

Adams County Legal Journal

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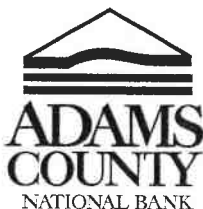
February 4, 2005

No. 37, pp. 247-253

IN THIS ISSUE

COMMONWEALTH VS. FROST

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



Member FDIC

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1069 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated in Hamilton Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point in a public right-of-way known as Boy Scout Road and lands now or formerly of Richard Stegman; thence along and through said Boy Scout Road South fifty-five (55) degrees forty-five (45) minutes thirty-five (35) seconds West, two hundred and twenty hundredths (200.20) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North twenty-two (22) degrees eleven (11) minutes forty (40) seconds West, one hundred and fifty-six hundredths (100.56) feet to a point at a twenty (20) foot private right-of-way; thence along said private right-of-way North sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds East, one hundred thirty-five and zero hundredths (135.00) feet to a point; thence continuing along the same North thirty-nine (39) degrees thirty-eight (38) minutes thirty-five (35) seconds West, twenty and thirty hundredths (20.30) feet to a point; thence continuing along the same South sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds West, one hundred and zero hundredths (100.00) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North thirty-four (34) degrees thirty-six (36) minutes five (05) seconds West, one hundred seventy-five and forty-nine hundredths (175.49) feet to a point in the Conewago Creek; thence in and through said Conewago Creek North fifty-seven (57) degrees twenty-four (24) minutes zero (00) seconds East, one hundred six and ninety-three hundredths (106.93) feet to a point at the edge of Conewago Creek and lands now or formerly of Richard Stegman; thence along said last

mentioned lands South forty-three (43) degrees thirty-seven (37) minutes forty-five (45) seconds East, one hundred eighty-nine and eighty-five hundredths (189.85) feet to a point; thence continuing along same South thirty-nine (39) degrees forty-nine (49) minutes forty-five (45) seconds East, ninety-nine and forty-seven hundredths (99.47) feet to the point and place of BEGINNING. CONTAINING 99,170 square feet. The above description being taken from a Boundary Survey prepared by Adams County Surveyors, dated November 11, 1991 and designated as Drawing B-673.

HAVING ERECTED THEREON a dwelling known as 217 Boy Scout Road, New Oxford, Pennsylvania.

BEING THE SAME PREMISES WHICH Eric J. Carbaugh and Elcica Carbaugh, by their Attorney-in-fact Edward Francis Powers, by their Deed dated September 30, 1999 and recorded October 6, 1999 in Adams County Deed Book 1928, Page 233, granted and conveyed unto Shawn Gladfelter and Michelle Gladfelter.

TOGETHER WITH all and singular ways, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in anywise appertaining, and the reversions, and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever, of Grantors in law, equity, or otherwise howsoever, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said tract of land, together with the hereditaments and premises hereby granted or mentioned and intended so to be with the appurtenances unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns forever.

SEIZED IN EXECUTION AS THE PROPERTY OF Shawn Gladfelter and Michelle Gladfelter under Adams County judgment No. 02-S-1069.

Map & Parcel #J10-23B

SEIZED and taken into execution as the property of Michelle Gladfelter & Shawn Gladfelter and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/4, 11 & 18

LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that the following Trust Accounts are scheduled to be confirmed by the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania, on February 14, 2005 at 9:00 A.M. in Courtroom 3 of the Adams County Courthouse, Gettysburg, Pennsylvania. Any persons desiring to object or to file exceptions to the Accounts must do so in writing in the Clerk of the Court's Office, Adams County Courthouse, Gettysburg, Pennsylvania, prior to the time for confirmation of the Accounts. Those two Accounts scheduled to be confirmed are:

1. First and Final Account of PNC Bank, National Association, Successor Trustee of the Trust for the benefit of Harold E. Raffensperger created under the Will in the Estate of Elmer E. Raffensperger, deceased.

2. First and Final Account of PNC Bank, National Association, Successor Trustee, for the Trust created for the benefit of Harold E. Raffensperger under the Will of Laura E. Raffensperger, deceased.

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

1/28 & 2/4

COMMONWEALTH VS. FROST

1. The standard for determining whether probable cause exists for the issuance of a search warrant is the “totality of the circumstances” test set forth in *Illinois v. Gates*, 462 U.S. 213 (1983) and adopted by the Pennsylvania Supreme Court in *Commonwealth v. Gray*, 503 A.2d 921 (Pa. 1985).

2. The task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the “veracity” and “basis of knowledge” of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place.

3. The issuing magistrate must make this determination on facts within the four corners of the supporting affidavit and closely related in time to the date of the warrant.

4. When the issue of staleness is raised, such determination must be made on a case-by-case basis. The issuing magistrate must consider the nature and quantity of items to be seized, the time lapse involved, and the ease with which the items may be disposed.

5. Information within the affidavit indicating criminal activity of a protracted and continuous nature makes the passage of time less significant. A showing that criminal activity is likely to have continued up to or about the time of the issuance of a warrant renders otherwise stale information viable.

6. The mere passage of time is itself not sufficient to determine the question of staleness; rather, reasonableness is the standard for determining the time limits to be placed on a search warrant.

7. The law does not require that the information in a warrant affidavit establish with absolute certainty that the object of the search will be found at the stated location, nor does it demand that the affidavit information preclude all possibility that the sought after article is not secreted in another location.

In the Court of Common Pleas of Adams County, Pennsylvania,
Criminal, No. CC-435-02, COMMONWEALTH VS. DOUGLAS
MATTHEW FROST.

Shawn Wagner, Esq., District Attorney, for Commonwealth
Roy Keefer, Esq., for Defendant
Kuhn, P.J., March 17, 2004

OPINION ON DEFENDANT’S OMNIBUS PRETRIAL MOTION TO SUPPRESS

Before the Court is a pretrial motion filed by Defendant on November 25, 2003, wherein he seeks suppression of all evidence seized from his residence as well as his statement given as result of the search and seizure. For reasons set forth below, the motion is denied.

BACKGROUND

On March 11, 2003, Corporal Andrew J. Hansen of the Latimore Township/York Springs Police Department applied for and obtained a search warrant from District Justice Richard T. Thomas for Defendant's residence located at 141 South Baltimore Street, Apartment 2, Dillsburg Borough, York County, Pennsylvania. Attached to the application was Corporal Hansen's affidavit for probable cause, which provides:

On March 9, 2003 at 2043 hours, I, Corporal Andrew J. Hansen, was dispatched to 1090 Baltimore Valley Road for a sexual assault. I arrived at 2120 hours and spoke to Randy and Julie Stine. They reported that for the last three (3) years, Julie's uncle, one Douglas Frost had been a babysitter for their children. Stine reported on this date that her eleven (11) year old son "J.S." came to her and reported that Douglas Frost had sexually assaulted him. "J.S." reported to this officer that on several occasions Frost had taken pictures of him while he had been taking a bath. These are to be instant Polaroid type pictures. "J.S." also reported that Frost had used a video recorder to record Frost and him naked together. He also stated that Frost showed him a sex movie entitled "Lust Detector". "J.S." reported that Frost has performed oral sex on him and he has performed oral sex on Frost. All acts are to have taken place between January 2000 and December 2002 at different times and dates.

I am requesting a search warrant be issued at the home of Douglas Frost in an attempt to recover said such pictures and videos.

Crp. Hansen identified the following "items to be searched for and seized":

Any naked photographs of a juvenile named as "J.S.", any naked photographs of one Douglas Frost along with a juvenile named as "J.S.", any home video recordings of Douglas Frost and a juvenile named "J.S." or any VHS recordings which might show Douglas Frost and a juvenile named "J.S." naked, one VHS movie entitled "Lust Detector".

On the same day, Crp. Hansen served the search warrant on Defendant at his residence. As a result of the execution of the search warrant, Crp. Hansen seized twelve (12) Polaroid pictures of "J.S." naked, one (1) Polaroid picture of Defendant naked, one (1) JVC VHS tape, and one (1) Panasonic videocassette entitled "The Lust Detector."

Later that same day, Cpl. Hansen, along with Officer Michael Wiggin, interviewed Defendant at the Latimore Township York Spring's Regional Police Department. During the interview, Defendant made various incriminating statements regarding his relationship with "J.S."

DISCUSSION

On November 25, 2003, Defendant filed his Omnibus Pretrial Motion for Suppression and Memorandum of Law in support thereof on March 1, 2004, arguing that the items seized from Defendant's residence should be suppressed because the search warrant was defective. (The Commonwealth filed its Memorandum of Law in opposition to Defendant's motion on March 5, 2004.) Specifically, Defendant argues that the information contained in the affidavit was so stale as to be incapable of providing valid probable cause. He also seeks suppression of his statements given during his interview with Crp. Hansen and Officer Wiggin arguing that they flowed directly from the illegal search and seizure of his residence. The Commonwealth stipulates that if the Court finds the search and seizure to be improper, then Defendant's statements should be suppressed. Therefore, the sole issue before this Court is to determine whether the search warrant was properly issued, that is, whether it was supported by probable cause.

The standard for determining whether probable cause exists for the issuance of a search warrant is the "totality of the circumstances" test set forth in *Illinois v. Gates*, 462 U.S. 213 (1983) and adopted by the Pennsylvania Supreme Court in *Commonwealth v. Gray*, 503 A.2d 921 (Pa. 1985). In *Gray*, the court stated:

The task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the "veracity" and "basis of knowledge" of persons supplying hearsay information, there is a fair

probability that contraband or evidence of a crime will be found in a particular place... (citations omitted).

Id. at 925 (quoting *Gates*, 462 U.S. at 238-239). The issuing magistrate, here District Justice Thomas, must make this determination on facts within the four corners of the supporting affidavit and closely related in time to the date of the warrant. See *Commonwealth v. Palmer*, 700 A.2d 988, 991 (Pa.Super. 1997).

When the issue of staleness is raised, such determination must be made on a case-by-case basis. *Id.* The issuing magistrate must consider the nature and quantity of items to be seized, the time lapse involved, and the ease with which the items may be disposed. *Commonwealth v. Klimkowicz*, 479 A.2d 1086, 1089 (Pa.Super. 1984). Information within the affidavit indicating criminal activity of a protracted and continuous nature makes the passage of time less significant. *Commonwealth v. Davis*, 480 A.2d 1035, 1040 (Pa.Super. 1984). A showing that criminal activity is likely to have continued up to or about the time of the issuance of a warrant renders otherwise stale information viable. See *Commonwealth v. Vergotz*, 616 A.2d 1379, 1382; *Commonwealth v. Jones*, 668 A.2d 114, 118 (Pa. 1995) (plurality opinion). This Court's task, while paying great deference to District Justice Thomas' determination of probable cause for the issuance of the search warrant, is to simply ensure that he had a substantial basis for making such a conclusion. See *Palmer*, 700 A.2d at 991; *Gray* 503 A.2d at 484.

First, Defendant argues that the information in the affidavit is stale since it merely provides that sexual activity between Defendant and "J.S." spanned the time period of January 2000 to December 2002. He contends that pursuant to *Commonwealth v. Novak*, 335 A.2d 773, 774 (Pa.Super. 1975), this Court must assume that the alleged incidents of sexual abuse took place in the most remote part of the given time period, that being January 2000, and therefore the information is stale.

However, a closer look at *Novak* shows that the court went on to state that otherwise stale information is viable if it is shown that the criminal activity continued up to or about the time of the date the warrant was issued. *Novak*, 335 A.2d 773, 775. See also *Vergotz*, *supra*; *Jones*, *supra*. Also, as previously stated, information alleging criminal activity of a protracted or continuous nature make the

passage of time less significant. *Davis, supra*. Thus, I believe the question is whether the affidavit provided sufficient information for District Justice Thomas to reasonably conclude that the alleged sexual abuse continued up to or about the date of the issuance of the warrant or was of a protracted, on-going nature.

Here, in fact, there are allegations of on-going and continuous incidents of sexual abuse by Defendant, which occurred at various times from January 2000 to December 2002. I recognize that the alleged criminal activity spans 3 years and that approximately 3 months lapsed between the last alleged criminal incident (December 2002) and the issuance of the warrant on March 11, 2003. However, the mere passage of time is itself not sufficient to determine the question of staleness; rather, reasonableness is the standard for determining the time limits to be placed on a search warrant. *Klimkowicz*, 479 A.2d 1086. The affidavit indicated that on several occasions Defendant took photographs of the juvenile victim, "J.S.," while he was taking a bath, Defendant had used a video recorder to record the two of them naked together, Defendant had shown "J.S." a pornographic video, and Defendant and "J.S." had performed oral sex on each other. The information provides that all of these acts took place during this 3-year time period at various dates and times. I find that it is not, at all, unreasonable for District Justice Thomas to conclude that, pursuant to the information in the affidavit, protracted and on-going criminal activity had occurred for three years prior to December 2002. See *Palmer*, 700 A.2d at 992.

Defendant also points out that there is nothing in the affidavit alleging that he retained the photographs and videos upon the initial viewing. However, I do not find that this establishes an insufficient basis for the determination of probable cause in this case. Rather, a common sense, practical point of view leads one to reasonably conclude that given the type of crime investigated and the private, sexual nature of the videos and photographs, several of which depicted the juvenile victim, Defendant would likely retain the items after initially viewing them. Furthermore, although Defendant does not argue such, I note that given the type of crime and the nature of these items, it is reasonable to conclude that Defendant would still retain the items almost 3 months after the last alleged incident of criminal activity. See *Id.* Unlike drugs, which are normally disposed of in a relatively brief time, photographs of this nature are more likely to be

retained than to be passed into the stream of commerce. Therefore, the information in the affidavit provided a sufficient basis for District Justice Thomas to conclude that the alleged sexual abuse was of an on-going, continuous nature and that the items to be searched were retained by Defendant.

Defendant further argues that the information in the affidavit does not establish a substantial basis for probable cause, as it does not provide reason to believe that the items to be searched would be found at his residence. I find that the court's analysis in *Commonwealth v. Gannon*, 454 A.2d 561 (Pa.Super. 1982) gives guidance in the case at hand.

In *Gannon*, a search warrant was issued to search defendant's residence. The affidavit reported that within 18 months prior to the issuance of the warrant, defendant had depleted more than \$30,000 from her grandmother's bank account and more than \$50,000 worth of stock shares without her approval or consent. The items to be searched included "[c]opies of all bank records, statements, cancelled checks, etc..." but did not include a statement that the items would be found at defendant's residence. Upon execution of the warrant and seizure of various bank receipts and records of stock transactions, defendant moved to suppress the evidence arguing, *inter alia*, that the affidavit did not contain any information for the issuing authority to conclude that the items seized would be located at her residence. Superior Court reversed the trial court's determination that probable cause did not exist for the issuance of the warrant, stating:

[I]t is only a matter of common sense to assume that the most likely place to find the bank records would be in [defendant's] residence. "[T]he law does not require that the information in a warrant affidavit establish with absolute certainty that the object of the search will be found at the stated location, nor does it demand that the affidavit information preclude all possibility that the sought after article is not secreted in another location."

Gannon, 454 A.2d at 564, quoting *Commonwealth v. Forster*, 385 A.2d 416, 418 (Pa.Super. 1978).

In the case *sub judice*, the items to be searched consisted of any photographs of "J.S." naked and/or "J.S." and Defendant naked together, any video depicting "J.S." and Defendant together, naked

or otherwise, as well as a pornographic video. These are items that due to their criminal nature and/or sexual content are likely to be held privately and secretly. Common sense leads a reasonable person to assume that due to the nature and content, the most likely place Defendant would retain these items is at his residence. Therefore, the search warrant was not issued on the basis of stale information; instead, there exists a substantial basis for District Justice Thomas to determine that probable cause exists to issue the search warrant for Defendant's residence.

Since the Court concludes that the search warrant was properly issued and the search of Defendant's residence and the seizure of the photographs and videos were likewise proper, Defendant's statements given to the police thereafter are admissible.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 17th day of March, 2004, Defendant's Omnibus Pretrial Motion for Suppression, filed November 25, 2003, is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-176 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, together with the improvements thereon erected, situate, lying and being in the Borough of McSherrystown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the Northern side of North Street at the Southwestern corner of lot now or formerly of Thomas B. Redding, designated as 53 North Street; thence along the Northern side of North Street, South sixty-six (66) degrees West, seventy (70) feet to a point on the Northern side of North Street, thence by lands now or formerly of Lewis S. Smith and Alma C. Smith, husband and wife, North twenty-four (24) degrees West, one hundred twenty-five and no one hundredths (125.00) feet; thence by lands of same, North sixty-six (66) degrees East, seventy-three and forty-six one hundredths (73.46) feet; thence by said lot now or formerly of Thomas D. Redding, South twenty-two (22) degrees twenty-five (25) minutes East, one hundred twenty-five and five one-hundredths (125.05) feet to the point on the North side of North Street, the place of BEGINNING. CONTAINING 0.206 acres. Known as 49 North Street.

The above description is taken from a draft made by Joe B. O'Brien, Registered Surveyor, on April 18, 1969.

BEING Tax Map 2, Parcel 213.

BEING the same premises which George D. Hartman and Mary H. Hartman, husband and wife, by Deed dated December 29, 1989 and recorded in the Office of the Recorder of Deeds in and for Adams County in Deed Book 543, Page 484, granted and conveyed unto Robert W. Myers and Eva F. Myers, husband and wife.

SEIZED and taken into execution as the property of Robert W. Myers & Eva F. Myers and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-425 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin on the right-of-way line of Oak Drive at corner of Lot No. 25 as shown on the hereinafter referred to subdivision plan, thence along said Lot No. 25 and passing through a reference iron pin set 25 feet back from the beginning of this course North 33 degrees 00 minutes 30 seconds West 244.13 feet to an iron pin at corner of lands now or formerly of Gilbert B. Hartzell and Francis L. Miller; thence along said Miller lands North 48 degrees 3 minutes 40 seconds East 159.00 feet to an iron pin at corner of Lot No. 27; thence along the same South 41 degrees 56 minutes 20 seconds East 250.00 feet to an iron pin on the right-of-way line of Oak Drive, thence along said right-of-way line of Oak Drive South 48 degrees 3 minutes 40 seconds West 96.58 feet to an iron pin, thence along same by a curve to the right having the radius of which is 575 feet an arc length of 100.83 feet and having a long chord bearing and distance of South 53 degrees 5 minutes 5 seconds West 100.70 feet to an iron pin on said right-of-way line of Oak Drive at corner of Lot No. 25 the point and place of BEGINNING.

The above description was taken from a draft of survey entitled "Recreations Real Estate Company," prepared by Boyer-Price Surveys, Inc. on March 19, 1974, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book No. 4 at Page 50 and designated as Lot No. 26.

TOGETHER WITH the right of ingress, egress and regress over the roadways shown on the aforesaid subdivision plan to and from U.S. Route No. 30.

TITLE TO SAID PREMISES IS VESTED IN Emory K. Clapsaddle, as to an

undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest, Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent by reason of the following:

BEING THE SAME PREMISES which Emory K. Clapsaddle, Beverly J. Couchman and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded on 3/18/2003 in the County of Adams in Record Book 3019, Page 155 conveyed unto Emory K. Clapsaddle and Glen Ronald Couchman.

AND ALSO BEING THE SAME PREMISES which Emory K. Clapsaddle and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded on 3/18/2003 in the County of Adams in Record Book 3019, page 178 conveyed unto Emory K. Clapsaddle, as to an undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest; Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent.

Premises being: 359 Oak Drive, Orrtanna, PA 17353

Tax Parcel No. B9-203

SEIZED and taken into execution as the property of Emory K. Clapsaddle, Lee Michael Clapsaddle, Julie Marie Clapsaddle & Glen Ronald Couchman and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1119 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Legislative Route 01001 at corner of land of James W. Cool; thence by said land of James W. Cool and running through a steel pin located twenty-five (25) feet from the place of Beginning; North seventy-six (76) degrees five (5) minutes thirty-four (34) seconds West two hundred three and thirty-eight hundredths (203.38) feet to a point; thence by land of James G. Angelaras and wife running through a steel pin located forty-nine and fifty-six hundredths (49.56) feet from the beginning of this line, North fifteen (15) degrees forty-five (45) minutes forty-one (41) seconds East one hundred ninety-six and sixteen hundredths (196.16) feet to a steel pin; thence by the same, and running through a steel pin located seventeen and thirty-eight hundredths (17.38) feet from the end of this line, South sixty-nine (69) degrees nine (9) minutes forty-one (41) seconds East two hundred thirty and seventy-four hundredths (230.74) feet to a point in the center of Legislative Route 01001; thence in the center of said Legislative Route 01001, South twenty-four (24) degrees forty-one (41) minutes two (2) seconds West one hundred seventy-one and twenty-three hundredths (171.23) feet to a point, the place of BEGINNING. CONTAINING 39,647 square feet.

BEING KNOWN AS: 1891 Tract Road, Fairfield, (Liberty Twp.) PA 17320

PROPERTY ID NO.: D17-5B

TITLE TO SAID PREMISES IS VESTED IN Jon B. Stoner and Lillie J. Stoner, his wife by Deed from Lawrence V. Young, trustee in bankruptcy for Roger E. Oakes and Joyce J. Oakes, his wife dated 06/06/88 recorded 06/07/88 in Deed Book 491 Page 164.

SEIZED and taken into execution as the property of **Jon B. Stoner & Lillie J. Stoner** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are

filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1229 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a P.K. nail in the center line of Pennsylvania Route 97, said P.K. nail being South 52 degrees 15 minutes 00 seconds East, 384 feet, more or less from corner of land now or formerly of James Martin; thence in said center line of Pennsylvania Route 97, South 52 degrees 15 minutes 00 seconds East, 478.40 feet to a P.K. nail in said center line at corner of other land now or formerly of John P. Randall; thence by said other land of John P. Randall and passing through U.T.C. Pole #96 set back 23 feet from the last mentioned point, South 29 degrees 30 minutes 00 seconds West, 463.00 feet to a steel fence post; thence by same, North 52 degrees 15 minutes 00 seconds West, 478.40 feet to a pipe; thence continuing by same, and passing through U.T.C. #94, set back 25.00 feet from the next mentioned point, North 29 degrees 30 minutes 00 seconds East, 463.00 feet to a P.K. nail, the place of BEGINNING.

CONTAINING 5.031 Acres

Address: 2779 Baltimore Pike; Gettysburg, PA 17325

Tax Map Parcel ID# (30) H15-0047

SEIZED and taken into execution as the property of **Barry N. Poole & Kelly A. Poole** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Sec. 311 of the Act of Assembly of December 16, 1982 (54 Pa. C.S.A. 311), that on December 27, 2004, an application for registration of a fictitious name was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, for the conducting of a business under the fictitious name of C. T. SMITH REAL ESTATE PARTNERSHIP, with its principal office or place of business at 754 Edgemoor Road, Hanover (Conewago Township, Adams County), Pennsylvania 17331. The names and addresses of all persons owning or interested in said business are: David C. Smith, 11 Oak Drive, Hanover, PA 17331; Sheila M. Hertz, 135 Filbert Street, Hanover, PA 17331; Daniel F. Smith, 911 York Street, Hanover, PA 17331; Sharon A. Rebert, 79 Lion Drive, Hanover, PA 17331; Michael J. Smith, 434 Brickcrafters Road, New Oxford, PA 17350; Joseph P. Smith, 54 Dakota Drive, Hanover, PA 17331; Brian T. Smith, 462 Bender Road, Hanover, PA 17331 and Kevin A. Smith, 57 Sycamore Lane, Hanover, PA 17331. The character or nature of the business is real estate management.

David C. Smith
General Partner

2/4

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about January 2, 2005 for the purposes of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended. The name of the corporation is SEVEN STARS RESTORATION, INC.

2/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1235 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of Harney Road at lands now or formerly of Esh; thence in the center of said Harney Road, South seventy-seven (77) degrees eight (08) minutes fifty-four (54) seconds East, one hundred sixty-three and forty-four hundredths (163.44) feet to a point at other lands now or formerly of Lake Weant; thence by said lands and through a steel pin set thirty (30) feet back on the line, South seventeen (17) degrees forty-one (41) minutes thirty-two (32) seconds West, two hundred seventy-three and sixty-seven hundredths (273.67) feet to a flange axle; thence continuing by lands, North seventy-seven (77) degrees sixteen (16) minutes eighteen (18) seconds West, one hundred eighteen and eighty-four hundredths (118.84) feet to a flange axle; thence continuing by said lands, South twenty-one (21) degrees eleven (11) minutes twenty-eight (28) seconds West, two hundred sixty-six and sixteen hundredths (266.16) feet to a flange axle; thence continuing by said lands, North seventy-four (74) degrees fifty-five (55) minutes twenty-two (22) seconds West, twenty-seven and ninety-two hundredths (27.92) feet to a flange axle at lands now or formerly of Esh; thence by said land, North seventeen (17) degrees thirty-nine (39) minutes twenty-five (25) seconds East, five hundred thirty-seven and ten hundredths (537.10) feet to the place of BEGINNING.

CONTAINING 1.2419 acres, neat measure.

THE above description was taken from a draft of survey, dated December 16, 1974, prepared by J.H. Rife, R.E.

TITLE TO SAID PREMISES IS VESTED IN Brian Scott Boese by Deed from Tony R. Forbes and Bonnie S. Forbes, his wife dated 10/29/1999 and recorded 11/4/1999 in Record Book 1947 Page 126.

Tax Parcel: H-18-13A
Premises Being: 1655 Harney Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Brian Scott Boese** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

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

NOTICE

NO. RT-19-04(B)

TO, Sherrie Elizabeth George

You are hereby notified that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for February 17, 2005, at 9:00 a.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

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

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone number: 717-337-9846,
or 1-888-337-9846

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1167 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or tract of land situate on the westerly right of way line of Abbots Drive in the Borough of Abbottstown, Adams County, PA known and numbered as Lot No. 51 on a plan of lots for Abbots Manor, Phase III, recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 76, page 99, more fully bounded and described as follows, to wit:

BEGINNING at a point on the westerly right of way line of Abbots Drive at a corner of Lot No. 50 on said plan; thence extending along the said Lot No. 50 South 42 degrees 43 minutes 26 seconds West 243.04 feet to a point; thence North 19 degrees 31 minutes 30 seconds West 25.80 feet to a point; thence North 17 degrees 44 minutes 00 seconds East 186.12 feet to a point; thence extending along the Westerly right of way line of Abbots Manor on a line curving to the right having a radius of 175 feet, an arc distance of 79 feet with a chord bearing South 60 degrees 12 minutes 30 seconds East 78.33 feet to a point; thence continuing South 47 degrees 16 minutes 34 seconds East 25.12 feet to the point and place of BEGINNING.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/4, 11 & 18

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-902 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two (2) tracts of land, situate lying and being in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1: BEGINNING at a point in center of public road leading from Two Taverns to Barlow at corner of land now or formerly of Charles Foulk; thence along center of said public road, North 52-1/2 degrees East 214.3 feet to an iron pin; thence along land now or formerly of H.D. Crouse, South 37-1/2 degrees East, 157.7 feet to a stake; thence by same, South 52-1/2 degrees West, 340.1 feet to a stake at tree; thence along land now or formerly of Charles Foulk, North 1-1/2 degrees East, 203 feet to the place of BEGINNING. CONTAINING 1 acre.

TRACT NO. 2: BEGINNING at an iron pin at the Southeast corner of land now or formerly of Earl Helwig (Tract No. 1 herein); thence by land now or formerly of H.D. Crouse, South 71-1/4 degrees East, 731.2 feet to a stake; thence by same, South 15-1/2 degrees West, 423 feet to a stake; thence by land now or formerly of Charles Foulk, North 74 degrees West, 888.5 feet to a point; thence by same North 1-1/2 degrees East 183.3 feet to a point; thence by land now or formerly of Earl Helwig, North 52-1/2 degrees East, 340.1 feet to the place of BEGINNING. CONTAINING 8 acres and 116 perches.

BEING the same property conveyed to Frank J. Lowry and Stephanie E. Lowry, husband and wife as tenants by the entireties by Deed from Paul R. Bankard and Deborah G. Bankard, husband and wife recorded 07/02/2002 in Deed Book 2717 Page 167, in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

Premises being: 1341 Barlow Two Taverns Road, Gettysburg, PA 17325

Tax Parcel No. G16-18

SEIZED and taken into execution as the property of Frank J. Lowry a/k/a Franklin J. Lowery & Stephanie E. Lowry a/k/a Stephanie E. Mills a/k/a Stephanie E. Edwards and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the

Sheriff in his office on March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1067 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land, with the improvements thereon erected, being known as Lot Nos. 205 and 206 on a Plan of Lots of Lake Meade Subdivision, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Misc. Book 1, page 1, in Reading Township, Adams County, Pennsylvania, being more fully bounded, limited and described as follows, to-wit:

BEGINNING at an iron pin on the East side of Pemberton Drive, said point of beginning being North thirty-four (34) degrees five (05) minutes thirty-nine (39) seconds West, a distance of two hundred eighty-two and thirteen hundredths (282.13) feet from the Northwest corner of Pemberton Drive and Schofield Drive; thence along the East side of Pemberton Drive by a curve to the right which curve has a radius of one thousand one hundred thirty-six and fifty-five hundredths (1,136.55) feet and a chord extending North thirty-four (34) degrees five (05) minutes thirty-nine (39) seconds West, a distance of nineteen (19.00) feet, an arc distance of nineteen (19.00) feet to a point on the East side of Pemberton Drive; thence along same North thirty-three (33) degrees thirty-six (36) minutes fifty-five (55) seconds West, a distance of one hundred forty-one (141.00) feet to a point at Lot No. 204; thence along Lot No. 204 North fifty-six (56) degrees twenty-three (23) minutes five (05) seconds East, two hundred (200.00) feet to a point at Lot No. 211; thence along Lot No. 211 and 210 South thirty-three (33) degrees thirty-six (36) minutes fifty-five (55) seconds East, one hundred sixty (160.00) feet to a point at Lot No. 207;

thence along Lot No. 207 South fifty-six (56) degrees twenty-three (23) minutes five (05) seconds West, one hundred ninety-nine and eighty-five hundredths (199.85) feet to an iron pin, the point and place of BEGINNING.

Map and Parcel ID: Map #11, Parcel #54A

BEING KNOWN AS: 36 Pemberton Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of Dwayne D. O'Brien a/k/a Dwayne David O'Brien & Tamara S. O'Brien a/k/a Tamara Suzanne O'Brien a/k/a Tamara Suzanne Shank and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

FICTITIOUS NAME NOTICE

NOTICE IS 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 November 30, 2004, pursuant to the Fictitious Name Act, setting forth that Joseph E. Staub and Sandra J. Staub, of 630 Stone Bridge Road, New Oxford, PA 17350, are the only persons owning or interested in a business, the character of which is the investment in commercial and residential real estate and that the name, style and designation under which said business is and will be conducted is AJS RENTALS and the location where said business is and will be conducted is 630 Stone Bridge Road, New Oxford, PA 17350.

Guthrie, Nonemaker, Yingsst & Hart Solicitor

2/4

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF CLYDE H. BAKER, DEC'D
Late of the Borough of Bendersville, Adams County, Pennsylvania

Executors: Jill B. Sheaffer, 1663 Wenskville Road, Biglerville, PA 17307; Joan E. Baker, P.O. Box 145, Arendtsville, PA 17303

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

ESTATE OF MARY ISABELLE BOHN, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executors: Neil F. Bohn, 1358 Fish & Game Rd., Littlestown, PA 17340; Patsy B. Hannah, P.O. Box 536, Bel Air, MD 21014

ESTATE OF ROBERT A. CONNER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Administrator: Laura M. Conner, 31 Cougar Drive, Hanover, PA 17331

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

ESTATE OF ESTHER A. CROWL, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Elmer C. Crowl, Jr., 638 North Street, McSherrystown, PA 17344

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

ESTATE OF DONALD R. DENLINGER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrix: Mary A. Seabrook, 265 Pine Grove Road, Littlestown, PA 17340

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

ESTATE OF FRANCES T. HOSSLER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Ernest R. Hossler, Jr., c/o Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

Attorney: Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF CHARLES E. LEAS, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Malinda L. Wildasin, c/o 135 North George St., York, PA 17401

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

ESTATE OF DOROTHY M. MACKS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Jody Allen Macks, 15 Cumberland Drive, Gettysburg, PA 17325; Jennifer Ann Macks, 15 Cumberland Drive, Gettysburg, PA 17325

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

ESTATE OF RUTH WHITMAN a/k/a RUTH M. WHITMAN, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: Mark Whitman, 40 N. Queen Street, Littlestown, PA 17340

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

ESTATE OF HARRY C. WORLEY, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executors: Larry E. Worley, 542 Black Rock Road, Hanover, PA 17331; Karen L. Swartz, 110 Pinetown Road, Hanover, PA 17331; Loretta A. Werner, 153 Pine Grove Road, Hanover, PA 17331

Attorney: Wendy Weikal-Beauchat, 63 West High Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF STANLEY P. ARVIN, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Wayne P. Arvin, 6251 Davidsburg Road, Dover, PA 17315

Attorney: Paul C. McCleary, Jr., Esq., 1998-A Carlisle Road, York, PA 17404

ESTATE OF GERALDINE H. HIRT, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Jessica H. Canale, c/o Timothy J. Shulltis, Esq., 249 York Street, Hanover, PA 17331

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

ESTATE OF E. VIRGINIA MILHIMES, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Tammy L. Kemp, 3 Emerson Court, Hanover, PA 17331

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

ESTATE OF EDNA M. RECK, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

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

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

THIRD PUBLICATION

ESTATE OF PAUL A. DUDASH, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Paul Howard Dudash, 185 Confederate Drive, Gettysburg, PA 17325; Kathy Louise Johnson, 365 Rupp Road, Gettysburg, PA 17325

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

ESTATE OF FLEMING E. HESS, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Richard B. Hess, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

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

ESTATE OF WILSON W. SHULTZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Edward Shultz, 129 Zeigler Mill Road, Gettysburg, PA 17325

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

ESTATE OF OLMER B. SPENCE, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Joyce M. Hartley, 1330 Herr's Ridge Road, Gettysburg, PA 17325

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

(continued on page 8)

THIRD PUBLICATION (continued)**ESTATE OF NORMAN J. STAUB, DEC'D**

Late of Hamilton Township, Adams County, Pennsylvania

Executrix: Patsy A. Harman, 101 Bonneau Heights Circle, Gettysburg, PA 17325

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

ESTATE OF NORMAN TITMAN, SR., DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: Richard A. Titman, 886 Sherman Dr., Gettysburg, PA 17325

Attorney: Andrea M. Singley, Esq., 63 W. High St., Gettysburg, PA 17325

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, February 14, 2005, at 9:00 a.m.

HOTT—Orphans' Court Action Number OC-34-04. The First and Final Account of John L. Hott, Executor of the Estate of Robert K. Hott, deceased, late of the Borough of Gettysburg, Adams County, Pennsylvania.

STORIE—Orphans' Court Action Number OC-134-04. The First and Final Account of John Nichols and Elind Murphy as Co-Executors of the Estate of Emma S. Storie, deceased, late of Cumberland Township, Adams County, Pennsylvania.

HIMES—Orphans' Court Action Number OC-135-04. The First and Final Account of Sandra M. Riley, Executor of the Last Will and Testament of Catherine L. Himes, deceased, late of Butler Township, Adams County, Pennsylvania.

RHINEHART—Orphans' Court Action Number OC-140-04. The First and Final Account of Gladys Mary Knouse, Administratrix of the Estate of Linda L. Rhinehart, deceased, late of Conewago Township, Adams County, Pennsylvania.

FAIR—Orphans' Court Action Number OC-2-05. The First and Final Account of Larry D. Fair, Executor of the Estate of Robert K. Fair, deceased, late of Straban Township, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1253 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground, situate, lying and being in the Township of Latimore, Adams County, Pennsylvania, being more particularly described as Lot No. 1125 on a plan of lots of Lake Meade Subdivision duty entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, Page 7,

TITLE TO SAID PREMISES IS VESTED IN Michael Sumner, married by Deed from John Baker dated 5/5/2000, recorded 5/26/2000, in Record Book 2057, Page 176.

Tax Parcel: 9-28

Premises Being: 257 Lake Meade Drive, East Berlin, PA 17316

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

COMMON PLEAS COURT CRIMINAL CASE MANAGEMENT SYSTEM (CPCMS)

On November 22, 2004, the CPCMS went live in Adams County. This system, mandated for all counties in the Unified Judicial System of Pennsylvania, allows for better standardization of criminal case management and court list preparation. Under the CPCMS, all Adams County Court of Common Pleas criminal court lists (excluding juvenile cases) are prepared and distributed by Court Administration. With the exception of IPP's, all final court lists are prepared

and distributed one week prior to the respective scheduled court date. The final IPP lists, on the other hand, are prepared and distributed 2-days prior to the scheduled court date. With few exceptions (i.e., either court-directed or other emergencies), no new cases can be added to these lists after the list preparation and distribution deadline date. Additionally, unlike previously, paper copies of the court lists will not be distributed to private counsel. Rather, upon request, copies will be provided to counsel electronically via internet e-mail attachment.

Should further information be desired regarding the CPCMS, please contact either Jerry Berardi, Assistant Court Administrator, or Donna Cassatt, Administrative Assistant to the Court Administrator, at 337-9846.

2/4

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, for the purpose of obtaining a Certificate of Incorporation of a proposed business corporation to be organized under the Business Corporation Law of the Commonwealth of Pennsylvania, 1988, December 21, P.L. 1444, No. 177, and its amendments and supplements. The name of the corporation is: HEALTHGROUP, LTD.

Hursh & Hursh, P.C.
60 North Union Street
Middletown, PA 17057

2/4

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about January 2, 2005 for the purposes of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended. The name of the corporation is MOUNTAIN SPRINGS LOG HOMES, INC.

2/4

Adams County Legal Journal

Vol. 46

February 11, 2005

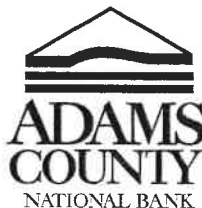
No. 38, pp. 254-259

IN THIS ISSUE

DOSCH VS. HUBBELL, INC. ET AL

This opinion continues to next issue (2/18/2005)

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1069 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated in Hamilton Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point in a public right-of-way known as Boy Scout Road and lands now or formerly of Richard Stegman; thence along and through said Boy Scout Road South fifty-five (55) degrees forty-five (45) minutes thirty-five (35) seconds West, two hundred and twenty hundredths (200.20) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North twenty-two (22) degrees eleven (11) minutes forty (40) seconds West, one hundred and fifty-six hundredths (100.56) feet to a point at a twenty (20) foot private right-of-way; thence along said private right-of-way North sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds East, one hundred thirty-five and zero hundredths (135.00) feet to a point, thence continuing along the same North thirty-nine (39) degrees thirty-eight (38) minutes thirty-five (35) seconds West, twenty and thirty hundredths (20.30) feet to a point; thence continuing along the same South sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds West, one hundred and zero hundredths (100.00) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North thirty-four (34) degrees thirty-six (36) minutes five (05) seconds West, one hundred seventy-five and forty-nine hundredths (175.49) feet to a point in the Conewago Creek; thence in and through said Conewago Creek North fifty-seven (57) degrees twenty-four (24) minutes zero (00) seconds East, one hundred six and ninety-three hundredths (106.93) feet to a point at the edge of Conewago Creek and lands now or formerly of Richard Stegman; thence along said last

mentioned lands South forty-three (43) degrees thirty-seven (37) minutes forty-five (45) seconds East, one hundred eighty-nine and eighty-five hundredths (189.85) feet to a point; thence continuing along same South thirty-nine (39) degrees forty-nine (49) minutes forty-five (45) seconds East, ninety-nine and forty-seven hundredths (99.47) feet to the point and place of BEGINNING. CONTAINING 39,170 square feet. The above description being taken from a Boundary Survey prepared by Adams County Surveyors, dated November 11, 1991 and designated as Drawing B-673.

HAVING ERECTED THEREON a dwelling known as 217 Boy Scout Road, New Oxford, Pennsylvania,

BEING THE SAME PREMISES WHICH Eric J. Carbaugh and Elicia Carbaugh, by their Attorney-in-fact Edward Francis Powers, by their Deed dated September 30, 1999 and recorded October 6, 1999 in Adams County Deed Book 1928, Page 233, granted and conveyed unto Shawn Gladfelter and Michelle Gladfelter.

TOGETHER WITH all and singular ways, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in anywise appertaining, and the reversions, and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever, of Grantors in law, equity, or otherwise howsoever, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said tract of land, together with the hereditaments and premises hereby granted or mentioned and intended so to be with the appurtenances unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns forever.

SEIZED IN EXECUTION AS THE PROPERTY OF Shawn Gladfelter and Michelle Gladfelter under Adams County judgment No. 02-S-1069.

Map & Parcel #J10-23B

SEIZED and taken into execution as the property of **Michelle Gladfelter & Shawn Gladfelter** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/4, 11 & 18

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of a Fictitious Name has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania on January 18, 2005, pursuant to the Fictitious Name Act, Act No. 1982-295 (54 Pa. C.S. Sec. 311) setting forth that Thomas B. Smith is the only individual owning or interested in a business, the character of which is residential and commercial photography and related services, and that the name, style and designation under which said business is and will be conducted is: THOMAS B SMITH PHOTOGRAPHY, and the location where said business is and will be located is: 403 Brickcrafters Road, New Oxford, PA 17350.

Arthur J. Becker, Jr., P.C.
Arthur J. Becker, Jr., Esq.
Attorneys for Thomas B. Smith
Photography

2/11

DOSCH VS. HUBBELL, INC. ET AL

1. Under the spoliation of evidence doctrine, a party may not benefit from its own destruction or withholding of evidence. Instead, it attempts to compensate those whose legal right are impaired by such actions. When such evidence is lost or destroyed, sanctions, including dismissal of claims, the exclusion of expert reports, or an adverse inference jury charge, may be appropriate.

2. For determining the proper sanction for the spoliation of evidence, the court looks to (1) the degree of fault of the party who altered or destroyed the evidence; (2) the degree of prejudice suffered by the opposing party; and (3) the availability of a lesser sanction that will protect the opposing party's rights and deter future similar conduct. This test is a balancing of all three prongs based upon the facts of each individual case; a court cannot focus entirely on one prong of the test.

3. The plaintiff's burden of proof at trial to establish that a defective product caused his injury will protect defendants in cases where it is determined that summary judgment is not warranted based on spoliation.

4. The courts have held that in design defect cases, the prejudice to the opposing party is not great since the party can test and inspect other products of the same design for the alleged design defect. However, when pursuing a cause of action for a manufacturing defect, the preservation of the product is more crucial.

5. When a plaintiff is alleging that a particular product was defectively manufactured, defendant must have the opportunity to examine the product in question in order to determine the nature of the defect. Nonetheless, a plaintiff may be permitted to proceed even in a manufacturing defect case without preservation of the product, depending upon the nature of the defect and the ability of the defendant to rebut the plaintiff's allegations without examining the product.

6. An adverse inference jury charge allows the jury to infer that the "spoiled" evidence would be unfavorable to the position of the spoliator. Plaintiff is protected because the inference does not have to be adopted by the jury.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 95-S-539, FRANCIS LAWRENCE DOSCH VS. HUBBELL, INC., DELTONA TRANSFORMER CORP. AND DELTONA LIGHTING PRODUCTS, INC.

William Douglas, Esq., for Plaintiff

Dean F. Murtagh, Esq., for Defendant Hubbell

Donald H. Smith, Esq., for Defendant Deltona

Kuhn, P.J., March 29, 2004

OPINION ON MOTION OF DEFENDANT HUBBELL, INC. FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, FOR AN ADVERSE INFERENCE JURY CHARGE

Before this Court is Hubbell, Inc.'s Motion For Summary Judgment or, In The Alternative, For An Adverse Inference Jury Charge. Based upon the reasoning set forth below, the motion for summary judgment

is denied. Hubbell, Inc. will be granted an adverse inference jury charge on the claim of a manufacturing defect only.

The sole issue before the Court is whether a sanction against Plaintiff, Francis Lawrence Dosch, ("Plaintiff") in the form of summary judgment in favor of Defendant, Hubbell, Inc., ("Hubbell") or an adverse inference jury charge should be given based on Plaintiff's alleged spoliation of evidence.

FACTUAL AND PROCEDURAL BACKGROUNDS

The record before the Court reveals the following background: On June 14, 1993, Plaintiff, an electrician, was replacing a photocell in a dusk-to-dawn light. The lighting unit was connected to a metal arm, which was attached to a metal pole. Plaintiff taped over the new photocell to simulate darkness. Shortly after installing the new photocell, the entire lighting fixture energized. Plaintiff was shocked, thrown to the ground, and suffered injury.

The following day, the lighting unit in question was removed from the pole at the scene of the accident by Plaintiff's co-workers and was retained at Plaintiff's place of employment. On or about April 6, 1994, Plaintiff hired a professional engineer, Roy D. Hoffer, P.E., to investigate the cause of Plaintiff's accident. The light fixture was forwarded to Mr. Hoffer along with written notice that the insurer for Deltona Transformer Corporation wanted the opportunity to examine the fixture as well. Mr. Hoffer has admitted that, "During removal of the ballast from the lighting fixture, the wire which connects the series coil of the ballast to a common connection point with the switched wire from the photocell and the shunt coil broke off." (Section F, p. 7).¹

On June 14, 1995, Plaintiff filed a Complaint against Hubbell, Inc. and Deltona Transformer Corporation and Deltona Lighting Products, Inc. (collectively "Deltona") sounding in strict products liability. Hubbell is the manufacturer of the lighting unit and Deltona is the manufacturer of the ballast that constituted a component of the unit. Plaintiff averred that the lighting unit was defective in its design and/or manufacture. More specifically, he averred that the ballast failed because a bare wire within the ballast came into contact with the metal casing, allowing an electrified charge to shock Plaintiff when he was touching the unit or the arm.

¹The reference in parentheses is to Mr. Hoffer's report dated June 20, 1996.

Based on his expert review, Mr. Hoffer produced a fourteen-page report on the lighting unit, dated June 20, 1996. In that report, he indicated, “the ballast exhibited an unsafe fail mode” (Section D, p. 3). When examining the ballast, Mr. Hoffer observed, “a portion of the ballast was damaged as evidenced by the lack of insulation on the aluminum winding wires and the burning and melting of the bobbin” (Section F, p. 5). He measured the winding resistance on the series coil to be 0.4 ohm and the insulation resistance to ground to be 8 ohm on the line side of the winding and 6.5 ohm on the lamp socket side of the winding. He opined that these resistances are “woefully inadequate and are effectively shorted to ground. Windings shorted to ground are a severe safety hazard to anyone contacting the casing of the light fixture. The winding resistance of 0.4 ohm is also unusually low and indicates there is an internal short between the windings of the series coil.” (Section F, p. 6).

Mr. Hoffer opined that the wire he broke while disassembling the ballast evidences a stress fracture, which “occurs over time due to repeated excessive heating and cooling” (Section F, p. 7). Specifically, he expressed that, “the excessive heat generated by a poorly designed ballast using aluminum wire with an inherently higher resistance than an equal size copper wire will accelerate stress fracturing of the wire.” *Id.* He further observed that insulation had melted off wires within the ballast, which then allowed contact between the exposed wires resulting in an electrical short. The damaged insulation was “evidence of the self-induced overheating resulting from a defective ballast” *Id.* The electrical short eventually would pass current through the steel transformer laminations, which are attached to the metal housing of the lighting fixture. “This results in a direct electrical connection between the ballast and the lighting fixture” and “introduces a shock hazard to anyone touching the fixture.” *Id.* He concluded, “The ballast should have been designed to operate at lower temperatures.” This could have been achieved by “using larger diameter wire.” (Section G, p. 9). According to Mr. Hoffer, the ballast is of a poor design resulting in higher than necessary operating temperatures, which melted the insulation and exposed the coiled wires. *Id.*

On March 13, 1998, Plaintiff filed a supplemental report by Mr. Hoffer, dated February 26, 1998, in which he discussed Hubbell’s failure to properly ground the lighting unit. Mr. Hoffer opined, “The Hubbell Lighting fixture was defective because it did not have the

required [Underwriters Laboratories] grounding connection for the field installation of a grounding wire” (Section H, No. 6, p. 5). He reasoned that without a wire binding screw for attaching a suitable grounding wire an electrical failure within the ballast would result in the metal housing of the light fixture becoming electrically live.

On September 16, 1999, Hubbell filed its present motion for summary judgment, or in the alternative, for an adverse jury charge based upon alleged spoliation of evidence. It alleged that when Mr. Hoffer initially examined the lighting unit, he altered or damaged it by disassembling it as well as breaking a wire and that such alteration/damage severely prejudiced Hubbell’s ability to determine the cause of the accident.

By letter dated November 23, 1999, the undersigned forwarded a list of specific questions to counsel relating to the science involved in this case to aid in determining whether, in fact, Hubbell had been prejudiced by Mr. Hoffer’s work on the lighting unit. That letter triggered a telephone conference between counsel and the undersigned on December 2, 1999, with respect to whether Hubbell’s fixture did, in fact, have a grounding mechanism.³ By letter dated December 16, 1999, Plaintiff was granted 45 days for Mr. Hoffer to supplement his report, regarding this question, and was directed to notify the Court if that time frame was unreasonable.

Having received no further response to the undersigned’s letters, the Court wrote to counsel on March 24 and April 5, 2000, for a status report. Plaintiff’s counsel then communicated that he would not be meeting with Mr. Hoffer until May 12, 2000. Plaintiff was instructed to submit the updated report by May 22, 2000. However, it was not filed until June 2, 2000.

In Mr. Hoffer’s third report, dated May 26, 2000, he opined, “Hubbell was negligent by not providing a grounding point within their light fixture which met the requirements of applicable safety codes and standards” (Section G, p. 3). He also adds, “Hubbell failed to provide an effective ground for their fixture” and “failed to exercise reasonable care to discover and correct such safety hazards” (Section H, No. 8 and 10, p. 4 – H.8 and H. 10). More specifically, the “fixture was defective because it did not have the NEC required effective ground in its attachment to the arm” (Section H, No. 11,

³The undersigned believed at the time that the presence of a grounding mechanism would have relieved Hubbell of liability.

p. 5). The lack of an effective ground resulted in the fixture becoming electrically charged and causing injury to Plaintiff.

By Order, dated September 11, 2001, which addressed Hubbell's Motion to Preclude Plaintiff's Second Supplemental Report, the Court allowed Plaintiff to advance its theory set forth in its third expert report and granted the parties 45 days to submit answers to the questions raised in the Court's letter of November 23, 1999. Answers to the undersigned's letter have been received from Plaintiff and Hubbell.

In Hubbell's answers to the Court's letter, it indicated that due to Mr. Hoffer's severance of the wire, it could not determine the extent of the melting of the insulation, how much ballast wire was touching other metal components connected to the lighting unit, and the extent to which the bobbin was scorched and deformed.³ Also, it could not determine if the wire broke because of a stress fracture due to repeated excessive heating and cooling rather than as a result of lightning or human pressure.⁴ Hubbell further could not ascertain the level of current and heat generated within the ballast and whether that is consistent with Mr. Hoffer's theory. It also noted that it could not examine an identically manufactured product to determine if there is a standard position inside the product for the broken wire because Hubbell knows of no other sample in existence, as it has discontinued using Deltona ballasts in its product lines.⁵

Hubbell claims that it is prejudiced under a design defect theory because due to the disassembly and destruction of the lighting fixture, Hubbell is now precluded from exploring a material modification, product misuse or improper maintenance defense. It also claims that it is not able to determine if there was a manufacturing defect because the lighting unit was a closed system and had to be examined as such; thus, Mr. Hoffer compromised the integrity of this system when he disassembled the unit to conduct his examination.

Hubbell's answers included the Affidavit of its expert, Raymond Carlson, to establish how it was prejudiced by Mr. Hoffer's actions.

³ Mr. Hoffer reported that this information was ascertainable upon his visual examination.

⁴ Mr. Hoffer stated that the jagged edge of the broken wire evidences a stress fracture of the metal in the wire rather than electrical overload from a lightning strike, which would have resulted in smooth rounded edges.

⁵ Hubbell does not report whether it made any effort to obtain an identical ballast from Deltona.

Mr. Carlson asserted that by Mr. Hoffer taking apart the lighting fixture, breaking the wire, and not documenting the existence of the product before its disassembly, he is not able to determine the position of the wire inside of the product as it existed at the time of the accident. Mr. Hoffer's actions also precluded Mr. Carlson from determining the role the wire may have had in the electrification of the fixture. Mr. Carlson claims he is not able to determine if the wire broke prior to Mr. Hoffer taking apart the fixture or whether there was some element in this product that failed and caused the wire to break as a result. He is purportedly unable to ascertain the voltage potential and resistance of any fault this fixture may have had prior to Mr. Hoffer's actions. Finally, Mr. Carlson avers he is not able to determine if the broken wire is the same wire, which shorted to the light fixture housing and caused the accident, as Mr. Hoffer suggests.⁶

Hubbell also included a letter, dated November 17, 1999, from another expert, Thomas Hirt, who indicated that since the lighting fixture needed to be evaluated as a system, there is no way he can determine the mechanical and electrical condition of the overall system at the time of the accident or the cause of the accident. The following is a list of conditions Mr. Hirt claims he could not examine due to the removal, disassembly and investigative damage:

- Original supply wiring attachment in the light fixture
- Electrical component mounting and grounding continuity of the various electrical parts inside the lighting fixture
- Original wiring from the ballast primary conductors to the input voltage conductors from the distribution box
- Electrical bonding between the light fixture and the mounting arm and the mounting arm and the pole
- Grounding capabilities of the direct burial pole and guy wire supports
- Electrical and mechanical condition of the photocontrol which was installed on the light fixture at the time of the accident
- Condition and configuration of the original wiring and branch circuit protection from the house

Continued to next issue (2/18/2005)

⁶It is not clear to this Court that Mr. Hoffer makes any suggestion that the broken wire caused the system to fail. Instead, he seems to opine that the end of the wire evidences stress within the system.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-176 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground, together with the improvements thereon erected, situate, lying and being in the Borough of McSherrystown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the Northern side of North Street at the Southwestern corner of lot now or formerly of Thomas B. Redding, designated as 53 North Street; thence along the Northern side of North Street, South sixty-six (66) degrees West, seventy (70) feet to a point on the Northern side of North Street, thence by lands now or formerly of Lewis S. Smith and Alma C. Smith, husband and wife, North Twenty-four (24) degrees West, one hundred twenty-five and no one hundredths (125.00) feet; thence by lands of same, North sixty-six (66) degrees East, seventy-three and forty-six one hundredths (73.46) feet; thence by said lot now or formerly of Thomas D. Redding, South twenty-two (22) degrees twenty-five (25) minutes East, one hundred twenty-five and five one-hundredths (125.05) feet to the point on the North side of North Street, the place of BEGINNING, CONTAINING 0.206 acres. Known as 49 North Street.

The above description is taken from a draft made by Joe B. O'Brien, Registered Surveyor, on April 18, 1969.

BEING Tax Map 2, Parcel 213.

BEING the same premises which George D. Hartman and Mary H. Hartman, husband and wife, by Deed dated December 29, 1989 and recorded in the Office of the Recorder of Deeds in and for Adams County in Deed Book 543, Page 484, granted and conveyed unto Robert W. Myers and Eva F. Myers, husband and wife.

SEIZED and taken into execution as the property of **Robert W. Myers & Eva F. Myers** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-425 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in Franklin Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin on the right-of-way line of Oak Drive at corner of Lot No. 25 as shown on the hereinafter referred to subdivision plan, thence along said Lot No. 25 and passing through a reference iron pin set 25 feet back from the beginning of this course North 33 degrees 00 minutes 30 seconds West 244.13 feet to an iron pin at corner of lands now or formerly of Gilbert B. Hartzell and Francis L. Miller; thence along said Miller lands North 48 degrees 3 minutes 40 seconds East 159.00 feet to an iron pin at corner of Lot No. 27; thence along the same South 41 degrees 56 minutes 20 seconds East 250.00 feet to an iron pin on the right-of-way line of Oak Drive, thence along said right-of-way line of Oak Drive South 48 degrees 3 minutes 40 seconds West 96.58 feet to an iron pin, thence along same by a curve to the right having the radius of which is 575 feet an arc length of 100.83 feet and having a long chord bearing and distance of South 53 degrees 5 minutes 5 seconds West 100.70 feet to an iron pin on said right-of-way line of Oak Drive at corner of Lot No. 25 the point and place of BEGINNING.

The above description was taken from a draft of survey entitled "Recreations Real Estate Company," prepared by Boyer-Price Surveys, Inc. on March 19, 1974, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book No. 4 at Page 50 and designated as Lot No. 26.

TOGETHER WITH the right of ingress, egress and regress over the roadways shown on the aforesaid subdivision plan to and from U.S. Route No. 30.

TITLE TO SAID PREMISES IS VESTED IN Emory K. Clapsaddle, as to an

undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest; Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent by reason of the following:

BEING THE SAME PREMISES which Emory K. Clapsaddle, Beverly J. Couchman and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded on 3/18/2003 in the County of Adams in Record Book 3019, Page 155 conveyed unto Emory K. Clapsaddle and Glen Ronald Couchman.

AND ALSO BEING THE SAME PREMISES which Emory K. Clapsaddle and Glen Ronald Couchman by Deed dated 2/18/2003 and recorded on 3/18/2003 in the County of Adams in Record Book 3019, page 178 conveyed unto Emory K. Clapsaddle, as to an undivided twenty-five (25) percent interest; Glen Ronald Couchman, as to an undivided twenty-five (25) percent interest; Julie Marie Clapsaddle and Lee Michael Clapsaddle, husband and wife, as tenants by the entireties, as to the remaining fifty (50) percent.

Premises being: 359 Oak Drive, Orrtanna, PA 17353

Tax Parcel No. B9-203

SEIZED and taken into execution as the property of **Emory K. Clapsaddle, Lee Michael Clapsaddle, Julie Marie Clapsaddle & Glen Ronald Couchman** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1119 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground situate in Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Legislative Route 01001 at corner of land of James W. Cool; thence by said land of James W. Cool and running through a steel pin located twenty-five (25) feet from the place of Beginning; North seventy-six (76) degrees five (5) minutes thirty-four (34) seconds West two hundred three and thirty-eight hundredths (203.38) feet to a point; thence by land of James G. Angelaras and wife running through a steel pin located forty-nine and fifty-six hundredths (49.56) feet from the beginning of this line, North fifteen (15) degrees forty-five (45) minutes forty-one (41) seconds East one hundred ninety-six and sixteen hundredths (196.16) feet to a steel pin; thence by the same, and running through a steel pin located seventeen and thirty-eight hundredths (17.38) feet from the end of this line, South sixty-nine (69) degrees nine (9) minutes forty-one (41) seconds East two hundred thirty and seventy-four hundredths (230.74) feet to a point in the center of Legislative Route 01001; thence in the center of said Legislative Route 01001, South twenty-four (24) degrees forty-one (41) minutes two (2) seconds West one hundred seventy-one and twenty-three hundredths (171.23) feet to a point, the place of BEGINNING. CONTAINING 39,647 square feet.

BEING KNOWN AS: 1891 Tract Road, Fairfield, (Liberty Twp.) PA 17320

PROPERTY ID NO.: D17-5B

TITLE TO SAID PREMISES IS VESTED IN Jon B. Stoner and Lillie J. Stoner, his wife by Deed from Lawrence V. Young, trustee in bankruptcy for Roger E. Oakes and Joyce J. Oakes, his wife dated 06/06/88 recorded 06/07/88 in Deed Book 491 Page 164.

SEIZED and taken into execution as the property of **Jon B. Stoner & Lillie J. Stoner** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are

filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1253 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground, situate, lying and being in the Township of Latimore, Adams County, Pennsylvania, being more particularly described as Lot No. 1125 on a plan of lots of Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, Page 7.

TITLE TO SAID PREMISES IS VESTED IN Michael Sumner, married by Deed from John Baker dated 5/5/2000, recorded 5/26/2000, in Record Book 2057, Page 176.

Tax Parcel: 9-28

Premises Being: 257 Lake Meade Drive, East Berlin, PA 17316

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1229 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a P.K. nail in the center line of Pennsylvania Route 97, said P.K. nail being South 52 degrees 15 minutes 00 seconds East, 384 feet, more or less from corner of land now or formerly of James Martin; thence in said center line of Pennsylvania Route 97, South 52 degrees 15 minutes 00 seconds East, 478.40 feet to a P.K. nail in said center line at corner of other land now or formerly of John P. Randall; thence by said other land of John P. Randall and passing through U.T.C. Pole #96 set back 23 feet from the last mentioned point, South 29 degrees 30 minutes 00 seconds West, 463.00 feet to a steel fence post; thence by same, North 52 degrees 15 minutes 00 seconds West, 478.40 feet to a pipe; thence continuing by same, and passing through U.T.C. #94, set back 25.00 feet from the next mentioned point, North 29 degrees 30 minutes 00 seconds East, 463.00 feet to a P.K. nail, the place of BEGINNING.

CONTAINING 5.031 Acres

Address: 2779 Baltimore Pike;
Gettysburg, PA 17325

Tax Map Parcel ID# (30) H15-0047

SEIZED and taken into execution as the property of **Barry N. Poole & Kelly A. Poole** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1235 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of Harney Road at lands now or formerly of Esh; thence in the center of said Harney Road, South seventy-seven (77) degrees eight (08) minutes fifty-four (54) seconds East, one hundred sixty-three and forty-four hundredths (163.44) feet to a point at other lands now or formerly of Lake Weant; thence by said lands and through a steel pin set thirty (30) feet back on the line, South seventeen (17) degrees forty-one (41) minutes thirty-two (32) seconds West, two hundred seventy-three and sixty-seven hundredths (273.67) feet to a flange axle; thence continuing by lands, North seventy-seven (77) degrees sixteen (16) minutes eighteen (18) seconds West, one hundred eighteen and eighty-four hundredths (118.84) feet to a flange axle; thence continuing by said lands, South twenty-one (21) degrees eleven (11) minutes twenty-eight (28) seconds West, two hundred sixty-six and sixteen hundredths (266.16) feet to a flange axle; thence continuing by said lands, North seventy-four (74) degrees fifty-five (55) minutes twenty-two (22) seconds West, twenty-seven and ninety-two hundredths (27.92) feet to a flange axle at lands now or formerly of Esh; thence by said land, North seventeen (17) degrees thirty-nine (39) minutes twenty-five (25) seconds East, five hundred thirty-seven and ten hundredths (537.10) feet to the place of BEGINNING.

CONTAINING 1.2419 acres, neat measure.

THE above description was taken from a draft of survey, dated December 16, 1974, prepared by J.H. Rife, R.E.

TITLE TO SAID PREMISES IS VESTED IN Brian Scott Boesse by Deed from Tony R. Forbes and Bonnie S. Forbes, his wife dated 10/29/1999 and recorded 11/4/1999 in Record Book 1947 Page 126.

Tax Parcel: H-18-13A

Premises Being: 1655 Harney Road, Littlestown, PA 17340

SEIZED and taken into execution as the property of **Brian Scott Boesse** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

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

NOTICE

NO. RT-19-04(B)

TO: Sherrie Elizabeth George

You are hereby notified that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for February 17, 2005, at 9:00 a.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

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

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325

Telephone number: 717-337-9846,
or 1-888-337-9846

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-12 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground with improvements thereon, situate, lying and being in the Borough of New Oxford, County of Adams and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner of Orange and High Street, on the Southwest side of the W.M.R.R.; thence along said High Street, North seventy-one (71) degrees East, about one hundred and twenty (120) feet to center of said railroad; thence along said railroad Westward to Orange Street; thence along said Orange Street, South nineteen (19) degrees East, about one hundred and fifty (150) feet to the place of BEGINNING.

Being known as 130 West High Street, New Oxford, PA 17350

Property ID No. 4-95

TITLE TO SAID PREMISES IS VESTED IN Thomas Morgan, by Deed from Donald A. Bixler, dated 08/31/01, recorded 09/04/01, in Deed Book 2393, Page 304.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-902 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those two (2) tracts of land, situated lying and being in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1: BEGINNING at a point in center of public road leading from Two Taverns to Barlow at corner of land now or formerly of Charles Foulk; thence along center of said public road, North 52-1/2 degrees East 214.3 feet to an iron pin; thence along land now or formerly of H.D. Crouse, South 37-1/2 degrees East, 157.7 feet to a stake; thence by same, South 52-1/2 degrees West, 340.1 feet to a stake at tree; thence along land now or formerly of Charles Foulk, North 1-1/2 degrees East, 203 feet to the place of BEGINNING. CONTAINING 1 acre.

TRACT NO. 2: BEGINNING at an iron pin at the Southeast corner of land now or formerly of Earl Helwig (Tract No. 1 herein); thence by land now or formerly of H.D. Crouse, South 71-1/4 degrees East, 731.2 feet to a stake; thence by same, South 15-1/2 degrees West, 423 feet to a stake; thence by land now or formerly of Charles Foulk, North 74 degrees West, 888.5 feet to a point; thence by same North 1-1/2 degrees East 183.3 feet to a point; thence by land now or formerly of Earl Helwig, North 52-1/2 degrees East, 340.1 feet to the place of BEGINNING. CONTAINING 8 acres and 116 perches.

BEING the same property conveyed to Frank J. Lowry and Stephanie E. Lowry, husband and wife as tenants by the entireties by Deed from Paul R. Bankard and Deborah G. Bankard, husband and wife recorded 07/02/2002 in Deed Book 2717 Page 167, in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

Premises being: 1341 Barlow Two Taverns Road, Gettysburg, PA 17325

Tax Parcel No. G16-18

SEIZED and taken into execution as the property of Frank J. Lowry a/k/a Franklin J. Lowery & Stephanie E. Lowry a/k/a Stephanie E. Mills a/k/a Stephanie E. Edwards and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the

Sheriff in his office on March 28, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1067 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land, with the improvements thereon erected, being known as Lot Nos. 205 and 206 on a Plan of Lots of Lake Meade Subdivision, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Misc. Book 1, page 1, in Reading Township, Adams County, Pennsylvania, being more fully bounded, limited and described as follows, to-wit:

BEGINNING at an iron pin on the East side of Pemberton Drive, said point of beginning being North thirty-four (34) degrees five (05) minutes thirty-nine (39) seconds West, a distance of two hundred eighty-two and thirteen hundredths (282.13) feet from the Northwest corner of Pemberton Drive and Schofield Drive; thence along the East side of Pemberton Drive by a curve to the right which curve has a radius of one thousand one hundred thirty-six and fifty-five hundredths (1,136.55) feet and a chord extending North thirty-four (34) degrees five (05) minutes thirty-nine (39) seconds West, a distance of nineteen (19.00) feet, an arc distance of nineteen (19.00) feet to a point on the East side of Pemberton Drive; thence along same North thirty-three (33) degrees thirty-six (36) minutes fifty-five (55) seconds West, a distance of one hundred forty-one (141.00) feet to a point at Lot No. 204; thence along Lot No. 204 North fifty-six (56) degrees twenty-three (23) minutes five (05) seconds East, two hundred (200.00) feet to a point at Lot No. 211; thence along Lot No. 211 and 210 South thirty-three (33) degrees thirty-six (36) minutes fifty-five (55) seconds East, one hundred sixty (160.00) feet to a point at Lot No. 207;

thence along Lot No. 207 South fifty-six (56) degrees twenty-three (23) minutes five (05) seconds West, one hundred ninety-nine and eighty-five hundredths (199.85) feet to an iron pin, the point and place of BEGINNING.

Map and Parcel ID: Map #11, Parcel #54A

BEING KNOWN AS: 36 Pemberton Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of Dwayne D. O'Brien a/k/a Dwayne David O'Brien & Tamara S. O'Brien a/k/a Tamara Suzanne O'Brien a/k/a Tamara Suzanne Shank and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

1/28, 2/4 & 11

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 January 25, 2005, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of WHITEHALL GRAPHICS, with its principal place of business at 1016 Long Lane, Gettysburg, PA 17325. The names and addresses of the persons owning or interested in said business are Mark A. Woolen, residing at 1016 Long Lane, Gettysburg, PA 17325. The character or nature of the business is Graphic Design.

2/11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1144 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, situate, lying and being in Menallen Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

BEGINNING at an iron pin on the westerly edge of a 33-foot private drive at Lot No. 15; thence by said Lot No. 15 North forty-nine (49) degrees fifty-two (52) minutes twenty (20) seconds East, three hundred thirty and fifty-two hundredths (330.52) feet to a point at lands now or formerly of Grayson P. Showers; thence by said lands South thirty-nine (39) degrees forty-eight (48) minutes twenty (20) seconds East, one hundred eighteen and twenty-five hundredths (118.25) feet to an iron pin in a chestnut stump at lands now or formerly of Joe S. Serensits; thence by said lands South eight (8) degrees thirty-four (34) minutes forty (40) seconds West, four hundred forty-two and seventy-eight hundredths (442.78) feet to an iron pin at Lot No. 13; thence by said lot and through the cul-de-sac of Twin Oak Road and by Lot No. 16 North thirty-nine (39) degrees fifty-five (55) minutes West, four hundred ten and eighty-four hundredths (410.84) feet to the place of BEGINNING. CONTAINING 2.006 ACRES.

The above description was taken from a draft of survey dated November 16, 1970 and revised June 29, 1973 prepared by Gettysburg Engineering Co., Inc. and recorded in Adams County Plat Book 3 at page 31, Being Lot No. 14 thereon.

SUBJECT, to all rights-of-way, restrictions, conditions and easements more fully set forth in Deed Book 318 at page 985 and the above recited subdivision plan.

BEING THE SAME PREMISES which Wilda B. Sheaffer by deed dated April 23, 1998 and recorded July 27, 1998 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1627 at Page 288 conveyed this property unto David A. Sheaffer.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, February 14, 2005, at 9:00 a.m.

HOTT—Orphans' Court Action Number OC-34-04. The First and Final Account of John L. Hott, Executor of the Estate of Robert K. Hott, deceased, late of the Borough of Gettysburg, Adams County, Pennsylvania.

STORIE—Orphans' Court Action Number OC-134-04. The First and Final Account of John Nichols and Elind Murphy as Co-Executors of the Estate of Emma S. Storie, deceased, late of Cumberland Township, Adams County, Pennsylvania.

HIMES—Orphans' Court Action Number OC-135-04. The First and Final Account of Sandra M. Riley, Executor of the Last Will and Testament of Catherine L. Himes, deceased, late of Butler Township, Adams County, Pennsylvania.

RHINEHART—Orphans' Court Action Number OC-140-04. The First and Final Account of Gladys Mary Knouse, Administratrix of the Estate of Linda L. Rhinehart, deceased, late of Conewago Township, Adams County, Pennsylvania.

FAIR—Orphans' Court Action Number OC-2-05. The First and Final Account of Larry D. Fair, Executor of the Estate of Robert K. Fair, deceased, late of Straban Township, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

2/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1128 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Mount Pleasant Township, Adams County, Pennsylvania, being more particularly bounded and limited as follows, to wit:

Lot No. 553 on a Plan of Lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book 4, at Page 665 and subject to all legal highways, easements, rights of way and restrictions of record.

Map 5, Parcel 81

TITLE TO SAID PREMISES IS VESTED IN Harold L. Doty and Charlotte A. Doty, his wife by Deed from Journey E. Henderson and Patricia S. Henderson, his wife, dated 4/26/1994 and recorded 5/2/1994 in Record Book 879 Page 157.

Premises being: 553 Hooker Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Harold L. Doty & Charlotte A. Doty** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-542 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Western edge of the Pennsylvania State Highway which leads from Littlestown to the Gettysburg-Hanover State Highway, which point is South six (06) degrees thirty (30) minutes East, five (05) feet from the corner of Lot No. 2 from the plan of lots of Clayton E. and Annie E. Runk; thence along said Highway South six (06) degrees thirty (30) minutes East, one hundred fifteen (115) feet to a stake at corner of Lot No. 5; thence along Lot No. 5, South eighty-three (83) degrees thirty (30) minutes West, one hundred fifty (150) feet to lands now or formerly of Clayton E. Runk and Annie E. Runk; thence along same North six (06) degrees thirty (30) minutes West, one hundred fifteen (115) feet to a point which is South six (06) degrees thirty (30) minutes East, five (05) feet from the Southwest corner of Lot No. 2, aforesaid; thence North eighty-three (83) degrees thirty (30) minutes East, one hundred fifty (150) feet to a point along the Pennsylvania State Highway which leads from Littlestown to Gettysburg-Hanover State Highway, the place of BEGINNING. Being known and numbered as 660 Littlestown Road.

Being known as: 660 Littlestown Road, Littlestown, PA 17340

Property ID No.: J15-37

TITLE TO SAID PREMISES IS VESTED IN Marilyn R. Barrick by Deed from Steven D. Barrick and Marilyn R. Barrick, persons who are or have been married dated 2/23/95 recorded 2/28/95 in Deed Book 1000 Page 39.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing

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

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

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

2/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-518 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 29 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Misc. Deed Book 1, Page 1, and subject to all legal highways, easements, rights-of-way and restrictions of record.

TOGETHER WITH the right in common with other owners of lots in said subdivision to use for all usual purposes the streets, ways, beaches, recreation area, and other public areas, as shown on the said plot, and the right in common with the other owners of lots in the said subdivision to use the lake and beaches for swimming, fishing and boating in accordance with the rules and regulations of Lake Meade Property Owners Association, its successors or assigns.

UNDER AND SUBJECT, nevertheless, to certain covenants, conditions, restrictions, easements and other provisions as set forth in the aforesaid deed recorded in Deed Book 267, Page 1071, Adams County records.

Being known as: 4 Hooker Cove, East Berlin, PA 17316

Property ID No.: 8-16

TITLE TO SAID PREMISES IS VESTED IN Barry E. Miller and Donna J. Miller, his wife by Deed from Clyde C. Bachert, Jr., single person dated 8/4/00 Recorded 8/28/00 in Deed Book 2115 Page 29.

SEIZED and taken into execution as the property of **Barry E. Miller & Donna J. Miller** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Sec. 311 of the Act of Assembly of December 16, 1982, 54 PA C.S.A. 311, that an application for registration of a fictitious name was filed on January 24, 2005 with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the conducting of a business under the fictitious name of THE FREDERICK INVESTMENT GROUP, with its principal office or place of business at 38 Bluebird Trail, Fairfield, PA 17320. The names and addresses of all persons owning or interested in said business are: James J. Kaiktsian, Sr. and Kimberly A. Kaiktsian, 38 Bluebird Trail, Fairfield, PA 17320.

John J. Murphy III, Esq.
Patrono & Associates, LLC

2/11

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 RUTH A. EBBERT a/k/a RUTH E. EBBERT, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Co-Executors: Joyce R. Trostel, 1721 Polato Road, Biglerville, PA 17307; Donna Rae Plank, 2840 Table Rock Road, Biglerville, PA 17307; Dennis A. Ebbert, 319 Rake Factory Road, Biglerville, PA 17307; Ronald G. Ebbert, 490 Rake Factory Road, Biglerville, PA 17307

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

ESTATE OF MARIAN L. HERR, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Bradley E. Herr, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

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

SECOND PUBLICATION

ESTATE OF CLYDE H. BAKER, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executors: Jill B. Sheaffer, 1663 Wenksville Road, Biglerville, PA 17307; Joan E. Baker, P.O. Box 145, Arendtsville, PA 17303

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

ESTATE OF MARY ISABELLE BOHN, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executors: Neil F. Bohn, 1358 Fish & Game Rd., Littlestown, PA 17340; Patsy B. Hannah, P.O. Box 536, Bel Air, MD 21014

ESTATE OF ROBERT A. CONNER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Administrator: Laura M. Conner, 31 Cougar Drive, Hanover, PA 17331

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

ESTATE OF ESTHER A. CROWL, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Elmer C. Crowl, Jr., 638 North Street, McSherrystown, PA 17344

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

ESTATE OF DONALD R. DENLINGER, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executrix: Mary A. Seabrook, 265 Pine Grove Road, Littlestown, PA 17340

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

ESTATE OF FRANCES T. HOSSLER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Ernest R. Hossler, Jr., c/o Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

Attorney: Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF CHARLES E. LEAS, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Malinda L. Wildasin, c/o 135 North George St., York, PA 17401

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

ESTATE OF DOROTHY M. MACKS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Jody Allen Macks, 15 Cumberland Drive, Gettysburg, PA 17325; Jennifer Ann Macks, 15 Cumberland Drive, Gettysburg, PA 17325

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

ESTATE OF RUTH WHITMAN a/k/a RUTH M. WHITMAN, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: Mark Whitman, 40 N. Queen Street, Littlestown, PA 17340

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

ESTATE OF HARRY C. WORLEY, DEC'D

Late of Union Township, Adams County, Pennsylvania

Executors: Larry E. Worley, 542 Black Rock Road, Hanover, PA 17331; Karen L. Swartz, 110 Pinetown Road, Hanover, PA 17331; Loretta A. Werner, 153 Pine Grove Road, Hanover, PA 17331

Attorney: Wendy Weikal-Beauchat, 63 West High Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF STANLEY P. ARVIN, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Wayne P. Arvin, 6251 Davidsburg Road, Dover, PA 17315

Attorney: Paul C. McCleary, Jr., Esq., 1998-A Carlisle Road, York, PA 17404

ESTATE OF GERALDINE H. HIRT, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Jessica H. Canale, c/o Timothy J. Shultis, Esq., 249 York Street, Hanover, PA 17331

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

ESTATE OF E. VIRGINIA MILHIMES, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Tammy L. Kemp, 3 Emerson Court, Hanover, PA 17331

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

ESTATE OF EDNA M. RECK, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

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

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1238 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in Cumberland Township, Adams County, Pennsylvania, being known as Unit No. 18 in Roselawn, a Planned Community, more particularly bounded and described in the As Built House Location Plan dated October 21, 2003 and recorded 6/29/2004 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Miscellaneous Drawer, Record Book 3362 at Page 116 and the Declaration Plan relating to Roselawn, a Planned Residential Community, recorded on June 18, 2002 in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Record Book 2702 at Page 326, and the Declaration Plat recorded in the aforementioned Declaration Plan as Exhibit "D" and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania in the Miscellaneous Drawer as set forth in Plan Book 76 at Page 51 which unit includes an undivided interest in the

Common Expenses as defined and provided for in said Declaration all as amended which the first amendment is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2948 at Page 29 and the second amendment is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 3459 at Page 231. Together with the right to use and enjoyment of the Common Elements as defined and provided for in said Declaration. Subject nevertheless to conditions and covenants contained in the said Declaration and Exhibits thereto as well as the Bylaws for the Roselawn Homeowners Association, Inc. recorded June 18, 2002 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Record Book 2703 at Page 1.

Map #9-F12-247

TITLE TO SAID PREMISES IS VESTED IN Anastocios Ernest Tomares by Deed from Roselawn L.L.C. dated 5/27/2004 and recorded 6/29/2004 in Record Book 3622, Page 116.

Premises being: 13 Delaware Ridge, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Anastocios E. Tomares a/k/a Anastocios Ernest Tomares** and to be sold by me.

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

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

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

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

2/11, 18 & 25

ADVERTISING RATES

Decedent's Estate Notice	\$40.50
Corporation Notice	40.50
Fictitious Name	40.50
Change of Name	40.50
Guardianship Account	40.50
Trust Account	40.50

THE ABOVE FIXED PRICE LEGAL ADVERTISING RATES INCLUDE ONE PROOF OF PUBLICATION AND **MUST BE PAID FOR IN ADVANCE**. ALL OTHER LEGAL ADVERTISING WILL BE BILLED IN THE SAME AMOUNT CHARGED BY THE GETTYSBURG TIMES PLUS \$2.00 FOR PROOF OF PUBLICATION.

PLEASE KEEP FOR FUTURE REFERENCE

Adams County Legal Journal

Vol. 46

February 18, 2005

No. 39, pp. 260-265

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-542 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Western edge of the Pennsylvania State Highway which leads from Littlestown to the Gettysburg-Hanover State Highway, which point is South six (06) degrees thirty (30) minutes East, five (05) feet from the corner of Lot No. 2 from the plan of lots of Clayton E. and Annie E. Runk; thence along said Highway South six (06) degrees thirty (30) minutes East, one hundred fifteen (115) feet to a stake at corner of Lot No. 5; thence along Lot No. 5, South eighty-three (83) degrees thirty (30) minutes West, one hundred fifty (150) feet to lands now or formerly of Clayton E. Runk and Annie E. Runk; thence along same North six (06) degrees thirty (30) minutes West, one hundred fifteen (115) feet to a point which is South six (06) degrees thirty (30) minutes East, five (05) feet from the Southwest corner of Lot No. 2, aforesaid; thence North eighty-three (83) degrees thirty (30) minutes East, one hundred fifty (150) feet to a point along the Pennsylvania State Highway which leads from Littlestown to Gettysburg-Hanover State Highway, the place of BEGINNING. Being known and numbered as 660 Littlestown Road.

Being known as: 660 Littlestown Road, Littlestown, PA 17340

Property ID No.: J15-37

TITLE TO SAID PREMISES IS VESTED IN Marilyn R. Barrick by Deed from Steven D. Barrick and Marilyn R. Barrick, persons who are or have been married dated 2/23/95 recorded 2/28/95 in Deed Book 1000 Page 39.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-518 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 29 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Misc. Deed Book 1, Page 1, and subject to all legal highways, easements, rights-of-way and restrictions of record.

TOGETHER WITH the right in common with other owners of lots in said subdivision to use for all usual purposes the streets, ways, beaches, recreation area, and other public areas, as shown on the said plot, and the right in common with the other owners of lots in the said subdivision to use the lake and beaches for swimming, fishing and boating in accordance with the rules and regulations of Lake Meade Property Owners Association, its successors or assigns.

UNDER AND SUBJECT, nevertheless, to certain covenants, conditions, restrictions, easements and other provisions as set forth in the aforesaid deed recorded in Deed Book 267, Page 1071, Adams County records.

Being known as: 4 Hooker Cove, East Berlin, PA 17316

Property ID No.: 8-16

TITLE TO SAID PREMISES IS VESTED IN Barry E. Miller and Donna J. Miller, his wife by Deed from Clyde C. Bachert, Jr., single person dated 8/4/00 Recorded 8/28/00 in Deed Book 2115 Page 29.

SEIZED and taken into execution as the property of Barry E. Miller & Donna J. Miller and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation for ADAMIK INSURANCE AGENCY, INC. were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, PA, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Nonprofit Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988 (P.L. 1444, No. 177). The filing took place on or about February 7, 2005. The purposes of the corporation are to conduct business as an insurance agency and any other lawful business activities.

The registered address is 106 E. King Street, Littlestown, Pennsylvania 17340.

Clayton R. Wilcox, Esq.
Solicitor

2/18

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1069 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 11th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point in a public right-of-way known as Boy Scout Road and lands now or formerly of Richard Stegman; thence along and through said Boy Scout Road South fifty-five (55) degrees forty-five (45) minutes thirty-five (35) seconds West, two hundred and twenty hundredths (200.20) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North twenty-two (22) degrees eleven (11) minutes forty (40) seconds West, one hundred and fifty-six hundredths (100.56) feet to a point at a twenty (20) foot private right-of-way; thence along said private right-of-way North sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds East, one hundred thirty-five and zero hundredths (135.00) feet to a point; thence continuing along the same North thirty-nine (39) degrees thirty-eight (38) minutes thirty-five (35) seconds West, twenty and thirty hundredths (20.30) feet to a point; thence continuing along the same South sixty-three (63) degrees twenty-five (25) minutes fifty (50) seconds West, one hundred and zero hundredths (100.00) feet to a point at lands now or formerly of James Busbey; thence along said last mentioned lands North thirty-four (34) degrees thirty-six (36) minutes five (05) seconds West, one hundred seventy-five and forty-nine hundredths (175.49) feet to a point in the Conewago Creek; thence in and through said Conewago Creek North fifty-seven (57) degrees twenty-four (24) minutes zero (00) seconds East, one hundred six and ninety-three hundredths (106.93) feet to a point at the edge of Conewago Creek and lands now or formerly of Richard Stegman; thence along said last

mentioned lands South forty-three (43) degrees thirty-seven (37) minutes forty-five (45) seconds East, one hundred eighty-nine and eighty-five hundredths (189.85) feet to a point; thence continuing along same South thirty-nine (39) degrees forty-nine (49) minutes forty-five (45) seconds East, ninety-nine and forty-seven hundredths (99.47) feet to the point and place of BEGINNING. CONTAINING 39,170 square feet. The above description being taken from a Boundary Survey prepared by Adams County Surveyors, dated November 11, 1991 and designated as Drawing B-673.

HAVING ERRECTED THEREON a dwelling known as 217 Boy Scout Road, New Oxford, Pennsylvania.

BEING THE SAME PREMISES WHICH Eric J. Carbaugh and Elecia Carbaugh, by their Attorney-in-fact Edward Francis Powers, by their Deed dated September 30, 1999 and recorded October 6, 1999 in Adams County Deed Book 1928, Page 233, granted and conveyed unto Shawn Gladfelter and Michelle Gladfelter

TOGETHER WITH all and singular ways, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in anywise appertaining, and the reversions, and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever, of Grantors in law, equity, or otherwise howsoever, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said tract of land, together with the hereditaments and premises hereby granted or mentioned and intended so to be with the appurtenances unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns forever.

SEIZED IN EXECUTION AS THE PROPERTY OF Shawn Gladfelter and Michelle Gladfelter under Adams County judgment No. 02-S-1069.

Map & Parcel #J10-23B

SEIZED and taken into execution as the property of Michelle Gladfelter & Shawn Gladfelter and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 4, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/4, 11 & 18

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately 2/01/05, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of HONORARY CLOCKS, with its principal place of business at 337 W. King St., Suite B, East Berlin, PA 17316. The names and addresses of the persons owning or interested in said business are Kenneth C. Buoh, residing at 350 Latmore Rd., York Springs, PA 17372. The character or nature of the business is clock sales.

2/18

INCORPORATION NOTICE

CARROLL VALLEY CONSTRUCTION, INC. has been incorporated under the provisions of the Business Corporation Law of 1988.

2/18

DISCUSSION

Although the issue of grounding of Hubbell's lighting unit arose during discussions with counsel on the present motion, the Court will not address this issue because Hubbell did not raise it in its motion or brief in support thereof. Rather, I will limit my review to the issues expressly raised by Hubbell in its motion, that is, whether summary judgment, or in the alternative, an adverse inference jury charge should be granted based on the alleged prejudice suffered by Hubbell due to Mr. Hoffer's 1) disassembly of the lighting unit without proper documentation and 2) severance of the wire.

Summary judgment is granted when there is no genuine issue of any material fact as to a necessary element of the cause of action or defense and the moving party is entitled to judgment as a matter of law. Pa. R.C.P. 1035.2; *Schroeder v. Commonwealth of Pennsylvania, Dept. of Transportation, et al.*, 710 A.2d 23, 25 (Pa. 1998). This Court must resolve all doubts against Hubbell, as the moving party, and examine the record in a light most favorable to Plaintiff, as the non-moving party. See *Sebelin v. Yamaha Motor Corporation, USA, et al.*, 705 A.2d 904, 907 (Pa.Super. 1998). Summary judgment may only be granted in cases where it is clear and free from doubt that the moving party is entitled to judgment as a matter of law. *Id.* Oral testimony alone, either through testimonial affidavits or depositions, or the moving party or the moving party's witnesses, even if uncontradicted, is generally insufficient to establish the absence of a genuine issue of material fact. *Penn Center House, Inc. v. Hoffman*, 553 A.3d 900 (Pa. 1989).

Hubbell argues that because Plaintiff's expert disassembled the lighting unit and broke a wire that connected the allegedly defective ballast to the power source (thereby precluding Hubbell's expert the opportunity to examine the unit as it existed at the time of the accident), Hubbell is severely prejudiced by the spoliation of evidence. On the other hand, Plaintiff contends that because the lighting unit was not lost or destroyed and was inspected by experts for all involved parties, Hubbell has failed to show how it has been prejudiced.

Under the spoliation of evidence doctrine, a party may not benefit from its own destruction or withholding of evidence. Instead, it attempts to compensate those whose legal rights are impaired by such actions. *Manson v. Southeastern Pennsylvania Transportation*

Authority, 767 A.2d 1, 11 (Pa. Cmwlth. 2000). When such evidence is lost or destroyed, sanctions, including dismissal of claims, the exclusion of expert reports, or an adverse inference jury charge, may be appropriate. In the case *sub judice*, the Court must determine whether summary judgment in favor of Hubbell or, in the alternative, an adverse inference jury charge is an appropriate sanction.

In *Schroeder*, our Supreme Court adopted the three-prong test set forth in *Schmid v. Milwaukee Electric Tool Corp.*, 13 F.3d 76 (3d Cir. 1994), for determining the proper sanction for the spoliation of evidence. When fashioning a sanction in such a case, the court looks to (1) the degree of fault of the party who altered or destroyed the evidence; (2) the degree of prejudice suffered by the opposing party; and (3) the availability of a lesser sanction that will protect the opposing party's rights and deter future similar conduct. *Id.* at 27. This test is a balancing of all three prongs based upon the facts of each individual case; a court cannot focus entirely on one prong of the test. *Tenaglia v. Proctor & Gamble, Inc.*, 737 A.2d 306, 308 (Pa.Super. 1999). The plaintiff's burden of proof at trial to establish that a defective product caused his injury will protect defendants in cases where it is determined that summary judgment is not warranted based upon spoliation. *Schroeder*, 710 A.2d at 27.

First, with respect to fault, it is undisputed that while conducting his examination of the lighting unit, Mr. Hoffer disassembled the unit and broke the wire that connected the allegedly defective ballast to the power source. However, merely disassembling the lighting unit is not evidence that Mr. Hoffer destroyed the unit. Mr. Hoffer disassembled the lighting unit in an attempt to gain access to its internal components and determine what, if any, parts caused the electrification. Disassembly was necessary in order to determine if a meritorious claim existed. See *Schmid*, 13 F.3d at 79 (plaintiff's expert's disassembly of a saw was necessary to determine whether plaintiff had a meritorious claim against the manufacturer of the saw).

Nonetheless, although the lighting unit was not completely destroyed or lost at the hands of Plaintiff, it was altered by Plaintiff's expert when he severed the wire. Therefore, Plaintiff is at fault for altering a part of the lighting unit from its condition at the time of the accident, thereby precluding Hubbell's experts the opportunity to conduct an examination under the same conditions as were initially available to Mr. Hoffer.

I note that Hubbell places great emphasis on the fact that Mr. Hoffer conducted his examination of the lighting unit without notifying the other parties or videotaping the disassembly of the unit. However, when Mr. Hoffer inspected the lighting unit, Plaintiff had yet to file his Complaint. In fact, Mr. Hoffer was retained by Plaintiff on or about April 6, 1994 and his report, dated June 20, 1996, indicates that he examined the unit before and on September 26, 1994. (Section F, p. 8). His inspection was clearly before litigation ensued.⁷ Although Plaintiff's April 6, 1994 letter to Mr. Hoffer indicates that Deltona's insurer wished to inspect the unit as well, this does not signify that litigation has ensued. Therefore, Plaintiff did not have an affirmative duty to notify potential defendants of his intent to examine the lighting unit. See *Schmid*, 13 F.2d at 81. Certainly, it would have been better practice for Mr. Hoffer to have effectively documented his actions but, here, we are dealing with the question of sanctions, not best practice.

The more compelling questions involve the second and third prongs of the test, that is, whether Hubbell is, indeed, prejudiced by the severance of the wire and what, if any, sanction should be imposed. The courts have held that in design defect cases, the prejudice to the opposing party is not great since the party can test and inspect other products of the same design for the alleged design defect. See *Schroeder*, 710 A.2d at 28; *Sebelin*, 705 A.3d at 910; *Schmid*, 13 F.3d at 79-80. However, when pursuing a cause of action for a manufacturing defect, the preservation of the product is more crucial. *Tenaglia*, 737 A.2d at 308-309; *Sebelin*, 705 A.2d at 909. When a plaintiff is alleging that a particular product was defectively manufactured, defendant must have the opportunity to examine the product in question in order to determine the nature of the defect. *Tenaglia*, 737 A.2d at 309. Nonetheless, a plaintiff may be permitted to proceed even in a manufacturing defect case without preservation of the product, depending upon the nature of the defect and the ability of the defendant to rebut the plaintiff's allegations without examining the product. *Id.*

Here, Plaintiff alleges both a design and/or manufacturing defect in Hubbell's lighting unit. Thus, I will address each claim separately.

⁷The Complaint was filed approximately 9 months later on June 14, 1995.

With respect to Plaintiff's allegation based on a design defect, Hubbell argues that it is severely prejudiced by the alteration of the lighting unit because it cannot examine the unit in the condition it was in before disassembly. Consequently, it allegedly cannot explore a material modification, product misuse or improper maintenance defense. Yet, as the above-referenced cases point out, in a design defect case, a defendant's prejudice is not substantial because a defendant can test and inspect other products for the design defect. I recognize that Hubbell maintains that it does not have access to other products of the same design since it has stopped using the Deltona ballast in its products. However, not only is this assertion a factual issue, but also I am unconvinced that Hubbell could not have located a lighting unit of the same design with a Deltona ballast anywhere in its consumer base following the accident or by requesting assistance from Deltona. Thus, Hubbell has not established how it is prejudiced by the spoliation of evidence under Plaintiff's allegation that the lighting unit was defectively designed. Accordingly, although I find that Plaintiff is at fault for having severed the wire, no sanction by way of summary judgment or an adverse inference jury charge for spoliation of evidence will be imposed on Plaintiff in connection with the claim of a design defect.

With regard to Plaintiff's allegation that the lighting unit was defectively manufactured, Hubbell argues that because the lighting unit had to be examined as a closed system, Mr. Hoffer compromised the integrity of this system when he disassembled the unit to conduct his examination. I find that Hubbell has not sufficiently shown how it is prejudiced so as to warrant the harsh sanction of summary judgment and dismissal of the case. First, as previously discussed, disassembly of the lighting unit was necessary to establish the cause of the accident and to determine whether a meritorious claim exists. In order to access the various components of the lighting unit, disassembly was inevitable, as it is with many mechanical or electrical devices composed of a variety of internal parts.

Also, Plaintiff did not destroy or lose the lighting unit; rather it was slightly altered from its condition following the accident. Hubbell can accept Mr. Hoffer's report regarding the connection point for the broken wire or conduct its own tests, regarding where it could have been connected. One must be mindful that this unit is alleged to have

failed after years of usage and not at the time it was first installed. Hubbell retains the ability to inspect and test the lighting unit, and in fact has had its experts examine it and generate reports. The opportunity to examine the unit distinguishes this case from similar cases, regarding spoliation of evidence involving a manufacturing defect, where the courts have granted summary judgment in favor of defendant because, at the fault of plaintiff, the product in question was lost or completely destroyed before defendant had the chance to inspect the product. See *Tenaglia; Roselli v. General Electric Co.*, 599 A.2d 685 (Pa.Super. 1991). Although I am well aware that Hubbell has lost the opportunity to examine the lighting unit in the condition it was in immediately following the accident, I do not find that the severance of the wire precludes Hubbell from establishing a viable defense to the claim of a manufacture defect.

Nevertheless, I find that in connection with this claim Hubbell is prejudiced to a greater degree by the severance of the wire than with the claim of a design defect. However, granting the motion for summary judgment, which would result in an outright dismissal of the case, is not appropriate. First, issues of fact arise as to whether Hubbell, indeed, cannot make the proposed electrical determinations set forth in its experts' affidavit and report. See *Hoffman, supra*. Also, a less harsh sanction exists, that being an adverse inference jury charge, which would protect Hubbell's rights. An adverse inference jury charge allows the jury to infer that the "spoiled" evidence would be unfavorable to the position of the spoliator. *Manson*, 767 A.2d at 11-12. Plaintiff is protected because the inference does not have to be adopted by the jury. Therefore, Hubbell may present evidence of spoliation at trial that the wire, had it not been broken, would have proved unfavorable to Plaintiff in his claim that there exists a manufacturing defect in the lighting unit.

Based on the above analysis, Deltona's Motion For Summary Judgment is likewise denied. Deltona is granted an adverse inference jury charge, whereby it may present evidence of spoliation at trial that the wire, had it not been broken, would have proved unfavorable to Plaintiff in his claim of a manufacture defect.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 29th day of March, 2004, Hubbell's and Deltona's Motions for Summary Judgment are denied. Hubbell and Deltona are granted an adverse inference jury charge only in connection with Plaintiff's claim of a manufacture defect.

SHERIFF'S SALE

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

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

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

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

UNDER AND SUBJECT, NEVERTHELESS, that the hereby granted piece of land shall be and remain subject to the following condition: That no mobile homes or trailers may be used for residential purposes.

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

Premises being: 725 Gettysburg Road, Littlestown, PA 17340

Tax Parcel No. 108B Map I-17

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 25, 2005, and distribution will be made in accordance

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

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

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

2/18, 25 & 3/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-12 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground with improvements thereon, situate, lying and being in the Borough of New Oxford, County of Adams and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner of Orange and High Street, on the Southwest side of the W.M.R.R.; thence along said High Street, North seventy-one (71) degrees East, about one hundred and twenty (120) feet to center of said railroad; thence along said railroad Westward to Orange Street; thence along said Orange Street, South nineteen (19) degrees East, about one hundred and fifty (150) feet to the place of BEGINNING.

Being known as 130 West High Street, New Oxford, PA 17350

Property ID No.: 4-95

TITLE TO SAID PREMISES IS VESTED IN Thomas Morgan, by Deed from Donald A. Bixler, dated 08/31/01, recorded 09/04/01, in Deed Book 2393, Page 304.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1128 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Mount Pleasant Township, Adams County, Pennsylvania, being more particularly bounded and limited as follows, to wit:

Lot No. 553 on a Plan of Lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book 4, at Page 665 and subject to all legal highways, easements, rights of way and restrictions of record.

Map 5, Parcel 81

TITLE TO SAID PREMISES IS VESTED IN Harold L. Doty and Charlotte A. Doty, his wife by Deed from Journey E. Henderson and Patricia S. Henderson, his wife, dated 4/26/1994 and recorded 5/2/1994 in Record Book 879 Page 157.

Premises being: 553 Hooker Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Harold L. Doty & Charlotte A. Doty** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1144 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, situate, lying and being in Menallen Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

BEGINNING at an iron pin on the westerly edge of a 33-foot private drive at Lot No. 15; thence by said Lot No. 15 North forty-nine (49) degrees fifty-two (52) minutes twenty (20) seconds East, three hundred thirty and fifty-two hundredths (330.52) feet to a point at lands now or formerly of Grayson P. Showers; thence by said lands South thirty-nine (39) degrees forty-eight (48) minutes twenty (20) seconds East, one hundred eighteen and twenty-five hundredths (118.25) feet to an iron pin in a chestnut stump at lands now or formerly of Joe S. Serensits; thence by said lands South eight (8) degrees thirty-four (34) minutes forty (40) seconds West, four hundred forty-two and seventy-eight hundredths (442.78) feet to an iron pin at Lot No. 13; thence by said lot and through the cul-de-sac of Twin Oak Road and by Lot No. 16 North thirty-nine (39) degrees fifty-five (55) minutes West, four hundred ten and eighty-four hundredths (410.84) feet to the place of BEGINNING. CONTAINING 2.006 ACRES.

The above description was taken from a draft of survey dated November 16, 1970 and revised June 29, 1973 prepared by Gettysburg Engineering Co., Inc. and recorded in Adams County Plat Book 3 at page 31, Being Lot No. 14 thereon.

SUBJECT, to all rights-of-way, restrictions, conditions and easements more fully set forth in Deed Book 318 at page 985 and the above recited subdivision plan.

BEING THE SAME PREMISES which Wilda B. Sheaffer by deed dated April 23, 1998 and recorded July 27, 1998 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1627 at Page 288 conveyed this property unto David A. Sheaffer.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1238 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in Cumberland Township, Adams County, Pennsylvania, being known as Unit No. 18 in Roselawn, a Planned Community, more particularly bounded and described in the As Built House Location Plan dated October 21, 2003 and recorded 6/29/2004 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Miscellaneous Drawer, Record Book 3362 at Page 116 and the Declaration Plan relating to Roselawn, a Planned Residential Community, recorded on June 18, 2002 in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Record Book 2702 at Page 326, and the Declaration Plat recorded in the aforementioned Declaration Plan as Exhibit "D" and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania in the Miscellaneous Drawer as set forth in Plan Book 76 at Page 51 which unit includes an undivided interest in the Common Expenses as defined and provided for in said Declaration all as amended which the first amendment is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2948 at Page 29 and the second amendment is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 3459 at Page 231. Together with the right to use and enjoyment of the Common Elements as defined and provided for in said Declaration. Subject nevertheless to conditions and

covenants contained in the said Declaration and Exhibits thereto as well as the Bylaws for the Roselawn Homeowners Association, Inc. recorded June 18, 2002 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Record Book 2703 at Page 1.

Map #9-F12-247

TITLE TO SAID PREMISES IS VESTED IN Anastocios Ernest Tomares by Deed from Roselawn L.L.C. dated 5/27/2004 and recorded 6/29/2004 in Record Book 3622, Page 116.

Premises being: 13 Delaware Ridge, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Anastocios E. Tomares a/k/a Anastocios Ernest Tomares** and to be sold by me.

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

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

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

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

2/11, 18 & 25

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 C. ROBERT BROTHERS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

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

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

ESTATE OF FRED BERNARD EMLET, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

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

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

ESTATE OF CARL E. HERR, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

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

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

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

Late of the Borough of Bonneauville, Adams County, Pennsylvania

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

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

ESTATE OF HENRY E. LARKIN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

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

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

ESTATE OF SHAY B. LIVINGSTON, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

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

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

ESTATE OF LEAH A. MAITLAND, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

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

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

ESTATE OF RALPH M. MYERS, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania

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

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

ESTATE OF N. LOUISE RAMER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF CHESTER S. SHUE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

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

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

ESTATE OF JEANNE H. SWISHER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

ESTATE OF BEULAH B. ZEIGLER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

SECOND PUBLICATION

ESTATE OF RUTH A. EBBERT a/k/a RUTH E. EBBERT, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Co-Executors: Joyce R. Trostel, 1721 Potato Road, Biglerville, PA 17307; Donna Rae Plank, 2840 Table Rock Road, Biglerville, PA 17307; Dennis A. Ebbert, 319 Rake Factory Road, Biglerville, PA 17307; Ronald G. Ebbert, 490 Rake Factory Road, Biglerville, PA 17307

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

ESTATE OF MARIAN L. HERR, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Bradley E. Herr, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

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

THIRD PUBLICATION

ESTATE OF CLYDE H. BAKER, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executors: Jill B. Sheaffer, 1663 Wenksville Road, Biglerville, PA 17307; Joan E. Baker, P.O. Box 145, Arendtsville, PA 17303

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

ESTATE OF MARY ISABELLE BOHN, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executors: Neil F. Bohn, 1358 Fish & Game Rd., Littlestown, PA 17340; Patsy B. Hannah, P.O. Box 536, Bel Air, MD 21014

(continued on page 6)

THIRD PUBLICATION (continued)
 ESTATE OF ROBERT A. CONNER, DEC'D
 Late of Menallen Township, Adams County, Pennsylvania
 Administrator: Laura M. Conner, 31 Cougar Drive, Hanover, PA 17331
 Attorney: Matthew L. Guthrie, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York Street, Hanover, PA 17331

ESTATE OF ESTHER A. CROWL, DEC'D
 Late of Mt. Pleasant Township, Adams County, Pennsylvania
 Executor: Elmer C. Crowl, Jr., 638 North Street, McSherrystown, PA 17344
 Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF DONALD R. DENLINGER, DEC'D
 Late of Union Township, Adams County, Pennsylvania
 Executrix: Mary A. Seabrook, 265 Pine Grove Road, Littlestown, PA 17340
 Attorney: Daniel M. Frey, Esq., Barley Snyder, 14 Center Square, Hanover, PA 17331

ESTATE OF FRANCES T. HOSSLER, DEC'D
 Late of the Borough of McSherrystown, Adams County, Pennsylvania
 Executor: Ernest R. Hossler, Jr., c/o Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331
 Attorney: Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF CHARLES E. LEAS, DEC'D
 Late of Reading Township, Adams County, Pennsylvania
 Executrix: Malinda L. Wildasin, c/o 135 North George St., York, PA 17401
 Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George St., York, PA 17401

ESTATE OF DOROTHY M. MACKS, DEC'D
 Late of Cumberland Township, Adams County, Pennsylvania
 Co-Executors: Jody Allen Macks, 15 Cumberland Drive, Gettysburg, PA 17325; Jennifer Ann Macks, 15 Cumberland Drive, Gettysburg, PA 17325
 Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

ESTATE OF RUTH WHITMAN a/k/a RUTH M. WHITMAN, DEC'D
 Late of the Borough of Littlestown, Adams County, Pennsylvania
 Executor: Mark Whitman, 40 N. Queen Street, Littlestown, PA 17340
 Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF HARRY C. WORLEY, DEC'D
 Late of Union Township, Adams County, Pennsylvania
 Executors: Larry E. Worley, 542 Black Rock Road, Hanover, PA 17331; Karen L. Swartz, 110 Pinetown Road, Hanover, PA 17331; Loretta A. Werner, 153 Pine Grove Road, Hanover, PA 17331
 Attorney: Wendy Weikal-Beauchat, 63 West High Street, Gettysburg, PA 17325

ADVERTISING RATES

Decedent's Estate Notice	\$40.50
Corporation Notice	40.50
Fictitious Name	40.50
Change of Name	40.50
Guardianship Account	40.50
Trust Account	40.50

THE ABOVE FIXED PRICE LEGAL ADVERTISING RATES INCLUDE ONE PROOF OF PUBLICATION AND **MUST BE PAID FOR IN ADVANCE**. ALL OTHER LEGAL ADVERTISING WILL BE BILLED IN THE SAME AMOUNT CHARGED BY THE GETTYSBURG TIMES PLUS \$2.00 FOR PROOF OF PUBLICATION.

PLEASE KEEP FOR FUTURE REFERENCE

Adams County Legal Journal

Vol. 46

February 25, 2005

No. 40, pp. 266–270

IN THIS ISSUE

STOUCK VS. STEIN

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



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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-518 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of land situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 29 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Misc. Deed Book 1, Page 1, and subject to all legal highways, easements, rights-of-way and restrictions of record.

TOGETHER WITH the right in common with other owners of lots in said subdivision to use for all usual purposes the streets, ways, beaches, recreation area, and other public areas, as shown on the said plot, and the right in common with the other owners of lots in the said subdivision to use the lake and beaches for swimming, fishing and boating in accordance with the rules and regulations of Lake Meade Property Owners Association, its successors or assigns.

UNDER AND SUBJECT, nevertheless, to certain covenants, conditions, restrictions, easements and other provisions as set forth in the aforesaid deed recorded in Deed Book 267, Page 1071, Adams County records.

Being known as: 4 Hooker Cove, East Berlin, PA 17316

Property ID No.: 8-16

TITLE TO SAID PREMISES IS VESTED IN Barry E. Miller and Donna J. Miller, his wife by Deed from Clyde C. Bachert, Jr., single person dated 8/4/00 Recorded 8/28/00 in Deed Book 2115 Page 29.

SEIZED and taken into execution as the property of **Barry E. Miller & Donna J. Miller** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance

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

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

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

2/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-542 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the Western edge of the Pennsylvania State Highway which leads from Littlestown to the Gettysburg-Hanover State Highway, which point is South six (06) degrees thirty (30) minutes East, five (05) feet from the corner of Lot No. 5; thence along Lot No. 5, South eighty-three (83) degrees thirty (30) minutes West, one hundred fifty (150) feet to lands now or formerly of Clayton E. Runk and Annie E. Runk; thence along same North six (06) degrees thirty (30) minutes West, one hundred fifteen (115) feet to a point which is South six (06) degrees thirty (30) minutes East, five (05) feet from the Southwest corner of Lot No. 2, aforesaid; thence North eighty-three (83) degrees thirty (30) minutes East, one hundred fifty (150) feet to a point along the Pennsylvania State Highway which leads from Littlestown to Gettysburg-Hanover State Highway, the place of BEGINNING. Being known and numbered as 660 Littlestown Road.

Being known as: 660 Littlestown Road, Littlestown, PA 17340

Property ID No.: J15-37

TITLE TO SAID PREMISES IS VESTED IN Marilyn R. Barrick by Deed from Steven D. Barrick and Marilyn R. Barrick, persons who are or have been married dated 2/23/95 recorded 2/28/95 in Deed Book 1000 Page 39.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

STOUCK VS. STEIN

1. A preliminary objection in the nature of a demurrer admits all well-pleaded material facts set forth in the pleadings to which it is addressed as well as all inferences reasonably deducible therefrom, but not conclusions of law.

2. In an action in equity the right to enforce a restrictive covenant is absolute and not dependent upon proof that the plaintiffs will suffer damage or harm as a result of the breach of the covenant.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 03-S-1279, WARREN AND JUDY STOUCK VS. CANDICE STEIN.

Christopher Restack, Esq., for Plaintiffs

Richard Thrasher, Esq., for Defendant

Kuhn, P.J., April 1, 2004

OPINION ON DEFENDANT'S PRELIMINARY OBJECTION

Before this Court is Defendant's Preliminary Objection to Plaintiffs' Complaint, filed January 9, 2004. For the reasons set forth herein, said objection is granted.

Background

Plaintiffs, Warren and Judy Stouck ("Plaintiffs"), are the original owners and developers of the Camelot subdivision in Cumberland Township, Gettysburg, Adams County, Pennsylvania. They have devised the Amendment to the Declaration of Restrictions, Reservations, Conditions and Protective Covenants ("Declaration of Restrictions"), adopted on June 19, 1996 and recorded by the Adams County Recorder of Deeds on June 24, 1996, on various lots within the subdivision. When the Declaration of Restrictions was adopted, Plaintiffs lived at 125 Tiffany Lane, which is property subject to the restrictions. Now, they reside at 180 Lancelot Drive, which is not subject to the restrictions. On February 25, 2002, Defendant, Candice Stein ("Defendant"), purchased Lot 31 (16 Tiffany Lane) of the subdivision, which falls under the scope of the Declaration of Restrictions.

On December 16, 2003, Plaintiffs filed their Complaint against Defendant. Substantively, Plaintiffs allege that pursuant to Article 7, Defendant was required to submit a building and landscaping design to Plaintiffs for their review and approval prior to initiating any construction on the lot. However, Defendant allegedly did not submit landscaping plans prior to construction. Also, Plaintiffs allege that

Defendant violated Article 13, which requires that all driveways be made of concrete. Yet, Defendant used asphalt for her driveway surface.

In Count I (Breach of Contract), Plaintiffs aver a contractual breach in the form of the Declaration of Restrictions by Defendant, which caused Plaintiffs and their neighbors to suffer damages.

In Count II, Plaintiffs bring an action of negligence, wherein they allege that Defendant had a duty to properly investigate and comply with any recorded Declaration of Restrictions in connection with the subdivision. They assert that at no time did Defendant indicate, by plan or submittal, that she intended to use asphalt as the driveway material for her on-site improvements. Plaintiffs further allege that Defendant chose to ignore the standard set forth in the Declaration of Restrictions, which were adopted by her fellow homeowners, thereby causing foreseeable damage/harm to Plaintiffs and Plaintiffs' neighbors. Plaintiffs request that this Court award damages associated with replacing Defendant's driveway with concrete as follows:

- i. \$1,680.00, representing the costs to demolish and remove the existing driveway.
- ii. \$5,000.00, representing the costs to replace the existing driveway with a concrete driveway.

Defendant filed her Preliminary Objection to Plaintiffs' Complaint on January 9, 2004, wherein she requests that the Court strike Count II (Negligence) from the Complaint. She argues that since Plaintiffs live at 180 Lancelot Drive, which is not subject to the Declaration of Restrictions, they have failed to allege any actual loss, damage or injury to their property.

DISCUSSION

The Court's initial difficulty in resolving the preliminary objection is to determine what cause of action is raised and what relief is requested for that claim. I note that the Complaint is captioned "Civil Action—Equity." Paragraphs 1-8 set forth the background. Paragraph 9 requests the Court to "order defendant to comply with the duly recorded Deed Restrictions and remove and/or replace the driveway as required by Article 13." Paragraph 10 sets forth an alternative remedy of awarding Plaintiffs damages in an amount equal to the estimated cost for the work to be done. Count I includes Paragraphs 11-20 and Count II includes Paragraphs 21-29. Finally, Plaintiffs include a "Wherefore" clause requesting the aforesaid

money damages and “such other and fuller relief as that cause requires.”¹ Thus, it is unclear whether Plaintiffs are proceeding in equity, at law, or in both equity and law.

A preliminary objection in the nature of a demurrer admits all well-pleaded material facts set forth in the pleadings to which it is addressed as well as all inferences reasonably deducible therefrom, but not conclusions of law. *Lobdell v. Leichtenberger*, 658 A.2d 399, 401 (Pa.Super. 1995). Initially, this discussion will address Count II as an action at law. In order to sustain the demurrer, it is essential that Plaintiffs’ Complaint indicates on its face that the negligence claim cannot be sustained, and the law will not permit recovery. See *id.* If there is any doubt, the demurrer should be overruled. *Id.* The Court reviews Defendant’s Preliminary Objection to Count II (Negligence) as being that of a demurrer.

Defendant argues that since Plaintiffs live at 180 Lancelot Drive (not 125 Tiffany Lane as indicated in the Declaration of Restrictions), which is property not subject to the restrictions, they have not alleged any actual damage, loss or injury to their property. She contends that because Plaintiffs have not set forth such an allegation, they have failed to allege one of the basic elements of a negligence claim, that being, injury.

Plaintiffs concede that their property, located at 180 Lancelot Drive, is not subject to the Declaration of Restrictions. However, they argue that pursuant to Article 35 of the restrictions, they have standing to enforce the provisions contained therein.

Article 35 of the Declaration of Restrictions provides:

ENFORCEMENT: In the event of any violation or attempt to violate any of the restrictive covenants contained herein, Owners,...may prosecute any proceeding

¹ As noted in *Naugle, et ux. v. Miller, et al.*, 40 ACLJ 209, 218 (1998), when both legal and equitable relief are sought in an equity action, the court will adjudicate both claims for relief in order to “do complete justice and avoid piecemeal litigation.” *Trumble Services, Inc. v. Franchise Realty Interstate Corporation*, 285 A.2d 113, 117 (Pa. 1971). “Obtaining legal relief in equity does not require separate pleading of equitable and legal causes of action in separate counts; claimant need merely combine in his prayer for relief in the equity cause of action all forms of relief sought.” *Commonwealth v. Kitchen Appliances (No. 1)*, 27 D&C 3d. 91, 99 (1981). At this point, however, the Court’s focus is limited by the preliminary objections raised. To digress further beyond the issue raised would be inappropriate.

at law or in equity against the person or persons violating or attempting to violate the same, in order to prevent such a violation or to recover damage for the same.

Article 2 (Definitions) defines “Owners” as “Warren W. Stouck and Judith O. Stouck, individually, or the succeeding devisees or legatees of Warren W. Stouck and Judith O. Stouck, upon their death, or the successors, executors, administrators and assigns.”

Although Article 35 clearly states that Plaintiffs have the right to bring an action against a property owner who violates or attempts to violate the Declaration of Restrictions, this, alone, does not provide Plaintiffs with standing to bring such an action. I believe the first issue to address is whether Plaintiffs have any right or interest in the property for the benefit of which the restrictions were imposed; that is, whether they benefit from the enforcement of the restrictions at their property located at 180 Lancelot Drive. If Plaintiffs do not have any right or interest in the property benefited by the restrictions, then they do not have standing to bring an action for the enforcement of such restrictions or recovery of damages for breach thereof. See *Grasso v. Thimons*, 559 A.2d 925, 928 (Pa.Super. 1989); see generally *Scipio v. Barton Glen Club*, 633 A.2d 213, 214-215 (Pa.Super. 1993).

Here, although Plaintiffs’ property is not burdened by the Declaration of Restrictions, it is, nevertheless, part of the subdivision. Plaintiffs, therefore, have an interest in property benefited by the restrictions as property owners within the subdivision. Presumably, their benefit from the enforcement of the restrictive covenant is the increase in their property value, however slight, and the aesthetically pleasing and homogeneous nature of the neighborhood. Therefore, Plaintiffs have standing to bring an action against Defendant due to their interest as property owners within the subdivision.

Plaintiffs argue that the damages they suffer as a result of Defendant’s alleged negligence is the sum of money they will have to spend, as enforcement agents for the Homeowner’s Association, to remove and replace Defendant’s driveway. However, I believe that Plaintiffs “doth assume too much.” They fail to explain what right they have to enter upon Defendant’s property to remove or replace

the driveway. Under a negligence cause of action, without that right they would not incur the cost of removal or replacement.²

At most, under the negligence claim, I believe the measure of damages would be the difference in value of the benefited property as protected by the restrictions and its value with the restrictions having been violated. This diminution of value has not been averred.

Thus, for the reason that Plaintiffs have not averred the proper measure of damages for an action at law in negligence, Defendant's preliminary objection will be granted to the extent Plaintiffs plead such an action.

However, to the extent that Plaintiffs are seeking relief in equity, Defendant's objection is denied. In an action in equity the right to enforce a restrictive covenant is absolute and not dependent upon proof that the plaintiffs will suffer damage or harm as a result of the breach of the covenant. *Logston v. Penndale, Inc.*, 576 A.2d 59, 63 (Pa.Super. 1990), citing *Loeb v. Watkins*, 240 A.2d 513 (Pa. 1968); *Gey v. Beck*, 586 A.2d 672, 680 (Pa.Super. 1990).

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 1st day of April, 2004, Defendant's Preliminary Objection, filed January 9, 2004, is hereby granted.

² Normally, a successful plaintiff in a negligence action is awarded damages, which, if not satisfied, can be the basis for an execution upon the defendant's real estate.

SHERIFF'S SALE

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

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

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

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

UNDER AND SUBJECT, NEVERTHELESS, that the hereby granted piece of land shall be and remain subject to the following condition: That no mobile homes or trailers may be used for residential purposes.

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

Premises being: 725 Gettysburg Road, Littlestown, PA 17340

Tax Parcel No. 108B Map I-17

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 25, 2005, and distribution will be made in accordance

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

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

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

2/18, 25 & 3/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-12 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground with improvements thereon, situate, lying and being in the Borough of New Oxford, County of Adams and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a corner of Orange and High Street, on the Southwest side of the W.M.R.R.; thence along said High Street, North seventy-one (71) degrees East, about one hundred and twenty (120) feet to center of said railroad; thence along said railroad Westward to Orange Street; thence along said Orange Street, South nineteen (19) degrees East, about one hundred and fifty (150) feet to the place of BEGINNING.

Being known as 130 West High Street, New Oxford, PA 17350

Property ID No.: 4-95

TITLE TO SAID PREMISES IS VESTED IN Thomas Morgan, by Deed from Donald A. Bixler, dated 08/31/01, recorded 09/04/01, in Deed Book 2393, Page 304.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1128 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Mount Pleasant Township, Adams County, Pennsylvania, being more particularly bounded and limited as follows, to wit:

Lot No. 553 on a Plan of Lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book 4, at Page 665 and subject to all legal highways, easements, rights of way and restrictions of record.

Map 5, Parcel 81

TITLE TO SAID PREMISES IS VESTED IN Harold L. Doty and Charlotte A. Doty, his wife by Deed from Journey E. Henderson and Patricia S. Henderson, his wife, dated 4/26/1994 and recorded 5/2/1994 in Record Book 879 Page 157.

Premises being: 553 Hooker Drive, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Harold L. Doty & Charlotte A. Doty** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1144 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of March, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, situate, lying and being in Menallen Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

BEGINNING at an iron pin on the westerly edge of a 33-foot private drive at Lot No. 15; thence by said Lot No. 15 North forty-nine (49) degrees fifty-two (52) minutes twenty (20) seconds East, three hundred thirty and fifty-two hundredths (330.52) feet to a point at lands now or formerly of Grayson P. Showers; thence by said lands South thirty-nine (39) degrees forty-eight (48) minutes twenty (20) seconds East, one hundred eighteen and twenty-five hundredths (118.25) feet to an iron pin in a chestnut stump at lands now or formerly of Joe S. Serensits; thence by said lands South eight (8) degrees thirty-four (34) minutes forty (40) seconds West, four hundred forty-two and seventy-eight hundredths (442.78) feet to an iron pin at Lot No. 13; thence by said lot and through the cul-de-sac of Twin Oak Road and by Lot No. 16 North thirty-nine (39) degrees fifty-five (55) minutes West, four hundred ten and eighty-four hundredths (410.84) feet to the place of BEGINNING, CONTAINING 2.006 ACRES.

The above description was taken from a draft of survey dated November 16, 1970 and revised June 29, 1973 prepared by Gettysburg Engineering Co., Inc. and recorded in Adams County Plat Book 3 at page 31. Being Lot No. 14 thereon.

SUBJECT, to all rights-of-way, restrictions, conditions and easements more fully set forth in Deed Book 318 at page 985 and the above recited subdivision plan.

BEING THE SAME PREMISES which Wilda B. Sheaffer by deed dated April 23, 1998 and recorded July 27, 1998 in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1627 at Page 288 conveyed this property unto David A. Sheaffer.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 11, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1238 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of April, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in Cumberland Township, Adams County, Pennsylvania, being known as Unit No. 18 in Roselawn, a Planned Community, more particularly bounded and described in the As Built House Location Plan dated October 21, 2003 and recorded 6/29/2004 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Miscellaneous Drawer, Record Book 3362 at Page 116 and the Declaration Plan relating to Roselawn, a Planned Residential Community, recorded on June 18, 2002 in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in Record Book 2702 at Page 326, and the Declaration Plat recorded in the aforementioned Declaration Plan as Exhibit "D" and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania in the Miscellaneous Drawer as set forth in Plan Book 76 at Page 51 which unit includes an undivided interest in the Common Expenses as defined and provided for in said Declaration all as amended which the first amendment is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 2948 at Page 29 and the second amendment is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 3459 at Page 231. Together with the right to use and enjoyment of the Common Elements as defined and provided for in said Declaration. Subject nevertheless to conditions and

covenants contained in the said Declaration and Exhibits thereto as well as the Bylaws for the Roselawn Homeowners Association, Inc. recorded June 18, 2002 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Record Book 2703 at Page 1.

Map #9-F12-247

TITLE TO SAID PREMISES IS VESTED IN Anastocios Ernest Tomares by Deed from Roselawn L.L.C. dated 5/27/2004 and recorded 6/29/2004 in Record Book 3622, Page 116.

Premises being: 13 Delaware Ridge, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Anastocios E. Tomares a/k/a Anastocios Ernest Tomares** and to be sold by me.

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

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

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

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

2/11, 18 & 25

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 HAZEL G. CROUSE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

ESTATE OF THOMAS L. NEWMAN, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

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

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

ESTATE OF ELLEN L. WILLIAMS, DEC'D

Late of Reading Township, Adams County, Pennsylvania

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

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

SECOND PUBLICATION

ESTATE OF C. ROBERT BROTHERS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

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

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

ESTATE OF FRED BERNARD EMLET, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

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

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

ESTATE OF CARL E. HERR, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

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

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

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

Late of the Borough of Bonneauville, Adams County, Pennsylvania

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

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

ESTATE OF HENRY E. LARKIN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

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

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

ESTATE OF SHAY B. LIVINGSTON, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

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

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

ESTATE OF LEAH A. MAITLAND, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

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

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

ESTATE OF RALPH M. MYERS, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania

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

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

ESTATE OF N. LOUISE RAMER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

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

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

ESTATE OF CHESTER S. SHUE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

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

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

ESTATE OF JEANNE H. SWISHER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

ESTATE OF BEULAH B. ZEIGLER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

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

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

(continued on page 6)

THIRD PUBLICATION

ESTATE OF RUTH A. EBBERT a/k/a
RUTH E. EBBERT, DEC'D

Late of Butler Township, Adams
County, Pennsylvania

Co-Executors: Joyce R. Trostel, 1721
Potato Road, Biglerville, PA 17307;
Donna Rae Plank, 2840 Table Rock
Road, Biglerville, PA 17307; Dennis
A. Ebbert, 319 Rake Factory Road,
Biglerville, PA 17307; Ronald G.
Ebbert, 490 Rake Factory Road,
Biglerville, PA 17307

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

ESTATE OF MARIAN L. HERR, DEC'D

Late of Oxford Township, Adams
County, Pennsylvania

Executor: Bradley E. Herr, c/o Douglas
H. Gent, Esq., Law Offices of
Douglas H. Gent, 1157 Eichelberger
Street, Suite 4, Hanover, PA 17331

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

SHERIFF'S SALE

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

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

BEGINNING at the southwestern corner
hereof, at an existing pipe off the South
side of Tom's Creek, on line of lands of
Ethel B. Flenner and at corner of land of
Mrs. Harvey Woodring (formerly a part
hereof); thence crossing Tom's Creek, run-
ning through an existing pipe off the North
side of Tom's Creek, by land of Mrs.
Harvey Woodring aforesaid, North 13
degrees 10 minutes and 40 seconds East,
177.31 feet to an existing pipe, thence by
said last mentioned land, North 76
degrees 39 minutes 10 seconds West,
10.07 feet to an existing pipe, thence by
said last mentioned land, North 13
degrees 48 minutes 40 seconds East, run-
ning through an existing steel rod near the
middle of this course, and crossing the
Iron Springs Road (L.R. 01015) near the
end of this course, 161.55 feet to an

existing angle iron at the Northwest corner
hereof; thence by land of Guy Bowling and
land of Leroy Shelton, South 82 degrees
42 minutes 30 seconds West, 249.85 feet
to an existing old square steel rod driven
15 feet North of the center line of the State
Highway aforesaid; thence by land of
Constance Alering, running along the
North side of said State Highway and in
the same, South 81 degrees 30 minutes
00 seconds East, 289 feet to a railroad
spike set on the North edge of said State
Highway at the Northeast corner hereof;
thence crossing said State Highway and
by land of Cindy Welsh, South 4 degrees
56 minutes 10 seconds East, 289.63 feet
to a steel rod driven at the Southeastern
corner hereof; thence by land of Ethel B.
Flenner, North 87 degrees 38 minutes 30
seconds West, crossing Tom's Creek
343.9 feet to a steel rod off the South edge
of said creek; thence continuing by said
mentioned land, North 86 degrees, 34
minutes, 40 seconds West, 284.67 feet to
the above described place of BEGIN-
NING. CONTAINING 4.202 acres.

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

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

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

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

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

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

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

2/25, 3/4 & 11

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN TO ALL
persons interested or who may be affect-
ed, that FRIENDS OF THE GUERNSEY
BRIDGE, INC., with its registered office
at 193 Smith Road, York Springs,
Pennsylvania, a nonprofit corporation,
has elected, pursuant to Resolution duly
adopted at a meeting of the Board of
Directors, to voluntarily dissolve the cor-
poration and intends to file Articles of
Dissolution with the Department of State
of the Commonwealth of Pennsylvania at
Harrisburg, Pennsylvania. The Board of
Directors is now engaged in winding up
and settling the affairs of said corpora-
tion so that its corporate existence shall
be ended under the provisions of the
Pennsylvania Nonprofit Corporation Law
of 1988.

Dated: February 15, 2005
Harold A. Eastman, Jr., Esq.
Puhl, Eastman & Thrasher
220 Baltimore Street
Gettysburg, PA 17325

2/25

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that on
January 10, 2005, Articles of
Incorporation were filed with the
Department of State of the Common-
wealth of Pennsylvania, incorporating
NuLine Electric, Inc., under the provi-
sions of the Business Corporation Law.

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

The location and post office address of
the initial registered office of said corpora-
tion is 355 Lafayette Drive, Littlestown,
PA 17340.

Amy E. W. Ehrhart, Esq.
141 Broadway, Suite 230
Hanover, PA 17331
(717) 632-9580

2/25