The application and approval process for such benefits can sometimes take longer than 12 months. In *Darby v. Darby*, 455 Pa.Super 63, 686 A.2d 1346 (1996), the Superior Court not only affirmed the concept of looking beyond actual earnings as required by *Blaisure*, *supra*, but also affirmed the averaging of a lump sum tort benefit payment over a 12-month period. It should be noted that the Pennsylvania Supreme Court, in adopting new guidelines effective April 1, 1999, has supported the trial court's discretion to determine the most appropriate method for imputing the lump sum awards as income see Note 2, 1910.16-2(a)(8).

CROSS-APPEAL BY PLAINTIFF

Plaintiff states, in her Statement of Matters Complained of, that the Court deviated from the guidelines without providing justification in writing for same, and that the Court failed to make the order retroactive and failed to justify such action.

The gross amount of Defendant's earning capacity was determined to be \$5139.00 per month by spreading the lump sum amount of \$92,500.00 over an 18-month period. The Court deducted the sum of \$393.00 per month from such gross amount because of applicable Social Security and Medicare withholding. This produces a net monthly income of \$4746.00. Applying the guidelines found in Pa.R.C.P. §1910.16-3(b) for one child, a net income level between

\$4001.00 and \$5000.00 results in a 14.0% proportional expenditure; 14.0% multiplied by \$4746.00 results in a monthly support obligation of \$664.00 which, when converted to a weekly basis, is \$153.00. The Court chose the figure of \$150.00 per week simply as a result of rounding off the \$153.00 per week figure.

Normally, an Order from a *de novo* hearing is made retroactive to some appropriate prior date. In cases involving imputing lump sum payments, the Court knows the exact length of time that the payments will be made. Defendant must pay at this rate for an 18-month period, regardless of when the period starts. Since the Court's decision had a significant impact on the amount to be paid, it was felt that a prospective ruling was more equitable.

This Statement is produced from the Court's notes, and not from transcripts of the proceedings.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-849 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate, lying and being in Carroll Valley Borough, formerly Liberty Township, Adams County, Pennsylvania, being Lot No. 26 in Section B, more particularly bounded and described as follows:

BEGINNING at a point in the center of Sky Lark Trail at Lot No. 25; thence by said lot, South 3 degrees 21 minutes 40 seconds East, 200 feet to Lot No. 41; thence by said lot, South 86 degrees 38 minutes 20 seconds West, 100 feet to Lot No. 27; thence by said lot, North 3 degrees 21 minutes 40 seconds West, 200 feet to a point in the center of said Sky Lark Trail; thence in said Sky Lark Trail, North 86 degrees 38 minutes 20 seconds East, 100 feet to the place of BEGINNING.

THE above description was taken from a plan of lots labeled "Section B Supplemental Charnita, dated July 10, 1965, prepared by Gordon L. Brown, R.S., recorded in Adams County Miscellaneous Docket 4 at page 654.

BEING the same which Edward F. Lane, widower, by his deed dated March 19, 1998, and intended to be recorded immediately prior hereto in the Office of the Recorder of Deeds of Adams County, Pennsylvania, sold and conveyed unto Country Builders Custom Homes, Inc., a Pennsylvania corporation, the Mortgagor herein.

TOGETHER WITH the rights and SUBJECT TO the restrictions, reservations, conditions and easements as contained in Miscellaneous Book 4 at page 654 and Deed Book 277 at page 278.

SEIZED and taken into execution as the property of **Country Builders Custom Homes, Inc.**, and to be sold by me.

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2000, 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.

5/19, 26 & 6/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-905 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT LOT of ground, as improved, situate in Conewago Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake for a corner at the Oxford Avenue (T-476); thence by said Oxford Road North 30 degrees West 50 feet to a stake for a corner at Lot formerly of Augustine Strausbaugh, now or formerly of Larry J. Hollinger and Barbara J. Hollinger; thence by lands now or formerly of Larry J. Hollinger and Barbara J. Hollinger, South 69 3/4 degrees West, 164.5 feet to a stake for a corner at a 20 foot wide public alley on the rear; thence by said public alley South 38 degrees East 50 feet to a stake for a corner at Lot formerly of John Markle; thence by lands formerly of John Markle, now or formerly of Ronald P. Markle and Catherine E. Markle, North 69 3/4 degrees East, 164.5 feet to a stake for a corner at the Oxford Road, the place of BEGINNING.

Tax Parcel # K-13-54
SEIZED and taken into execution as the property of **Craig A. Hess** and to be sold by me.

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2000, 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.

5/19, 26 & 6/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 98-S-1035 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Conewago Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point at Lynx Drive and Lot No. 133A; thence along Lot No. 133A South Forty-three (43) degrees, Nineteen (19) minutes, Twenty-four (24) seconds East One hundred Eighty (180.00) feet to a point at Conewago Industrial Park; thence along said lands South Forty-six (46) degrees, Forty (40) minutes, Thirty-six (36) seconds West Sixty-five (65.00) feet to a point at Lot No. 134; thence along Lot No. 134 North Forty-three (43) degrees, Nineteen (19) minutes, Twenty-four (24) seconds West One hundred Eighty (180.00) feet to a point at Lynx Drive; thence along Lynx Drive North Forty-six (46) degrees, Forty (40) minutes, Thirty-six (36) seconds East Sixty-five (65.00) feet to the point and place of BEGINNING. CONTAINING 11,700 square feet and identified as Lot No. 133B on a plan of lots entitled Lot 133, Conewago Estates, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 58 page 90.

TITLE TO SAID PREMISES IS VESTED IN David Gregory Herb and Barbara J. Herb, husband and wife by Deed from Leroy E. Hoffheins and Nadine E. Hoffheins, husband and wife dated 7/8/94 recorded 7/18/94 in Record Book 913 page 151.

SEIZED and taken into execution as the property of **David Gregory Herb & Barbara J. Herb** and to be sold by me.

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2000, 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.

5/19, 26 & 6/2

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-910 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 23rd day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land Situate, lying and being in the Borough of Carroll Valley (formerly Liberty Township), Adams County, Pennsylvania, being Lot No. 58 in Section RD, bounded and described as follows:

BEGINNING at a point in the center of Hickory Trail (formerly Autumn Trail) at Lot No. 57; thence by said lot North 45 degrees 54 minutes 40 seconds East, 225 feet to Lot No. 25; thence by said Lot South 44 degrees 05 minutes 20 seconds East, 100 feet to Lot No. 59; thence by said lot South 45 degrees 54 minutes 40 seconds West, 225 feet to a point in the center of said Hickory Trail; thence in said Hickory Trail North 44 degrees 05 minutes 20 seconds West, 100 feet to the place of BEGINNING.

THE above description was taken from a plan of lots labeled "Section RD of Charnita, Inc." dated November 18, 1968, prepared by Gordon I. Brown, R.S., and recorded in Adams County Plat Book 1 at page 36.

Tax Parcel # 43-76

TITLE TO SAID PREMISES IS VESTED IN Edward C. Sanders and Deborah L. Sanders, husband and wife by Deed from Robert L. Donnelly and Gail A. Donnelly, husband and wife dated 3/28/92, recorded 4/1/92, in Record Book 620, Page 619.

SEIZED and taken into execution as the property of **Edward C. Sanders & Deborah L. Sanders** and to be sold by me.

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 17, 2000, 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.

5/19, 26 & 6/2

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County — Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, May 30, 2000, at 9:00 o'clock a.m.

SWISHER—Orphans' Court Action Number OC-31-00. The First and Final Account of David M. Swisher, II and Donald W. Swisher, Executors of the Last Will and Testament of Anna M. Swisher, deceased, late of Cumberland Township, Adams County, Pennsylvania.

WHISTLER—Orphans' Court Action Number OC-9-00. The First and Final Account of William K. Fengfish, Jr. and Adams County National Bank, Executor of the Estate of Charles W. Whistler a/k/a Charles W. Whistler, Jr., deceased, late of Straban Township, Adams County, Pennsylvania.

MILLER—Orphans' Court Action Number OC-37-00. The First and Final Account of Adams County National Bank, Executor of the Last Will and Testament of Bernard V. Miller, Sr., deceased, late of Cumberland Township, Adams County, Pennsylvania.

KITZMILLER—Orphans' Court Action Number OC-39-00. The First and Final Account of Lori Ann Kitzmiller and Tammy Jane Kitzmiller, Co-Executrices under the Last Will and Testament of Nathan P. Kitzmiller, deceased, late of New Oxford Borough, Adams County, Pennsylvania.

DUBS—Orphans' Court Action Number OC-40-00. The First and Final Account of Robert Paul Dubs, Jr., Executor of the Estate of Mildred V. Dubs, deceased, late of Highland Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

5/19 & 26

NOTICE

NOTICE IS HEREBY GIVEN that on May 5, 2000 the Borough Council of York Springs, Adams County, Pennsylvania filed a Petition to Decrease Number of Councilmen in the Adams County Court of Common Pleas. The Borough Council has petitioned the Court to reduce the number of councilmen from seven to five. A hearing on the Petition to Decrease Number of Councilmen will be held in the Adams County Courthouse on the 30th day of May, 2000, at 9:00 a.m., in a Courtroom to be designated.

Copies of the Petition will be available for review at the York Springs Borough Office, located at 311 Main Street, York Springs, Pennsylvania; at the Adams County Courthouse, 117 Baltimore Street, Gettysburg, Pennsylvania, in the Law Library weekdays from 8:30 a.m. to 4:30 p.m.; and at the office of Catherine J. Gault, Esquire, Solicitor for the Borough of York Springs, 31 South Washington Street, Gettysburg, Pennsylvania, weekdays 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m.

Catherine J. Gault
Solicitor

5/26

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 April 25, 2000, pursuant to the Fictitious Name Act, setting forth that David M. LeVan and Jennifer S. LeVan are the only individuals interested in a business and Battlefield Motorcycles, Inc., is the only corporation interested in a business, the character of which is the retail sales and service of motorcycles, and that the designation under which the business is and will be conducted is BATTLEFIELD BUELL and that the location where said business is and will be conducted is 126 Baltimore Street, Gettysburg, PA 17325.

Bernard A. Yannetti, Jr.
Solicitor

5/26

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF DORCAS J. MYERS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrator: Jane M. Klivans

Attorney: Fred E. Kilgore, Esq., 2550 Kingston Road, Suite 115, York, PA 17402

ESTATE OF OSCAR C. RICE, JR., DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: William L. Rice, 108 North Williams Avenue, York, PA 17404

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

ESTATE OF FLORENCE M. STAM-BAUGH, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Glenn O. Stambaugh, 122 Ruth Avenue, Hanover, PA 17331

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

ESTATE OF MARY E. WITTER A/K/A MARY EDNA WITTER, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Representative: Harold E. Miller, 710 Buchanan Valley Road, Orrtanna, PA 17353

Attorney: Thomas M. Painter, Ullman and Painter, 10 East Main Street, Waynesboro, PA 17268

SECOND PUBLICATION

ESTATE OF IGNACIO C. CARBAJAL, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Administrator: Hipolito Carbajal, 10 Diana Drive, New Oxford, PA 17350

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

ESTATE OF MATTIA M. HANKEY, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: Kathryn C. Ilgenfritz, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews

ESTATE OF ELEANOR A. JACOBS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: F. Ann Guarneschelli, 4724 Laurel Dr., Harrisburg, PA 17110

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

ESTATE OF H. RENEE KLEINFELTER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Barbara K. Lawver, 55 Ridgewood Way, Gettysburg, PA 17325

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

ESTATE OF MARY K. KOPP, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Executrices: Susan K. Hyde, 56 Allen Drive, Hanover, PA 17331; Elizabeth A. Staub, 117 White Fence Lane, York, PA 17404

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

ESTATE OF HAZEL R. LAWVER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Phyllis Mae Bream, P.O. Box 105, Fairfield, PA 17320

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

ESTATE OF MARY FRANCES LYNCH, DEC'D

Late of Borough of Littlestown, Adams County, Pennsylvania

Executor: Phillip E. Schaszberger, 37 North Queen Street, Littlestown, PA 17340

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

ESTATE OF MABEL I. WISENSALE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Eileen P. Maitland, 310 McKinley Avenue, Hanover, PA 17331; Steven K. Wisensale, P.O. Box 565, Essex, CT 06426

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

THIRD PUBLICATION

ESTATE OF LILLIAN J. BOWLING, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Adams County National Bank, 2 Chambersburg Street, Gettysburg, PA 17325

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

ESTATE OF JOSEPH WILLIAM KIMPLE, a/k/a WILLIAM J. KIMPLE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Kenneth W. Kimple, 125 Table Rock Road, Gettysburg, PA 17325

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

ESTATE OF FRED B. KNACKSTEDT, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administrator: Dennis D. Knackstedt, 1111 Old Carlisle Road, Aspers, PA 17304

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

ESTATE OF HOLBERT I. RILEY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executrices: Joyce R. Maitland, 1365 Chambersburg Road, Gettysburg, PA 17325; Linda R. Bushey, 1550 Scotland Avenue, Chambersburg, PA 17201

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

ESTATE OF HAROLD WILLIAM WENTZ, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Administrator: Bernard I. Wentz, 2524 E. Shippensburg Road, Biglerville, PA 17307

Attorney: Walton V. Davis, Esq., 63 West High Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-87 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 30th day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in the Village of McKnightstown, Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an existing iron pin on the South side of a 20 foot wide alley which leads to Legislative Route 01018 at corner of lands now or formerly of David W. Teets; thence along the South side of said 20 foot wide alley, South 53 degrees 40 minutes 6 seconds East, 190.47 feet to an iron pin on the South side of said alley; thence by lands now or formerly of LeRoy C. Martin, South 31 degrees 41 minutes 21 seconds West, 90.95 feet to an existing iron pin; thence by lands of same North 60 degrees 25 minutes 52 seconds West, 181.58 feet to an existing iron pin; thence by lands now or formerly of David W. Teets, North 27 degrees 27 minutes 54 seconds East, 113.40 feet to the existing iron pin on the South side of the 20 foot wide alley; the place of BEGINNING. CONTAINING 18,921.1 square feet.

The above description is taken from a draft of survey dated July 1, 1976 by Wilbur L. Plank, R.E.

Parcel #D 11-53A

TITLE TO SAID PREMISES IS VESTED IN Robert J. Brogan and Deborah A. Brogan, husband and wife, by Deed from Steven R. Koontz and Catherine J. Koontz, husband and wife, dated 9/19/97, recorded 9/22/97, in Record Book 1442, Page 176.

SEIZED and taken into execution as the property of **Robert J. Brogan (Deceased) & Deborah A. Brogan** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/26, 6/2 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-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 30th day of June, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for the Northwest corner hereof at a railroad spike found near the center of Township Road T-588 (Ground Oak Church Road) at corner of land now or formerly of Samuel J. Bricker; thence by said land of Bricker, South 64 degrees 55 minutes 39 seconds East, 140.70 feet to a concrete monument set at an iron pipe found at the Northeast corner hereof, which pipe is located at the Northwest corner of land now or formerly of Robbie Lynn Barrick; thence by said land of Barrick, by land now or formerly of Katherine A. Riley and running through an iron pipe found 146.94 feet from the end of this course, South 18 degrees 12 minutes 20 seconds West, 325.81 feet to a steel pin set at the Northeast corner of Lot No. 2 on the plan of lots herebelow identified; thence by said Lot No. 2 and running through a steel pin set 25.00 feet from the end of this course, North 64 degrees 54 minutes 24 seconds West, 179.76 feet to a railroad spike set in or near the center of aforementioned Township Road T-588; thence in said road, North 25 degrees 05 minutes 36 seconds East, 323.40 feet to the above-described place of BEGINNING. CONTAINING 1.190 Acres.

IMPROVEMENTS consist of a residential dwelling.

BEING PREMISES: 75 Ground Oak Church Road, Gardners, PA 17324

SOLD as the property of **RICKY E. BUPP** and **MELVA J. BUPP**

TAX PARCEL #22-G05-0014B-000

SEIZED and taken into execution as the property of **Ricky E. & Melva J. Bupp** and to be sold by me

Raymond W. Newman
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 24, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after filing thereof. Purchaser must settle for property on or before filing date.

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

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

5/26, 6/2 & 9