

# Adams County Legal Journal

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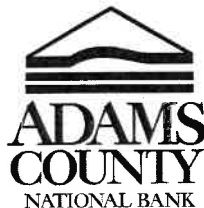
## IN THIS ISSUE

TATE ET AL VS. SWAN LAKE ET AL

*This opinion continued from last issue (10/27/2006)*

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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-249 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 December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, situate, lying and being in McSherrystown Borough, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING for a point along the Easterly right-of-way line of Westview Drive and Lot No. 21 of the hereinafter referred to Subdivision Plan; thence along said Lot No. 21, North 70 degrees 40 minutes 31 seconds East 82.79 feet to a point at lands now or formerly of Philip L. Hagerman; thence along said lands now or formerly of Philip L. Hagerman, South 30 degrees 30 minutes 55 seconds East, 51.00 feet to a concrete monument along the Northerly right-of-way line of North Street; thence along the Northerly right-of-way line of North Street, South 59 degrees 29 minutes 12 seconds West, 73.79 feet to a point at the intersection of North Street and Westview Drive; thence along the intersection of North Street and Westview Drive, North 69 degrees 55 minutes 08 seconds West, 26.27 feet to a point along the Easterly right-of-way line of Westview Drive; thence along the Easterly right-of-way line of Westview Drive, North 19 degrees 19 minutes 29 seconds West, 47.67 feet to a point, the place of BEGINNING.

CONTAINING 5,029.3392 square feet and being identified as Lot No. 21-A on the Final Subdivision Plan of McSherrystown West, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 64, Page 20.

SAID tract of land being subject to the Protective Covenants and Restrictions for McSherrystown West dated January 12, 1994, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 835, Page 35.

BEING known as 4 Westview Drive, McSherrystown, PA 17344.

BEING the same premises which Manuel J. Rivera, an unmarried man and Karen T. Secrest f/k/a Karen T. Rivera, a married woman, by Deed dated May 9, 2005 and recorded May 20, 2005 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 3971, Page 227, granted and conveyed unto Scott Buchman and Ellen Buchman, husband and wife.

PARCEL No. 28, 002-0215.

SEIZED and taken into execution as the property of **Scott Buchman & Ellen Buchman** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/27, 11/3 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-770 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 December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in the centerline of PA. Route 394 at corner of Lot No. 1 on Plat hereinafter referred to, thence in centerline of PA. Route 394 South 66 degrees 00 minutes 00 seconds

East, 386.45 feet to a PK nail in the centerline of aforesaid Road; thence continuing in said centerline of PA. Route 394 South 66 degrees 34 minutes 00 seconds East, 148.72 feet to a railroad spike at corner of Lot No. 3; thence by same South 24 degrees 00 minutes 00 seconds West, passing through an iron pin back 25 feet from centerline of PA. Route 394, 807.47 feet to an iron pin at 4 foot oak at lands of Richard E. Kammerer; thence by same North 67 degrees 40 minutes 09 seconds West, 535.39 feet to an iron pin at corner of Lot No. 1; thence by same North 24 degrees 00 minutes 00 seconds East, passing through an iron pin back 25 feet from the centerline of PA. Route 394, 821.60 feet to a railroad spike in centerline of aforesaid Road, the place of BEGINNING. CONTAINING 10.000 Acres.

Being Known As: 185 Hunterstown-Hampton Road, (Straban Township), Gettysburg, PA 17325

Property ID No.: 38-H10-105

TITLE TO SAID PREMISES IS VESTED IN Jack J. Goulet and Andree M. Goulet, husband and wife, as tenants of an estate by the entireties by deed from Gilbert C. Fisher and Evelyn Fisher, husband and wife dated 9/13/1978 recorded 9/18/1978 in Deed Book 340 Page 514.

SEIZED and taken into execution as the property of **Jack J. Goulet, Andree M. Goulet & The United States of America** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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10/27, 11/3 & 9

**B. Plaintiffs have not produced enough evidence on their cause of action under 42 U.S.C. § 1983 to withstand Defendants' argument that Attorney Dowling's involvement was legally insufficient to qualify him as a state actor.**

Next, Defendants argue that Dowling's status as an attorney in private practice does not render him a "state actor" and therefore § 1983 is not applicable to any claim against him. "It is well settled that an attorney is not a state actor for purposes of section 1983 by virtue of being licensed by the state and otherwise working in the highly regulated profession." *Pellegrino Food Prods. Co. v. City of Warren*, 136 F. Supp. 2d 391, 409 (W.D. Pa. 2000). However, an attorney may become a state actor by conspiring with a state official to deprive a person of his or her constitutional rights. *Id.* To maintain a § 1983 conspiracy claim, a plaintiff must set forth factual allegations of agreement, combination, or understanding among all or between any of the defendants to plan, plot, or conspire to carry out the alleged chain of events. *Id.* Additionally, conspiracy requires an agreement of two or more persons to commit a criminal or unlawful act by unlawful means or for an unlawful purpose. *Id.*

If it is established that an attorney conspired with a state official to deprive a person of his or her constitutional rights, the applicability of the intracorporate conspiracy doctrine (ICD) must be examined. The ICD maintains that a corporation cannot conspire with its agents. *Heffernan v. Hunter*, 189 F.2d 405, 412 (3rd Cir. 1999). Therefore, where employees or agents for the corporation act within the scope of their employment, there can be no conspiracy between the corporation and its employees or agents. See *Rutherford v. Presbyterian- Univ. Hosp.*, 312 A.2d 500, 508 (Pa. Super. 1992).

By analogy, the Third Circuit applied the ICD to the attorney-client context. *Heffernan*, 189 F.2d at 413. In explaining the rationale behind applying the ICD to the attorney-client context, the Third Circuit highlighted important differences between the agency relationship involved in private corporate activities and those arising in the practice of law:

The right of a litigant to independent and zealous counsel is at the heart of the adversary system and, indeed, invokes constitutional concerns. Counsels' conduct within the scope of representation is regulated and enforced by disciplinary bodies established by the courts. Abuses

in litigation are punishable by sanctions administered by the courts in which the litigation occurs. This regulatory framework provides third parties with protection that is lacking in the corporate field. Despite the absence of such safeguards in the business setting, most courts nevertheless apply the intracorporate conspiracy ban. That being so, it follows all the more that we should enforce the ban on conspiracies in the attorney-client context where even more compelling policy concerns exist.

*Id.*

There are two exceptions to the ICD that would permit the formation of a conspiracy between attorneys and clients. The first exception to the ICD applies when attorneys act for their sole personal benefit and thus outside the course and scope of their representation. *Id.* at 412, 413. “However, the mere fact that attorneys have ‘mixed motives,’ such as ‘enhancing’ their reputation by aggressive representation, does not remove their conduct from the scope of the agency.” *Id.* at 413. Moreover, the activities of attorneys may violate the canons of ethics, but as long as they remain within the scope of representation, the ICD remains applicable. *Id.* Furthermore, attorneys may act in bad faith or with the illegitimate purpose of abusing process and still remain in the scope of their representation. *General Refractories Co. v. Firemen’s Fund Insurance Co.*, 337 F.3d 297, 314 (3rd Cir. 2003).

The second exception to the ICD applies when there is a third party to the conspiracy who is not an employee or agent of the corporation. *O’Neill v. ARA Services, Inc.*, 457 F. Supp. 182, 188 (E.D. Pa. 1978).

I find that Plaintiffs’ cause of action under § 1983 does not withstand Defendants’ argument that Dowling’s involvement was legally insufficient to qualify him as a state actor and provide this Court with jurisdiction.

Here, Dowling’s status as a private attorney in private practice would not render him a state actor in accordance with *Pellegrino*. Therefore, Dowling can only become a state actor if he conspired with a state official to deprive a person of his or her constitutional rights. Because this Court has determined that Hager and Dacheux are state actors, Dowling may become a state actor if a conspiracy is established between him, the constables, and the Bastis.

In their pleadings, Plaintiffs assert that the Basts and the constables acted at Dowling's direction. It is important to note that nowhere in the pleadings do Plaintiffs aver the elements for a § 1983 conspiracy claim. Thus, because Plaintiffs failed to establish the elements of conspiracy and Dowling can only become a state actor if he conspires with a state official (the constables), Dowling cannot be rendered a state actor under § 1983 on this basis alone.

However, assuming *arguendo* that Plaintiffs did establish a conspiracy between Dowling, the constables, and the Basts, Dowling would still not become a state actor because of the ICD.<sup>12</sup> Here, Swan Lake is a corporation owned by the Basts which employed Dowling, the constables, Schuchart, and Warehime.<sup>13</sup> Throughout the incidents in question, Dowling acted as the attorney for Swan Lake and, in turn, the Basts.

During Dowling's representation of Swan Lake, Dowling (1) counseled the Basts regarding the discharge of Tate and the recovery of corporate property; (2) acted as the Basts' liaison with the police and the District Attorney's office; (3) contacted Gochenauer to determine how the farm could be secured; (4) arranged for the constables to be present on December 9, 2000; (5) directed the constables to merely "keep the peace" on December 9, 2000; and (6) prepared two letters on behalf of the Basts advising Tate that his employment with Swan Lake was terminated and warning him not to trespass upon the Thomas farm and Bast or Swan Lake property.

Throughout all of these actions, Dowling clearly was acting in the course and scope of his representation of Swan Lake. There is no evidence that Dowling acted for his sole personal benefit; instead, evidence suggests he was motivated to serve the interests of his client, Swan Lake. Even if Dowling was motivated to enhance his reputation by aggressively representing his client through any of these actions, Dowling still acted within the course and scope of his representation of Swan Lake. Moreover, even if Dowling's actions could be construed as violating the canons of ethics (and, I am not suggesting that they do), his actions remained within the course and scope of his representation of Swan Lake. Lastly, even if Dowling's

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<sup>12</sup> Since the ICD has been applied to the attorney-client context, it is applicable to assess Dowling's involvement with the employees and agents of Swan Lake.

<sup>13</sup> Given her familial relationship with the owners of Swan Lake, Sarah Bast could also be considered an agent of Swan Lake.

actions were in bad faith or with the illegitimate purpose of abusing process, his actions remained within the course and scope of his representation of Swan Lake. Thus, pursuant to the standards of *Heffernan* and *General Refractories Co.*, Dowling's actions remained within the course and scope of his representation of Swan Lake, thereby allowing the ICD to apply and precluding a conspiracy with the constables.

Next, the ICD would apply to Dowling because he did not conspire with any third parties who were not employees or agents of Swan Lake.<sup>14</sup> Consequently, Dowling's conduct with the employees or agents of Swan Lake does not exempt him from the immunity of the ICD.

Thus, because Dowling's conduct throughout the disputed events was in the course and scope of his representation of Swan Lake and he did not conspire with any third parties who were not employees or agents of Swan Lake, Dowling would be subject to the ICD and thereby would not qualify as a state actor for § 1983.

## **II. The constables are not entitled to dismissal of the 42 U.S.C. § 1983 action on the basis of qualified immunity.**

The constables claim they are entitled to dismissal from the § 1983 claim on the basis of qualified immunity. I conclude that they are not entitled to such relief.

Qualified immunity is an affirmative defense. *Eddy v. Virgin Islands Water and Power Authority*, 256 F.3d 204, 209 (3rd Cir. 2001). It is viewed as an entitlement not to face the burdens of litigation or stand trial rather than a defense to liability. *Saucier v. Katz*, 533 U.S. 194, 200 (2001). As such:

Qualified immunity shields public officials performing discretionary functions from § 1983 and Fourteenth Amendment liability 'insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have

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<sup>14</sup>Plaintiffs maintain that Dowling, the constables, Warehime, and Sarah Bast are third parties who are not agents of Swan Lake who took part in the actions with the Basts. However, this contention lacks merit because Dowling, the constables, and Warehime were clearly paid employees or agents of Swan Lake. Furthermore, as already stated, Sarah Bast should be treated as an agent of Swan Lake because she is the daughter of the owners.

known....' Our qualified immunity inquiry is a two step process. First, we must determine whether the defendants violated "clearly established" rights. This entails a finding of a constitutional or statutory violation as well as a finding that the violated right was clearly established at the time of the violation. Second, we determine whether a reasonable officer would have believed that his or her conduct deprived the plaintiff of his or her constitutional rights. (citations omitted).

*Harvey*, 421 F.3d at 191.

The inquiry of the court must be based upon the specific context of the case and not in accordance with broad general principles. What is reasonable can be understood based upon conduct previously held unlawful, but there does not have to be previous precedent directly on point. Rather, the unlawfulness of the conduct must be "apparent" even if precise factual circumstances have not been previously litigated. *Conway v. Nark*, 2001 U.S. Dist. Lexis 24048 (E.D. Pa. 2001).

Thus, first there must be a clearly established right which is allegedly being violated. Here, the right allegedly being violated has been clearly established. Plaintiffs claim they were deprived of their property without due process. Procedural due process before deprivation of property rights has been clearly established for decades. *Abbot*, 164 F.3d at 148. Defendants have not seriously addressed this step in the analysis. Instead, they focus on the second step.

The constables argue that their conduct was reasonable in view of the circumstances. Although they may ultimately convince a fact finder<sup>15</sup> of the reasonableness of their conduct, for purposes of summary judgment and after examining the evidence in a light most favorable to Plaintiffs, they have not established their entitlement to qualified immunity as a matter of law. I rely upon the decisions in

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<sup>15</sup>The Third Circuit "has held that 'qualified immunity is an objective question to be decided by the court as a matter of law....' 'The jury, however, determines disputed historical facts material to the qualified immunity question....' 'A judge may use special jury interrogatories, for instance, to permit the jury to resolve the disputed facts upon which the court can then determine, as a matter of law, the ultimate question of qualified immunity....' At this stage, however, the summary judgment standard requires the Court to resolve all factual disputes in [plaintiff's] favor and grant her all reasonable inferences, obviating any need to look to a jury. *Harvey*, 421 F.3d at 194, note 12.

*Abbot* and *Harvey* in support of this conclusion. The facts from each case were discussed above.

In *Abbot*, the Third Circuit held that reasonable police officers should know from established procedures that “their role is not to be participants in property deprivations without notice and an opportunity to be heard.” *Id.* at 149. The court described the constable as conducting a “curbside courtroom” where he decided who was entitled to possession. The same could be said here when the constables directed Tate to surrender the contents of a briefcase. The court also referred to the point in time when the officer’s conduct crossed the line between protector of the peace and enforcer. Likewise, here a fact finder could conclude that the constables were more actively involved than just “keeping the peace.” Similarly, in *Harvey*, the Third Circuit again reviewed the action of an officer purportedly present to keep the peace during a repossession who became more actively involved by directing that the apartment door be opened.

In both cases, the Court determined that a reasonable officer who was present for the purpose of keeping the peace would not have become so actively involved in the entitlement to possession question and in both cases, summary judgment on qualified immunity grounds was denied. Here, the constables did more than observe the interactions of the parties by assisting in searches for items and carrying boxes.

Accordingly, I am unable to conclude as a matter of law that the constables are entitled to dismissal of the § 1983 action on the basis of qualified immunity.

### **III. Plaintiffs have not produced enough evidence on their civil rights action under the Pennsylvania Constitution to overcome Defendants’ Motion for Partial Summary Judgment as to Count III.**

Plaintiffs averred that Defendants violated their civil rights under the Pennsylvania Constitution in their Amended Complaint. Defendants filed this present motion, arguing that Plaintiffs cannot assert a claim under the Pennsylvania Constitution because (1) Plaintiffs do not state which provision of the Pennsylvania Constitution applies; (2) the Pennsylvania Constitution does not self execute and requires enabling legislation to create a private cause of action for violations of due process and equal protection rights; (3)



private parties seeking relief under the Pennsylvania Constitution receive remedial relief and not the award of damages; and (4) the Pennsylvania Supreme Court has adopted the same standards and analysis as the United States Supreme Court in interpreting and applying Article 1, Section 26 of the Pennsylvania Constitution.<sup>16</sup>

The non-moving party bears a clear duty to respond to a motion for summary judgment. Pa. R.C.P. 1035.3(a)(1)-(2); *Harber Philadelphia Center City Office Ltd. v. LPCI Ltd. P'ship, LCCO*, 764 A.2d 1100, 1104 (Pa. Super. 2000). The non-moving party's response must set forth evidence showing the existence of the facts essential to the cause of action or defense which the motion cites as not having been produced. Pa. R.C.P. 1035.3(2). The non-moving party may not rest upon the averments contained in its pleadings; instead, it is required to show, by depositions, answers to interrogatories, admissions or affidavits, that there is a genuine issue for trial. *Buckno v. Penn Linen & Unif. Serv., Inc.*, 631 A.2d 674, 676 (Pa. Super. 1993). If the non-moving party does not respond, the court may grant summary judgment on that basis. Pa. R.C.P. 1035.3(d); *Harber Philadelphia Center City Office Ltd.*, 764 A.2d at 1105 (emphasis added).

Here, Plaintiffs averred their civil rights claim under the Pennsylvania Constitution in their Amended Complaint, but failed to respond to Defendants' arguments in this present motion in accordance with Pa. R.C.P. 1035.3(a)(1)-(2). Consequently, Plaintiffs' civil rights claim under the Pennsylvania Constitution is waived. Moreover, even if Plaintiffs are able to clear the stated procedural hurdles, Plaintiffs' claim would still fail on its merits because this Court is persuaded by Defendants' arguments.

Thus, because of the aforesaid reasons, Plaintiffs' civil rights claim under the Pennsylvania Constitution cannot stand.

**IV. Plaintiffs have not produced enough evidence under their Trespass action against Dowling to overcome Defendants' Motion for Partial Summary Judgment as to Count V.**

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<sup>16</sup> Article 1, Section 26 of the Pennsylvania Constitution states: "Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right."

Defendants argue that no claim for trespass can be brought against Dowling because the ICD immunizes Dowling from liability.<sup>17</sup> A party is liable for trespass if he intentionally enters land in possession of another or causes a third party to do so. Restatement (Second) of Torts, § 158(a)(1965). If any act of a party intentionally causes a third person to enter land, he is as fully liable as though he himself enters. Restatement (Second) of Torts, § 158 cmt. j (1965). Moreover, if a party commands or requests a third person to enter land in the possession of another, the party is responsible for the third person's entry if it be a trespass. *Id.*

Here, because Dowling did not trespass upon Plaintiffs' residence personally, he can only be held liable for trespass if he caused a third party (the Basts or the constables) to enter Plaintiffs' residence. Although Plaintiffs claim that Dowling "electronically" participated in the incidents by directing the Basts and the constables to trespass upon Plaintiffs' residence, our review of the record reveals no factual evidence supporting Plaintiffs' claim.<sup>18</sup> Consequently, because Dowling did not direct the Basts or the constables to enter Plaintiffs' residence, Plaintiffs' claim for trespass against Dowling cannot stand.

Thus, for the aforesaid reasons, Defendants' Motion for Partial Summary Judgment is granted in part and denied in part.

Accordingly, the attached Order is entered.

### ORDER

AND NOW, this 10th day of February, 2006, in accordance with the reasoning set forth in the attached Opinion, Defendants' Motion for Partial Summary Judgment is granted in part and denied in part. Defendant Dowling is removed as a defendant on Counts III and V. To the extent that Plaintiffs allege a civil rights violation in Count III under the Pennsylvania Constitution, that claim is dismissed. Otherwise, Defendants' motion is denied.

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<sup>17</sup> Plaintiffs' claim for trespass arises from their contention that Dowling, who remained at the Bast residence during the incidents in question, "electronically" participated in the incidents by directing the Basts and the constables to trespass upon Plaintiffs' residence.

<sup>18</sup> This Court finds that although Dowling provided the Basts with legal advice and remained at the Bast residence during the time of the incidents in question, there is no evidence that Dowling "electronically" directed the Basts or the constables to enter the Plaintiffs' residence. Instead, it appears that the Basts were motivated by their daughter's allegations to protect their investments and to expeditiously have Tate removed from association with them.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-849 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Tax Parcel No. 29-B5-6

ALL that certain tract of land situate on South Mountain in Menallen Township, Adams County, Pennsylvania, bounded, limited and described as follows:

BEGINNING at a nail in the centerline of Legislative Route No. 01041 a road leading to Shippensburg and at corner of lands now or formerly of Gary D. Reihart, Inc.; thence South 40 (incorrectly stated as 46 degrees in prior deeds of record) degrees 29 minutes 43 seconds West, 1,949.07 feet to a pin; thence North 48 degrees 24 minutes West, 200 feet to a point at corner of lands now or formerly of Miles D. Daniels and wife; thence along the property line of land now or formerly of Miles D. Daniels and wife, North 41 degrees 05 minutes 37 seconds East 2,035.06 feet to a point in the centerline of Legislative Route No. 01041; thence South along the centerline of said road South 23 degrees 18 minutes 11 seconds East, 148.86 feet to a point in the centerline of Legislative Route No. 01041; thence along the centerline of said road South 21 degrees 29 minutes 52 seconds East, 51.14 feet to the point and PLACE of BEGINNING.

CONTAINING 8.67 ACRES, MORE OR LESS, also known as parcel number 3 according to a survey by Ernest J. Walker, Professional Engineer, dated May 16, 1968, and as revised by Noel B. Smith, Registered Surveyor, dated August 19, 1968.

BEING the same premises which Calvin L. Olt and Wendy L. Olt, his wife, by their deed dated October 03, 2003 and recorded in the Adams County Courthouse in Deed Book 3333 on page 343 granted and conveyed to Samuel M. Fittry and Constance A. Fittry, his wife mortgagors.

Premises Being: 2588 Shippensburg Rd., Biglerville, PA

SEIZED and taken into execution as the property of **Samuel M. Fittry & Constance A. Fittry a/k/a Contante A. Fittry** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22,

2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/27, 11/3 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-842 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 December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a steel pin set in the centerline of Latimore Creek Road (T634), said pin marking the common point of adjinder of lots numbered 6 and 7 on the hereinafter mentioned plan of subdivision with the centerline of said Latimore Creek Road; thence departing from the centerline of Latimore Creek Road and extending along Lot No. 6, South 66 degrees 40 minutes 00 seconds West, through a steel pin set on the Southwestern most dedicated right-of-way line of Latimore Creek Road a distance of 25 feet from the origin of this call, for a total distance of 732.82 feet to a steel pin at lands now or formerly of Paul B. Lerew; thence extending along lands now or formerly of Paul B. Lerew, North 31 degrees 12 minutes 15 seconds West, for a distance of 151.43 feet to a steel pin at Lot No. 8 on the hereinafter mentioned plan of subdivision; thence extending along Lot No. 8, North 66 degrees 40 minutes 00 seconds East, through a steel pin set on the Southwestern most dedicated right-of-way line of Latimore Creek Road a distance of 25 feet from the terminus of this call, for a total distance of 747.14 feet to a steel pin set in the centerline of said Latimore Creek Road; thence extending in and through the centerline of Latimore Creek Road the following two courses and distances, (1) South 23 degrees 20 minutes 00 seconds East, for a distance of 34.32 feet to a pin in the centerline of said roadway at lands now or formerly of G. Henry Osborn; (2) thence continuing in

and through the centerline of said roadway, South 26 degrees 30 minutes 15 seconds East, for a distance of 115.86 feet to a steel pin in the centerline of said Latimore Creek Road at Lot No. 6 on the hereinafter mentioned plan of subdivision, said pin marking the place of BEGINNING.

CONTAINING 2.546 acres and being designated as Lot No. 7 on a final amended plan of major subdivision of Misty Meadows prepared for Harmon Graves Company by Rodney Lee Decker and Associates, dated August 11, 1983, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 39 at page 63.

Being Known As: 922 Latimore Creek Road, (Latimore Township), York Springs, PA 17372

Property ID No.: 102-0004E-000

TITLE TO SAID PREMISES IS VESTED IN Paul W. Anthony and Cindy M. Anthony, as tenants of an estate by entireties by deed from Gregory H. Eichelberger and Terry L. Eichelberger, husband and wife dated 9/30/04 recorded 10/5/04 in Deed Book 3727 Page 211.

SEIZED and taken into execution as the property of **Paul W. Anthony & Cindy M. Anthony** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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10/27, 11/3 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-802 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 December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in Hamiltonban Township, 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 land of Ethel B. Flenner and at corner of land of Mrs. Harvey Woodring (formerly a part hereof); thence crossing Tom's Creek, running through an existing pipe off the north side of Tom's Creek, by land of Mrs. Harvey Woodring, aforesaid, North 13 degrees 10 minutes 40 seconds East, 177.31 feet to an existing pipe; thence by said last mentioned land, North 76 degrees 39 minutes 10 seconds West, 10.07 feet to an existing pipe; thence by said last mentioned land, North 13 degrees 48 minutes 40 seconds East, running through an existing steel rod near the middle of this course, and crossing the Iron Springs (L.R. 01015) Road 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 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, 343.90 feet to a steel rod off the south edge of said creek; thence continuing by said mentioned land, North 86 degrees 34 minutes 40 seconds West, 284.67 feet to the above described place of BEGINNING. CONTAINING 4.202 Acres.

The above description was taken from a draft of survey prepared by Adams County Surveyors, dated June 4, 1986.

Tax parcel no: B-16-69

Premises being: 1368 Iron Springs Rd., Fairfield, PA 17320

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

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/27, 11/3 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-230 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 December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that following described tract of land, together with the improvements thereon erected, lying and being in the Village of Midway, Conewago Township, Adams County, Pennsylvania bounded and limited as follows, to wit:

BEGINNING at a notch in the concrete (found) on the Southern side of Third Street at lands now or formerly of Donald C. Smith; thence along lands now or formerly of Donald C. Smith, South nine (09) degrees thirty (30) minutes East, one hundred seventy-six and forty-three hundredths (176.43) feet to an iron pin on the Northern side of a twenty (20) feet wide public alley; thence along the Northern side of said public alley, South eighty (80) degrees twelve (12) minutes fifty-three (53) seconds West, eighteen and four hundredths (18.04) feet to an iron pin on the North side of said alley at lands now or formerly of the Edward F. Shorb Estate; thence along said lands now or formerly of Edward F. Shorb Estate and passing through the common partition wall of a concrete block and frame garage, North eight (08) degrees fifty-seven (57) minutes fourteen (14) seconds West, twenty-eight and twenty hundredths (28.20) feet to an iron pin (set); thence continuing along lands now or formerly of Edward F. Shorb Estate,

North nine (09) degrees twenty-two (22) minutes twenty-six (26) seconds West, eighty-one and eighty-two hundredths (81.82) feet to an iron pin (set); thence continuing further along said lands now or formerly of Edward F. Shorb Estate and passing through the common partition wall of a 2-1/2 story brick dwelling home, North nine (09) degrees seven (07) minutes twenty-two (22) seconds West, sixty-six and fifty-nine hundredths (66.59) feet to a drill hole on the Southern side of Third Street aforesaid; thence along the Southern side of said Third Street, North eighty (80) degrees fourteen (14) minutes fifty-two (52) seconds East, seventeen and fifteen hundredths (17.15) feet to a notch in the concrete, the point and place of BEGINNING.

Tax Parcel No. 08-0258A-000

Property Address: 336 Third Street Hanover, PA 17331

SEIZED and taken into execution as the property of **Robert A. Wertz & Rachel A. Wertz** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/27, 11/3 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-936 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land with the improvements thereon erected situate in the Hamilton Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point on the centerline of Green Ridge Road; thence South seven (07) degrees fifty-six (56) minutes thirty-one (31) seconds West, two hundred ninety-three and thirty hundredths (293.30) feet to a point on the centerline of Green Ridge Road; thence South eighty-three (83) degrees eight (08) minutes fifty (50) seconds West, twenty and ninety-two hundredths (20.92) feet to an existing steel pin; thence continuing along the same, South eighty-three (83) degrees eight (08) minutes fifty (50) seconds West, eight and eighty-four hundredths (8.84) feet to a steel pin set; thence continuing along the same, South eighty-three (83) degrees eight (08) minutes fifty (50) seconds West, four hundred twenty-seven and seventy-four hundredths (427.74) feet to an existing post at the corner of Lot No. 1 on the hereinafter mentioned Final Subdivision Plan; thence continuing along Lot No. 1, North twenty-one (21) degrees zero (00) minutes zero (00) seconds East, two hundred ninety-eight and fifty hundredths (298.50) feet to a steel pin set at the common corner of Lot Nos. 1 and 2; thence along Lot No. 2, North eighty (80) degrees seventeen (17) minutes zero (00) seconds East; three hundred sixty-eight and forty-three hundredths (368.43) feet to a steel pin set; thence continuing along the same, North eighty (80) degrees seventeen (17) minutes zero (00) seconds East, twenty-five and zero hundredths (25.00) feet to the point and place of BEGINNING. CONTAINING 2.648 acres.

BEING the same premises which Michael G. Freet and Melissa M. Freet f/k/a Melissa M. Sneeringer, husband and wife, by Deed dated March 22, 2005 and recorded in the Adams County Recorder of Deeds Office on March 30, 2005 in Deed Book 3912, page 75, granted and conveyed unto Michael G. Freet and Melissa M. Freet, husband and wife.

Premises Being: 340 Green Ridge Road, New Oxford, PA

SEIZED and taken into execution as the property of **Michael G. Freet &**

**Melissa M. Sneeringer a/k/a Melissa A. Freet** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 5, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-N-576 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that parcel of land situate in the Borough of Littlestown, Adams County, Pennsylvania, being a portion of Block 3 of Rolling Acres laid out by I. H. Crouse & Sons on draft thereof prepared on July 16, 1956, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, on November 13, 1962, in Miscellaneous Docket JJ, page 131, said parcel of land being more particularly bounded and described as follows:

BEGINNING at an existing iron pin along the North side of Glenwyn Drive at the Southwest corner of land now or formerly of Aleck J. Anderson and wife (described in Deed Book 301, at page 209); thence along the North side of Glenwyn Drive South 68 degrees 47 minutes 20 seconds West, 70.08 feet, more or less, to an iron pin; thence along a 16 foot wide public alley North 32 degrees 41 minutes West, 147.96 feet, more or less, to an iron pin; thence by land now or formerly of I. H. Crouse & Sons and land now or formerly of Ronald L. Gladhill North 68 degrees 47 minutes 20 seconds East, 99.48 feet, more or less, to an existing iron pin; thence by land now or formerly of Aleck J. Anderson and wife South 21 degrees 12 minutes 40 seconds East, 145 feet, more or less, to an existing iron pin, the place of BEGINNING.

The foregoing description of said parcel of land was obtained from a draft of survey dated June 29, 1976 by Gettysburg Engineering Co., Inc.

IT BEING the same tract of land which Lynn Lee Construction Co., Inc., a Maryland corporation, by its deed dated August 20, 1992, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 639, page 376, granted and conveyed unto Mary L. Brown, GRANTOR, HEREIN.

Premises Being: 315 Glenwyn Drive, Littlestown, PA

SEIZED and taken into execution as the property of **Melanie G. Barnes** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 5, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

## CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN that in compliance with the requirements of 15 Pa.C.S. Section 8913 a Certificate of Organization - Domestic Limited Liability Company was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, on April 19, 2006, for the purpose of obtaining a Certificate of Organization for a limited liability company.

The name and address of the limited liability company is: LEGION BROTHERS, LLC.

The purpose for which the limited liability company was organized is: To engage in and do any lawful act concerning any and all lawful business for which limited liability companies may be formed in accordance with the laws of the Commonwealth of Pennsylvania.

Wendy Weikal-Beauchat, Esq.  
Beauchat & Beauchat, L.L.C.  
63 W. High Street  
Gettysburg, PA 17325

11/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1220 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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.:

Anthony R. Distasio, Esquire  
No. 05-S-1220  
Judgment: \$14,747.67

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

BEGINNING for a point in the center of L.R. 01047 at corner property now or formerly of Dean Tate; thence along lands of Dean Tate North 17 degrees 00 minutes 00 seconds East, 230 feet to a pipe at corner of land now or formerly of Crestmount Orchards Inc.; thence along said land North 72 degrees 06 minutes 03 seconds West, 120.61 feet to a pipe to corner of land now or formerly of Mary C. Sharp; thence along said land South 17 degrees 00 minutes 00 seconds East, 230 feet to the center line of L.R. 01047; thence along said center line South 72 degrees 06 minutes 03 seconds East, 120.61 feet to the place of BEGINNING.

CONTAINING .637 acres and being improved with a dwelling.

Parcel No.: Map G3, Parcel 58

BEING THE SAME PREMISES WHICH Carlos A. Mendoza, married man, by Indenture dated 05-23-95 and recorded 06-01-95 in the Office of the Recorder of Deeds in and for the County of Adams in Deed Book 1036 page 278, granted and conveyed unto Carlos A. Mendoza and Angela Lynn Mendoza, husband and wife, as Tenants by the Entireties.

TO BE SOLD AS THE PROPERTY OF: Carlos A. Mendoza and Angela Lynn Mendoza

Premises Being: 149 Peach Glen Idaville Road, Gardners, PA

SEIZED and taken into execution as the property of **Carlos A. Mendoza & Angela Lynn Mendoza** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-900 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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 Fairfield Borough, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of the State Highway leading from Fairfield to Fairfield Station at the Northwestern corner of Lot now or late of Gary H. Betchel; thence by said Betchel Lot and by an iron pin at the side of said State Highway South 29 degrees West 160 feet to an iron pin; thence by other lands now or late of James M. Landis North 61 degrees West 150 feet to an iron pin; thence by Landis lands North 29 degrees East 160 feet through an iron pin at the edge of the State Highway to a railroad spike in the center of said State Highway; thence in and along the center of said State Highway South 61 degrees East 150 feet to the point in the center of said State Highway the place of BEGINNING. CONTAINING 88 perches.

BEING THE SAME which Russel R. Slutter and Frances L. Slutter (a/k/a Frances E. Slutter), husband and wife, by their deed dated June 23, 1999 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 1864 at Page 190 granted and conveyed unto The Russel R. Slutter and Frances E. Slutter Revocable Living Trust, the GRANTORS herein.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Kenneth L. Nicholls and Gaye D. Nicholls, husband and wife, by Deed from Russel R. Slutter, by his Attorney in Fact, Frances E. Slutter and Frances E. Slutter, a/k/a, Frances L. Slutter, husband and wife, and The Russel R. Slutter and Frances E. Slutter Revocable Living Trust, dated 08/31/2001, recorded 08/31/2001, in Deed Book 2392, page 217.

Premises being: 28 North Miller Street, Fairfield, PA 17320-0000

Tax Parcel No. 11 005-0002

SEIZED and taken into execution as the property of **Kenneth L. Nicholls a/k/a Kenneth Lee Nicholls & Gaye D. Nicholls a/k/a Gaye Denise Nicholls a/k/a Dede Nicholls a/k/a Gaye D. Ferguson** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Act of Assembly No. 295 of 1982, of the filing in the Office of the Secretary of Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on the 30th day of October, 2006, a certificate for the conduct of business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of "FOUR L'S PARTNERSHIP" with its principal place of business at 903 Germany Road, East Berlin, Pennsylvania. The names and addresses of the persons owning or interested in said business are Jerry D. LaRue and Judith L. LaRue, 441 Baltimore Road, York Springs, PA 17372 and Erik S. LaRue and Jessica L. LaRue, 903 Germany Road, East Berlin, PA 17316.

Clayton R. Wilcox, Esq.  
234 Baltimore Street  
Gettysburg, PA 17325

11/3

**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 ROBERT LEE BAYNE a/k/a ROBERT LEE BAYNE, SR., DEC'D**

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: Sharon R. Seabrease, 103 East York St., Biglerville, PA 17307

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

**ESTATE OF GEORGE ROBERT GUISE, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Dennis T. Guise, Esq., 2312 Forest Hills Drive, Harrisburg, PA 17112-1065

Attorney: Dennis T. Guise, Esq., 2312 Forest Hills Drive, Harrisburg, PA 17112-1065

**ESTATE OF STEWART E. GUISE, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Personal Representative: William E. Baldwin, c/o Patterson, Kiersz & Murphy, PC, 239 East Main Street, Waynesboro, PA 17268-1681

Attorney: David F. Spang, Esq., Patterson, Kiersz & Murphy, P.C., 239 East Main Street, Waynesboro, PA 17268-1681

**ESTATE OF MARGARET A. MUDD, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Molly R. Freedenberg, a/k/a Molly Mudd Freedenberg, 208 N. 26th Street, Camp Hill, PA 17011

**SECOND PUBLICATION**

**ESTATE OF COREY M. MILLER, DEC'D**  
Late of Straban Township, Adams County, Pennsylvania

Administratrix: Cecelia J. Miller, 365 Goldenville Road, Gettysburg, PA 17325

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

**ESTATE OF RICHARD L. STAHL, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Personal Representative: Holly S. Stahl, 30 Squire Circle, McSherrystown, PA 17344

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

**ESTATE OF CAROLINE TROSTLE, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Donald Trostle, 1280 Good Intent Road, Gettysburg, PA 17325; Donna Cole, 171 Hunters Trail, Gettysburg, PA 17325

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

**ESTATE OF WILLIAM GEORGE WALDMAN, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Dorothy C. Waldman, c/o Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

Attorney: Lynn G. Peterson, Esq., Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

**THIRD PUBLICATION**

**ESTATE OF JOSEPH T. BERGER, DEC'D**

Late of Germany Township, Adams County, Pennsylvania

Administrator: James M. Berger, c/o Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

Attorney: Lynn G. Peterson, Esq., Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

**ESTATE OF MARY C. PROSSER, DEC'D**

Late of Latimore Township, Adams County, Pennsylvania

Executrix: Janey E. Kopp, 6840 Kopp Road, Spring Grove, PA 17362

Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

**ESTATE OF CAROL ANN YANTIS, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: Michael A. Yantis, 355 North Street, McSherrystown, PA 17344

Attorney: Arthur J. Becker, Jr., Esq., Arthur J. Becker, Jr., P.C., 544 Carlisle Street, Hanover, PA 17331

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-571 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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 Huntington Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

BEGINNING for a point in the center of L.R. 01047 at corner property now or formerly of Dean Tate; thence along lands of Dean Tate North 17 degrees 00 minutes 00 seconds East, 230 feet to a pipe at corner of land now or formerly of Crestmount Orchards Inc.; thence along said land North 72 degrees 06 minutes 03 seconds West, 120.61 feet to a pipe to corner of land now or formerly of Mary C. Sharp; thence along said land South 17 degrees 00 minutes 00 seconds East, 230 feet to the center line of L.R. 01047; thence along said center line South 72 degrees 06 minutes 03 seconds East, 120.61 feet to the place of BEGINNING.

CONTAINING .637 acres and being improved with a dwelling.

Parcel No.: Map G3, Parcel 58

BEING THE SAME PREMISES WHICH Carlos A. Mendoza, married man, by Indenture dated 05-23-95 and recorded 06-01-95 in the Office of the Recorder of Deeds in and for the County of Adams in Deed Book 1036 page 278, granted and conveyed unto Carlos A. Mendoza and Angela Lynn Mendoza, husband and wife, as Tenants by the Entireties.

TO BE SOLD AS THE PROPERTY OF: Carlos A. Mendoza and Angela Lynn Mendoza

Being Known As: 149 Peach Glen Idaville Road, Huntington Township, Gardners, PA 17324

SEIZED and taken into execution as the property of **Carlos A. Mendoza & Angela Lynn Mendoza** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-828 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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. 33 in Roselawn, a Planned Community, more particularly bounded and described in the As Built House Location Plan dated December 22, 2004 and recorded 3-29-05 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Miscellaneous Drawer, Instrument No. 3910-108 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 recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in 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. 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.

BEING part of the same premises which Roselawn, L.L.C., a Maryland Limited Liability Company, by deed dated September 23, 2004, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Book 3730, Page 213, granted and conveyed unto Engle/Gilligan, LLC, a Delaware Limited Liability Company, a Grantor herein.

Parcel Identification No: 09-F12-0262-000

Premises: 2 Union View Drive, Gettysburg, PA 17325, Cumberland Township, Adams County, Pennsylvania

## PLANNED UNIT DEVELOPMENT

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

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation-Nonprofit were filed on September 29, 2006 with the Department of State of the Commonwealth of Pennsylvania, for the purposes of obtaining a Certificate of Incorporation of a proposed non-profit business corporation to be organized under the provisions of the Pennsylvania Non-Profit Corporation Law statutes at 15 Pa C.S. § 5301 et seq., as amended.

The name of the non-profit corporation is THE FACTORY CONDOMINIUM ASSOCIATION, INC., with its principal office or place of business at 229 Table Rock Road, Gettysburg, PA 17325. The names and addresses of all persons/entities owning or interested in said business are: Roselawn Development Company, 229 Table Rock Road, Gettysburg, PA 17325.

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

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# *Adams County* Legal Journal

Vol. 48

November 9, 2006

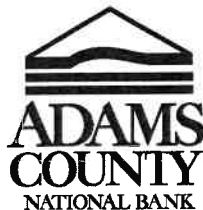
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RICKERT ET AL VS. LATIMORE TWP.

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



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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-249 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 December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, situate, lying and being in McSherrystown Borough, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING for a point along the Easterly right-of-way line of Westview Drive and Lot No. 21 of the hereinafter referred to Subdivision Plan; thence along said Lot No. 21, North 70 degrees 40 minutes 31 seconds East 82.79 feet to a point at lands now or formerly of Philip L. Hagerman; thence along said lands now or formerly of Philip L. Hagerman, South 30 degrees 30 minutes 55 seconds East, 51.00 feet to a concrete monument along the Northerly right-of-way line of North Street; thence along the Northerly right-of-way line of North Street, South 59 degrees 29 minutes 12 seconds West, 73.79 feet to a point at the intersection of North Street and Westview Drive; thence along the intersection of North Street and Westview Drive, North 69 degrees 55 minutes 08 seconds West, 26.27 feet to a point along the Easterly right-of-way line of Westview Drive; thence along the Easterly right-of-way line of Westview Drive, North 19 degrees 19 minutes 29 seconds West, 47.67 feet to a point, the place of BEGINNING.

CONTAINING 5,029.3392 square feet and being identified as Lot No. 21-A on the Final Subdivision Plan of McSherrystown West, which plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 64, Page 20.

SAID tract of land being subject to the Protective Covenants and Restrictions for McSherrystown West dated January 12, 1994, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 835, Page 35.

BEING known as 4 Westview Drive, McSherrystown, PA 17344.

BEING the same premises which Manuel J. Rivera, an unmarried man and Karen T. Secrest f/k/a Karen T. Rivera, a married woman, by Deed dated May 9, 2005 and recorded May 20, 2005 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 3971, Page 227, granted and conveyed unto Scott Buchman and Ellen Buchman, husband and wife.

PARCEL No. 28, 002-0215.

SEIZED and taken into execution as the property of **Scott Buchman & Ellen Buchman** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/27, 11/3 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-770 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 December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in the centerline of PA. Route 394 at corner of Lot No. 1 on Plat hereinafter referred to, thence in centerline of PA. Route 394 South 66 degrees 00 minutes 00 seconds

East, 386.45 feet to a PK nail in the centerline of aforesaid Road; thence continuing in said centerline of PA. Route 394 South 66 degrees 34 minutes 00 seconds East, 148.72 feet to a railroad spike at corner of Lot No. 3; thence by same South 24 degrees 00 minutes 00 seconds West, passing through an iron pin back 25 feet from centerline of PA. Route 394, 807.47 feet to an iron pin at 4 foot oak at lands of Richard E. Kammerer; thence by same North 67 degrees 40 minutes 09 seconds West, 535.39 feet to an iron pin at corner of Lot No. 1; thence by same North 24 degrees 00 minutes 00 seconds East, passing through an iron pin back 25 feet from the centerline of PA. Route 394, 821.60 feet to a railroad spike in centerline of aforesaid road, the place of BEGINNING. CONTAINING 10,000 Acres.

Being Known As: 185 Hunterstown-Hampton Road, (Straban Township), Gettysburg, PA 17325

Property ID No.: 38-H10-105

TITLE TO SAID PREMISES IS VESTED IN Jack J. Goulet and Andree M. Goulet, husband and wife, as tenants of an estate by the entireties by deed from Gilbert C. Fisher and Evelyn Fisher, husband and wife dated 9/13/1978 recorded 9/18/1978 in Deed Book 340 Page 514.

SEIZED and taken into execution as the property of **Jack J. Goulet, Andree M. Goulet & The United States of America** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/27, 11/3 & 9

## RICKERT ET AL VS. LATIMORE TWP.

1. An action in mandamus is the appropriate means to obtain recognition of a deemed approval of proposed land development plans.

2. To succeed in an action in mandamus, a plaintiff must demonstrate a clear legal right to the relief requested, a corresponding duty in the defendant and the absence of any other appropriate or adequate remedy.

3. The duty to give written notice to the applicant after a municipal board's denial of a land use application remains absolute despite claims that the applicant, present at the proceeding where the plan was orally denied, had actual notice of the decision.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA. CIVIL ACTION NO. 05-S-1350. TERRY T.  
RICKERT AND ROBERT L. JUNKINS VS. LATIMORE TOWNSHIP.

Charles M. Suhr, Esq., for Plaintiffs

Ron Turo, Esq., for Defendants

George, J., February 27, 2006

### OPINION

This action in mandamus is one of a number of civil suits commenced affecting Terry T. Rickert and Robert L. Junkins' (collectively "Rickert") efforts to develop property located along the State Route 15 quarter in Latimore Township, Pennsylvania. Since the procedural history of this matter has been summarized in 05-S-1329, one case that relates to the current matter, that history will not be repeated herein.

The sole issue before the Court is the propriety of a writ of mandamus, wherein Rickert seeks to order the following: that a plan submitted by Rickert be deemed approved, that the Board of Supervisors recognize the approval by affixing their signatures to the plan, and that the Board of Supervisors review any final subdivision plan consistent with the procedures set forth in the Municipality Planning Code. At a hearing held by this Court on January 31, 2006, neither party presented testimony or evidence. Accordingly, the petition will be considered based upon the admitted allegations in the pleadings which will be summarized below.

On December 30, 2003, Rickert filed a preliminary subdivision plan for the development of property located along State Route 15. At the time the preliminary plan was filed, a procedural appeal was pending before the Commonwealth Court of Pennsylvania bringing

into question the legal affect of a Latimore Township Zoning Ordinance adopted in March, 2002. By letter dated June 22, 2004, from Rickert's counsel to the Latimore Township Planning Commission, the parties agreed to grant a time extension to the Township to act upon the plan until sixty days following a final Order in the procedural challenge.<sup>1</sup> By decision dated March 7, 2005, the Commonwealth Court affirmed this Court's finding by concluding that the 2002 Ordinance was void *ab initio* due to procedural errors in its adoption. On September 8, 2005, the Pennsylvania Supreme Court denied the Petition for Allowance of Appeal filed by the Township. On October 10, 2005, the Board of Supervisors voted at a public hearing to deny Rickert's plan. Accordingly, as admitted by the Township in its answer to the complaint, the Board of Supervisors of Latimore Township were required to communicate its decision on Rickert's plan in writing on or before October 25, 2005. See Plaintiffs' Complaint and Township's Answer, paragraph 17. On November 16, 2005, since Rickert had not yet received written notice of the decision, he published notice of the alleged "deemed approval" pursuant to 42 Pa.C.S.A. § 5571(c)(6).<sup>2</sup> He now asks this Court to issue a writ of mandamus compelling the Township to recognize the land development plan as approved.

"[A]n action in mandamus is the appropriate means to obtain recognition of a deemed approval of proposed land development plans." *Lehigh Asphalt Paving & Constr. Co. v. Bd. of Supervisors of East Penn Twp.*, 830 A.2d 1063, 1070 (Pa.Cmwlth. 2003)

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<sup>1</sup> 53 P.S. § 10508 requires governing bodies to make a decision on subdivision plans within ninety days following the date of the regular meeting of the governing body or planning agency that follows the date the application is filed. Additionally, the governing body must provide a written notice of the specific reasons for the decision within fifteen days following the decision. Failure to comply with these time limits will constitute the application being "deemed approved", unless the applicant has agreed, in writing, to a time extension.

<sup>2</sup>This Section provides that a "deemed approval" or an implied determination occurs after the expiration of the time for which the governing body is required to provide written notice to the landowner of the reasons for its decision. The only evidence of written notice from the Township to Rickert's counsel evidenced in the record is a November 17, 2005, letter from the Township's counsel that states: "[b]ecause you represent the applicants, and were present at the meeting that denied the applications, further notice was repetitive and unnecessary." The correspondence goes on to reiterate "that the applications are denied for failure to comply with the pending zoning ordinance that was published prior to the application."

(re-argument denied). “To succeed in an action in mandamus, a plaintiff must demonstrate a clear legal right to the relief requested, a corresponding duty in the defendant and the absence of any other appropriate or adequate remedy.” *Timothy F. Pasch, Inc. v. The Springettsbury Twp. Bd. of Supervisors*, 825 A.2d 718, 723 (Pa.Cmwlt. 2003). Instantly, the pleadings reveal that the averments in the Complaint and Answer establish Rickert’s right to prevail in this action as a matter of law.

The pleadings clearly establish that written notice of the October 10, 2003, decision denying Rickert’s plan was not provided to Rickert in violation of Section 508(2) of the Municipality Planning Code. Moreover, appellate courts have consistently held that the language of Section 508(2) regarding the notice requirement is mandatory; it is well settled that a failure to comply with those provisions will result in a “deemed approval.” *Coretsky v. Bd. of Commr’s of Butler Twp.*, 555 A.2d 72, 74 (Pa. 1989); *Borough of Plum v. Tresco*, 606 A.2d 951, 953 (Pa.Cmwlt. 1992). The duty to give written notice to the applicant after a municipal board’s denial of a land use application remains absolute despite claims that the applicant, present at the proceeding where the plan was orally denied, had actual notice of the decision. *Lease v. Hamilton Twp.*, 885 A.2d 684, 688 (Pa.Cmwlt. 2005); *Bensalem Twp. v. Blank*, 539 A.2d 948, 951 (Pa.Cmwlt. 1988); *Daniel T. Worley, Lawrence Dost and Latimore Twp. v. Terry T. Rickert and Robert L. Junkins*, Adams County, 05-S-1329 (Feb. 27, 2006).

Latimore Township seeks to avoid the issuance of a writ of mandamus on the basis that Latimore Township and Township Supervisors Daniel T. Worley and Lawrence Dost, acting in their individual capacities, have filed an appeal from the published notice of the “deemed approval.”<sup>3</sup> The Township further points out that it has petitioned the Court for a stay in those matters. As such, the Township reasons that Rickert is unable to establish a clear legal right to the relief requested. While the Township’s argument would have been meritorious had this Court granted a stay in the related land use appeals, the Township’s request for a stay has been denied by Order entered concurrently with this Opinion. See *Daniel T.*

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<sup>3</sup>That matter is listed at *Daniel T. Worley, Lawrence Dost and Latimore Twp. v. Terry T. Rickert and Robert L. Junkins*, Adams County, 05-S-1329 (Feb. 27, 2006).

*Worley, Lawrence Dost and Latimore Twp. v. Terry T. Rickert and Robert L. Junkins*, Adams County, 05-S-1329 (Feb. 27, 2006). In denying the Township's request for a stay, this Court indicated, after a cursory review, that the Township's appeals appeared frivolous. Nevertheless, rather than summarily denying the appeals, the Court, in the interest of due process, permitted the Township the opportunity to file a brief in support of its position. Since a stay was not granted, the underlying "deemed approval" from which the Township filed its appeal remains effective. Accordingly, at this moment, Rickert possesses all the legal rights that flow from the "deemed approval." Thus, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 27th day of February, 2006, the Board of Supervisors of Latimore Township are directed to affix their signatures to the plan submitted by the Plaintiffs on December 30, 2003, more specifically identified as Exhibit A in Plaintiffs' Complaint within fourteen days of the date of this Order. It is Ordered that the plan submitted on December 30, 2003, and more specifically identified as Exhibit A in the Complaint are deemed approved. In the event that the Board of Supervisors fail to affix their signatures as directed herein, upon Praecepto to this Court, the Adams County Prothonotary's Office will be authorized to execute approval of the plan on behalf of the Township Supervisors.

It is further Ordered that the Board of Supervisors of Latimore Township review the Plaintiffs' final land development plan which is filed consistent with the Municipality Planning Code Section 508(4). Failure to review the filed plan in the time period set forth in the Municipality Planning Code may result in a "deemed approval" of the final plan.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-849 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Tax Parcel No. 29-B5-6

ALL that certain tract of land situate on South Mountain in Menallen Township, Adams County, Pennsylvania, bounded, limited and described as follows:

BEGINNING at a nail in the centerline of Legislative Route No. 01041 a road leading to Shippensburg and at corner of lands now or formerly of Gary D. Reihart, Inc.; thence South 40 (incorrectly stated as 46 degrees in prior deeds of record) degrees 29 minutes 43 seconds West, 1,949.07 feet to a pin; thence North 48 degrees 24 minutes West, 200 feet to a point at corner of lands now or formerly of Miles D. Daniels and wife; thence along the property line of land now or formerly of Miles D. Daniels and wife, North 41 degrees 05 minutes 37 seconds East, 2,035.06 feet to a point in the centerline of Legislative Route No. 01041; thence South along the centerline of said road South 23 degrees 18 minutes 11 seconds East, 148.86 feet to a point in the centerline of Legislative Route No. 01041; thence along the centerline of said road South 21 degrees 29 minutes 52 seconds East, 51.14 feet to the point and place of BEGINNING.

CONTAINING 8.67 ACRES, MORE OR LESS, also known as parcel number 3 according to a survey by Ernest J. Walker, Professional Engineer, dated May 16, 1968, and as revised by Noel B. Smith, Registered Surveyor, dated August 19, 1968.

BEING the same premises which Calvin L. Ott and Wendy L. Ott, his wife, by their deed dated October 03, 2003 and recorded in the Adams County Courthouse in Deed Book 3333 on page 343 granted and conveyed to Samuel M. Fittry and Constance A. Fittry, his wife mortgagors.

Premises Being: 2588 Shippensburg Rd., Biglerville, PA

SEIZED and taken into execution as the property of **Samuel M. Fittry & Constance A. Fittry a/k/a Contante A. Fittry** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22,

2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/27, 11/3 & 9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-842 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 December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a steel pin set in the centerline of Latimore Creek Road (T634), said pin marking the common point of adjoiner of lots numbered 6 and 7 on the hereinafter mentioned plan of subdivision with the centerline of said Latimore Creek Road; thence departing from the centerline of Latimore Creek Road and extending along Lot No. 6, South 66 degrees 40 minutes 00 seconds West, through a steel pin set on the Southwestern most dedicated right-of-way line of Latimore Creek Road a distance of 25 feet from the origin of this call, for a total distance of 732.82 feet to a steel pin at lands now or formerly of Paul B. Lerew; thence extending along lands now or formerly of Paul B. Lerew, North 31 degrees 12 minutes 15 seconds West, for a distance of 151.43 feet to a steel pin at Lot No. 8 on the hereinafter mentioned plan of subdivision; thence extending along Lot No. 8, North 66 degrees 40 minutes 00 seconds East, through a steel pin set on the Southwestern most dedicated right-of-way line of Latimore Creek Road a distance of 25 feet from the terminus of this call, for a total distance of 747.14 feet to a steel pin set in the centerline of said Latimore Creek Road; thence extending in and through the centerline of Latimore Creek Road the following two courses and distances, (1) South 23 degrees 20 minutes 00 seconds East, for a distance of 34.32 feet to a pin in the centerline of said roadway at lands now or formerly of G. Henry Osborn; (2) thence continuing in

and through the centerline of said roadway, South 26 degrees 30 minutes 15 seconds East, for a distance of 115.86 feet to a steel pin in the centerline of said Latimore Creek Road at Lot No. 6 on the hereinafter mentioned plan of subdivision, said pin marking the place of BEGINNING.

CONTAINING 2.546 acres and being designated as Lot No. 7 on a final amended plan of major subdivision of Misty Meadows prepared for Harmon Graves Company by Rodney Lee Decker and Associates, dated August 11, 1983, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 39 at page 63.

Being Known As: 922 Latimore Creek Road, (Latimore Township), York Springs, PA 17372

Property ID No.: 102-0004E-000

TITLE TO SAID PREMISES IS VESTED IN Paul W. Anthony and Cindy M. Anthony, as tenants of an estate by entireties by deed from Gregory H. Eichelberger and Terry L. Eichelberger, husband and wife dated 9/30/04 recorded 10/5/04 in Deed Book 3727 Page 211.

SEIZED and taken into execution as the property of **Paul W. Anthony & Cindy M. Anthony** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/27, 11/3 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-802 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 December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate in Hamiltonban Township, bounded and described as follows:

BEGINNING at the Southwestern corner hereof, at an existing pipe off the north side of Tom's Creek, on line of land of Ethel B. Flenner and at corner of land of Mrs. Harvey Woodring (formerly a part hereof); thence crossing Tom's Creek, running through an existing pipe off the north side of Tom's Creek, by land of Mrs. Harvey Woodring, aforesaid, North 13 degrees 10 minutes 40 seconds East, 177.31 feet to an existing pipe; thence by said last mentioned land, North 76 degrees 39 minutes 10 seconds West, 10.07 feet to an existing pipe; thence by said last mentioned land, North 13 degrees 48 minutes 40 seconds East, running through an existing steel rod near the middle of this course, and crossing the Iron Springs (L.R. 01015) Road 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 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, 343.90 feet to a steel rod off the south edge of said creek; thence continuing by said mentioned land, North 86 degrees 34 minutes 40 seconds West, 284.67 feet to the above described place of BEGINNING. CONTAINING 4.202 Acres.

The above description was taken from a draft of survey prepared by Adams County Surveyors, dated June 4, 1986.

Tax parcel no: B-16-69

Premises being: 1368 Iron Springs Rd., Fairfield, PA 17320

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

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/27, 11/3 & 9

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-230 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 December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that following described tract of land, together with the improvements thereon erected, lying and being in the Village of Midway, Conewago Township, Adams County, Pennsylvania bounded and limited as follows, to wit:

BEGINNING at a notch in the concrete (found) on the Southern side of Third Street at lands now or formerly of Donald C. Smith; thence along lands now or formerly of Donald C. Smith, South nine (09) degrees thirty (30) minutes East, one hundred seventy-six and forty-three hundredths (176.43) feet to an iron pin on the Northern side of a twenty (20) feet wide public alley; thence along the Northern side of said public alley, South eighty (80) degrees twelve (12) minutes fifty-three (53) seconds West, eighteen and four hundredths (18.04) feet to an iron pin on the North side of said alley at lands now or formerly of the Edward F. Shorb Estate; thence along said lands now or formerly of Edward F. Shorb Estate and passing through the common partition wall of a concrete block and frame garage, North eight (08) degrees fifty-seven (57) minutes fourteen (14) seconds West, twenty-eight and twenty hundredths (28.20) feet to an iron pin (set); thence continuing along lands now or formerly of Edward F. Shorb Estate,

North nine (09) degrees twenty-two (22) minutes twenty-six (26) seconds West, eighty-one and eighty-two hundredths (81.82) feet to an iron pin (set); thence continuing further along said lands now or formerly of Edward F. Shorb Estate and passing through the common partition wall of a 2-1/2 story brick dwelling home, North nine (09) degrees seven (07) minutes twenty-two (22) seconds West, sixty-six and fifty-nine hundredths (66.59) feet to a drill hole on the Southern side of Third Street aforesaid; thence along the Southern side of said Third Street, North eighty (80) degrees fourteen (14) minutes fifty-two (52) seconds East, seventeen and fifteen hundredths (17.15) feet to a notch in the concrete, the point and place of BEGINNING.

Tax Parcel No. 08-0258A-000

Property Address: 336 Third Street  
Hanover, PA 17331

SEIZED and taken into execution as the property of **Robert A. Wertz & Rachel A. Wertz** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 22, 2006, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

10/27, 11/3 & 9



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-936 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land with the improvements thereon erected situate in the Hamilton Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point on the centerline of Green Ridge Road; thence South seven (07) degrees fifty-six (56) minutes thirty-one (31) seconds West, two hundred ninety-three and thirty hundredths (293.30) feet to a point on the centerline of Green Ridge Road; thence South eighty-three (83) degrees eight (08) minutes fifty (50) seconds West, twenty and ninety-two hundredths (20.92) feet to an existing steel pin; thence continuing along the same, South eighty-three (83) degrees eight (08) minutes fifty (50) seconds West, eight and eighty-four hundredths (8.84) feet to a steel pin set; thence continuing along the same, South eighty-three (83) degrees eight (08) minutes fifty (50) seconds West, four hundred twenty-seven and seventy-four hundredths (427.74) feet to an existing post at the corner of Lot No. 1 on the hereinafter mentioned Final Subdivision Plan; thence continuing along Lot No. 1, North twenty-one (21) degrees zero (00) minutes zero (00) seconds East, two hundred ninety-eight and fifty hundredths (298.50) feet to a steel pin set at the common corner of Lot Nos. 1 and 2; thence along Lot No. 2, North eighty (80) degrees seventeen (17) minutes zero (00) seconds East; three hundred sixty-eight and forty-three hundredths (368.43) feet to a steel pin set; thence continuing along the same, North eighty (80) degrees seventeen (17) minutes zero (00) seconds East, twenty-five and zero hundredths (25.00) feet to the point and place of BEGINNING. CONTAINING 2.648 acres.

BEING the same premises which Michael G. Freet and Melissa M. Freet f/k/a Melissa M. Sneeringer, husband and wife, by Deed dated March 22, 2005 and recorded in the Adams County Recorder of Deeds Office on March 30, 2005 in Deed Book 3912, page 75, granted and conveyed unto Michael G. Freet and Melissa M. Freet, husband and wife.

Premises Being: 340 Green Ridge Road, New Oxford, PA

SEIZED and taken into execution as the property of **Michael G. Freet &**

**Melissa M. Sneeringer a/k/a Melissa A. Freet** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 5, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-N-576 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that parcel of land situate in the Borough of Littlestown, Adams County, Pennsylvania, being a portion of Block 3 of Rolling Acres laid out by I. H. Crouse & Sons on draft thereof prepared on July 16, 1956, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, on November 13, 1962, in Miscellaneous Docket JJ, page 131, said parcel of land being more particularly bounded and described as follows:

BEGINNING at an existing iron pin along the North side of Glenwyn Drive at the Southwest corner of land now or formerly of Aleck J. Anderson and wife (described in Deed Book 301, at page 209); thence along the North side of Glenwyn Drive South 68 degrees 47 minutes 20 seconds West, 70.08 feet, more or less, to an iron pin; thence along a 16 foot wide public alley North 32 degrees 41 minutes West, 147.96 feet, more or less, to an iron pin; thence by land now or formerly of I. H. Crouse & Sons and land now or formerly of Ronald L. Gladhill North 68 degrees 47 minutes 20 seconds East, 99.48 feet, more or less, to an existing iron pin; thence by land now or formerly of Aleck J. Anderson and wife South 21 degrees 12 minutes 40 seconds East, 145 feet, more or less, to an existing iron pin, the place of BEGINNING.

The foregoing description of said parcel of land was obtained from a draft of survey dated June 29, 1976 by Gettysburg Engineering Co., Inc.

IT BEING the same tract of land which Lynn Lee Construction Co., Inc., a Maryland corporation, by its deed dated August 20, 1992, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 639, page 376, granted and conveyed unto Mary L. Brown, GRANTOR, HEREIN.

Premises Being: 315 Glenwyn Drive, Littlestown, PA

SEIZED and taken into execution as the property of **Melanie G. Barnes** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 5, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on August 28, 2006.

The name of the corporation is **CELEBRATE GETTYSBURG, INC.**

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

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

11/9

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1220 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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.:

Anthony R. Distasio, Esquire  
No. 05-S-1220  
Judgment: \$14,747.67

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

BEGINNING for a point in the center of L.R. 01047 at corner property now or formerly of Dean Tate; thence along lands of Dean Tate North 17 degrees 00 minutes 00 seconds East, 230 feet to a pipe at corner of land now or formerly of Crestmount Orchards Inc.; thence along said land North 72 degrees 06 minutes 03 seconds West, 120.61 feet to a pipe to corner of land now or formerly of Mary C. Sharp; thence along said land South 17 degrees 00 minutes 00 seconds East, 230 feet to the center line of L.R. 01047; thence along said center line South 72 degrees 06 minutes 03 seconds East, 120.61 feet to the place of BEGINNING.

CONTAINING .637 acres and being improved with a dwelling.

Parcel No.: Map G3, Parcel 58

BEING THE SAME PREMISES WHICH Carlos A. Mendoza, married man, by Indenture dated 05-23-95 and recorded 06-01-95 in the Office of the Recorder of Deeds in and for the County of Adams in Deed Book 1036 page 278, granted and conveyed unto Carlos A. Mendoza and Angela Lynn Mendoza, husband and wife, as Tenants by the Entireties.

TO BE SOLD AS THE PROPERTY OF: Carlos A. Mendoza and Angela Lynn Mendoza

Premises Being: 149 Peach Glen Idaville Road, Gardners, PA

SEIZED and taken into execution as the property of **Carlos A. Mendoza & Angela Lynn Mendoza** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-900 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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 Fairfield Borough, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of the State Highway leading from Fairfield to Fairfield Station at the Northwestern corner of Lot now or late of Gary H. Betchel; thence by said Betchel Lot and by an iron pin at the side of said State Highway South 29 degrees West 160 feet to an iron pin; thence by other lands now or late of James M. Landis North 61 degrees West 150 feet to an iron pin; thence by Landis lands North 29 degrees East 160 feet through an iron pin at the edge of the State Highway to a railroad spike in the center of said State Highway; thence in and along the center of said State Highway South 61 degrees East 150 feet to the point in the center of said State Highway the place of BEGINNING. CONTAINING 88 perches.

BEING THE SAME which Russel R. Slutter and Frances L. Slutter (a/k/a Frances E. Slutter), husband and wife, by their deed dated June 23, 1999 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 1864 at Page 190 granted and conveyed unto The Russel R. Slutter and Frances E. Slutter Revocable Living Trust, the GRANTORS herein.

## RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Kenneth L. Nicholls and Gaye D. Nicholls, husband and wife, by Deed from Russel R. Slutter, by his Attorney in Fact, Frances E. Slutter and Frances E. Slutter, a/k/a, Frances L. Slutter, husband and wife, and The Russel R. Slutter and Frances E. Slutter Revocable Living Trust, dated 08/31/2001, recorded 08/31/2001, in Deed Book 2392, page 217.

Premises being: 28 North Miller Street, Fairfield, PA 17320-0000

Tax Parcel No. 11 005-0002

SEIZED and taken into execution as the property of **Kenneth L. Nicholls a/k/a Kenneth Lee Nicholls & Gaye D. Nicholls a/k/a Gaye Denise Nicholls a/k/a Dede Nicholls a/k/a Gaye D. Ferguson** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania for the purpose of obtaining a Certificate of Incorporation. The name of the corporation is DAVIS - TROSTLE EXCAVATING, INC., with its principal office at 279 South Franklin Street, Gettysburg, PA 17325.

The corporation has been incorporated under the provisions of the Pennsylvania Corporation Law of 1988, approved December 21, 1988, L.P. 1444, No. 177.

Beauchat & Beauchat, L.L.C.  
63 W. High Street  
Gettysburg, PA 17325  
Attorneys for the Corporation

11/9

**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 ANNE FRANCES BRETH a/k/a ANNE M. BRETH a/k/a ANNE FRANCES MACKEN BRETH a/k/a ANNE F. BRETH, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

Personal Representative: Anne C. Wildasin, 205 Carroll Heights Road, Taneytown, MD 21787

Attorney: John W. Frey, Esq., Dick, Stein, Schemel, Wine & Frey, LLP, 13 W. Main Street, Suite 210, Waynesboro, PA 17268

**ESTATE OF CARL L. HEINEY, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Executrix: Patricia M. Heiney, c/o Richard K. Konkell, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

Attorney: Richard K. Konkell, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

**ESTATE OF KATHRYN E. REPLOGLE, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Lynn C. Replogle, 202 Sunset Drive, New Cumberland, PA 17070; Lynda K. Yingling, 6789 York Road, Abbottstown, PA 17301

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

**ESTATE OF DARLENE W. SHINDLEDECKER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: Leroy J. McDannell, 1543 Hanover Rd., Gettysburg, PA 17325

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

**SECOND PUBLICATION**

**ESTATE OF ROBERT LEE BAYNE a/k/a ROBERT LEE BAYNE, SR., DEC'D**

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executrix: Sharon R. Seabrease, 103 East York St., Biglerville, PA 17307

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

**ESTATE OF GEORGE ROBERT GUISE, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Dennis T. Guise, Esq., 2312 Forest Hills Drive, Harrisburg, PA 17112-1065

Attorney: Dennis T. Guise, Esq., 2312 Forest Hills Drive, Harrisburg, PA 17112-1065

**ESTATE OF STEWART E. GUISE, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Personal Representative: William E. Baldwin, c/o Patterson, Kiersz & Murphy, PC, 239 East Main Street, Waynesboro, PA 17268-1681

Attorney: David F. Spang, Esq., Patterson, Kiersz & Murphy, P.C., 239 East Main Street, Waynesboro, PA 17268-1681

**ESTATE OF MARGARET A. MUDD, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Molly R. Freedenberg, a/k/a Molly Mudd Freedenberg, 208 N. 26th Street, Camp Hill, PA 17011

**THIRD PUBLICATION**

**ESTATE OF COREY M. MILLER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Administratrix: Cecelia J. Miller, 365 Goldenville Road, Gettysburg, PA 17325

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

**ESTATE OF RICHARD L. STAHL, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Personal Representative: Holly S. Stahl, 30 Squire Circle, McSherrystown, PA 17344

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

**ESTATE OF CAROLINE TROSTLE, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Donald Trostle, 1280 Good Intent Road, Gettysburg, PA 17325; Donna Cole, 171 Hunters Trail, Gettysburg, PA 17325

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

**ESTATE OF WILLIAM GEORGE WALDMAN, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Dorothy C. Waldman, c/o Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

Attorney: Lynn G. Peterson, Esq., Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-571 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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 Huntington Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

BEGINNING for a point in the center of L.R. 01047 at corner property now or formerly of Dean Tate; thence along lands of Dean Tate North 17 degrees 00 minutes 00 seconds East, 230 feet to a pipe at corner of land now or formerly of Crestmount Orchards Inc.; thence along said land North 72 degrees 06 minutes 03 seconds West, 120.61 feet to a pipe to corner of land now or formerly of Mary C. Sharp; thence along said land South 17 degrees 00 minutes 00 seconds East, 230 feet to the center line of L.R. 01047; thence along said center line South 72 degrees 06 minutes 03 seconds East, 120.61 feet to the place of BEGINNING.

CONTAINING .637 acres and being improved with a dwelling.

Parcel No.: Map G3, Parcel 58

BEING THE SAME PREMISES WHICH Carlos A. Mendoza, married man, by Indenture dated 05-23-95 and recorded 06-01-95 in the Office of the Recorder of Deeds in and for the County of Adams in Deed Book 1036 page 278, granted and conveyed unto Carlos A. Mendoza and Angela Lynn Mendoza, husband and wife, as Tenants by the Entireties.

TO BE SOLD AS THE PROPERTY OF: Carlos A. Mendoza and Angela Lynn Mendoza

Being Known As: 149 Peach Glen Idaville Road, Huntington Township, Gardners, PA 17324

SEIZED and taken into execution as the property of **Carlos A. Mendoza & Angela Lynn Mendoza** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-828 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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. 33 in Roselawn, a Planned Community, more particularly bounded and described in the As Built House Location Plan dated December 22, 2004 and recorded 3-29-05 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Miscellaneous Drawer, Instrument No. 3910-108 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 recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in 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. 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.

BEING part of the same premises which Roselawn, L.L.C., a Maryland Limited Liability Company, by deed dated September 23, 2004, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Book 3730, Page 213, granted and conveyed unto Engle/Gilligan, LLC, a Delaware Limited Liability Company, a Grantor herein.

Parcel Identification No: 09-F12-0262-000

Premises: 2 Union View Drive, Gettysburg, PA 17325, Cumberland Township, Adams County, Pennsylvania

## PLANNED UNIT DEVELOPMENT

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

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

# Adams County Legal Journal

Vol. 48

November 17, 2006

No. 26, pp. 157-159

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-900 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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 Fairfield Borough, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of the State Highway leading from Fairfield to Fairfield Station at the Northwestern corner of Lot now or late of Gary H. Betchel; thence by said Betchel Lot and by an iron pin at the side of said State Highway South 29 degrees West 160 feet to an iron pin; thence by other lands now or late of James M. Landis North 61 degrees West 150 feet to an iron pin; thence by Landis lands North 29 degrees East 160 feet through an iron pin at the edge of the State Highway to a railroad spike in the center of said State Highway; thence in and along the center of said State Highway South 61 degrees East 150 feet to the point in the center of said State Highway the place of BEGINNING. CONTAINING 88 perches.

BEING THE SAME which Russel R. Slutter and Frances L. Slutter (a/k/a Frances E. Slutter), husband and wife, by their deed dated June 23, 1999 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 1864 at Page 190 granted and conveyed unto The Russel R. Slutter and Frances E. Slutter Revocable Living Trust, the GRANTORS herein.

## RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Kenneth L. Nicholls and Gaye D. Nicholls, husband and wife, by Deed from Russel R. Slutter, by his Attorney in Fact, Frances E. Slutter and Frances E. Slutter, a/k/a, Frances L. Slutter, husband and wife, and The Russel R. Slutter and Frances E. Slutter Revocable Living Trust, dated 08/31/2001, recorded 08/31/2001, in Deed Book 2392, page 217.

Premises being: 28 North Miller Street, Fairfield, PA 17320-0000

Tax Parcel No. 11 005-0002

SEIZED and taken into execution as the property of **Kenneth L. Nicholls a/k/a Kenneth Lee Nicholls & Gaye D. Nicholls a/k/a Gaye Denise Nicholls a/k/a Dede Nicholls a/k/a Gaye D. Ferguson** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

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

schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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11/3, 9 & 17

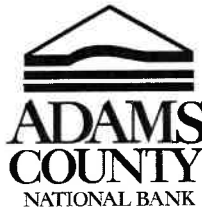
## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation - Domestic Non-Profit Corporation were filed with the Department of State, Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on October 19, 2006, for EVERGREEN ESTATES COMMUNITY ASSOCIATION, INC., under the provisions of the Pennsylvania Non-Profit Corporation Law of 1988.

Barley Snyder LLC  
Solicitors

11/17

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



Member FDIC

## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-571 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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 Huntington Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to-wit:

BEGINNING for a point in the center of L.R. 01047 at corner property now or formerly of Dean Tate; thence along lands of Dean Tate North 17 degrees 00 minutes 00 seconds East, 230 feet to a pipe at corner of land now or formerly of Crestmount Orchards Inc.; thence along said land North 72 degrees 06 minutes 03 seconds West, 120.61 feet to a pipe to corner of land now or formerly of Mary C. Sharp; thence along said land South 17 degrees 00 minutes 00 seconds East, 230 feet to the center line of L.R. 01047; thence along said center line South 72 degrees 06 minutes 03 seconds East, 120.61 feet to the place of BEGINNING.

CONTAINING .637 acres and being improved with a dwelling.

Parcel No.: Map G3, Parcel 58

BEING THE SAME PREMISES WHICH Carlos A. Mendoza, married man, by indenture dated 05-23-95 and recorded 06-01-95 in the Office of the Recorder of Deeds in and for the County of Adams in Deed Book 1036 page 278, granted and conveyed unto Carlos A. Mendoza and Angela Lynn Mendoza, husband and wife, as Tenants by the Entireties.

TO BE SOLD AS THE PROPERTY OF: Carlos A. Mendoza and Angela Lynn Mendoza

Being Known As: 149 Peach Glen Idaville Road, Huntington Township, Gardners, PA 17324

SEIZED and taken into execution as the property of **Carlos A. Mendoza & Angela Lynn Mendoza** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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11/3, 9 & 17

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-828 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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. 33 in Roselawn, a Planned Community, more particularly bounded and described in the As Built House Location Plan dated December 22, 2004 and recorded 3-29-05 in the Office of the Recorder of Deeds for Adams County, Pennsylvania in Miscellaneous Drawer, Instrument No. 3910-108 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 recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, in 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. 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.

BEING part of the same premises which Roselawn, L.L.C., a Maryland Limited Liability Company, by deed dated September 23, 2004, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Book 3730, Page 213, granted and conveyed unto Engle/Gilligan, LLC, a Delaware Limited Liability Company, a Grantor herein.

Parcel Identification No: 09-F12-0262-000

Premises: 2 Union View Drive, Gettysburg, PA 17325, Cumberland Township, Adams County, Pennsylvania

## PLANNED UNIT DEVELOPMENT

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

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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11/3, 9 & 17

## WIVELL VS. PIPER

1. In order to grant a new trial based on after-discovered evidence, a party must establish that the evidence: (1) must have been discovered after trial, (2) must be such that it could not have been obtained at the trial by exercising due diligence, (3) must be relevant and non-cumulative, (4) must not be for the mere purpose of impeachment, and (5) must be likely to compel a different result.

2. Where the new evidence shows that the testimony of a witness was false or perjured, the complaining party must be able to meet the general test applied to applications for a new trial on the grounds of after-discovered evidence.

3. An easement by implication may arise irrespective of whether or not the easement constituted a necessary right of way.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA. CIVIL ACTION NO. 03-S-489. TERRY WIV-  
ELL AND RACHEL WIVELL VS. DALE PIPER AND ANNETTE  
PIPER.

Samuel E. Teeter, Esq., for Plaintiffs  
Douglas H. Gent, Esq., for Defendants  
George, J., February 27, 2006

### OPINION

This matter comes before the Court as a result of post-trial motions filed by the Plaintiffs, Terry Wivell and Rachel Wivell (“Wivell”). The majority of the issues raised by Wivell have been addressed by previous Order of Court and, thus, will not be repeated herein. An issue that merits further discussion, however, is Wivell’s claim of after-discovered evidence.

Following a non-jury trial, this Court found that the Defendants, Dale Piper and Annette Piper (“Piper”), established an easement by implication for the use of a farm lane across Wivell’s property. Wivell now claims that new evidence has arisen concerning the necessity of the easement, thus bringing into question Piper’s candor to the Court during these proceedings. Specifically, Wivell argues that Piper deceitfully implied at trial that it would be impossible for him to access a bordering public road, State Route 16, from his property due to physical impediments and the difficulty in obtaining a highway access permit from the Pennsylvania Department of Transportation. Wivell further claims that after the trial, he discovered that Piper obtained a highway occupancy permit, prior to these proceedings, for access from his lot to State Route 16. Indeed, the documentation from the Department of Transportation presented to

the Court confirms this representation. Moreover, Piper argues that after the trial, Wivell actually gained access to State Route 16. After a thorough review of the record, I have not discovered any basis for the grant of a new trial.

In order to grant a new trial based on after-discovered evidence, a party must establish that the evidence: (1) must have been discovered after trial, (2) must be such that it could not have been obtained at the trial by exercising due diligence, (3) must be relevant and non-cumulative, (4) must not be for the mere purpose of impeachment, and (5) must be likely to compel a different result. *Commonwealth ex rel. Meyers v. Stern*, 501 A.2d 1380, 1382 (Pa. 1985). Where the new evidence shows that the testimony of a witness was false or perjured, “the complaining party must be able to meet the general test applied to applications for a new trial on the grounds of after-discovered evidence.” *Freed v. Priore*, 372 A.2d 895, 898 (Pa.Super. 1977). Nevertheless, “a request for a new trial on the basis of after-discovered perjured testimony will be granted where the court determines that a fraud has been perpetrated upon the court regarding a matter which is relevant and material to a case.” *In re Condemnation by Indiana Twp. of Certain Property*, 527 A.2d 1115, 1117 (Pa.Cmwlth. 1987). Although Piper’s testimony is certainly intriguing in light of the fact that he possessed an occupancy permit to State Route 16 at the time of his testimony, I cannot find any indication in the record that he actually perjured himself.

Undoubtedly, Piper introduced photographs of his property pointing out the physical barriers that would make access to State Route 16 difficult. However, the question of whether he could access State Route 16 was never asked of him.<sup>1</sup> Having failed to find actual perjury, denial of a new trial on this basis is properly refused.

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<sup>1</sup>The record fails to reveal any representation by Piper that he could not access State Route 16 or that he could not obtain a highway occupancy permit from the Pennsylvania Department of Transportation. While viewing the property, discussion occurred, off the record, concerning potential settlement alternatives. Although that discussion highlighted difficulties in accessing State Route 16, I do not recall Piper or his counsel ever representing that they could not obtain a highway occupancy permit or that access to State Route 16 from Piper’s lot was impossible. Therefore, while I fully understand the assumptions that were made based on the nature of Piper’s conversation, I do not accept Wivell’s suggestion that such representations were actually made.



*Commonwealth ex rel. Myers*, cited above (new trial refused where clear and positive proof that witness committed perjury is lacking).

Importantly, Piper's testimony, which Wivell claims was intentionally misleading, relates to the issue of whether an easement by implication requires establishing the element of necessity. In granting an easement in favor of Piper, I specifically noted that an easement by implication may arise "irrespective of whether or not the easement constituted a necessary right of way." *Bucciarelli v. DeLisa*, 691 A.2d 446, 449 (Pa. 1997). Thus, evidence that the Pennsylvania Department of Transportation granted Piper access to State Route 16 does not compel a different result. Interestingly, the new information does not contradict a single finding of fact by this Court nor alter any of the reasoning in this Court's Opinion.

Accordingly, Wivell's request for a new trial on the basis of after-discovered evidence is denied.

#### ORDER OF COURT

AND NOW, this 27th day of February, 2006, the Plaintiffs' Motion for a New Trial is denied.



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-936 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land with the improvements thereon erected situate in the Hamilton Township, Adams County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point on the centerline of Green Ridge Road; thence South seven (07) degrees fifty-six (56) minutes thirty-one (31) seconds West, two hundred ninety-three and thirty hundredths (293.30) feet to a point on the centerline of Green Ridge Road; thence South eighty-three (83) degrees eight (08) minutes fifty (50) seconds West, twenty and ninety-two hundredths (20.92) feet to an existing steel pin; thence continuing along the same, South eighty-three (83) degrees eight (08) minutes fifty (50) seconds West, eight and eighty-four hundredths (8.84) feet to a steel pin set; thence continuing along the same, South eighty-three (83) degrees eight (08) minutes fifty (50) seconds West, four hundred twenty-seven and seventy-four hundredths (427.74) feet to an existing post at the corner of Lot No. 1 on the hereinafter mentioned Final Subdivision Plan; thence continuing along Lot No. 1, North twenty-one (21) degrees zero (00) minutes zero (00) seconds East, two hundred ninety-eight and fifty hundredths (298.50) feet to a steel pin set at the common corner of Lot Nos. 1 and 2; thence along Lot No. 2, North eighty (80) degrees seventeen (17) minutes zero (00) seconds East; three hundred sixty-eight and forty-three hundredths (368.43) feet to a steel pin set; thence continuing along the same, North eighty (80) degrees seventeen (17) minutes zero (00) seconds East, twenty-five and zero hundredths (25.00) feet to the point and place of BEGINNING. CONTAINING 2.648 acres.

BEING the same premises which Michael G. Freet and Melissa M. Freet f/k/a Melissa M. Sneeringer, husband and wife, by Deed dated March 22, 2005 and recorded in the Adams County Recorder of Deeds Office on March 30, 2005 in Deed Book 3912, page 75, granted and conveyed unto Michael G. Freet and Melissa M. Freet, husband and wife.

Premises Being: 340 Green Ridge Road, New Oxford, PA

SEIZED and taken into execution as the property of **Michael G. Freet &**

**Melissa M. Sneeringer a/k/a Melissa A. Freet** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 5, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-N-576 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of December, 2006, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that parcel of land situate in the Borough of Littlestown, Adams County, Pennsylvania, being a portion of Block 3 of Rolling Acres laid out by I. H. Crouse & Sons on draft thereof prepared on July 16, 1956, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, on November 13, 1962, in Miscellaneous Docket JJ, page 131, said parcel of land being more particularly bounded and described as follows:

BEGINNING at an existing iron pin along the North side of Glenwyn Drive at the Southwest corner of land now or formerly of Aleck J. Anderson and wife (described in Deed Book 301, at page 209); thence along the North side of Glenwyn Drive South 68 degrees 47 minutes 20 seconds West, 70.08 feet, more or less, to an iron pin; thence along a 16 foot wide public alley North 32 degrees 41 minutes West, 147.96 feet, more or less, to an iron pin; thence by land now or formerly of I. H. Crouse & Sons and land now or formerly of Ronald L. Gladhill North 68 degrees 47 minutes 20 seconds East, 99.48 feet, more or less, to an existing iron pin; thence by land now or formerly of Aleck J. Anderson and wife South 21 degrees 12 minutes 40 seconds East, 145 feet, more or less, to an existing iron pin, the place of BEGINNING.

The foregoing description of said parcel of land was obtained from a draft of survey dated June 29, 1976 by Gettysburg Engineering Co., Inc.

IT BEING the same tract of land which Lynn Lee Construction Co., Inc., a Maryland corporation, by its deed dated August 20, 1992, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 639, page 376, granted and conveyed unto Mary L. Brown, GRANTOR, HEREIN.

Premises Being: 315 Glenwyn Drive, Littlestown, PA

SEIZED and taken into execution as the property of **Melanie G. Barnes** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on January 5, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

## INCORPORATION NOTICE

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

The name of the corporation is **MCGLAUGHLIN & ASSOCIATES, INC.**

Henry O. Heiser, III, Esq.  
104 Baltimore Street  
Gettysburg, PA 17325

11/17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-1220 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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.:

Anthony R. Distasio, Esquire  
No. 05-S-1220  
Judgment: \$14,747.67

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

BEGINNING for a point in the center of L.R. 01047 at corner property now or formerly of Dean Tate; thence along lands of Dean Tate North 17 degrees 00 minutes 00 seconds East, 230 feet to a pipe at corner of land now or formerly of Crestmount Orchards Inc.; thence along said land North 72 degrees 06 minutes 03 seconds West, 120.61 feet to a pipe to corner of land now or formerly of Mary C. Sharp; thence along said land South 17 degrees 00 minutes 00 seconds East, 230 feet to the center line of L.R. 01047; thence along said center line South 72 degrees 06 minutes 03 seconds East, 120.61 feet to the place of BEGINNING.

CONTAINING .637 acres and being improved with a dwelling.

Parcel No.: Map G3, Parcel 58

BEING THE SAME PREMISES WHICH Carlos A. Mendoza, married man, by Indenture dated 05-23-95 and recorded 06-01-95 in the Office of the Recorder of Deeds in and for the County of Adams in Deed Book 1036 page 278, granted and conveyed unto Carlos A. Mendoza and Angela Lynn Mendoza, husband and wife, as Tenants by the Entireties.

TO BE SOLD AS THE PROPERTY OF: Carlos A. Mendoza and Angela Lynn Mendoza

Premises Being: 149 Peach Glen Idaville Road, Gardners, PA

SEIZED and taken into execution as the property of **Carlos A. Mendoza & Angela Lynn Mendoza** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/3, 9 & 17

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-769 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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, together with the improvements thereon erected, situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a p.k. nail located in Township of Route T-428 (Bowers Road) at the Southwestern corner of Lot No. 3 on the subdivision plan referred to below; thence by said Lot No. 3, and running through a steel rod located twenty-five (25) feet from the beginning of this line, South seventy-three (73) degrees thirty-one (31) minutes zero (00) seconds East, two hundred thirty-two and nine hundredths (232.09) feet to a steel rod at land of Ray Edwards Reichart; thence by said land of Reichart, South sixteen (16) degrees twenty-nine (29) minutes zero (00) seconds West, two hundred six and forty-five hundredths (206.45) feet to a steel rod at Lot No. 5 on the subdivision plan referred to below; thence by said Lot No. 5, North seventy-three (73) degrees thirty-one (31) minutes zero (00) seconds West, two hundred thirty-two and nine hundredths (232.09) feet to a steel rod at land of Glenn C. Bowers; thence by said land of Bowers and crossing and running in the aforementioned Township Route T-428, North sixteen (16) degrees twenty-nine (29) minutes zero (00) seconds East, two hundred six and forty-five hundredths (206.45) feet to a p.k. nail, the place of BEGINNING. CONTAINING 1.100 acres and being known as Lot No. 4 on the subdivision plan referred to below.

The above description was taken from a subdivision plan prepared for Ray Edward Reichart by Adams County Surveyors dated February 16, 1988, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 49 at page 95.

BEING the same premises which Ray Edward Reichart and Nancy L. Reichart, husband and wife, by their deed dated

May 27, 1988, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 490, page 386, granted and conveyed unto Charles E. Vance and Virginia M. Vance, husband and wife, as tenants of an estate by the entireties.

IT ALSO BEING the same premises which Charles E. Vance and Virginia H. Vance, husband and wife, by their deed dated September 14, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 648, page 125, granted and conveyed an undivided one-half (1/2) interest unto Charles E. Vance, and an undivided one-half (1/2) interest unto Virginia H. Vance, Grantors herein.

PARCEL IDENTIFICATION NO: H16-51A

Premises: 245 Bowers Road, Littlestown, PA 17340-9670, Mt. Joy Township, Adam County, Pennsylvania

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN James E. Nickoles and Carol M. Nickoles, his wife, as Tenants by the Entireties, by Deed from Charles E. Vance, an undivided one-half interest and Virginia H. Vance, an undivided one-half interest, dated 09/18/1998, recorded 09/22/1998, in Deed Book 1666, page 29.

SEIZED and taken into execution as the property of **James E. Nickoles a/k/a James W. Nickoles a/k/a James E. Nickoles, Jr. & Carol M. Nickoles a/k/a Carol M. Luckenbaugh** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/17, 22 & 12/1

**ESTATE NOTICES**

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

**FIRST PUBLICATION**

**ESTATE OF DONALD E. BOLLINGER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania  
 Administratrix: Sheryl L. Jackson, 90 Red Oak Lane, Gettysburg, PA 17325

**ESTATE OF MILDRED L. COLLINS, DEC'D**

Late of the Borough of Littlestown, Adams County, Pennsylvania  
 Barbara M. Collins, 85 Kindig Road, Littlestown, PA 17340  
 Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

**ESTATE OF MARTHA M. SELLERS, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania  
 Executor: Tom Ferrance, 7135 Hershey Road, Spring Grove, PA 17362  
 Attorney: Nathaniel W. Boyd, IV, Esq., 23 East Princess Street, York, PA 17403

**ESTATE OF MERLE D. SHINDLEDECKER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania  
 Executor: Don J. Flax, 37 Wood Duck Drive, Ocean Pines, MD 21811  
 Attorney: John R. White, Campbell & White, P.C., 112 Baltimore Street, Gettysburg, PA 17325

**SECOND PUBLICATION**

**ESTATE OF ANNE FRANCES BRETH a/k/a ANNE M. BRETH a/k/a ANNE FRANCES MACKEN BRETH a/k/a ANNE F. BRETH, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania  
 Personal Representative: Anne C. Wildasin, 205 Carroll Heights Road, Taneytown, MD 21787  
 Attorney: John W. Frey, Esq., Dick, Stein, Schemel, Wine & Frey, LLP, 13 W. Main Street, Suite 210, Waynesboro, PA 17268

**ESTATE OF CARL L. HEINEY, DEC'D**

Late of Reading Township, Adams County, Pennsylvania  
 Executrix: Patricia M. Heiney, c/o Richard K. Konkol, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

Attorney: Richard K. Konkol, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

**ESTATE OF KATHRYN E. REPLOGLE, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania  
 Co-Executors: Lynn C. Replogle, 202 Sunset Drive, New Cumberland, PA 17070; Lynda K. Yingling, 6789 York Road, Abbotstown, PA 17301  
 Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

**ESTATE OF DARLENE W. SHINDLEDECKER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania  
 Executor: Leroy J. McDannell, 1543 Hanover Rd., Gettysburg, PA 17325  
 Attorney: Clayton R. Wilcox, Esq., 234 Baltimore St., Gettysburg, PA 17325

**THIRD PUBLICATION**

**ESTATE OF ROBERT LEE BAYNE a/k/a ROBERT LEE BAYNE, SR., DEC'D**

Late of the Borough of Biglerville, Adams County, Pennsylvania  
 Executrix: Sharon R. Seabreeze, 103 East York St., Biglerville, PA 17307  
 Attorney: Thomas E. Miller, Esq., Miller & Shultis, P.C., 249 York Street, Hanover, PA 17331

**ESTATE OF GEORGE ROBERT GUISE, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania  
 Executor: Dennis T. Guise, Esq., 2312 Forest Hills Drive, Harrisburg, PA 17112-1065  
 Attorney: Dennis T. Guise, Esq., 2312 Forest Hills Drive, Harrisburg, PA 17112-1065

**ESTATE OF STEWART E. GUISE, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania  
 Personal Representative: William E. Baldwin, c/o Patterson, Kiersz & Murphy, PC, 239 East Main Street, Waynesboro, PA 17268-1681

Attorney: David F. Spang, Esq., Patterson, Kiersz & Murphy, P.C., 239 East Main Street, Waynesboro, PA 17268-1681

**ESTATE OF MARGARET A. MUDD, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania  
 Executrix: Molly R. Freedenberg, a/k/a Molly Mudd Freedenberg, 208 N. 26th Street, Camp Hill, PA 17011

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW  
NO. 2006-S-577  
Action to Quiet Title

TODD R. REAMER, single, Plaintiff  
vs.

COMMONWEALTH OF PENNSYLVANIA, WILLIAM PENN and HANNAH PENN, his wife, JOHN DOE, JOHN W. GLADFELTER and MARIAN GLADFELTER, his wife, LUANN DILLE AND JOHN W. ROBINSON, and their respective EXECUTORS, HEIRS and/or ASSIGNS, Defendants

TO: Commonwealth of Pennsylvania, William Penn and Hannah Penn, his wife, John Doe

**NOTICE**

You are notified that the Plaintiff has commenced an action to quiet title against you by Complaint filed on May 24, 2006, which action you are required to defend.

You are required to plead to the said Complaint within twenty (20) days after service has been completed by publication, or judgment by default may be entered against you.

This action concerns one tract of land in Hamiltonban Township, Adams County, Pennsylvania bounded and described as follows:

BEGINNING at a pipe and stones at a corner of land now or formerly of John Tunison and corner of other land now or formerly of Maurice Weikert, Tract No. 2 herein; thence by other land of Maurice Weikert, North 76 degrees 31 minutes 00 second East, 127.97 feet to pipe and stones; thence continuing by same, South 25 degrees 13 minutes 50 seconds East, 657.40 feet to a pipe and stones at corner of land now or formerly of John Robinson; thence by said land of John Robinson, South 81 degrees 08 minutes 20 seconds West, 452.03 feet to a pipe and stones on line of land now or formerly of John Tunison; thence by said land of John Tunison, North 03 degrees 47 minutes 00 seconds East, 635.86 feet to a pipe and stones at a corner of land now or formerly of Maurice Weikert, Tract No. 2 herein, the point and place of BEGINNING. CONTAINING 4.164 acres.

On or about September 29, 2005, Plaintiff purchased the above-described tract of land from John W. Weikert and Judy Ann Weikert, husband and wife, by virtue of a deed that is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 4147 at page 235. This tract is designated as Tract No. 1 on said deed.

The said John W. Weikert and Judy Ann Weikert, predecessors in title to the above-described property, purchased the subject tract of land at a public tax sale held on September 8, 1980 conducted by Adams County Tax Claim Bureau. A deed dated January 9, 1981 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Deed Book 355 at page 670 subsequently transferred the property by the Adams County Tax Claim Bureau to John W. Weikert and Judy Ann Weikert, husband and wife.

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

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

**IF YOU CAN NOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

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

11/17

**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 Friday, December 1, 2006, at 9:00 a.m.

**STEVENS**—Orphans' Court Action Number OC-12-06. The First and Final Account of Wayne L. Stevens, Executor of the Estate of Lloyd L. Stevens, deceased, late of Butler Township, Adams County, Pennsylvania.

**EIKER**—Orphans' Court Action Number OC-150-06. The First and Final Account of Catherine J. Gault, Executrix of the Estate of Doris Belt Eiker, deceased, late of Oxford Township, Adams County, Pennsylvania.

**HOLLAR**—Orphans' Court Action Number OC-151-06. The First and Final Account of Scott L. Kelley, Esquire, Executor of the Estate of Oscar Coy Hollar, Deceased, late of Oxford Township, Adams County, Pennsylvania.

Kelly A. Lawver  
Clerk of Courts

11/17 & 22

**INCORPORATION NOTICE**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on October 10, 2006, for the purpose of obtaining a Certificate of Incorporation of a nonprofit corporation organized under the provisions of the Nonprofit Corporation Law of 1988. The name of the corporation is **THIRD WARD CONCERNED NEIGHBORS**. The purposes for which it has been organized are to discover, preserve and educate the public about African American history in the area of Gettysburg, Pennsylvania.

Puhl, Eastman & Thrasher  
Attorneys for the corporation

11/17

# *Adams County* Legal Journal

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Vol. 48

November 22, 2006

No. 27, pp. 160-167

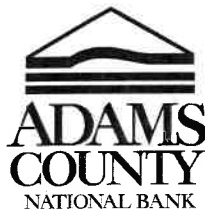
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## **IN THIS ISSUE**

WORLEY ET AL VS. WEISER

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



Member FDIC

## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 06-S-769 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of January, 2007, 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, together with the improvements thereon erected, situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a p.k. nail located in Township of Route T-428 (Bowers Road) at the Southwestern corner of Lot No. 3 on the subdivision plan referred to below; thence by said Lot No. 3, and running through a steel rod located twenty-five (25) feet from the beginning of this line, South seventy-three (73) degrees thirty-one (31) minutes zero (00) seconds East, two hundred thirty-two and nine hundredths (232.09) feet to a steel rod at land of Ray Edwards Reichart; thence by said land of Reichart, South sixteen (16) degrees twenty-nine (29) minutes zero (00) seconds West, two hundred six and forty-five hundredths (206.45) feet to a steel rod at Lot No. 5 on the subdivision plan referred to below; thence by said Lot No. 5, North seventy-three (73) degrees thirty-one (31) minutes zero (00) seconds West, two hundred thirty-two and nine hundredths (232.09) feet to a steel rod at land of Glenn C. Bowers; thence by said land of Bowers and crossing and running in the aforementioned Township Route T-428, North sixteen (16) degrees twenty-nine (29) minutes zero (00) seconds East, two hundred six and forty-five hundredths (206.45) feet to a p.k. nail, the place of BEGINNING. CONTAINING 1.100 acres and being known as Lot No. 4 on the subdivision plan referred to below.

The above description was taken from a subdivision plan prepared for Ray Edward Reichart by Adams County Surveyors dated February 16, 1988, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 49 at page 95.

BEING the same premises which Ray Edward Reichart and Nancy L. Reichart, husband and wife, by their deed dated May 27, 1988, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 490, page 386, granted and conveyed unto Charles E. Vance and Virginia M. Vance, husband and wife, as tenants of an estate by the entireties.

IT ALSO BEING the same premises which Charles E. Vance and Virginia H. Vance, husband and wife, by their deed dated September 14, 1992, and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 648, page 125, granted and conveyed an undivided one-half (1/2) interest unto Charles E. Vance, and an undivided one-half (1/2) interest unto Virginia H. Vance, Grantors herein.

PARCEL IDENTIFICATION NO: H16-51A

Premises: 245 Bowers Road, Littlestown, PA 17340-9670, Mt. Joy Township, Adam County, Pennsylvania

## RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN James E. Nickoles and Carol M. Nickoles, his wife, as Tenants by the Entireties, by Deed from Charles E. Vance, an undivided one-half interest and Virginia H. Vance, an undivided one-half interest, dated 09/18/1998, recorded 09/22/1998, in Deed Book 1666, page 29.

SEIZED and taken into execution as the property of **James E. Nickoles a/k/a James W. Nickoles a/k/a James E. Nickoles, Jr. & Carol M. Nickoles a/k/a Carol M. Luckenbaugh** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 9, 2007, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

11/17, 22 & 12/1

## 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 Friday, December 1, 2006, at 9:00 a.m.

**STEVENS**—Orphans' Court Action Number OC-12-06. The First and Final Account of Wayne L. Stevens, Executor of the Estate of Lloyd L. Stevens, deceased, late of Butler Township, Adams County, Pennsylvania.

**EIKER**—Orphans' Court Action Number OC-150-06. The First and Final Account of Catherine J. Gault, Executrix of the Estate of Doris Belt Eiker, deceased, late of Oxford Township, Adams County, Pennsylvania.

**HOLLAR**—Orphans' Court Action Number OC-151-06. The First and Final Account of Scott L. Kelley, Esquire, Executor of the Estate of Oscar Coy Hollar, Deceased, late of Oxford Township, Adams County, Pennsylvania.

Kelly A. Lawver  
Clerk of Courts

11/17 & 22



## WORLEY ET AL VS. WEISER

1. A stay may be granted only if: 1) the petitioner makes a strong showing he is likely to prevail on the merits; 2) the petitioner has shown that he will suffer irreparable injury without the requested relief; 3) the issuance of this stay will not substantially harm other parties; and 4) the issuance of a stay will not adversely affect the public interest.

2. The duty of a municipality to comply with the requirements of 508(2) (of the Municipality Planning Code) is absolute regardless of whether a property owner is otherwise aware of the basis for a denial.

3. The failure to provide a landowner with specific citation to the legal basis for a denial results in a "deemed approval" as a matter of law.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA. CIVIL ACTION NO. 05-S-1331. DANIEL T.  
WORLEY, INDIVIDUALLY, LAWRENCE DOST, INDIVIDUAL-  
LY, AND LATIMORE TOWNSHIP VS. M. EVERETT WEISER.

Ron Turo, Esq., for Appellants

Charles M. Suhr, Esq., for Appellee

George, J., February 27, 2006

### OPINION

Daniel T. Worley, Lawrence Dost and Latimore Township's (collectively "Township") Petition for a Stay Pending Resolution of their Land Use Appeal is presently before the Court for disposition. The crux of this dispute involves the development of property located along State Route 15 in Latimore Township, Adams County, owned by M. Everett Weiser ("Weiser"). The current litigation began with a civil action filed in March, 2002, brought by several property owners including Weiser and docketed at No. 02-S-946 (Adams County) ("Weiser I"). Additionally, the parties have, in various forms, filed six additional civil actions, which will be considered concurrently with this appeal.<sup>1</sup> Since the parties have conceded that these matters are all inter-related, it is necessary to summarize the history of all the cases.

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<sup>1</sup>Those cases may be found as follows: *Daniel T. Worley, Lawrence Dost and Latimore Township v. Terry T. Rickert and Robert L. Junkins*, 05-S-1329; *Daniel T. Worley, Lawrence Dost and Latimore Township v. M. Everett Weiser*, 05-S-1330; *Terry T. Rickert and Robert L. Junkins v. Latimore Township*, 05-S-1350; *M. Everett Weiser and Olive L. Weiser v. Latimore Township*, 05-S-1349; *M. Everett Weiser and Olive L. Weiser v. Latimore Township*, 05-S-1388; and *Terry T. Rickert and Robert L. Junkins v. Latimore Township*, 05-S-1387.

In “Weiser I”, Terry T. Rickert, Robert L. Junkins, M. Everett Weiser and Olive L. Weiser<sup>2</sup> filed a procedural challenge to the adoption of a new zoning ordinance (“2002 Ordinance”) by the Latimore Township Board of Supervisors in March 2002. The 2002 Ordinance changed the zoning district for several property owners, including Rickert and Weiser. Both Rickert and Weiser claimed that this change precluded them from executing their plans to develop their property. By Opinion dated August 1, 2003, this Court concluded that the legislative action adopting the 2002 Ordinance was procedurally defective and, therefore, ruled that the Ordinance was void *ab initio*.

On August 18, 2003, Latimore Township filed a timely appeal to the Commonwealth Court of Pennsylvania, which was docketed at 1872 C.D. 2003. By decision dated March 7, 2005, the Commonwealth Court affirmed this Court’s decision thus leaving the 2002 Ordinance void *ab initio*. On April 6, 2005, Latimore Township filed a Petition for Allowance of Appeal with the Pennsylvania Supreme Court (Docket No. 297 MAL 2005), which was denied by per curium Order dated September 8, 2005.

In the interim, while the appeal was pending before the Commonwealth Court, both Weiser and Rickert filed preliminary subdivision plans with Latimore Township.<sup>3</sup> By letter dated June 22, 2004, counsel for both Weiser and Rickert<sup>4</sup> granted an extension of time to Latimore Township within which to render a decision on their preliminary plans until sixty days after a final Order was issued in “Weiser I.”

At the regularly scheduled meeting of the Latimore Township Board of Supervisors on September 12, 2005, counsel for Weiser and Rickert advised the Township Supervisors that on September 8, 2005, the Pennsylvania Supreme Court denied allocatur on the Township’s appeal of the Commonwealth Court’s decision and, thus, a decision on the preliminary plans was due. Thereafter, at a meeting held on October 10, 2005, the Latimore Township Board of Supervisors orally voted to deny Weiser’s and Rickert’s plans. Although counsel for Weiser and Rickert attended the meeting, a

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<sup>2</sup>Terry T. Rickert and Robert L. Junkins shall hereinafter collectively be referred to as “Rickert.” Similarly, M. Everett Weiser and Olive L. Weiser shall hereinafter collectively be referred to as “Weiser.”

<sup>3</sup>Weiser filed separate plans for two separate parcels of property while Rickert filed a single plan involving a single parcel.

<sup>4</sup>Both Weiser and Rickert are represented by the same counsel.

written decision was not immediately provided to Weiser, Rickert or their counsel. On November 16, 2005, Weiser and Rickert published notice of a claimed “deemed approval” in the local newspaper.<sup>5</sup> Following the publication of the “deemed approval,” the Township’s counsel forwarded correspondence to Rickert and Weiser’s counsel on November 21, 2005, indicating that a written decision was not necessary and indirectly challenging the “deemed approval.”<sup>6</sup>

The notice in the local newspaper, in combination with the November 17, 2005, letter, has precipitated a proliferation of litigation. The initial filings occurred on December 6, 2005, when the Township filed three separate appeals from the notice of “deemed approval” published by Weiser and Rickert.<sup>7</sup> These appeals were shortly followed by a Petition for Stay filed by the Township in each case. It is the latter petitions which are currently before the Court for disposition.

The litigation intensified on December 9, 2005, when Rickert and Weiser filed separate complaints in mandamus seeking to direct the Township to affix signatures to their plans confirming the deemed approval and, thereafter, to review the final plans that they submitted (these actions will be collectively referred to as “mandamus actions”).<sup>8</sup> Hearing and argument on the Petitions for Writ of

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<sup>5</sup>42 Pa.C.S.A. § 5571 reads in relevant part:

**Implied determinations.**--When pursuant to law a determination is deemed to have been made by reason of the expiration of a specified period of time after submission of a matter to a tribunal or other government unit or after another prior event, any person affected may treat the expiration of such period as equivalent to the entry of an order for purposes of appeal and any person affected shall so treat the expiration of the period where the person has actual knowledge (other than knowledge of the mere lapse of time) that an implied determination has occurred.

<sup>6</sup>The correspondence, which is made part of the record in this matter, advised the landowners that their applications were denied “because of the failure to comply with the pending zoning ordinance.” The correspondence further indicates that the property owners’ counsel was present at the meeting when the plans were denied and that the reason for the denials was fully explained. In relevant part, the correspondence reads:

Because you represent the applicants, and were present at the meeting that denied the applications, further notice was repetitive and unnecessary. Furthermore, your personal involvement in the litigation surrounding the zoning ordinance made you completely familiar with the reason for the denials.

<sup>7</sup>A separate appeal was filed for the two plans filed by Weiser as well as the single plan filed by Rickert. Those appeals are filed at 05-S-1329, 05-S-1330 and 05-S-1331.

<sup>8</sup>These cases are filed at 05-S-1349 and 05-S-1350. In his petition for Writ of Mandamus, Weiser included both plans.

Mandamus were held on January 31, 2006. Those matters are ripe for disposition and will be concurrently addressed with this Opinion by separate Orders of Court filed under the respective case numbers.

The final related litigation was filed by Weiser and Rickert on December 19, 2005. In those cases, each respective landowner filed a Notice of Appeal from the November 17, 2005, correspondence referenced above.<sup>9</sup> The alleged purpose of these cautionary appeals is to preserve Weiser and Rickert's ability to challenge the merits of the Township's decision in the event that the November 17, 2005, letter is otherwise determined to be sufficient notice of the decision under applicable law. By the agreement of counsel, these appeals will be stayed pending final disposition of the other litigation since the related litigation may be dispositive.

Accordingly, the primary issue before the Court for disposition is the Township's Petition for Stay. While a stay is not automatically issued upon the filing of an appeal in a land use matter, 53 P.S. § 11003-A permits the appellants to petition the Court for a stay.<sup>10</sup> The decision to grant a stay is within the discretion of the trial court and will not be disturbed "absent a clear showing of the abuse of that discretion." *Gwynedd Properties, Inc. v. Bd. of Supervisors of Lower Gwynedd Twp.*, 635 A.2d 714, 716 (Pa.Cmwlth. 1993).

[A] stay may be granted only if: 1) the petitioner makes a strong showing he is likely to prevail on the merits; 2) the petitioner has shown that he will suffer irreparable injury without the requested relief; 3) the issuance of this stay will not substantially harm other parties; and 4) the issuance of a stay will not adversely affect the public interest.

*In re Estate of Hartman*, 582 A.2d 648, 653 (Pa.Super. 1990).

In the present case, the Township failed to make a showing of any of the factors supporting the grant of a stay outlined by the Superior Court. At the hearing held on January 31, 2006, neither party presented any evidence. Accordingly, the sparse certified record from the Township proceedings is the only factual background upon which

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<sup>9</sup>These matters are listed at 05-S-1387 and 05-S-1388. Once again, Weiser filed a single appeal challenging denial of both plans.

<sup>10</sup>53 P.S. § 11003-A also permits the landowner, in circumstances where the landowner is not the appellant, to petition the Court to order the appellants to post bond. Such a petition has not been filed; therefore, the discussion in this Opinion is limited to the Township's Petition for Stay.

the Court may rule. Based upon this record, there is a complete lack of any information concerning irreparable injury to the petitioner, substantial harm to other interested parties or any adverse affect on the public interest. Simply put, no showing has been made justifying the grant of a stay in this matter.

Perhaps most damaging to the Township's request is the fact that their appeal lacks merit. The Township appeals from a published notice of "deemed approval." They claim that the "deemed approval" is improper since they properly denied the plans and gave appropriate notice to the landowner under the Municipality Planning Code. Although the appeal is somewhat unclear, it appears that the Township is attempting to bring itself within the notice requirements of the Municipality Planning Code by claiming that the landowners were aware of the basis for the denial based upon the denial letter originally forwarded to the landowners in "Weiser I". The Township further claims that when the plans were denied at the October 10, 2005, meeting, oral notice, including the reasons for the denial, was provided to the landowners' counsel. This argument lacks both factual and legal merit.

Initially, although the Township somehow attempts to link the current plans to plans submitted by the landowners in "Weiser I", there is no factual support for that link in the record. To the contrary, the record reveals that the plans currently under consideration were a separate and distinct set of plans from those involved in "Weiser I." The Township recognized this fact when they voted on the plans on October 10, 2005. There is no indication anywhere in the record to contradict that the only action the Township took involving the plans occurred on October 10, 2005. Thus, any attempt to piggyback compliance with the Municipality Planning Code through notice in an entirely different matter is not supported by the record.

The Municipality Planning Code is unequivocal in requiring that a decision on a preliminary or final subdivision or land development plan "be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen days following the decision." 53 P.S. § 10508(1). When an application is denied, "the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or

ordinance relied upon.” 53 P.S. § 10508(2). The governing body’s failure to properly communicate the decision to the applicant within the fifteen day requirement shall be deemed an approval of the application. P.S. § 10508(3).

Pennsylvania appellate courts have consistently disapproved municipalities’ efforts to avoid the statutory requirements for promptness and the content of the notice of decision. These requirements have repeatedly been found to be mandatory. *Rosanelli v. Quakertown Borough Council*, 402 A.2d 1115,1116 (Pa.Cmwth. 1979); *Bensalem Twp. v. Blank*, 539 A.2d 948, 951 (Pa.Cmwth. 1988); *Lease v. Hamilton Twp.*, 885 A.2d 684, 688 (Pa.Cmwth. 2005). The duty of a municipality to comply with the requirements of 508(2) is absolute regardless of whether a property owner is otherwise aware of the basis for a denial. *Lease*, cited above.

Where an application is denied, the test is not whether the applicant had actual knowledge of the particular defects in his plan, the requirements which have not been met and the specific sections of the statute or ordinance relied upon but whether this information is contained within the four corners of the written decision itself.

*Bensalem Twp.*, 539 A.2d at 951.

The history of requiring municipalities to rigidly comply with the notice provisions of Section 508(2) has been ratified by two very recent appellate decisions. In *Hines Nurseries, Inc., v. Plumstead Twp. Bd. of Supervisors*, the Supreme Court reinforced prior decisions finding that the failure to provide a landowner with specific citation to the legal basis for a denial results in a “deemed approval” as a matter of law. *Hines Nurseries, Inc., v. Plumstead Twp. Bd. of Supervisors*, 861 A.2d 260 (Pa. 2004). Similarly, in *Lease*, cited above, the Commonwealth Court recognized that the test is “not whether the applicant had knowledge of the plan’s deficiencies but rather, whether the reasons for a denial are contained within the four corners of the written decision.” *Lease*, 885 A.2d at 688.

The Township’s argument that actual notice in lieu of written notice is sufficient to satisfy the requirements of Section 508 has specifically been rejected by the Commonwealth Court. In *Bensalem Twp.*, cited above, the municipality attempted to excuse its failure to cite specific provisions of the ordinance relied on in denying the

application by claiming that the applicant was a commercial developer and was physically present at the hearing where the denial occurred. The municipality argued that since he was orally advised of the actual reasons for the denial of his application, strict compliance with Section 508(2) by providing a written decision was not necessary. After noting that the requirements of the municipality's planning code are mandatory, the court rejected the township's argument. In doing so, the Commonwealth Court implicitly recognized that the written notice requirements of Section 508(2) serve the purpose of providing objective proof of the reason for a decision as compared to the uncertainty which would accompany decisions entered orally.

In this case, there is no dispute that a written notice of the decision was not given to the landowners until approximately thirty-eight days had elapsed from the date of the decision on the plans. The lack of merit of the appeal is apparent according to the precedents of *Bensalem Twp.*, cited above; *Lease*, cited above; and *Joseph A. Puleo v. Borough Council of Phoenixville*, 298 A.2d 658 (Pa.Cmwlt. 1973).<sup>11</sup>

In light of the foregoing cases, the Appellant's Petition for Stay will be denied. Although the record before this Court is complete and the appeal is ripe for disposition, I will permit, in the interest of

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<sup>11</sup> The property owners also challenge the standing of the Township, Worley and Dost to file the current appeal. Indeed the standing of the Township is suspect in light of the Commonwealth Court's recent opinion in *Bd. of Supervisors of East Rockhill Twp. v. Mager*, wherein the Commonwealth Court held that a municipal board, acting as a quasi-judicial tribunal, lacked standing to file an appeal from a "deemed approval" of a conditional use application. *Bd. of Supervisors of East Rockhill Twp. v. Mager*, 855 A.2d 917, 921 (Pa.Cmwlt. 2004), petition for allowance of appeal denied, 863 A.2d 1149 (Pa.2004). According to the court in *East Rockhill Twp.*, "the term 'deemed approval' means that a municipality has ruled in the applicant's favor." *Id.* at 920. Consequently "a municipality cannot appeal from its own decision approving the application." *Id.*

Similarly, the record does not include any information regarding the grant of party status to Worley or Dost. One can only wonder how one who has not recused himself from acting in a quasi-judicial capacity can subsequently act as a party in opposition to the petition upon which he ruled. See generally, *Amerikohl Mining, Inc., v. Zoning Hearing Bd. of Wharton Twp.*, 597 A.2d 219 (Pa.Cmwlt. 1991) (a supervisor should disqualify himself [or herself] from any proceeding which he or she has a personal or pecuniary interest that is immediate or direct) and *Thornbury Twp. Bd. of Supervisors v. W.D.D., Inc.*, 546 A.2d 744 (Pa.Cmwlt. 1988) (recusal necessary in applications before the board of supervisors where supervisor appeared before a township zoning hearing board as a private citizen and advocated against application.) Nevertheless, in light of the foregoing disposition, it is not necessary that I reach this issue.

due process, the parties to submit briefs in support of their positions regarding the merits of the appeal. Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 27th day of February, 2006, the Appellants' Petition for Stay is denied. The Appellants shall file a brief in support of their appeal within fourteen (14) days of the date of this Order. Issues to be considered in the brief include the Appellee's challenge to standing. The Appellee shall file a responsive brief within twenty-one days of the date of this Order. The matter will be considered on briefs.



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 ERVIN LUTHER BAUM, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executor: Eidon L. Baum, 4930 Baltimore Pike, Littlestown, PA 17340

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

ESTATE OF CLAIR J. LAUGHMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Sally J. Harrell, 28 Tracey Road, Hanover, PA 17331

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

ESTATE OF MELVIN L. MILLER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Stephen T. Miller, 3788 Carlisle Road, Gardners, PA 17324; Gregory A. Miller, 24 Victory Church Road, Gardners, PA 17324; Susan E. Stolzhus, Now Susan E. Altice, 1916 Upper Bermudian Road, Gardners, PA 17324

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

ESTATE OF GEORGE E. SCHRADER, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Executor: Lonny P. Schrade, 40 Labor Camp Road, Gardners, PA 17324

Co-Executrix: Bonnie E. Schrade, 17 East Orange Street, Mt. Holly Springs, PA 17065

Attorney: David A. Baric, Esq., O'Brien, Baric & Scherer, 19 West South Street, Carlisle, PA 17013

SECOND PUBLICATION

ESTATE OF DONALD E. BOLLINGER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administratrix: Sheryl L. Jackson, 90 Red Oak Lane, Gettysburg, PA 17325

ESTATE OF MILDRED L. COLLINS, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Barbara M. Collins, 85 Kindig Road, Littlestown, PA 17340

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

ESTATE OF MARTHA M. SELLERS, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Tom Ferrance, 7135 Hershey Road, Spring Grove, PA 17362

Attorney: Nathaniel W. Boyd, IV, Esq., 23 East Princess Street, York, PA 17403

ESTATE OF MERLE D. SHINDLEDECKER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Don J. Flax, 37 Wood Duck Drive, Ocean Pines, MD 21811

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

THIRD PUBLICATION

ESTATE OF ANNE FRANCES BRETH a/k/a ANNE M. BRETH a/k/a ANNE FRANCES MACKEN BRETH a/k/a ANNE F. BRETH, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Personal Representative: Anne C. Wildasin, 205 Carroll Heights Road, Taneytown, MD 21787

Attorney: John W. Frey, Esq., Dick, Stein, Schemel, Wine & Frey, LLP, 13 W. Main Street, Suite 210, Waynesboro, PA 17268

ESTATE OF CARL L. HEINEY, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Patricia M. Heiney, c/o Richard K. Konkell, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

Attorney: Richard K. Konkell, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

ESTATE OF KATHRYN E. REPLOGLE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Lynn C. Replogle, 202 Sunset Drive, New Cumberland, PA 17070; Lynda K. Yingling, 6789 York Road, Abbottstown, PA 17301

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

ESTATE OF DARLENE W. SHINDLEDECKER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Leroy J. McDannell, 1543 Hanover Rd., Gettysburg, PA 17325

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

## INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation, having an effective date of October 16, 2006 were filed on or about November 6, 2006, pursuant to the applicable provisions of the Business Corporation Law of 1988 contained in the Act of December 21, 1988, P.L. 1444, as amended, with the Corporation Bureau of the Department of State of the Commonwealth of Pennsylvania for the purpose of incorporating SHINING STARS THERAPEUTIC RIDING PROGRAM, INC.

The registered office of this non-profit corporation is 3185 York Road, Gettysburg, Adams County, PA 17325 and its purpose is the provision of a means of therapy using horses to help people with special needs.

Harold S. Irwin, III, Esq.  
Attorney-at-Law  
Irwin Law Office  
64 South Pitt Street  
Carlisle, PA 17013

11/22

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