

Adams County Legal Journal

Vol. 47

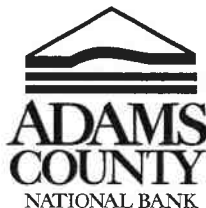
July 1, 2005

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STAUB VS. EIKER

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



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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. 05-S-327 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the center of a State Highway, Legislative Route No. 01020 leading from the Bendersville and Brysonia Road to Route No. 34 and being 890 feet from Route No. 234; thence through land now or formerly of George H. Cole and Jane Wise Cole, North 68 degrees 30 minutes West 190.00 feet to an iron pin; thence through the same, North 09 degrees 55 minutes East 100.00 feet to an iron pin; thence by same, South 68 degrees 30 minutes East 190.00 feet to a spike in the center of the above mentioned State Highway; thence along and in the center of said Road, South 09 degrees 55 minutes West 100.00 feet to a spike, the place of BEGINNING. CONTAINING 68.36 perches.

TITLE TO SAID PREMISES IS VESTED IN Michael L. McKenrick by deed from Estate of Robert E. McKenrick (deceased) by deed by Lisa K. Grubbs, Acting Clerk of the Orphans Court Division of the Court of Common Pleas of Adams County, Pennsylvania, pursuant to the provisions of a Final decree entered to No. OC-142-03, signed 12-2-2003 by Hon. Robert G. Bigham, Judge for the estate, dated 1-8-2004 and recorded 1-29-2004 in Deed Book 3455, Page 293.

Premises being: 80 Nawakwa Road, Biglerville, PA 17307

Tax Parcel No. 29-D07-0020

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 15, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/17, 24 & 7/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1232 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING described real estate lying and being situate in Liberty Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a rebar and cap set in Pecher Road (T-312) on line of land now or formerly of Richard B. Nevius; thence along said Nevius land, South 85 degrees 31 minutes 27 seconds East, 1,194.27 feet to a stone found on line of land now or formerly of William R. Ruppert; thence along said Ruppert land, South 04 degrees 32 minutes 48 seconds West, 588.63 feet to a rebar and cap set; thence along land of Fred Harry Crum, North 80 degrees 39 minutes 50 seconds West, 337.90 feet to a rebar and cap set; thence along the same, North 39 degrees 35 minutes 16 seconds West, 435.54 feet to a cap and rebar set; thence continuing along the same, North 85 degrees 31 minutes 27 seconds West, 561.94 feet to a rebar and cap set in Pecher Road, thence in Pecher Road, North 06 degrees 19 minutes 30 seconds East 247.16 feet to the above-described place of BEGINNING. CONTAINING 10.4139 acres.

BEING THE SAME PREMISES which Fred Harry Crum and Judith Marie Crum, by Deed dated 3/26/98 and recorded 3/26/98 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 1546 at Page 195, granted and conveyed unto Michael E. Crum and Stacy L. Crum.

Tax Parcel #: (25)C17-30

SEIZED and taken into execution as the property of **Michael E. Crum & Stacy L. Crum** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/1, 8 & 15

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 or about April 15, 2005, for the incorporation of THE PAINT STORE PLUS, INC., under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of the sale of paint and related items, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 72 North Steeple Chase, Gettysburg, PA 17325.

Bernard A. Yannetti, Jr., Esq.
Hartman & Yannetti
Solicitors

7/1

STAUB VS. EIKER

1. Common law marriages have been disfavored in Pennsylvania for years but despite being disfavored they are still alive and well in Pennsylvania.

2. Normally evidence of cohabitation and reputation may be admitted only if the parties are not available to testify. However, when conflicting testimony is presented, the parties may present evidence of cohabitation and reputation to prove or disprove the existence of a common law marriage.

3. The presence of an affidavit of common law marriage does not create an irrebuttable presumption of a common law marriage. An affidavit is admissible and is probative evidence even though it is not irrebuttable.

4. When a common law marriage is alleged, the court will presume that the parties continued to live together unmarried even after the impediment to marriage has been removed, unless there is clear and convincing evidence of a change of status — from “unmarried” to “married.”

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 04-S-329, DEBRA A. STAUB VS. RAYMOND E.
EIKER.

Bernard A. Yannetti, Jr., Esq., for Plaintiff

Matthew E. Teeter, Esq., for Defendant

Bigham, J., November 24, 2004.

OPINION

STATEMENT OF FACTS

This case arises as a result of Debra A. Staub, (hereinafter referred to as “Plaintiff”), filing a divorce complaint seeking to be divorced from Raymond E. Eiker (hereinafter referred to as “Defendant”). Plaintiff alleges that the parties were married January 20, 1974 and separated in April 2004. On January 20, 1974, the parties executed an Affidavit of Common Law Marriage (hereinafter referred to as “the affidavit”).¹ Defendant filed an answer denying that the parties were ever married. Defendant claims the affidavit does not establish a common law marriage because: (1) it was signed only to allow Plaintiff to receive health benefits through Defendant’s employer, the

¹ The Affidavit of Common Law Marriage signed by both Plaintiff and Defendant is as follows: “We, Raymond E. Eiker and Debra A. Staub, the undersigned, being duly sworn, do hereby state that on January 20, 1974, being freely able to contract, we entered in the relationship of husband and wife under common-law at Gettysburg, PA, intending to be legally bound thereby and in full recognition of the rights, duties, obligations associated therewith. At that time we had the present intent to be married, evidenced by words in the present tense uttered with a view and purpose of establishing the relationship of husband and wife.

Gettysburg Area School District, and (2) Defendant was unable to enter into a valid marriage as he was still married to another woman at the time.

Subsequently, Defendant filed a Petition for Declaratory Judgment seeking a judicial determination of whether or not a common law marriage ever existed. Defendant argues a common law marriage does not exist as the affidavit was for health care purposes only, the parties never exchanged words of present intent and the parties never had a joint bank account. Plaintiff's Answer to the Petition for Declaratory Judgment argues that Defendant altered the affidavit by changing the date of marriage from 1984 to 1974 and that the parties expressed words of present intent to be married and on numerous occasions held themselves out to be husband and wife.

This Court held an evidentiary hearing on August 9, 2004 and September 23, 2004. At the conclusion of the hearing the Court set a deadline for the filing of memoranda and the parties complied with the deadline.

LEGAL DISCUSSION

In 2002, the Commonwealth Court purported to abolish common law marriages in Pennsylvania. *PNC Bank Corp. v. W.C.A.B.*, 831 A.2d 1269 (Pa.Cmwlt.2003). The Pennsylvania Superior Court has decided not to follow the Commonwealth Court's decision in *PNC Bank Corp* because: (1) they are not bound by the Commonwealth Court's decisions and (2) they, along with the Supreme Court, defer abolishing common law marriage to the legislature. *Bell v. Ferraro*, 849 A.2d 1233, 1234 n.2 (Pa.Super.2003). Common law marriages have been disfavored in Pennsylvania for years but despite being disfavored they are still alive and well in Pennsylvania. *Staudenmayer v. Staudenmayer*, 714 A.2d 1016 (Pa.1998). Due to the disfavored status of common law marriages the Court has placed a heavy burden on the party claiming such a marriage. *Staudenmayer* cited above, at 1020. If the parties are present and available to testify, a common law marriage will be found only when the party can present clear and convincing evidence of verba in praesenti, the exchange of words between the parties in the present tense with the specific purpose of creating a relationship of husband and wife. *Id.* at 1021. Normally evidence of cohabitation and reputation may be admitted only if the parties are not available to testify. However, when

conflicting testimony is presented, pursuant to *Staudenmayer*, the parties may present evidence of cohabitation and reputation to prove or disprove the existence of a common law marriage. *Id.* at 1021.

Plaintiff, the party claiming the existence of a common law marriage, had the burden to prove the existence of a common law marriage. Plaintiff admitted into evidence an affidavit alleging that at the time of the signing the parties intended to be married. Defendant predictably testified that the affidavit was signed only to enable Plaintiff to receive health benefits and it was not his intent to be married. There were several other examples of conflicting testimony offered at the hearing by Plaintiff. Plaintiff recalled discussions with Defendant regarding their marital status wherein the parties agreed that they were husband and wife. Although Plaintiff could not recollect the exact time or place when these conversations took place she could recall that over a period of thirty years there was more than one occasion in which the exchange of words took place. Plaintiff also testified that Defendant would introduce her as his wife at professional and social functions. Defendant denied any recollection of these discussions and introductions.

Defendant argued adamantly that he and Plaintiff never exchanged the requisite *verba in praesenti*. However, Defendant testified that his five adult children believe Plaintiff and Defendant are married. Also, Defendant testified that he and Plaintiff filed for joint bankruptcy, something that could not have occurred absent a representation that the parties were husband and wife. Testimony was also introduced that the parties filed joint tax returns and separate tax returns while living together.

The presence of an affidavit of common law marriage does not create an irrebuttable presumption of a common law marriage. *Bell*, cited above at 1235. An affidavit is admissible and is probative evidence even though it is not irrebuttable. *Id.* Therefore, once an affidavit is admitted, the party claiming that there is not a common law marriage has a reasonable burden to rebut the affidavit. *Id.* The Court finds that Defendant did not meet his burden. This Court also finds that Plaintiff's testimony was more credible than that of Defendant. Plaintiff convincingly testified that Defendant changed the date of marriage on the affidavit from 1984 to 1974 in order to legitimize the birth of their oldest child born in 1975. Correcting

the date of the marriage would be entirely unnecessary and irrelevant if the affidavit was intended for health care purposes only.

In view of the fact that conflicting testimony has been offered, evidence of cohabitation and reputation in the community may be admitted. *Staudenmayer* cited above, at 1020. Testimony was offered that several people in the community, including Defendant's employer and landlord, believed that the parties were husband and wife. The parties also lived continuously together except for a short period of time in 1980. Several documents were introduced showing the parties filed a joint bankruptcy and joint tax returns.

All of the evidence establishes that a valid common law marriage took place and the Court determines the date of the marriage to be January 21, 1977, the date of Defendant's divorce. January 21, 1977 must be the effective date of the common law marriage because up to that point the marriage was voidable due to the impediment of a previous marriage. When a common law marriage is alleged, "the court will presume that the parties continued to live together unmarried even after the impediment to marriage has been removed, unless there is clear and convincing evidence of a change of status—from "unmarried" to "married."'" *Int'l Painters and Allied Trades Industry Pension Fund v. Calabro*, 312 F.Supp. 2d 697, 703 (E.D. Pa. 2004) citing *In Re Garges*, 378 A.2d 307(Pa. 1977). The impediment to the parties' marriage was Defendant's prior marriage and it was removed in January of 1977. This Court finds that there was clear and convincing evidence that the parties changed their status from unmarried to married after January of 1977. This evidence can be found in the filing of joint tax returns and a joint bankruptcy, exchange of verba in praesenti and reputation in the community. Therefore this Court finds that a valid common law marriage occurred on January 21, 1977.

Accordingly the attached order will be entered.

ORDER OF COURT

AND NOW, this 24th day of November 2004, after an evidentiary hearing attended by the parties and their attorneys of record and review of the Memoranda of Law IT IS ORDERED THAT a valid common law marriage existed between the parties effective January 21, 1977.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 03-S-350 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE TWO CERTAIN lots, parcels, pieces of ground situate in Huntington Township, Adams County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1:

BEGINNING at a point in the North side of the public road leading from York Springs to Route 34 and lands now or late of Melvin O. Murtoff, Jr. and Marian Murtoff; thence by said lands North Twenty and Three quarters (20-3/4) degrees East One Hundred Fifty (150) feet to a point; thence by other lands now or late of Thaddeus I. Keefe, et ux., South Sixty-nine and One quarter (69-1/4) degrees East, Fifty (50) feet to a point; thence by same, South Twenty and Three quarters (20-3/4) degrees West, One Hundred Fifty (150) feet to a point in the North side of the aforesaid road; thence by said public road, North Sixty-nine and One quarter (69-1/4) degrees West, Fifty (50) feet to the place of BEGINNING.

TRACT NO. 2:

BEGINNING at a point on the Northern side of PA L.R. 01047 leading from Idaville to York Springs and other lands now or late of Melvin O. Murtoff, Sr., et ux; thence by said lands of Murtoff, Sr., North Twenty (20) degrees Forty (40) minutes East One Hundred Fifty-one and Sixty-five hundredths (151.65) feet to an iron pin at other lands now or late of Thaddeus I. Keefe, et ux; thence by same, South Sixty-nine (69) degrees Fifteen (15) minutes East, Five (5) feet to an iron pin at lands about to be conveyed to Leland E. King; thence by same, South Twenty (20) degrees Forty (40) minutes West, One Hundred Fifty-one and Sixty-one hundredths (151.61) feet to an iron pin at the Northern side of the aforesaid PA L.R. 01047; thence along the Northern side of said L.R. 01047, North Sixty-nine (69) degrees Thirty-eight (38) minutes West, Five (5) feet to the place of BEGINNING.

THE ABOVE DESCRIPTION was taken from a draft of survey dated May 4, 1963, prepared by Robert E. Stoffler, R.S.

Parcel No. G4-15

BEING KNOWN AS 106 Idaville York Springs Road, Gardners, PA 17324

BEING the same premises which Melvin O. Murtoff, Jr. and Marian M. Murtoff, husband and wife, by Deed dated August 13, 2001 and recorded on August 22, 2001 in the Office of the Recorder of Deeds in and for Adams County, in Deed Book 2382, Page 113, granted and conveyed unto Richard W. Crouse, a/k/a Richard W. Crouse, Jr. and Lisa K. Crouse.

SEIZED and taken into execution as the property of **Richard W. Crouse a/k/a Richard W. Crouse, Jr. & Lisa K. Crouse** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 15, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/17, 24 & 7/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1122 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of July, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of a private road 50 feet in width at the Westernmost corner of the lot designated as Lot No. 1 on the plan of lots referred to below; thence by said Lot No. 1 and running through an iron pin located 25 feet from the place of beginning South 48 degrees 23 minutes 38 seconds East, 183.56 feet to an iron pin; thence by land now or formerly of Charles E. Ott and wife South 41 degrees 5 minutes 37 seconds West, 353.01 feet to an iron pin; thence by the lot designated as Lot No. 5 on the plan of lots referred to below and running through an iron pin located 25 feet from the end of this line North 48 degrees 23

minutes 38 seconds West, 186.72 feet to a point in the center of the aforementioned private road; thence in the center of said private road and by the lot designated as Lot No. 4 on the plan of lots referred to below North 41 degrees 36 minutes 22 seconds East, 353 feet to a point in the center of said private road, the place of BEGINNING, CONTAINING 1.499 acres.

TOGETHER WITH the right to use the 50-foot private road referred to in the foregoing description as a means of ingress, egress and regress from Legislative Route 01041 to the lot hereby conveyed.

SUBJECT, HOWEVER, to the restrictions and responsibilities contained in a deed recorded in the aforementioned Recorder's Office in Deed Book 356 at Page 654.

The foregoing description was obtained from a plan of lots of Big Flat Acres prepared by Richard W. Boyer, registered surveyor, trading as Boyer Surveys, dated September 27, 1978, and recorded in Adams County Plat Book 24 at Page 10, the lot hereby conveyed being designated as Lot No. 3 on said plan of lots.

Address: 2630 D Shippensburg Rd.,
Biglerville, PA 17307

Tax Map or Parcel ID No.: (29) B05-57

SEIZED and taken into execution as the property of **Patricia Slaybaugh a/k/a Patricia A. Trimmer** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 15, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/17, 24 & 7/1

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-371 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground, situate, lying and being in the Township of Latimore, Adams County, Pennsylvania, more particularly bounded and described in accordance with the final plan of Green-Field Estates, which plan is dated August 17, 1979, and recorded in the Office in and for Adams County, Pennsylvania in Plan Book 31 at Page 40, as follows, to wit:

BEGINNING at a point on the dedicated right-of-way line of Legislative Route 01073, at the Southwest corner of Lot No. 2 on the aforesaid Plan; thence along said right-of-way North Seventy-Eight degrees, Sixteen (16) minutes, Fifty-Nine (59) seconds West, a distance of One Hundred Seventy-Three and Ten One Hundredths (173.10) feet to a point at the Southeast corner of Lot No. 4 on the aforesaid Plan; thence along Lot No. 4 North Eight (08) degrees, Thirty-Eight (38) minutes, Three (03) seconds East, a distance of Two Hundred Ninety-Four and Ninety-Nine One Hundredths (294.99) feet to a point at a corner of Lot No. 30 on the aforesaid Plan; thence along Lot No. 30 South Seventy-Five degrees, Zero (00) minutes, zero (00) seconds East, a distance of One Hundred Two and Forty-Two One-Hundredths (102.42) feet to a point at the Northwest corner of Lot No. 2; thence along Lot No. 2 South Five (05) degrees, zero (00) minutes, (00) seconds East, a distance of Three Hundred One and Forty-Four One Hundredths (301.44) feet to a point at the Southwest corner of Lot No. 2 on the said Plan, the point and place of BEGINNING.

BEING Lot No. 3 on the aforesaid Plan and containing 40,000 square feet more or less.

UNDER AND SUBJECT, to building and use restrictions recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Misc. Book 36, Page 877. Subject to a 40 foot drainage easement marked on said Plan.

BEING the same premises which Susan A. Avaritt by Deed dated October 19, 1999 and recorded in the Adams County Recorder of Deeds Office on November 15, 1999 in Deed Book 1953, Page 178 granted and conveyed unto Eric T. and Susan Y. Avaritt, as husband and wife, as tenants by entities, with the right of survivorship.

SEIZED and taken into execution as the property of **Eric T. Avaritt & Susan Y. Avaritt** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-426 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground situate in the Borough of Littlestown, Adams County, Pennsylvania, as shown on the Subdivision Plan for "Lakeview Village - Phase Two" prepared by Donald E. Worley, Registered Surveyor, of Worley Surveying, dated April 21, 1989, revised September 11, 1989 recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 54, Page 65 (2 pages) and designated as Lot No. 49 thereon, more particularly bounded and described as follows:

BEGINNING at a steel pin on the Northern Right-of-Way line of Starlite Drive at corner of Lot No. 50 on the Plan of Lots hereinabove identified; thence by said Lot No. 50, North forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, one hundred twenty-six and fifty-one hundredths (126.51) feet to a steel on line of land of Pennsylvania Classics, Inc.; thence by said land of Pennsylvania Classics, Inc., North fifty-five (55) degrees forty-three (43) minutes thirty-six (36) seconds East, thirty-five and fifty-five hundredths (35.55) feet to a steel pin at corner of Lot No. 48; thence by said Lot No. 48, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, one hundred twenty and twenty-seven hundredths (120.27) feet to a steel pin on the Northern Right-of-Way line of Starlite

Drive, thence by said Northern Right-of-Way line of Starlite Drive, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, thirty-five (35.00) feet to the above described place of BEGINNING.

CONTAINING 4,319 square feet.

TOGETHER with and subject to a fifty (50) feet Right-of-Way in, through along the streets known as Crescent Lane and Starlite Drive to be used in common with other owners of lots in "Lakeview Village - Phase Two," as shown on the Subdivision Plan above referenced.

Tax Parcel #11-129

TITLE TO SAID PREMISES IS VESTED IN Ryan M. Glover by Deed from Gary L. Miller, unmarried, dated 11/28/2001 and recorded 12/10/2001 in Record Book 2491 Page 255.

SEIZED and taken into execution as the property of **Ryan M. Glover** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/1, 8 & 15

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982 - 295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately May 24, 2005, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of **ABRAHAM'S LADY**, with its principal place of business at 25 Steinwehr Ave., Gettysburg, PA 17325. The names and addresses of the persons owning or interested in said business are Donna J. Abraham, residing at 131 Heritage Dr., Gettysburg, PA 17325. The character or nature of the business is retail sale of Civil War Era Clothing, Accessories and Sewing Supplies.

7/1

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 RICHARD G. E. CLINE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Gary E. Hartman, Esq., 126 Baltimore Street, Gettysburg, PA 17325

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

ESTATE OF ANNA BELLE MURTOF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Administratrices: Jean E. Guise, 89 University Drive, Biglerville, PA 17307; Barbara A. Griffie, 581 Oxford Road, Gardners, PA 17324

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

ESTATE OF ELMER PLISCHKE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Lowell R. Plischke, 17840 Cool Spring Road, Marydel, MD 21649

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

ESTATE OF D. NADENE RAY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Richard F. Plank, 47 Hanover Street, Gettysburg, PA 17325

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

ESTATE OF HAROLD E. SMITH, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administratrix: Marie E. Welk, 1146 Baltimore Street, Hanover, PA 17331

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

SECOND PUBLICATION

ESTATE OF ROGER C. FANCOVIC, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Administrator: Richard S. Fancovic, 1508 Stanton St., York, PA 17404

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

ESTATE OF RUTH ROYER MILLER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Gwendolyn E. Nash, 2510 Virginia Ave., NW, Washington, D.C. 20037

ESTATE OF JOHN D. SMITH, JR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator: Joan D. Miller, 352 Arendtsville Road, P.O. Box 138, Biglerville, PA 17307

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

ESTATE OF RICHARD H. SPRINCE, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Jean M. Sprince, 813 Heritage Drive, Gettysburg, PA 17325

Attorney: Craig A. Hatch, Esq., Gates, Halbruner & Hatch, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043

THIRD PUBLICATION

ESTATE OF CHARLES R. BAKEY, JR., DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrices: Charlotte L. Bakey, 108 A Stock Street, Hanover, PA 17331; Suzanne Bakey Fricke, 13104 Olive Branch Court, Silver Spring, MD 20904

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

ESTATE OF PAULINE VICTORIA SHANK, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Naomi V. Smith, 10039 Old Frederick Terrace, Frederick, MD 21701

Attorney: Matthew R. Battersby, Esq., P.O. Box 215, 20 W. Main Street, Fairfield, PA 17320

ESTATE OF LLOYD L. STEVENS, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Wayne L. Stevens, 112 Center Mills Rd., Aspers, PA 17304

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

ESTATE OF RUTH ATWOOD TURNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Robert E. Turner, 320 Greenwood Ave., Rumford, RI 02916

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

ESTATE OF VERNE V. VAN ORDEN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Maitha Huebsch, 392 Burr Road, Cochection, NY 12726

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-323 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or ground situated in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 195 on the Plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1 Page 1, and subject to all legal highways, easements, rights of way and restrictions of record.

TOGETHER WITH AND SUBJECT TO restrictions, easements, set back lines, conditions, etc., as may be of record.

AND the said grantor hereby covenants and agrees that it will warrant specially the property hereby conveyed.

Map and Parcel ID: (37) 11-44

Being known as: 37 Pemberton Drive, East Berlin, PA 17316

SEIZED and taken into execution as the property of Gary Carr and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/1, 8 & 15

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, July 5, 2005, at 9:00 a.m.

PRICE—Orphans' Court Action Number OC-57-05. The First and Final Account of Larry E. Miller, Executor of the Estate of Sharon E. Price, deceased, late of the Township of Straban, Adams County, Pennsylvania.

SMITH—Orphans' Court Action Number OC-60-05. The First and Final Account of Eugene Elmer Smith, Jr., Executor of the Estate of Evelyn S. Smith aka Evelyn Sarah Smith, deceased, late of the Borough of New Oxford, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

6/24 & 7/1

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Section 311 of the Act of Assembly of December 16, 1982, 54 Pa. C.S.A. 311, as amended, that an application for registration of a fictitious name was filed on June 1, 2004 with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the conducting of a business under the fictitious name of THE SIDNEY RESTAURANT with its principal office or place of business at 101 East King Street, East Berlin, PA 17316.

The name and address of the current owner or interested party in said business is: ANNIS CORP., 101 East King Street, East Berlin, PA 17316.

Charles E. Shields, III, Esq.
6 Clouser Road
Mechanicsburg, PA 17055

7/1

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that on April 12, 2005, Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania incorporating EAST BERLIN AREA COMMUNITY CENTER, INC., under the provisions of the Business Corporation Law.

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

The location and post office address of the initial registered office of said corporation is 405 North Avenue, East Berlin, PA 17316.

Matthew R. Battersby, Esq.
20 W. Main St., PO Box 215
Fairfield, PA 17320
(717) 642-6260

7/1

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that on May 25, 2005, Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania incorporating DANNLAND PENNSYLVANIA, INC., under the provisions of the Business Corporation Law.

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

The location and post office address of the initial registered office of said corporation is 113 Country Club Trail, Fairfield, Pennsylvania, 17320.

Matthew R. Battersby, Esq.
20 W. Main St., PO Box 215
Fairfield, PA 17320
(717) 642-6260

7/1

Adams County Legal Journal

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July 8, 2005

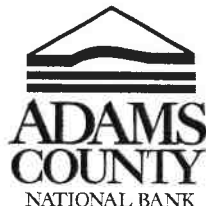
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KOPANIS VS. KOUFOMIHALIS

Commitment:

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-323 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or ground situated in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 195 on the Plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1 Page 1, and subject to all legal highways, easements, rights of way and restrictions of record.

TOGETHER WITH AND SUBJECT TO restrictions, easements, set back lines, conditions, etc., as may be of record.

AND the said grantor hereby covenants and agrees that it will warrant specially the property hereby conveyed.

Map and Parcel ID: (37) 11-44

Being known as: 37 Pemberton Drive, East Berlin, PA 17316

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-442 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground, situate, lying and being in Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a stake at a twenty (20) feet wide driveway on the centerline of Lot No. 12, at land now or formerly of Mary Myers; thence by the same and through the center of Lot No. 12, North thirteen (13) degrees West, one hundred thirty-nine and two hundredths (139.02) feet to a stake at Conewago Creek; thence along said creek, North seventy-seven (77) degrees fifteen (15) minutes East, fifty (50) feet to a stake at Lot No. 13; thence along Lot No. 13, South thirteen (13) degrees East, one hundred thirty-eight and four hundredths (138.04) feet to a stake at the driveway aforesaid; thence by the same, South seventy-six (76) degrees twenty-five (25) minutes West fifty (50) feet to a stake on the centerline of Lot No. 12, the place of BEGINNING.

SAID LOT being known as the easterly half of Lot No. 12 on a plan or series of lots laid out by Anna H. Manley.

BEING THE SAME PREMISES which Emanuel S. Krebs and Iva Krebs, husband and wife, by Deed dated 10/29/86 and recorded 10/30/86 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 440 at Page 252, granted and conveyed unto Andrea B. Markle.

Tax Parcel #: 17-J-9-41

SEIZED and taken into execution as the property of **Andrea B. Markle** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005,

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

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

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

7/8, 15 & 22

KOPANIS VS. KOUFOMIHALIS

1. Although Rule 2959 does not specifically address the propriety of amending petitions to open or strike a judgment, appellate authority recognizes that original petitions may be amended.

2. An amendment to a petition to open judgment is properly permitted where the judgment creditor is not surprised or injured by the amendment and the amendment is made for the purpose of making the allegations correspond with the proof.

3. A petition to strike and a petition to open are two distinct forms of relief with separate remedies.

4. A petition to open a judgment is applicable when the defendant can prove a defense to all or part of the plaintiff's claim.

5. A party should seek to have the court open the judgment when an alleged defect in the judgment is based upon matters outside of the record. Unlike a petition to strike judgment, proceedings related to a petition to open judgment involve equitable principles.

6. Rule 2959 of the Pennsylvania Rules of Civil Procedure was amended on 9/28/04 to say:

A judgment shall not be stricken or opened because of a creditor's failure to provide a debtor with instructions imposed by an existing statute, if any, regarding procedures to follow to strike a judgment or regarding any rights available to an incorrectly identified debtor.

7. The general rule in Pennsylvania that the Pennsylvania Rules of Civil Procedure be strictly followed if a valid confession of judgment is to be entered, has become somewhat relaxed when a defect in the pleading exists and when there is no indication of prejudice.

8. Equity abhors forfeiture; as such, forfeitures are rarely enforced.

9. When a party has honestly and faithfully performed all material elements of its obligation under a contract, but has failed to fulfill certain technical obligations, causing no serious detriment to the injured party, it is odious and inequitable to compel forfeiture of the entire contract.

10. The following elements should be considered when determining the materiality of a breach:

- (a) The extent to which the injured party will obtain a substantial benefit which he would have reasonably anticipated;
- (b) The extent to which the injured party may be adequately compensated for damages for lack of complete performance;
- (c) The extent to which the party failing to perform has already partly performed or made preparations for performance;
- (d) The greater or less hardship on the party failing to perform in terminating the contract;
- (e) the willful neglect or innocent behavior of the party failing to perform.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 04-S-671, HRISTOS S. KOPANIS AND MARIA KOPANIS,
HIS WIFE, VS. HARILAOS KOUFOMIHALIS.

Michael B. Scheib, Esq., for Plaintiffs

Arthur J. Becker, Jr., Esq., for Defendant

George, J., December 7, 2004

OPINION

On June 5, 2000, the Defendant, Harilaos Koufomihalis (“Koufomihalis”), entered into an Installment Sales Agreement (“Agreement”) with the Plaintiffs, Hristos S. Kopanis and Maria Kopanis (“Kopanis”), for the purchase of real estate located at 6431 York Road, New Oxford, Pennsylvania. The Keystone Diner restaurant is located on the realty. The Agreement sets forth a purchase price of \$650,000 with an annual interest rate of 9% amortized over fifteen years. The payment schedule calls for monthly payments of \$6,592.73 for the first three years. After the third year, the interest rate increases to 10% per year bringing the monthly payments to \$6,923.22. A balloon payment of the remaining balance and interest is due on June 5, 2007.

The Agreement also includes a term that assesses a late fee of 5% for any payment that is overdue for more than ten days. In the event that Koufomihalis defaulted for ten or more days, the Agreement included terms granting Kopanis the right to terminate the Agreement, retain all previous payments in liquidated damages, and enter a confessed judgment in ejectment to recover possession of the property from Koufomihalis.¹

Since the execution of the Agreement, the relationship between the parties has been less than amicable.² Despite the parties’ acrimonious relationship, there is nothing in the record, prior to May 2004, suggesting that Koufomihalis had a history of late payments with regard to his obligation to Kopanis. However, in early May 2004, Koufomihalis underwent a financial dilemma resulting partially from domestic issues. According to Koufomihalis, his wife manages the payment of the business’ bills and when the couple faced domestic problems in early May of 2004, there was a breakdown in

¹Concurrent with the execution of the Agreement, the parties entered into a separate agreement for the purchase of the Keystone Diner assets. The Asset Purchase Agreement is currently the subject of litigation in case number 04-S-672 (Adams County). Although filed in the names of corporate entities, the matter essentially involves the same parties wherein a confessed judgment was entered with the Adams County Prothonotary’s Office pursuant to an alleged breach of the Agreement.

²The parties have previously been involved in litigation before this Court concerning a covenant not to compete clause contained in the various agreements between the parties. Additionally, there have been allegations over the transfer of assets between the parties and the payment for services provided to the Keystone Diner and a neighboring restaurant operated by Kopanis known as The Crazy Horse Saloon.

the normal operation of the business. Koufomihalis acknowledges that the May 2004 and June 2004 payments were late pursuant to the terms of the Agreement; however, he claims that the late payments were a direct result of his domestic difficulties.

On May 19, 2004, Kopanis' attorney forwarded a letter to Koufomihalis stating that the May 5, 2004, payment was past due. The correspondence further indicated that if immediate payment was not made, Kopanis intended "to exercise his rights under the Agreement to remedy this default." Having received no additional payment, Kopanis filed a Confession of Judgment in Ejection on June 30, 2004, with the Adams County Prothonotary's Office. A Certificate of Service filed with the Adams County Prothonotary's Office revealed that notice of the confessed judgment was served on Koufomihalis pursuant to Rule 2973.2 of the Pennsylvania Rules of Civil Procedure. On July 14, 2004, Koufomihalis paid Kopanis approximately \$320,416.92 for the months of May, June, and July; this figure did not include the interest towards the \$650,000 purchase price referenced in the Agreement.

In addition to making the payment, Koufomihalis timely filed a Petition to Open and/or Strike Judgment in Ejectment on August 11, 2004. Koufomihalis' Petition claimed that Kopanis failed to comply with Pennsylvania Rule of Civil Procedure 2971(a)(1) when entering the confessed judgment. He further claimed that the Confession of Judgment in Ejectment violates paragraph 16(c) of the Agreement and was otherwise unconscionable in light of the circumstances. In addition, during the hearing held on September 21, 2004, Koufomihalis argued, without objection, that Kopanis' confessed judgment should be stricken on the basis that Kopanis failed to provide notice pursuant to 42 Pa. C.S.A. § 2737.1, which requires creditors filing a confession of judgment to provide the debtor with written instructions regarding the procedure to follow to strike judgment. Both parties presented argument to the Court concerning the applicability of that particular section.

Following the hearing on September 21, 2004, Koufomihalis filed a petition for Relief to Amend the Petition to Open and Strike Judgment. Koufomihalis' Amended Petition alleges that Kopanis failed to comply with 42 Pa. C.S.A. § 2737.1. Kopanis objected to the amendment arguing that Koufomihalis waived all relevant issue not specifically set forth in his original petition to open and strike

judgment. Both parties were given the opportunity to submit memorandum to the Court in consideration of Koufomihalis' Petition to Open and Strike Judgment. The Motion to Amend the Petition is ripe for disposition. Since the resolution of the Motion to Amend will define the parameters of the Petition to Open and Strike Judgment, I will first address the Motion to Amend.

Pennsylvania Rule of Civil Procedure 2959 specifically provides that all grounds to either strike off or open a judgment must be asserted in a single petition. Pa.R.C.P. 2959(a)(1). Unquestionably, defenses and objections not specifically raised in the petition are waived. Pa.R.C.P. 2959(c), *Duque v. D'Angelis*, 568 A.2d 231, 233 (Pa.Super. 1990). Although Rule 2959 does not specifically address the propriety of amending petitions to open or strike a judgment, appellate authority recognizes that original petitions may be amended. *C-Rich Co. v. Davis*, 556 A.2d 413, 418 (Pa.Super. 1989) (assumes that the defendant may amend the petition by leave of court). Additionally, case law predating the adoption of Pennsylvania Rule of Civil Procedure 2959 clearly recognized that a petition to open judgment may be amended. See *Rambo Bldg. and Loan Ass'n v. Dragone*, 166 A. 888, 889 (Pa. 1933); *Standard Furnace Co., Inc. v. Lorincz*, 161 A. 573, 574-75 (Pa.Super. 1932). Under this line of cases, an amendment to a petition to open judgment is properly permitted where the judgment creditor is not surprised or injured by the amendment and the amendment is made for the purpose of making the allegations correspond with the proof. *Rambo Bldg. and Loan Ass'n*, 161 A. at 889. Trial courts following this line of cases have permitted amendment after arguments on the original petition. See generally *General Elec. Credit Corp. v. Borosh*, 50 Pa. D&C 2d. 377 (C.P. Carbon 1970). Although I recognize that this line of cases predates the enactment of Rule 2959 of the Pennsylvania Rule of Civil Procedure, these cases evidence the commitment of Pennsylvania courts to allow liberal amendments to pleadings so that cases may be decided on the merits. See generally *Capobianchi v. BIC Corp.*, 666 A.2d 344, 346-47 (Pa.Super. 1995). In the presence of appropriate circumstances, I see no reason to prohibit the amendment of petitions to open and strike judgments. I base this conclusion on the fact that Rule 2959 of the Pennsylvania Rule of Civil Procedure does not clearly prohibit amendments to Petitions to Open and Strike Judgments and the Rules of Civil

Procedure are to be liberally construed to secure the just, speedy, and inexpensive determination of disputes.³

The request to amend currently before the Court relates to Koufomihalis' Petition to Strike Judgment. The amendment alleges a procedural violation, the merits of which are readily ascertainable from a review of the record. See *C-Rich Co.*, 556 A.2d at 414. Although an evidentiary hearing was conducted, the testimony presented at the hearing related to Koufomihalis' Petition to Open. At the conclusion of the hearing, counsel was provided the opportunity to present argument on both the petition to open and the petition to strike. During argument, both counsel addressed and discussed, without objection, the merits of the issue which Koufomihalis wishes to add by amendment. Under these circumstances, I see no prejudice to Kopanis. Additionally, I see no reason to prohibit an amendment where the amendment will promote a resolution of this case on its merits. Accordingly, the Motion to Amend the Petition to Open and Strike Judgment is granted.

Having determined that the amendment is appropriate, I will now address the issues raised in the amended Petition to Strike/Open Judgment. Before doing so, however, a brief summary of the law in this case will assist in the resolution of the issues before the court.

A petition to strike and a petition to open are two distinct forms of relief with separate remedies; each is intended to relieve a different type of defect in confession of judgment proceedings. See Pa.R.C.P. § 2959 (relief from judgment by confession/striking off or opening judgment). A petition to strike off the judgment applies when there is a defect that is apparent on the face of the record,⁴ while a petition to open a judgment is applicable when the defendant can prove a defense to all or part of the plaintiff's claim.⁵ "A petition to strike a judgment operates as a demurrer to the record and will only be granted if a fatal defect or irregularity appears on the face of the record or judgment." *Manor Bldg. Corp. v. Manor Complex Assoc., Ltd.*, 645 A.2d 843, 846 (Pa.Super. 1994). On the other hand, a party should seek to have the court open the judgment when an alleged defect in the judgment is based upon matters outside of the record.

³Pa.R.C.P. § 126.

⁴*C-Rich Company*, 556 A.2d at 418.

⁵*Nixon v. Nixon*, 198 A 154, 161 (Pa. 1938).

In re Estate of McCaughly, 385 A.2d 1324, 1325 (Pa. 1978). Unlike a petition to strike judgment, proceedings related to a petition to open judgment involve equitable principles. *PNC Bank v. Kerr*, 802 A.2d 634, 638 (Pa.Super. 2002). More importantly, the only judgments that should be open are those that appeal to the equitable powers of the court. *Keystone Bank v. Flooring Specialists, Inc.*, 518 A.2d 1179, 1182 (Pa. 1986). With these considerations in mind, I will address the specifics of Koufomihalis' Petition to Open and Strike Judgment.

In addressing the grounds raised in support of Koufomihalis' Petition to Strike, I will first discuss the issue raised by the amendment. Koufomihalis' Amended Petition asserts that the judgment should be stricken based on Kopanis' failure to comply with 42 Pa.C.S.A. § 2737.1. That section requires a creditor, who files a judgment by confession, to provide the debtor with written instructions regarding the required procedure to strike judgment. *Id.* The Pennsylvania Superior Court has held that a party's compliance with this section is mandatory. *First Union National Bank v. Portside Refrigerated Serv., Inc.*, 827 A.2d 1224, 1229-30 (Pa.Super. 2003). In *First Union National Bank v. Portside Refrigerated Serv., Inc.*, the Superior Court held that the instructions described by 42 Pa.C.S.A. § 2737.1 supplement the notice requirements of Pennsylvania Rule of Civil Procedure 2958.1.⁶ *Id.* Specifically, the Superior Court found that a party's "failure to provide the requisite instructions set forth in Section 2737.1 of the Judicial Code constitutes a fatal defect apparent on the face of [the] record." *Id.* at 1231.

At first glance, the Superior Court's decision in *First Union National Bank* appears to be controlling. However, on September 28, 2004, the Pennsylvania Supreme Court amended Pennsylvania Rule of Civil Procedure 2959, which relates to the required procedure when striking off or opening judgments. The Supreme Court's amendment directly concerns the issue currently before the Court. Paragraph 1 of the amendment to Rule 2959 of the Pennsylvania Rules of Civil Procedure states:

A judgment shall not be stricken or opened because of a creditor's failure to provide a debtor with instructions

⁶Pennsylvania Rule of Civil Procedure 2958.1 relates to notice served prior to execution.

imposed by an existing statute, if any, regarding procedures to follow to strike a judgment or regarding any rights available to an incorrectly identified debtor.

Pa.R.C.P. 2959(g)(1).

Paragraph 2 states that paragraph 1 is only applicable to judgments entered prior to the effective date of the amendment provided that the judgments have not been stricken or opened as of the effective date. The Order amending Pennsylvania Rule of Civil Procedure 2959, directs that the amendment be effective immediately.

Although the Petition to Open and Strike Judgment was filed on August 6, 2004, as of September 28, 2004, the judgment had not been opened or stricken. Thus, while Koufomihalis' Petition for Leave to Amend the Petition properly recited the law as it stood on September 27, 2004, the Pennsylvania Supreme Court's Order, entered the following day, effectively overruled *First Union National Bank*. Therefore, Koufomihalis' Petition to Strike on the basis of Kopanis' failure to comply with 42 Pa.C.S.A. § 2737.1 is denied.

The second issue raised by Koufomihalis in support of his Petition to Strike is that Kopanis' failed to comply with Pennsylvania Rule of Civil Procedure 2971(a)(1). This provision requires that complaint for confession of judgment for the possession of real property contain an averment that "the judgment is not being entered against a natural person in connection with a residential lease. . . ." Upon reviewing Kopanis' Complaint for a Confession of Judgment and Ejectment, it is evident that the Complaint lacks the language required in Rule 2971(a)(1) of the Pennsylvania Rules of Civil Procedure. Conversely, after reviewing the Agreement, it is clear that the ejectment action does not involve a residential lease.

Historically, the general rule in Pennsylvania mandates that the Pennsylvania Rules of Civil Procedure be strictly followed if a valid confession of judgment is to be entered. *Scott Factors, Inc. v. Hartley*, 228 A.2d 887, 888 (1967). This general rule, however, has become somewhat relaxed when a defect in the pleading exists and when there is no indication of prejudice. See *George H. Althof, Inc. v. Spartan Inns of America, Inc.*, 441 A.2d 1236, 1238 (Pa.Super. 1982); *Gross v. Eljo Products, Inc.*, 21 Pa. D & C 3d 236, 238 (C.P. Philadelphia 1981) (recognizing that technical irregularities in the warrant of attorney to confess judgment do not constitute sufficient

grounds to strike judgment entered). I find that the current procedural defect falls within the category of a harmless error. Accordingly, I will not strike judgment on that basis.

In seeking to open the confessed judgment, Koufomihalis appeals to the equitable powers of the Court. He recognizes that he has paid approximately \$320,000 towards the \$650,000 purchase price set forth in the Agreement. He argues that a confession of judgment ejecting him from the property will essentially result in a forfeiture of these proceeds for a relatively minor breach of the agreement.

In *Sgarlat v. Griffin*, the Supreme Court recognized that equity abhors forfeiture;⁷ as such, forfeitures are rarely enforced. See *Sgarlat v. Griffin*, 36 A.2d 330, 333 (Pa. 1944); *Kalina v. Eckert*, 497 A.2d 1384, 1385 (Pa.Super. 1985). This is particularly the case when “the contract has been carried out or its literal fulfillment has been prevented by oversight or uncontrollable circumstances.” *Barraclough v. Atlantic Refining Co.*, 326 A.2d 477, 479 (Pa.Super. 1974). “When a party has honestly and faithfully performed all material elements of its obligation under a contract, but has failed to fulfill certain technical obligations, causing no serious detriment to the injured party, it is odious and inequitable to compel forfeiture of the entire contract.” *Id.* at 480.

In *Sgarlat v. Griffin*, the Pennsylvania Supreme Court recognized that the following elements should be considered when determining the materiality of a breach:

- (a) The extent to which the injured party will obtain a substantial benefit which he could have reasonably anticipated;
- (b) The extent to which the injured party may be adequately compensated for damages for lack of complete performance;
- (c) The extent to which the party failing to perform has already partly performed or made preparations for performance;
- (d) The greater or less hardship on the party failing to perform in terminating the contract;
- (e) The willful neglect or innocent behavior of the party failing to perform.

⁷“Forfeiture,” as used in the Restatement (second) contract, refers to the denial of compensation that results when an obligee loses his right to the agreed-upon exchange after he substantially relied on it and has substantially performed. See Restatement (second) contract, Section #229, Comment b.

Sgarlat, 36 A.2d at 332. When applying this test to the instant case, it is apparent that the meaning of the maxim “equity abhors forfeiture” is brought to light. Koufomihalis has fulfilled his obligations under the Agreement since its execution on June 5, 2000. There is no indication in the record that Koufomihalis has a history of delinquent payment, outside of Koufomihalis’ recent delinquency, or that Koufomihalis materially breached the terms of the Agreement. Koufomihalis credibly indicated that the delinquency was due to his separation with his wife. Notably, his wife was primarily responsible for clerical duties concerning the business’ bookkeeping. Upon becoming aware of the delinquency, Koufomihalis acted promptly in remedying the non-payment. Critically, there is no indication of great injury to Kopanis due to Koufomihalis’ delinquent payment. Under these circumstances, I find this matter substantially similar to the factual background presented in *Barraclough*.

In *Barraclough*, the Pennsylvania Superior Court affirmed the trial court’s dismissal of an action in ejectment where the defendant performed faithfully, pursuant to an option to purchase certain real estate, for a period of eleven years until a clerical error caused a two-month delinquency in his payments to the seller. *Barraclough*, 326 A.2d at 480. The Superior Court held, in light of the Defendant’s immediate cure of the deficiency, that although the seller was entitled to enforce the forfeiture, equity required a different result. Similarly, the current facts present an equitable defense to the Confession of Judgment and Ejectment. Accordingly, the judgment will be opened.

In order to eliminate any prejudice towards Kopanis as a result of the open judgment, Koufomihalis shall pay Kopanis \$692.36, a sum representing the contractual late charge imposed by the Agreement for the delinquent payments in May and June. Additionally, Koufomihalis shall pay Kopanis legal fees in the amount of \$1,000.⁸ Payments set forth in this paragraph shall be made within sixty days of the date of this Order.

For the foregoing reasons, the attached Order is entered.

⁸In the event of a breach, the Agreement calls for legal fees to be imposed against Koufomihalis in the amount of 5% of the outstanding balance or \$1,000 whichever shall be greater. Since the record is absent in this action of any claim for legal fees, I will impose the contractual minimum.

ORDER

AND NOW, this 7th day of December, 2004, the confessed judgment entered in this matter on June 30, 2004, is vacated. The Plaintiffs' Complaint for Confession of Judgment is dismissed. The Defendant shall pay the Plaintiffs \$1,692.32 within sixty days of the date of this Order.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-473 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point along the right-of-way line of Bonnie Field Circle, a fifty (50) feet wide right-of-way, and corner of Lot No. 34-A on the hereinafter referred to subdivision plan; thence along the right-of-way line of Bonnie Field Circle, by a curve to the left, having a radius of two hundred eighty-eight and ninety-seven one-hundredths feet (288.97) feet, an arc length of thirty-seven and sixty-three one-hundredths (37.63) feet, and a long chord bearing and distance of South seventy-seven (77) degrees nineteen (19) minutes fifty-eight (58) seconds, thirty-seven and sixty-one one-hundredths (37.61) feet to a point at Lot No. 33-A; thence along same North sixteen (16) degrees fifty-nine (59) minutes thirty-five (35) seconds West, one hundred sixty-nine and ninety-two one-hundredths (169.92) feet to a point at lands now or formerly of John E. and Reba F. Biemiller, thence along same South seventy-seven (77) degrees zero (00) minutes thirty-seven (37) seconds East, forty-three and twenty-nine one-hundredths (43.29) feet to a point at Lot No. 34-A; thence along same and passing through the center of a partition wall South sixteen (16) degrees fifty-nine (59) minutes thirty-five (35) seconds East, one hundred fifty-one and twelve one-hundredths (151.12) feet to a point, the place of BEGINNING, CONTAINING 6,004 square feet and being Lot No. 33-B on Final Plan of Bonnie Field, prepared by Worley Surveying, dated April 3, 1995, File No. C-1488, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 67, page 11.

HAVING THEREON ERECTED a dwelling house known as: 12-A Bonnie Field Circle, Gettysburg, Pennsylvania 17325

BEING THE SAME PREMISES WHICH Meyer & Meyer Partnership and Ronald L. Carter, by Deed dated 8/21/99 and recorded 9/1/99 in Adams County

Deed Book 1906, Page 180, granted and conveyed unto Mark S. Grothey and Kristen A. Blucher.

SEIZED IN EXECUTION as the property of Kristen A. Blucher a/k/a Kristen A. Grothey and Mark S. Grothey under Adams County Judgment No. 05-S-473.

Map & Parcel 6-9-47B

SEIZED and taken into execution as the property of **Kristen A. Blucher a/k/a Kristen A. Grothey & Mark S. Grothey** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 19, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1300 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece or parcel of land, situate, lying and being in Oxford Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the property line of the cul-de-sac of Cherry Court at corner of Lot No. 106 of the hereinafter referenced plan of lots; thence along Lot No. 106, South 42 degrees 02 minutes 49 seconds West 92.07 feet to a point at other lands now or formerly of Oxford Estates; thence along same, North 34 degrees 52 minutes 51 seconds West 143 feet to a point at Lot No. 104 on said plan; thence along Lot No. 104, South 85 degrees 06 minutes 59 seconds East 129 feet to a point on the property line of the cul-de-sac of Cherry Court; thence along same, by a curve to the left, the radius of which is 50 feet, for an arc length of 42 feet and having a long chord bearing and distance of South 21

degrees 26 minutes 29 seconds East 40.78 feet to a point at Lot No. 106, the point and place of BEGINNING, CONTAINING 8,650 square feet and being Lot No. 105 on a plan of lots of Oxford Estates, Phase IV, dated May 23, 1985, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 42, page 5.

BEING the same premises which, by her Deed dated September 30, 1993 and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, at Deed Book 787, page 33, Anna Marie Cox granted and conveyed unto Betty J. Topper, Grantor herein.

Under and subject to any and all covenants, conditions, reservations, restrictions, limitations, right-of-ways, objections, easements, agreements, etc., as they appear of record.

With the appurtenances: TO HAVE AND TO HOLD the same unto and for the use of Grantees, their heirs and assigns forever.

HAVING THEREON ERECTED a dwelling house known as: 3 Cherry Court, New Oxford, Pennsylvania 17350.

BEING THE SAME PREMISES WHICH Betty J. Topper, by Deed dated 12/3/99 and recorded 12/8/99 in Adams County Deed Book 1966, Page 167, granted and conveyed unto Rodney A. Carey and Teresa M. Carey.

SEIZED IN EXECUTION as the property of Rodney A. Carey and Teresa M. Carey under Adams County Judgment No. 02-S-1300.

Map & Parcel (35) 8-114

SEIZED and taken into execution as the property of **Rodney A. Carey & Teresa M. Carey** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 5, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-371 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground, situate, lying and being in the Township of Latimore, Adams County, Pennsylvania, more particularly bounded and described in accordance with the final plan of Green-Field Estates, which plan is dated August 17, 1979, and recorded in the Office in and for Adams County, Pennsylvania in Plan Book 31 at Page 40, as follows, to wit:

BEGINNING at a point on the dedicated right-of-way line of Legislative Route 01073, at the Southwest corner of Lot No. 2 on the aforesaid Plan, thence along said right-of-way North Seventy-Eight degrees, Sixteen (16) minutes, Fifty-Nine (59) seconds West, a distance of One Hundred Seventy-Three and Ten One Hundredths (173.10) feet to a point at the Southeast corner of Lot No. 4 on the aforesaid Plan; thence along Lot No. 4 North Eight (08) degrees, Thirty-Eight (38) minutes, Three (03) seconds East, a distance of Two Hundred Ninety-Four and Ninety-Nine One Hundredths (294.99) feet to a point at a corner of Lot No. 30 on the aforesaid Plan; thence along Lot No. 30 South Seventy-Five degrees, Zero (00) minutes, zero (00) seconds East, a distance of One Hundred Two and Forty-Two One-Hundredths (102.42) feet to a point at the Northwest corner of Lot No. 2; thence along Lot No. 2 South Five (05) degrees, zero (00) minutes, (00) seconds East, a distance of Three Hundred One and Forty-Four One Hundredths (301.44) feet to a point at the Southwest corner of Lot No. 2 on the said Plan, the point and place of BEGINNING.

BEING Lot No. 3 on the aforesaid Plan and containing 40,000 square feet more or less.

UNDER AND SUBJECT, to building and use restrictions recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Misc. Book 36, Page 877, Subject to a 40 foot drainage easement marked on said Plan.

BEING the same premises which Susan A. Avaritt by Deed dated October 19, 1999 and recorded in the Adams County Recorder of Deeds Office on November 15, 1999 in Deed Book 1953, Page 178 granted and conveyed unto Eric T. and Susan Y. Avaritt, as husband and wife, as tenants by entities, with the right of survivorship.

SEIZED and taken into execution as the property of **Eric T. Avaritt & Susan Y. Avaritt** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-426 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground situate in the Borough of Littlestown, Adams County, Pennsylvania, as shown on the Subdivision Plan for "Lakeview Village - Phase Two" prepared by Donald E. Worley, Registered Surveyor, of Worley Surveying, dated April 21, 1989, revised September 11, 1989 recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 54, Page 65 (2 pages) and designated as Lot No. 49 thereon, more particularly bounded and described as follows:

BEGINNING at a steel pin on the Northern Right-of-Way line of Starlite Drive at corner of Lot No. 50 on the Plan of Lots hereinabove identified; thence by said Lot No. 50, North forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, one hundred twenty-six and fifty-one hundredths (126.51) feet to a steel on line of land of Pennsylvania Classics, Inc.; thence by said land of Pennsylvania Classics, Inc., North fifty-five (55) degrees forty-three (43) minutes thirty-six (36) seconds East, thirty-five and fifty-five hundredths (35.55) feet to a steel pin at corner of Lot No. 48; thence by said Lot No. 48, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, one hundred twenty and twenty-seven hundredths (120.27) feet to a steel pin on the Northern Right-of-Way line of Starlite

Drive, thence by said Northern Right-of-Way line of Starlite Drive, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, thirty-five (35.00) feet to the above described place of BEGINNING.

CONTAINING 4,319 square feet.

TOGETHER with and subject to a fifty (50) feet Right-of-Way in, through along the streets known as Crescent Lane and Starlite Drive to be used in common with other owners of lots in "Lakeview Village - Phase Two," as shown on the Subdivision Plan above referenced.

Tax Parcel #11-129

TITLE TO SAID PREMISES IS VESTED IN Ryan M. Glover by Deed from Garry L. Miller, unmarried, dated 11/28/2001 and recorded 12/10/2001 in Record Book 2491 Page 255.

SEIZED and taken into execution as the property of **Ryan M. Glover** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/1, 8 & 15

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 EDNA P. BOWERS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Ronald J. Bowers, 236 East Lincoln Ave., Gettysburg, PA 17325

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

ESTATE OF HUGH FRANCIS COLGAN, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Administrator: Thomas H. Colgan, 1180 Irishtown Road, New Oxford, PA 17350

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

ESTATE OF ASHLEY NICOLE REGNIER, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

James J. Regnier, 9 Skylark Trail, Carroll Valley, PA 17320

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

ESTATE OF JEAN A. SEXTON, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Co-Executrices: Linda Kay Sandoval, 418 Lumber Street, Littlestown, PA 17340; Virginia Ruth Bentzel, 375 Bowers Road, Littlestown, PA 17340

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

SECOND PUBLICATION

ESTATE OF RICHARD G. E. CLINE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Gary E. Hartman, Esq., 126 Baltimore Street, Gettysburg, PA 17325

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

ESTATE OF ANNA BELLE MURTOF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Administratrices: Jean E. Guise, 89 University Drive, Biglerville, PA 17307; Barbara A. Griffie, 581 Oxford Road, Gardners, PA 17324

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

ESTATE OF ELMER PLISCHKE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Lowell R. Plischke, 17840 Cool Spring Road, Marydel, MD 21649

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

ESTATE OF D. NADENE RAY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Richard F. Plank, 47 Hanover Street, Gettysburg, PA 17325

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

ESTATE OF HAROLD E. SMITH, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administratrix: Marie E. Welk, 1146 Baltimore Street, Hanover, PA 17331

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

THIRD PUBLICATION

ESTATE OF ROGER C. FANCOVIC, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Administrator: Richard S. Fancovic, 1508 Stanton St., York, PA 17404

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

ESTATE OF RUTH ROYER MILLER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Gwendolyn E. Nash, 2510 Virginia Ave., NW, Washington, D.C. 20037

ESTATE OF JOHN D. SMITH, JR., DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator: Joan D. Miller, 352 Arendtsville Road, P.O. Box 138, Biglerville, PA 17307

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

ESTATE OF RICHARD H. SPRINCE, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executrix: Jean M. Sprince, 813 Heritage Drive, Gettysburg, PA 17325

Attorney: Craig A. Hatch, Esq., Gates, Halbruner & Hatch, P.C., 1013 Mumma Road, Suite 100, Lemoyne, PA 17043

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-393 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in the Borough of Biglerville, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at the intersection of Fourth Street and a public alley; thence by said Fourth Street South 3-1/2 degrees West, 120 feet to an iron pin; thence by land now or formerly of Joe Boyer, South 86-1/2 degrees East, 35 feet to a stake; thence by land now or formerly of C. H. Musselman, North 64 degrees West to an iron pin 161.7 feet; thence by land now or formerly of the Adams County Packing Co., North 69.7 feet North 3-1/2 degrees East to an iron pin; thence by a public alley, South 87-3/4 degrees East, 155 feet to the place of BEGINNING.

BEING KNOWN AS: 101 4th Street, Biglerville, PA 17307.

PROPERTY ID NO.: 5-6-1

TITLE TO SAID PREMISES IS VESTED IN Frank Alvarado and Kimberly Alvarado, husband and wife, as tenants of an estate by the entireties by Deed from Jeanne L. Motter and Kenneth I. Bream, co-executors of the Estate of Fred W. Bream dated 07/30/01 recorded 08/09/01 in Deed Book 2368 Page 106.

SEIZED and taken into execution as the property of **Frank Alvarado & Kimberly Alvarado** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-466 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or tract of land situate on the Easterly right of way line of Red Bird Lane in the Borough of Bonneauville, County of Adams and state of Pennsylvania known and numbered as Lot No. 2 on a final plan of lots for Cardinal Ridge recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in subdivision Plan Book 80, Page 63, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Easterly right of way line of Red Bird Lane, at a corner of Lot No. 3 on said plan; thence extending along the Easterly right of way line of Red Bird Lane along a line curving to the left having a radius of 178 feet, an arc length of 25.21 feet with a chord bearing North 16 degrees 14 minutes 21 seconds West 20.64 feet to a point, at a corner of Lot No. 1 of said plan; thence extending along the said Lot No. 1 North 88 degrees 07 minutes 09 seconds East 120.03 feet to a point on line of lands now or formerly of Robert A. Hartlaub; thence extending along the lands now or formerly of Robert A. Hartlaub; South 65 degrees 08 minutes 31 seconds East 30.97 feet to a point on line of lands now or formerly of Angela G. Hoffnagle; thence extending along the said lands now or formerly of Angela G. Hoffnagle South 29 degrees 38 minutes 43 seconds West 7.12 feet to a point at a corner of Lot No. 3 on said plan; thence extending along the said Lot No. 3 on said plan South 88 degrees 07 minutes 09 seconds West 138.85 feet to the point and place of BEGINNING.

CONTAINING .0619 acres

Tax ID #2-17

Premises being: 35 Red Bird Lane, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Samuel S. Moore** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 19, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10

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

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

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

7/8, 15 & 22

Adams County Legal Journal

Vol. 47

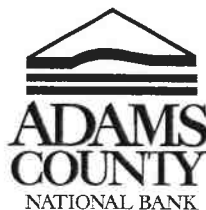
July 15, 2005

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IN THIS ISSUE

DISCOVER BANK VS. SPANGLER

Our Trust Department
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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. 05-S-323 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or ground situated in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 195 on the Plan of Lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1 Page 1, and subject to all legal highways, easements, rights of way and restrictions of record.

TOGETHER WITH AND SUBJECT TO restrictions, easements, set back lines, conditions, etc., as may be of record.

AND the said grantor hereby covenants and agrees that it will warrant specially the property hereby conveyed.

Map and Parcel ID: (37) 11-44

Being known as: 37 Pemberton Drive, East Berlin, PA 17316

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-442 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground, situate, lying and being in Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a stake at a twenty (20) feet wide driveway on the centerline of Lot No. 12, at land now or formerly of Mary Myers; thence by the same and through the center of Lot No. 12, North thirteen (13) degrees West, one hundred thirty-nine and two hundredths (139.02) feet to a stake at Conewago Creek; thence along said creek, North seventy-seven (77) degrees fifteen (15) minutes East, fifty (50) feet to a stake at Lot No. 13; thence along Lot No. 13, South thirteen (13) degrees East, one hundred thirty-eight and four hundredths (138.04) feet to a stake at the driveway aforesaid; thence by the same, South seventy-six (76) degrees twenty-five (25) minutes West fifty (50) feet to a stake on the centerline of Lot No. 12, the place of BEGINNING.

SAID LOT being known as the easterly half of Lot No. 12 on a plan or series of lots laid out by Anna H. Manley.

BEING THE SAME PREMISES which Emanuel S. Krebs and Iva Krebs, husband and wife, by Deed dated 10/29/86 and recorded 10/30/86 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 440 at Page 252, granted and conveyed unto **Andrea B. Markle**.

Tax Parcel #: 17-J-9-41

SEIZED and taken into execution as the property of **Andrea B. Markle** and to be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005,

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

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

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

7/8, 15 & 22

IN THE COURT
 OF COMMON PLEAS OF
 ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
 NO. 05-S-678

IN THE MATTER OF PETITION FOR CHANGE OF NAME OF MEGAN ASHLEY LUCABAUGH, A MINOR

NOTICE

NOTICE IS HEREBY GIVEN that, on June 28, 2005, the petition of Brenda S. Stoermer was filed in the above-named court, requesting an order to change the name of Megan Ashley Lucabaugh to Megan Ashley Stoermer.

The Court has fixed the 23rd day of August, 2005, at 9:00 a.m., in Courtroom No. 2 of the Adams County Courthouse, Gettysburg, Pennsylvania, as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

/s/Edward G. Puhl, Esq.
 Attorney for Petitioner
 220 Baltimore Street
 Gettysburg, PA 17325
 (717) 334-2159

7/15

DISCOVER BANK VS. SPANGLER

1. In order to establish a cause of action for invasion of privacy, a party must aver that there was an intentional intrusion on the seclusion of their private concerns which was substantially and highly offensive to a reasonable person. Additionally, the complainant must aver sufficient facts which can establish that the information disclosed would have caused mental suffering, shame, or humiliation to a person of ordinary sensibilities.

2. Pennsylvania law recognizes a doctrine of absolute immunity from civil liability for statements made in the regular course of judicial proceedings provided the statements were pertinent and material to the litigation at hand.

3. The Court is unaware of any Pennsylvania authority which requires, or even permits, alterations to documents attached to a pleading in support of a cause of action involving a contract.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 03-S-346, DISCOVER BANK, BY ITS AGENT, DISCOVER FINANCIAL SERVICES, INC. VS. JEFFREY T. SPANGLER.

Edward Stock, Esq., for Plaintiff
Jeffrey T. Spangler, Defendant, *pro se*
George, J., December 9, 2004.

OPINION

On April 11, 2003, the Plaintiff, Discover Bank, initiated an action by filing a Complaint seeking damages from the Defendant, Jeffrey T. Spangler, in the amount of \$2,726.14. Discover Bank alleges that Spangler owed this amount as a result of Spangler's failure to make payment for credit provided to Spangler pursuant to a credit card agreement. Discover Bank's Complaint was met by Preliminary Objections filed by Spangler, objecting to, among other things, Discover Bank's failure to attach the written agreement to the Complaint as required by Pennsylvania Rule of Civil Procedure 1019(i). Indeed, Discover Bank had failed to attach a copy of the written agreement to the Complaint. On June 12, 2003, the distinguished Judge Robert G. Bigham entered an Order granting Spangler's Preliminary Objections on this basis, however, allowing Discover Bank the opportunity to file an amended complaint. On July 23, 2003, Discover Bank filed an Amended Complaint which contained a copy of the Cardmember Agreement as well as the acceptance form allegedly completed by Spangler.

In his responsive pleading to the Amended Complaint, Spangler alleged new matter and two counterclaims. The second counterclaim,

which is the subject of this Opinion, pleads an action for invasion of privacy. In support of this cause of action, Spangler claims that Discover Bank intentionally disclosed private information. Specifically, Spangler claims that Discover Bank's second Amended Complaint contains the credit card agreement acceptance form which included not only Spangler's signature but also his social security number.¹ Discover Bank filed an Answer to Spangler's Counterclaim and the pleadings were closed. Spangler, thereafter, filed a Motion for Partial Summary Judgment on his counterclaim for invasion of privacy. That motion is now ripe for disposition.²

In order to establish a cause of action for invasion of privacy, a party must aver that there was an "intentional intrusion on the seclusion of their private concerns which was substantially and highly offensive to a reasonable person." *McGuire v. Shubert*, 722 A.2d 1087, 1092 (Pa.Super. 1998). Additionally, the complainant must aver sufficient facts which can establish that the information disclosed would have caused mental suffering, shame, or humiliation to a person of ordinary sensibilities. *Id.*³

¹Following the filing of the Amended Complaint, Spangler filed an Emergency Petition asking that the Amended Complaint filed with the Prothonotary be destroyed. By Order dated August 5, 2003, Judge Bigham directed that the Prothonotary delete Spangler's social security number from the exhibit attached to Discover Bank's Amended Complaint "in order to assuage [Spangler's] concern over potential identity theft." Accordingly, the social security number at issue is no longer available for public inspection.

²Spangler's Motion for Partial Summary Judgment was filed on November 10, 2003. The motion, however, was not forwarded to the Court for disposition until November 10, 2004, at which time Spangler brought to the Prothonotary's attention the lack of action on his motion. On November 10, 2004, this case was assigned to this judge for disposition.

³Spangler's Counterclaim clearly styles his cause of action as a claim for invasion of privacy sounding in tort. The allegations contained in the counterclaim include references to intentional conduct alleged to have caused substantial mental distress. However, Spangler's Motion for Summary Judgment appears to be seeking summary judgment based upon contract principles. While Pennsylvania courts have held that a financial institution has a duty under Pennsylvania common law to keep a customer's bank account information confidential, this cause of action is based upon a theory of either an express or implied contract. *McGuire*, 722 A.2d at 1090. The elements necessary to establish an implied or express contract are clearly different than the elements necessary to establish a cause of action sounding in tort. Since Count 2 of Spangler's Counterclaim is filed as a cause of action for the tortious conduct of invasion of privacy, the contractual principles which Spangler argues are inapplicable.

Spangler relies upon Discover Bank's failure to answer his Request for Admissions as evidence that there is no factual dispute in this matter.⁴ My review of the Admissions, however, does not support Spangler's claim. Specifically, there remains a factual dispute as to whether Discover Card's disclosure of Spangler's social security number was substantial and highly offensive to a reasonable person. See *McGuire*, 722 A.2d at 1092. The Admissions do not address this issue. Moreover, there remains a factual issue as to whether the information disclosed "would have caused mental suffering, shame or humiliation to a person of ordinary sensibilities". *Id.* Once again, this issue is not addressed by the deemed Admissions. Since summary judgment is only appropriate in those cases in which the record clearly shows that no genuine issue of material fact exists, Spangler's Motion for Summary Judgment will be denied. *Rush v. Philadelphia Newspapers, Inc.*, 732 A.2d 648, 651-52 (Pa.Super. 1999).

In addition to Spangler's inability to establish a lack of genuine issue of material fact in regard to each of the elements of a cause of action for invasion of privacy, I note that Pennsylvania law recognizes a doctrine of absolute immunity from civil liability for statements made in the regular course of judicial proceedings provided the statements were pertinent and material to the litigation at hand. *Moses v. McWilliams*, 549 A.2d 950, 956 (Pa.Super. 1988). The *Moses* Court explained that the policy behind the privilege is "to leave reasonably unobstructed the paths which lead to the ascertainment of truth, and to encourage witnesses...to give 'complete and unintimidated testimony.'" *Moses*, 549 A.2d at 957. Instantly, Discover Bank filed a Complaint that did not include the information of which Spangler currently complains. Spangler, however, sought dismissal of the Complaint on the basis that the written contract was not attached thereto. In response, Discover Bank filed an Amended Complaint including the Cardmember Agreement and Spangler's execution of a document evidencing acceptance of the terms of the Cardmember Agreement. Based upon the authority of *McGuire*, supra, Spangler argues that this disclosure of his social security number violated Discover Bank's implied contractual obligation to keep

⁴ Although the record is unclear, in authoring this Opinion, I will accept Spangler's representation that his request for admissions has gone unanswered. Accordingly, they are deemed admitted. See Pa.R.C.P. 414(b).

personal information confidential.⁵ *McGuire*, however, also recognizes that exceptions, such as the doctrine of absolute immunity in matters pertinent and material to litigation, do exist. Since, as Spangler pointed out in his Preliminary Objections, the written document evidencing the contract is necessary for the proper pleading of a cause of action in contract, an unaltered or redacted agreement appears to be clearly pertinent and material to the litigation.

Spangler's claim that this necessary document should have been redacted is without merit. The Court is unaware of any Pennsylvania authority which requires, or even permits, alterations to documents attached to a pleading in support of a cause of action involving a contract. Had Discover Card redacted the document by removing Spangler's social security number, Discover Bank may have arguably exposed itself to criminal liability by filing an altered contractual document as an attachment to its Complaint. See 18 Pa. C.S.A. § 4911.

Although it appears that Spangler's cause of action may very well be insufficient as a matter of law, that issue is not before the Court. Regardless, at a minimum, there is a material issue of fact present concerning the pertinence and materiality of the disclosure information at the center of this dispute thereby precluding the entry of summary judgment in favor of Spangler.

For the foregoing reasons, the attached Order is entered.

ORDER OF COURT

AND NOW, this 9th day of December, 2004, the Defendant's Motion for Partial Summary Judgment is denied.

⁵ As previously noted, Spangler's counterclaim alleges only a cause of action sounding in tort and not an action for breach of contract. Interestingly, in *McGuire*, supra, the Court addressed issues concerning causes of action involving tort and contract theories raised by a pleading containing separate and distinct counts. Since Spangler's counterclaim raises only allegedly tortious conduct, his reliance on contractual principles is immaterial to the current Motion for Summary Judgment. However, I will address the argument to point out its lack of merit.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-473 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point along the right-of-way line of Bonnie Field Circle, a fifty (50) feet wide right-of-way, and corner of Lot No. 34-A on the hereinafter referred to subdivision plan; thence along the right-of-way line of Bonnie Field Circle, by a curve to the left, having a radius of two hundred eighty-eight and ninety-seven one-hundredths feet (288.97) feet, an arc length of thirty-seven and sixty-three one-hundredths (37.63) feet, and a long chord bearing and distance of South seventy-seven (77) degrees nineteen (19) minutes fifty-eight (58) seconds, thirty-seven and sixty-one one-hundredths (37.61) feet to a point at Lot No. 33-A; thence along same North sixteen (16) degrees fifty-nine (59) minutes thirty-five (35) seconds West, one hundred sixty-nine and ninety-two one-hundredths (169.92) feet to a point at lands now or formerly of John E. and Reba F. Biemiller; thence along same South seventy-seven (77) degrees zero (00) minutes thirty-seven (37) seconds East, forty-three and twenty-nine one-hundredths (43.29) feet to a point at Lot No. 34-A; thence along same and passing through the center of a partition wall South sixteen (16) degrees fifty-nine (59) minutes thirty-five (35) seconds East, one hundred fifty-one and twelve one-hundredths (151.12) feet to a point, the place of BEGINNING, CONTAINING 6,004 square feet and being Lot No. 33-B on Final Plan of Bonnie Field, prepared by Worley Surveying, dated April 3, 1995, File No. C-1488, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 67, page 11.

HAVING THEREON ERECTED a dwelling house known as: 12-A Bonnie Field Circle, Gettysburg, Pennsylvania 17325

BEING THE SAME PREMISES WHICH Meyer & Meyer Partnership and Ronald L. Carter, by Deed dated 8/21/99 and recorded 9/1/99 in Adams County

Deed Book 1906, Page 180, granted and conveyed unto Mark S. Grothey and Kristen A. Blucher.

SEIZED IN EXECUTION as the property of Kristen A. Blucher a/k/a Kristen A. Grothey and Mark S. Grothey under Adams County Judgment No. 05-S-473.

Map & Parcel 6-9-47B

SEIZED and taken into execution as the property of **Kristen A. Blucher a/k/a Kristen A. Grothey & Mark S. Grothey** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 19, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1300 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece or parcel of land, situate, lying and being in Oxford Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the property line of the cul-de-sac of Cherry Court at corner of Lot No. 106 of the hereinafter referenced plan of lots; thence along Lot No. 106, South 42 degrees 02 minutes 49 seconds West 92.07 feet to a point at other lands now or formerly of Oxford Estates; thence along same, North 34 degrees 52 minutes 51 seconds West 143 feet to a point at Lot No. 104 on said plan; thence along Lot No. 104, South 85 degrees 06 minutes 59 seconds East 129 feet to a point on the property line of the cul-de-sac of Cherry Court; thence along same, by a curve to the left, the radius of which is 50 feet, for an arc length of 42 feet and having a long chord bearing and distance of South 21

degrees 26 minutes 29 seconds East 40.78 feet to a point at Lot No. 106, the point and place of BEGINNING, CONTAINING 8,650 square feet and being Lot No. 105 on a plan of lots of Oxford Estates, Phase IV, dated May 23, 1985, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 42, page 5.

BEING the same premises which, by her Deed dated September 30, 1993 and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, at Deed Book 787, page 33, Anna Marie Cox granted and conveyed unto Betty J. Topper, Grantor herein.

Under and subject to any and all covenants, conditions, reservations, restrictions, limitations, right-of-ways, objections, easements, agreements, etc., as they appear of record.

With the appurtenances: TO HAVE AND TO HOLD the same unto and for the use of Grantees, their heirs and assigns forever.

HAVING THEREON ERECTED a dwelling house known as: 3 Cherry Court, New Oxford, Pennsylvania 17350.

BEING THE SAME PREMISES WHICH Betty J. Topper, by Deed dated 12/3/99 and recorded 12/8/99 in Adams County Deed Book 1966, Page 167, granted and conveyed unto Rodney A. Carey and Teresa M. Carey.

SEIZED IN EXECUTION as the property of Rodney A. Carey and Teresa M. Carey under Adams County Judgment No. 02-S-1300.

Map & Parcel (35) 8-114

SEIZED and taken into execution as the property of **Rodney A. Carey & Teresa M. Carey** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 5, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-371 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground, situate, lying and being in the Township of Laitmore, Adams County, Pennsylvania, more particularly bounded and described in accordance with the final plan of Green-Field Estates, which plan is dated August 17, 1979, and recorded in the Office in and for Adams County, Pennsylvania in Plan Book 31 at Page 40, as follows, to wit:

BEGINNING at a point on the dedicated right-of-way line of Legislative Route 01073, at the Southwest corner of Lot No. 2 on the aforesaid Plan; thence along said right-of-way North Seventy-Eight degrees, Sixteen (16) minutes, Fifty-Nine (59) seconds West, a distance of One Hundred Seventy-Three and Ten One Hundredths (173.10) feet to a point at the Southeast corner of Lot No. 4 on the aforesaid Plan; thence along Lot No. 4 North Eight (08) degrees, Thirty-Eight (38) minutes, Three (03) seconds East, a distance of Two Hundred Ninety-Four and Ninety-Nine One Hundredths (294.99) feet to a point at a corner of Lot No. 30 on the aforesaid Plan; thence along Lot No. 30 South Seventy-Five degrees, Zero (00) minutes, zero (00) seconds East, a distance of One Hundred Two and Forty-Two One-Hundredths (102.42) feet to a point at the Northwest corner of Lot No. 2; thence along Lot No. 2 South Five (05) degrees, zero (00) minutes, (00) seconds East, a distance of Three Hundred One and Forty-Four One Hundredths (301.44) feet to a point at the Southwest corner of Lot No. 2 on the said Plan, the point and place of BEGINNING.

BEING Lot No. 3 on the aforesaid Plan and containing 40,000 square feet more or less.

UNDER AND SUBJECT, to building and use restrictions recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Misc. Book 36, Page 877. Subject to a 40 foot drainage easement marked on said Plan.

BEING the same premises which Susan A. Avaritt by Deed dated October 19, 1999 and recorded in the Adams County Recorder of Deeds Office on November 15, 1999 in Deed Book 1953, Page 178 granted and conveyed unto Enc T. and Susan Y. Avaritt, as husband and wife, as tenants by entities, with the right of survivorship.

SEIZED and taken into execution as the property of **Eric T. Avaritt & Susan Y. Avaritt** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/1, 8 & 15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-426 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground situate in the Borough of Littlestown, Adams County, Pennsylvania, as shown on the Subdivision Plan for "Lakeview Village - Phase Two" prepared by Donald E. Worley, Registered Surveyor, of Worley Surveying, dated April 21, 1989, revised September 11, 1989 recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 54, Page 65 (2 pages) and designated as Lot No. 49 thereon, more particularly bounded and described as follows:

BEGINNING at a steel pin on the Northern Right-of-Way line of Starlite Drive at corner of Lot No. 50 on the Plan of Lots hereinabove identified; thence by said Lot No. 50, North forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, one hundred twenty-six and fifty-one hundredths (126.51) feet to a steel on line of land of Pennsylvania Classics, Inc.; thence by said land of Pennsylvania Classics, Inc., North fifty-five (55) degrees forty-three (43) minutes thirty-six (36) seconds East, thirty-five and fifty-five hundredths (35.55) feet to a steel pin at corner of Lot No. 48; thence by said Lot No. 48, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, one hundred twenty and twenty-seven hundredths (120.27) feet to a steel pin on the Northern Right-of-Way line of Starlite

Drive, thence by said Northern Right-of-Way line of Starlite Drive, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, thirty-five (35.00) feet to the above described place of BEGINNING.

CONTAINING 4,319 square feet.

TOGETHER with and subject to a fifty (50) feet Right-of-Way in, through along the streets known as Crescent Lane and Starlite Drive to be used in common with other owners of lots in "Lakeview Village - Phase Two," as shown on the Subdivision Plan above referenced.

Tax Parcel #11-129

TITLE TO SAID PREMISES IS VESTED IN Ryan M. Glover by Deed from Garry L. Miller, unmarried, dated 11/28/2001 and recorded 12/10/2001 in Record Book 2491 Page 255.

SEIZED and taken into execution as the property of **Ryan M. Glover** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/1, 8 & 15

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania for APPLIED SMALL BUSINESS SOLUTIONS, INC. on June 21, 2005 under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

7/15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-393 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in the Borough of Biglerville, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at the intersection of Fourth Street and a public alley, thence by said Fourth Street South 3-1/2 degrees West, 120 feet to an iron pin; thence by land now or formerly of Joe Boyer, South 86-1/2 degrees East, 35 feet to a stake; thence by land now or formerly of C. H. Musselman, North 64 degrees West to an iron pin 161.7 feet; thence by land now or formerly of the Adams County Packing Co., North 69.7 feet North 3-1/2 degrees East to an iron pin; thence by a public alley, South 87-3/4 degrees East, 155 feet to the place of BEGINNING.

BEING KNOWN AS: 101 4th Street, Biglerville, PA 17307.

PROPERTY ID NO.: 5-6-1

TITLE TO SAID PREMISES IS VESTED IN Frank Alvarado and Kimberly Alvarado, husband and wife, as tenants of an estate by the entireties by Deed from Jeanne L. Motter and Kenneth I. Bream, co-executors of the Estate of Fred W. Bream dated 07/30/01 recorded 08/09/01 in Deed Book 2368 Page 106.

SEIZED and taken into execution as the property of **Frank Alvarado & Kimberly Alvarado** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-466 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or tract of land situate on the Easterly right of way line of Red Bird Lane in the Borough of Bonneauville, County of Adams and state of Pennsylvania known and numbered as Lot No. 2 on a final plan of lots for Cardinal Ridge recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in subdivision Plan Book 80, Page 63, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Easterly right of way line of Red Bird Lane, at a corner of Lot No. 3 on said plan; thence extending along the Easterly right of way line of Red Bird Lane along a line curving to the left having a radius of 178 feet, an arc length of 25.21 feet with a chord bearing North 16 degrees 14 minutes 21 seconds West 20.64 feet to a point, at a corner of Lot No. 1 of said plan; thence extending along the said lot No. 1 North 88 degrees 07 minutes 09 seconds East 120.03 feet to a point on line of lands now or formerly of Robert A. Hartlaub; thence extending along the lands now or formerly of Robert A. Hartlaub; South 65 degrees 08 minutes 31 seconds East 30.97 feet to a point on line of lands now or formerly of Angela G. Hoffnagle; thence extending along the said lands now or formerly of Angela G. Hoffnagle South 29 degrees 38 minutes 43 seconds West 7.12 feet to a point at a corner of Lot No. 3 on said plan; thence extending along the said Lot No. 3 on said plan South 88 degrees 07 minutes 09 seconds West 138.85 feet to the point and place of BEGINNING.

CONTAINING .0619 acres

Tax ID #2-17

Premises being: 35 Red Bird Lane, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Samuel S. Moore** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 19, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10

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

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

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

7/8, 15 & 22

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of an Act of the General Assembly, approved December 16, 1982, P.L. 1309, that there has been filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on the 8th day of June, 2005, a certificate for the conduct of a business in Adams County, Pennsylvania, under the fictitious name, style or designation of "M & S QUALITY PAINTING," with its principal place of business at 5 Walnut Lane, New Oxford, Pennsylvania 17350. The name(s) and address(es) of the person(s) owning or interested in said business are Michael L. Gladfelter, 78 Kimberly Lane, New Oxford, Pennsylvania 17350, and Scott E. Weddle, 5 Walnut Lane, New Oxford, Pennsylvania 17350.

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

7/15

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, for MAJESTIC CONCESSIONS CORPORATION on July 8, 2005. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

McNees Wallace & Nurick LLC
Attorneys at Law
100 Pine Street
Harrisburg, PA 17101

7/15

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 05-S-14
Action to Quiet Title

GEORGE A. KEMPER and ANNA J.
KEMPER, husband and wife, Plaintiffs

vs.

FRED M. JAMESON and DONNA L.
JAMESON, husband and wife

vs.

JOHN DOE, address unknown,
Defendants

ORDER

AND NOW, this 30th day of June, 2005, it appearing that a Complaint with Notice to Defend was filed herein on January 4, 2005, and that the same was served on Defendants, Fred M. Jameson and Donna L. Jameson by publication pursuant to Order of Court dated April 4, 2005, on dates set forth in an Affidavit of Service filed of record; and it further appearing that no appearance of any answer or other pleading has been filed herein on behalf of any Defendant within the time allotted by law for the same, and, therefore, upon motion of John J. Murphy, III, of Patrono & Associates, LLC, attorney for Plaintiffs, IT IS HEREBY ORDERED AND DIRECTED that judgment by default be and the same is hereby entered in favor of Plaintiffs George A. Kemper and Anna J. Kemper.

AND IT IS FURTHER ORDERED AND DIRECTED that the said Defendants be and the same hereby are forever barred from asserting any right, title, interest, or claim inconsistent with the right, title, interest, and claim of Plaintiffs as set forth in the Complaint with respect to the land herein described:

All that certain lot of land situate in Reading Township, Adams County, Pennsylvania, being more particularly described as Lot No. 483 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 1 at Page 4, and subject to all legal highways, easements, rights of way, and restrictions of record;

unless the same Defendants shall within thirty (30) days after publication of the Notice of this Order commence an Action in Ejectment or other appropriate action to assert any claim they may have against the Plaintiffs herein; and upon the failure of the Defendants to commence such action against the Plaintiffs within thirty (30) days after said publication, the Prothonotary of Adams County,

Pennsylvania, is directed upon praecipe of the Plaintiffs to enter final judgment herein in favor of Plaintiffs and against Defendants pursuant to Pa. R.C.P. 1066(b)(1), and to cause a true and attested copy of this Order and such final judgment to be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, the same to be indexed in the name of the Defendants. Fred M. Jameson and Donna L. Jameson, their respective heirs, executors, administrators, successors, and assigns, as GRANTORS, and the names of the Plaintiffs, George A. Kemper and Anna J. Kemper, GRANTEE.

BY THE COURT:
Michael George
J.

7/15

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution in Judgment No. 05-S-304 Issuing out of Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on the 12TH DAY OF AUGUST, 2005 at 1:30 P.M. in the afternoon, at 90 SOUTH CESSNA TRAIL, FAIRFIELD PA. 17320

The following personal property, viz.:

1977 WHITE/GREEN SCHWEIZER
GLIDER AIR PLANE
SER #79
REG #N13Z

GLIDER TRAILER-SILVER IN COLOR
#3Z ON BACK

AND ANY OTHER PERSONAL PROPERTY OWNED BY DEFENDANT TO SATISFY JUDGMENT.

SEIZED and taken into execution JUNE 27TH, 2005 as the property of Robert Storck/Robert Abbott and be sold by me

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 8, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof.

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

7/15

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-5-05(A)

NOTICE

TO: ALBERTO L. M. MAYO

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for August 15, 2005 and August 16, 2005, at 9:00 a.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

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

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

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

7/15, 22 & 29

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 ELIZABETH S. HOLLINGER a/k/a MARY ELIZABETH HOLLINGER a/k/a M. ELIZABETH HOLLINGER a/k/a BETTY HOLLINGER, DEC'D

Late of the Borough of Abbottstown, Adams County, Pennsylvania

Executrix: Sallie A. Murren, c/o Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

Attorney: Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore St., Hanover, PA 17331

ESTATE OF DAVID A. JOHNSON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator: David A. Johnson, II, 854 Old Forge Road, New Cumberland, PA 17070

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

ESTATE OF DONALD P. KELLY, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Personal Representative: Phyllis M. Fuhrman, 776 Edgegrove Rd., Hanover, PA 17331

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

ESTATE OF ROBERT L. MILLER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Sherry A. Miller, 2085 Old Harrisburg Road, Gettysburg, PA 17325

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

ESTATE OF JUDITH C. POWELL, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Executrix: Melissa Powell, 11 Hallron Road, Newton, MA 02462

Attorney: Harry J. Rubin, Esq., Barley Snyder LLC, 100 East Market Street, P.O. Box 15012, York, PA 17405-7012

ESTATE OF TIMOTHY LEROY SHEE-LEY, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administrator: Suzanne M. Griest, 1170 Upper Bermudian Road, Gardners, PA 17324

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

SECOND PUBLICATION

ESTATE OF EDNA P. BOWERS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Ronald J. Bowers, 236 East Lincoln Ave., Gettysburg, PA 17325

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

ESTATE OF HUGH FRANCIS COLGAN, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Administrator: Thomas H. Colgan, 1180 Inishtown Road, New Oxford, PA 17350

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

ESTATE OF ASHLEY NICOLE REGNIER, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

James J. Regnier, 9 Skylark Trail, Carroll Valley, PA 17320

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

ESTATE OF JEAN A. SEXTON, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Co-Executrices: Linda Kay Sandoval, 418 Lumber Street, Littlestown, PA 17340; Virginia Ruth Bentzel, 375 Bowers Road, Littlestown, PA 17340

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

THIRD PUBLICATION

ESTATE OF RICHARD G. E. CLINE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Gary E. Hartman, Esq., 126 Baltimore Street, Gettysburg, PA 17325

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

ESTATE OF ANNA BELLE MURTOF, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Co-Administratrices: Jean E. Guise, 89 University Drive, Biglerville, PA 17307; Barbara A. Griffie, 581 Oxford Road, Gardners, PA 17324

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

ESTATE OF ELMER PLISCHKE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Lowell R. Plischke, 17840 Cool Spring Road, Marydel, MD 21649

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

ESTATE OF D. NADENE RAY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Richard F. Plank, 47 Hanover Street, Gettysburg, PA 17325

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

ESTATE OF HAROLD E. SMITH, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Administratrix: Marie E. Welk, 1146 Baltimore Street, Hanover, PA 17331

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

Adams County Legal Journal

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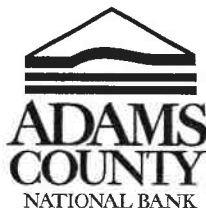
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COMPANIES ET AL

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-442 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground, situate, lying and being in Hamilton Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a stake at a twenty (20) feet wide driveway on the centerline of Lot No. 12, at land now or formerly of Mary Myers; thence by the same and through the center of Lot No. 12, North thirteen (13) degrees West, one hundred thirty-nine and two hundredths (139.02) feet to a stake at Conewago Creek; thence along said creek, North seventy-seven (77) degrees fifteen (15) minutes East, fifty (50) feet to a stake at Lot No. 13; thence along Lot No. 13, South thirteen (13) degrees East, one hundred thirty-eight and four hundredths (138.04) feet to a stake at the driveway aforesaid; thence by the same, South seventy-six (76) degrees twenty-five (25) minutes West fifty (50) feet to a stake on the centerline of Lot No. 12, the place of BEGINNING.

SAID LOT being known as the easterly half of Lot No. 12 on a plan or series of lots laid out by Anna H. Manley.

BEING THE SAME PREMISES which Emanuel S. Krebs and Iva Krebs, husband and wife, by Deed dated 10/29/86 and recorded 10/30/86 in the Office of the Recorder of Deeds in and for Adams County in Deed Book 440 at Page 252, granted and conveyed unto Andrea B. Markle.

Tax Parcel #: 17-J-9-41

SEIZED and taken into execution as the property of **Andrea B. Markle** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005,

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

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

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

7/8, 15 & 22

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
NO. RT-5-05(A)

NOTICE

TO: ALBERTO L. M. MAYO

YOU ARE HEREBY NOTIFIED that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for August 15, 2005 and August 16, 2005, at 9:00 a.m., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

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

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Telephone number: (717) 337-9846, or
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Chester G. Schultz, Attorney at Law
145 Baltimore Street
Gettysburg, PA 17325

7/15, 22 & 29

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, August 2, 2005, at 9:00 a.m.

BLOUGH—Orphans' Court Action Number OC-68-05. The First and Final Account of Adams County National Bank, Executor of the Estate of Marie W. Blough, deceased, late of the Borough of Arentsville, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

7/22 & 29

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of Sec. 311 of the Act of Assembly of December 16, 1982, 54 PA C.S.A. 311, that an application for registration of a fictitious name was filed on April 15, 2005, with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, for the conducting of a business under the fictitious name of GUISE ENTERPRISES, with its principal office or place of business at 570 Brysonia Road, Biglerville, PA 17307. The names and addresses of all persons owning or interested in said business are: Guise Enterprises, LLC, 570 Brysonia Road, Biglerville, PA 17307.

Jonathan Patrono, Esq.
Patrono & Associates, LLC

7/22

LATIMORE TWP. ET AL VS. EMC INSURANCE COMPANIES ET AL

1. The Township's insurance carrier is subject to the same liabilities as the Township, including the liability that arose from (the employee's) claim.

2. In interpreting the applicability of benefits under the Heart and Lung Act, there is a presumption that heart disease is work-related if a police officer has worked for four consecutive years in that position. The initial burden is on the employer to prove that a claimant's heart attack was not the result of stress or danger encountered while employed as a police officer.

3. The interpretation of an insurance contract, regarding the existence or non-existence of coverage, is generally performed by the Court. Where a provision of a policy is ambiguous, the policy provision is to be construed in favor of the insured and against the insurer.

4. A contract is ambiguous if it is reasonably susceptible of different constructions and is capable of being understood in more than one sense.

5. Legal fees may be appropriate in a declaratory judgment action based upon the breach of an insurance contract, where there is a showing of bad faith on the part of the insurance carrier.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 04-S-15, LATIMORE TOWNSHIP-YORK SPRINGS REGIONAL POLICE COMMISSION VS. EMC INSURANCE COMPANIES, a/k/a EMPLOYERS MUTUAL CASUALTY COMPANY.

James G. Gault, Esq., for Plaintiff

Anthony R. Sherr, Esq., for Defendant

George, J., December 22, 2004

FINDINGS OF FACT

The Latimore Township-York Springs Regional Police Commission ("Latimore Township") initiated this matter by filing an action for declaratory judgment asking the Court to declare that EMC Insurance Companies ("EMC") is liable to indemnify Latimore Township pursuant to a Municipal Liability Insurance Policy. Latimore Township is seeking indemnification from EMC for approximately \$31,137, which Latimore Township paid the former Latimore Township chief of police pursuant to the Pennsylvania Heart and Lung Act, 53 P.S. § 637. After a non-jury trial, the Court makes the following findings of fact:

1. Latimore Township-York Springs Regional Police Commission is a municipal police commission with its principle place of business in York Springs, Adams County, Pennsylvania.

2. Employers Mutual Casualty Insurance Company is a corporation licensed to do business and underwrite certain insurance policies in the Commonwealth of Pennsylvania with a local office at 1620 Medical Drive, Pottstown, Montgomery County, Pennsylvania.
3. Sometime prior to September, 1999, EMC issued a Municipal Liability Insurance Policy to Latimore Township. The material terms of that policy are accurately set forth in EMC's Exhibit #1.
4. George C. Bowers was employed by York Springs Regional Police Department from 1978 to September 29, 1999 as a police officer, and subsequently, as police chief.
5. On September 29, 1999, Chief Bowers underwent open-heart surgery at the Harrisburg Hospital.
6. Following his open-heart surgery, Chief Bowers was temporarily disabled until June, 2000, when he returned to work with the York Springs Regional Police Department.
7. Chief Bowers has worked in a highly stressful environment for over twenty years. Throughout his employment as a police officer with Latimore Township, Chief Bowers investigated fatal motor vehicle accidents, conducted or led suicide and homicide death investigations, was involved in high-speed vehicle pursuits, responded to domestic violence incidents, and conducted missing persons investigations. One particular missing person investigation conducted by Chief Bowers resulted in Chief Bowers' discovery of a two-year-old child's deceased body. During his tenure as a police officer, Chief Bowers was personally involved in a two to three-hour negotiation with a woman holding a firearm threatening to shoot herself. Chief Bowers has undergone psychotherapy for frequently recurring nightmares related to the death investigations in which he was involved.
8. Toward the end of Chief Bowers' employment with Latimore Township, and prior to the heart surgery, Chief Bowers would experience chest pains during intense incidents arising during the course of his employment.
9. There is no evidence to indicate that, during his employment with the York Springs Police Department, Chief Bowers suffered a heart attack.

10. Dr. H. Frederick Martin is licensed to practice medicine in the State of Pennsylvania and has been board certified in family practice since 1983. He is a member of the American Board of Family Practice and the Adams County Medical Society. He has operated a family practice for twenty-one years. During his years in practice, he has treated patients with heart disease, cardiac injuries, high blood pressure, diabetes, and cholesterol issues.
11. Dr. Martin treated Chief Bowers as a patient since 1997. In assessing Chief Bowers' medical history, he determined that Chief Bowers has a family history of premature cardiovascular disease, moderately high blood pressure, elevated levels of cholesterol, heavy tobacco use, a sedentary lifestyle, and a history of hyperlipidemia.¹
12. Each of the conditions referred to above in regard to Chief Bowers' medical history is classified as a risk factor for the development of coronary disease according to a publication issued by the American Heart Association and the American College of Cardiology.
13. There is a lack of consensus in the medical community concerning the cause of coronary artery disease. There are, however, certain things that have been statistically proven to accelerate the development of coronary artery disease; this list includes the risk factors mentioned above. There are two trains of thought in the medical community as to whether a relationship exists between coronary heart disease and life stressors.
14. In Dr. Martin's opinion, which the Court accepts as credible, the stress of being a police officer was a substantial factor in causing the heart disease suffered by Chief Bowers.
15. At a public meeting conducted on October 13, 1999, the Board of Supervisors of Latimore Township unanimously approved a motion authorizing the payment of heart and lung benefits to Chief Bowers effective October 16, 1999. Act of 1935, P.L. 477 (53 P.S. § 637). Thereafter, Latimore Township issued regular

¹Hyperlipidemia means an excess of lipids in one's plasma characterized by an increase in both cholesterol and triglycerides in the blood stream. See generally Mosby's Medical Dictionary, 6th Edition.

bi-weekly payments of heart and lung benefits to Chief Bowers until his temporary disability ceased on or about January 5, 2001.

16. Latimore Township paid Chief Bowers a total of \$31,137.

OPINION

The initial issue with which the Court is confronted originates from the procedural posture of this case. One would anticipate that a typical claim under the Heart and Lung Act, 53 P.S. § 637,² would trigger a fact-finding hearing where due process is afforded.³ Following such a procedure, an aggrieved party is afforded an opportunity to appeal an adverse decision. See generally 2 Pa.C.S.A. § 551, et. seq. (relating to practice and procedure of local agencies).⁴

Instantly, this matter comes before the Court as a declaratory judgment action seeking to interpret the terms of an insurance contract. Latimore Township seeks indemnification for heart and lung benefits which it has apparently voluntarily agreed to pay Chief Bowers pursuant to an ordinance passed at a public meeting held on October 13, 1999. The Court has not been provided with a transcript of this public meeting nor is there any indication that a fact-finding hearing occurred. Additionally, the record is absent regarding any information that indicates whether EMC was aware of Chief Bowers' claim under the Heart and Lung Act prior to October 13, 2004, or whether EMC had an opportunity to participate in

² The Heart and Lung Act provides benefits to state and local law enforcement officers who are temporarily incapacitated from performing their duties as a result of injuries that occurred in the performance of duties. This act also provides benefits where a state or local law enforcement officer suffers from diseases of the heart or tuberculosis of the respiratory system when the condition arose directly out of his or her employment.

³ In *Wydra v. Swatara*, 582 A.2d 710, 714 (Pa.Cmwlth. 1990), the Court held that the receipt of Heart and Lung Act benefits is a property right subject to due process protection.

⁴ The Heart and Lung Act does not specify a means by which a dispute under the Act should be resolved. However, review of the cases which have reached the appellate courts reveal procedural histories wherein a fact-finding hearing was conducted by the local agency. See generally *Kohut v. W.C.A.B.*, 621 A.2d 1101 (Pa.Cmwlth. 1993); *Gilotty v. Township of Moon*, 846 A.2d 195 (Pa.Cmwlth. 2004).

determining whether benefits were appropriate.⁵ On the basis of this sparse record, Latimore Township argues that EMC is contractually precluded from challenging the propriety of benefits paid to Chief Bowers under the Heart and Lung Act. Additionally, they argue that EMC is contractually obligated to indemnify Latimore Township since Latimore Township became legally obligated to pay Chief Bowers' heart and lung benefits as a result of the ordinance passed on October 13, 1999. I agree.

Whether EMC participated in the public hearing on October 13, 1999, is immaterial in light of the current procedural posture of this matter. Chief Bowers filed a claim for heart and lung benefits against Latimore Township. EMC, as the Township's insurance carrier, is subject to the same liabilities as the Township, including the liability that arose from the employee's claim. See *Kohut v. W.C.A.B.*, 621 A.2d 1101, 1104 (Pa.Cmwlth. 1993). At the public hearing on October 13, 1999, Latimore Township incurred liability through the passage of their ordinance. Although some may conclude that the Court's interpretation of the contractual language is unfair because the interpretation resulted in EMC relinquishing control of their financial resources to Latimore Township, this conclusion is incorrect. The insurance contract at issue provides certain remedies to the carrier in the event that an insured triggers coverage without the participation of the insurer. EMC has not challenged its liability on that basis. Accordingly, the legal obligation that Latimore Township has incurred is sufficient to trigger policy coverage.

In reaching this conclusion, I note that Latimore Township's determination as to Chief Bowers' eligibility for benefits under the Heart and Lung Act was reasonable. In interpreting the applicability of

⁵The liability coverage form under the Municipal Liability Insurance Policy at issue indicates that EMC has the **right** and duty to defend any "suits seeking [heart and lung] damages." In another part of the insurance policy titled "duties in the event of occurrence, claim or suit", the policy provides that no insureds will, except at their own cost, voluntarily make a payment, assume any obligation, or incur any expense, other than for first-aid, without our consent. EMC's Exhibit #1, page 2, paragraph 4(d). Neither party has raised lack of compliance with this section as an issue; specifically, Latimore Township's failure to perform a condition precedent pursuant to this paragraph was not alleged in new matter nor raised at trial. As such, the issue is waived; I will not create an issue not raised by the parties. See Pa.R.C.P. 1032 (waiver of defenses); see also *Judge v. Celina Mut. Ins. Co.*, 449 A.2d 658, 661 (Pa.Super. 1982) (noting that affirmative defense not properly pleaded is waived).

benefits under the Heart and Lung Act, there is a presumption that heart disease is work-related if a police officer has worked for four consecutive years in that position. *Benginia v. Workers' Compensation Appeal Bd. (City of Scranton)*, 805 A.2d 1272, 1277 (Pa.Cmwlt. 2002). As such, the initial burden is on the employer to prove that a claimant's heart attack was not the result of stress or danger encountered while employed as a police officer. *Buchanan v. Pennsylvania State Police*, 620 A.2d 575, 577 (1992). Although this presumption does not relieve a claimant from establishing that his heart disease was work-related, this Court has found Chief Bowers' family physician's testimony credible, wherein he stated that the rigors of Chief Bowers' employment was a substantial cause of his heart disease. Thus, Latimore Township's decision to grant benefits under the Heart and Lung Act to Chief Bowers was not an abuse of discretion.

EMC argues that in addition to the necessity of a legal obligation by Latimore Township under the Heart and Lung Act, the policy terms limit the recovery of benefits to only those for "injuries or illnesses suffered by [the claimant] in the performance of their duties." EMC's Exhibit #1, page 1, section 1-coverage.⁶ EMC argues that this language is unambiguous and that the policy does not provide coverage to all benefits paid under the Heart and Lung Act but rather only for benefits paid for injuries or illnesses occurring in the officer's performance of his duties. Indeed, Pennsylvania's Heart and Lung Act provides for benefits under two distinct scenarios. Under Subsection (a) of the Act, a police officer may receive benefits if he is "injured in the performance of his duties and, as a result, temporarily incapacitated from performing future duties...." 53 P.S. § 637(a). On the other hand, Subsection (b) triggers the legal presumptions set forth hereinabove and allows benefit coverage for diseases "arising directly out of employment." 53 P.S. § 637(b). Based upon this distinction in coverage, EMC argues that the limiting language of the policy provides coverage for claims under Subsection (a), however, does not include coverage for those claims, such as Chief Bowers', arising under Subsection (b).

⁶Material language of the policy at issue provides: "We will pay those sums that you become legally obligated to pay to any paid policeman, paid fireman or paid park guards under the provisions of the Act of 1935, P.L. 477, as amended, because of temporary incapacity as a result of injuries or illnesses suffered by them in the performance of their duties.

The interpretation of an insurance contract, regarding the existence or non-existence of coverage, is “generally performed by the Court.” *General Accident Ins. Co. of America v. Allen*, 692 A.2d 1089, 1093 (Pa. 1997). “Where a provision of a policy is ambiguous, the policy provision is to be construed in favor of the insured and against the insurer...[w]here, however, the language of the contract is clear and unambiguous, a court is required to give effect to that language.” *Minnesota Fire and Cas. Co. v. Greenfield*, 855 A.2d 854, 861 (Pa. 2004) (quoting *Gene & Harvey Builders, Inc. v. Pennsylvania Manufactures’ Ass’n Ins. Co.*, 517 A.2d 910, 913 (Pa. 1986). “A contract is ambiguous if it is reasonably susceptible of different constructions and is capable of being understood in more than one sense.” *Kripp v. Kripp*, 849 A.2d 1159, 1163 (Pa. 2004).

While it is true that the language “in the performance of their duties” mirrors the language of Subsection (a) of the Heart and Lung Act, the question of whether the language in the policy is ambiguous requires future discussion. Interestingly, the language in the policy provides coverage for both “injuries” and “illnesses.” Although Subsection (a) of the Heart and Lung Act clearly refers to “injuries”, it does not contain any reference to “illnesses”. Rather, the only language in the Heart and Lung Act that can conceivably be interpreted as providing benefits for “illnesses” is the language found in Subsection (b), which provides coverage for “diseases.”⁷ Thus, contrary to EMC’s argument, it appears that the policy coverage is broader than providing coverage only under benefits paid under Subsection (a). To hold otherwise would be to disregard the use of “illnesses” in the policy language since “illnesses” do not fall in Subsection (a) of the Heart and Lung Act.

In light of the foregoing, it appears that the policy is ambiguous as to the coverage to the Township for benefits paid under the Act. At the very least, the policy language is susceptible of different interpretations. Therefore, this language shall be interpreted in favor of Latimore Township as providing coverage for any claims that Latimore Township is legally obligated to pay under the provisions of Pennsylvania’s Heart and Lung Act.

⁷The dictionary reveals that the word “disease” is synonymous with “illness”. Both the American Heritage Dictionary and the 11th Edition of Merriam-Webster’s Dictionary equate “disease” and “illness” with “sickness”. On the other hand, both dictionaries define “injury” as a “hurt, damage, or loss”.

Having found that EMC must indemnify Latimore Township pursuant to its Municipal Liability Insurance Policy, I now turn to Latimore Township's request for legal fees. In *Kelmo Enters. v. Commercial Union Ins. Co.*, 426 A.2d 680, 684-85 (Pa.Super. 1981) (petition for allowance of appeal granted May 6, 1981), the Pennsylvania Superior Court recognized that legal fees may be appropriate in a declaratory judgment action based upon the breach of an insurance contract. In recognizing that the imposition of legal fees is appropriate, the Superior Court required a showing of bad faith on the part of the insurance carrier. The record before the Court is void of any evidence indicating bad faith on the part of EMC. Apparently, Latimore Township seeks to rely upon a mere showing of breach of the insurance contract as justification for an award of attorney fees. This minimal threshold was expressly rejected in *Kelmo*. As such, it will likewise be rejected in the instant case.

For the foregoing reasons the attached Order is entered.

ORDER OF COURT

AND NOW, this 22nd day of December, 2004, EMC Insurance Companies is directed to indemnify Latimore Township-York Springs Regional Police Commission \$31,137 pursuant to the Municipal Liability Insurance Policy at issue in this matter. The costs are to be paid by the Defendant.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-473 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece, parcel or tract of land, together with the improvements thereon erected, situate, lying and being in the Borough of Bonneauville, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING at a point along the right-of-way line of Bonnie Field Circle, a fifty (50) feet wide right-of-way, and corner of Lot No. 34-A on the hereinafter referred to subdivision plan; thence along the right-of-way line of Bonnie Field Circle, by a curve to the left, having a radius of two hundred eighty-eight and ninety-seven one-hundredths feet (288.97) feet, an arc length of thirty-seven and sixty-three one-hundredths (37.63) feet, and a long chord bearing and distance of South seventy-seven (77) degrees nineteen (19) minutes fifty-eight (58) seconds, thirty-seven and sixty-one one-hundredths (37.61) feet to a point at Lot No. 33-A; thence along same North sixteen (16) degrees fifty-nine (59) minutes thirty-five (35) seconds West, one hundred sixty-nine and ninety-two one-hundredths (169.92) feet to a point at lands now or formerly of John E. and Reba F. Biemiller; thence along same South seventy-seven (77) degrees zero (00) minutes thirty-seven (37) seconds East, forty-three and twenty-nine one-hundredths (43.29) feet to a point at Lot No. 34-A; thence along same and passing through the center of a partition wall South sixteen (16) degrees fifty-nine (59) minutes thirty-five (35) seconds East, one hundred fifty-one and twelve one-hundredths (151.12) feet to a point, the place of BEGINNING. CONTAINING 6,004 square feet and being Lot No. 33-B on Final Plan of Bonnie Field, prepared by Worley Surveying, dated April 3, 1995, File No. C-1488, which said subdivision plan is recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plan Book 67, page 11.

HAVING THEREON ERECTED a dwelling house known as: 12-A Bonnie Field Circle, Gettysburg, Pennsylvania 17325

BEING THE SAME PREMISES WHICH Meyer & Meyer Partnership and Ronald L. Carter, by Deed dated 8/21/99 and recorded 9/1/99 in Adams County

Deed Book 1906, Page 180, granted and conveyed unto Mark S. Grothey and Kristen A. Blucher.

SEIZED IN EXECUTION as the property of Kristen A. Blucher a/k/a Kristen A. Grothey and Mark S. Grothey under Adams County Judgment No. 05-S-473.

Map & Parcel 6-9-47B

SEIZED and taken into execution as the property of **Kristen A. Blucher a/k/a Kristen A. Grothey & Mark S. Grothey** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 19, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-1300 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 12th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain piece or parcel of land, situate, lying and being in Oxford Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the property line of the cul-de-sac of Cherry Court at corner of Lot No. 106 of the hereinafter referenced plan of lots; thence along Lot No. 106, South 42 degrees 02 minutes 49 seconds West 92.07 feet to a point at other lands now or formerly of Oxford Estates; thence along same, North 34 degrees 52 minutes 51 seconds West 143 feet to a point at Lot No. 104 on said plan; thence along Lot No. 104, South 85 degrees 06 minutes 59 seconds East 129 feet to a point on the property line of the cul-de-sac of Cherry Court; thence along same, by a curve to the left, the radius of which is 50 feet, for an arc length of 42 feet and having a long chord bearing and distance of South 21

degrees 26 minutes 29 seconds East 40.78 feet to a point at Lot No. 106, the point and place of BEGINNING. CONTAINING 8,650 square feet and being Lot No. 105 on a plan of lots of Oxford Estates, Phase IV, dated May 23, 1985, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 42, page 5.

BEING the same premises which, by her Deed dated September 30, 1993 and recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, at Deed Book 787, page 33, Anna Marie Cox granted and conveyed unto Betty J. Topper, Grantor herein.

Under and subject to any and all covenants, conditions, reservations, restrictions, limitations, right-of-ways, objections, easements, agreements, etc., as they appear of record.

With the appurtenances: TO HAVE AND TO HOLD the same unto and for the use of Grantees, their heirs and assigns forever.

HAVING THEREON ERECTED a dwelling house known as: 3 Cherry Court, New Oxford, Pennsylvania 17350.

BEING THE SAME PREMISES WHICH Betty J. Topper, by Deed dated 12/3/99 and recorded 12/8/99 in Adams County Deed Book 1966, Page 167, granted and conveyed unto Rodney A. Carey and Teresa M. Carey.

SEIZED IN EXECUTION as the property of Rodney A. Carey and Teresa M. Carey under Adams County Judgment No. 02-S-1300.

Map & Parcel (35) 8-114

SEIZED and taken into execution as the property of **Rodney A. Carey & Teresa M. Carey** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 5, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-393 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 5th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT TRACT of land situate, lying and being in the Borough of Biglerville, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at the intersection of Fourth Street and a public alley; thence by said Fourth Street South 3-1/2 degrees West, 120 feet to an iron pin; thence by land now or formerly of Joe Boyer, South 86-1/2 degrees East, 35 feet to a stake; thence by land now or formerly of C. H. Musselman, North 64 degrees West to an iron pin 161.7 feet; thence by land now or formerly of the Adams County Packing Co., North 69.7 feet North 3-1/2 degrees East to an iron pin; thence by a public alley, South 87-3/4 degrees East, 155 feet to the place of BEGINNING.

BEING KNOWN AS: 101 4th Street, Biglerville, PA 17307.

PROPERTY ID NO.: 5-6-1

TITLE TO SAID PREMISES IS VESTED IN Frank Alvarado and Kimberly Alvarado, husband and wife, as tenants of an estate by the entireties by Deed from Jeanne L. Motter and Kenneth I. Bream, co-executors of the Estate of Fred W. Bream dated 07/30/01 recorded 08/09/01 in Deed Book 2368 Page 106.

SEIZED and taken into execution as the property of **Frank Alvarado & Kimberly Alvarado** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 29, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/8, 15 & 22

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-466 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 26th day of August, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot or tract of land situate on the Easterly right of way line of Red Bird Lane in the Borough of Bonneauville, County of Adams and state of Pennsylvania known and numbered as Lot No. 2 on a final plan of lots for Cardinal Ridge recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in subdivision Plan Book 80, Page 63, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Easterly right of way line of Red Bird Lane, at a corner of Lot No. 3 on said plan; thence extending along the Easterly right of way line of Red Bird Lane along a line curving to the left having a radius of 178 feet, an arc length of 25.21 feet with a chord bearing North 16 degrees 14 minutes 21 seconds West 20.64 feet to a point, at a corner of Lot No. 1 of said plan; thence extending along the said lot No. 1 North 88 degrees 07 minutes 09 seconds East 120.03 feet to a point on line of lands now or formerly of Robert A. Hartlaub; thence extending along the lands now or formerly of Robert A. Hartlaub, South 65 degrees 08 minutes 31 seconds East 30.97 feet to a point on line of lands now or formerly of Angela G. Hoffnagle; thence extending along the said lands now or formerly of Angela G. Hoffnagle South 29 degrees 38 minutes 43 seconds West 7.12 feet to a point at a corner of Lot No. 3 on said plan; thence extending along the said Lot No. 3 on said plan South 88 degrees 07 minutes 09 seconds West 138.85 feet to the point and place of BEGINNING.

CONTAINING .0619 acres

Tax ID #2-17

Premises being: 35 Red Bird Lane, Gettysburg, PA 17325

SEIZED and taken into execution as the property of **Samuel S. Moore** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 19, 2005, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10

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

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

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

7/8, 15 & 22

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 or about June 15, 2005, for the incorporation of R. E. C. CONSTRUCTION, INC. under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of residential and commercial carpentry and general contracting, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 621 Quaker Run Road, Aspers, PA 17304.

Gary E. Hartman, Esq.
Hartman & Yannetti
Solicitors

7/22

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 DORIS L. BOYD, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Cathy D. Boyd, 1710 Hanover Pike, Littlestown, PA 17340

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

ESTATE OF JEAN A. BROSS, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Mr Thomas M. Bross, Jr., 315 Round Hill Road, East Berlin, PA 17316; Sterling Financial Trust Company, successor to Bank of Hanover and Trust Company, Attn: Paul J. Stevenson, Trust Department, 25 Carlisle Street, Hanover, PA 17331

Attorney: Stanley A. Smith, Esq., Rhoads & Sinon LLP, Attorneys at Law, One S. Market Square, P.O. Box 1146, Harrisburg, PA 17108-1146

ESTATE OF MARY L. CLARK, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrators: David N. Clark, 279 Glenville Road, Hanover, PA 17331; Frederick E. Clark, 1956 Beck Mill Road, Hanover, PA 17331

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

ESTATE OF MADELYN M. GOHN, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Co-Executors: Wayne Thayer and John Mummert, c/o 135 North George Street, York, PA 17401

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

ESTATE OF WILLIAM D. GOHN, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Co-Executors: Wayne Thayer and John Mummert, c/o 135 North George Street, York, PA 17401

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

ESTATE OF EVELYN M. MAYERS, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Allen R. Mayers, 8 Daugherty Drive, Hanover, PA 17331

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

ESTATE OF JAMES R. OYLER, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Gail D. Oyler and John S. Oyler, c/o Richard W. Stevenson, Esq., McNeese Wallace & Nurick LLC, 100 Pine St., P.O. Box 1166, Harrisburg, PA 17108

Attorney: Richard W. Stevenson, Esq., McNeese Wallace & Nurick LLC, 100 Pine St., P.O. Box 1166, Harrisburg, PA 17108

ESTATE OF MARGARET K. SENFT a/k/a MARGARET K. KNOTT, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Cecil D. Knott, 303 Queen Anne Circle, Westminster, MD 21157

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

ESTATE OF HANNALORE SHANK, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Betty L. Finfrock, 195 Goodyear Rd., Gardners, PA 17324; Daniel L. Shank, 197 Goodyear Rd., Gardners, PA 17324

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

ESTATE OF FRANKLIN E. WALTER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Carol Ann McDannell, 759 Buchanan Valley Road, Orttanna, PA 17353

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

SECOND PUBLICATION

ESTATE OF ELIZABETH S. HOLLINGER a/k/a MARY ELIZABETH HOLLINGER a/k/a M. ELIZABETH HOLLINGER a/k/a BETTY HOLLINGER, DEC'D

Late of the Borough of Abbotstown, Adams County, Pennsylvania

Executrix: Sallie A. Murren, c/o Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331

Attorney: Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore St., Hanover, PA 17331

ESTATE OF DAVID A. JOHNSON, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administrator: David A. Johnson, II, 854 Old Forge Road, New Cumberland, PA 17070

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

ESTATE OF DONALD P. KELLY, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Personal Representative: Phyllis M. Fuhrman, 776 Edgegrove Rd., Hanover, PA 17331

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

ESTATE OF ROBERT L. MILLER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Sherry A. Miller, 2085 Old Harrisburg Road, Gettysburg, PA 17325

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

ESTATE OF JUDITH C. POWELL, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Executrix: Melissa Powell, 11 Hallron Road, Newton, MA 02462

Attorney: Harry J. Rubin, Esq., Barley Snyder LLC, 100 East Market Street, P.O. Box 15012, York, PA 17405-7012

ESTATE OF TIMOTHY LEROY SHEELEY, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Administrator: Suzanne M. Griest, 1170 Upper Bermudian Road, Gardners, PA 17324

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

THIRD PUBLICATION

ESTATE OF EDNA P. BOWERS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Ronald J. Bowers, 236 East Lincoln Ave., Gettysburg, PA 17325

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

(continued on page 6)

THIRD PUBLICATION (continued)

ESTATE OF HUGH FRANCIS COLGAN,
DEC'D

Late of the Borough of McSherrystown,
Adams County, Pennsylvania

Administrator: Thomas H. Colgan,
1180 Irishtown Road, New Oxford,
PA 17350

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

ESTATE OF ASHLEY NICOLE REG-
NIER, DEC'D

Late of the Borough of Fairfield,
Adams County, Pennsylvania

James J. Regnier, 9 Skylark Trail,
Carroll Valley, PA 17320

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

ESTATE OF JEAN A. SEXTON, DEC'D

Late of Mt. Joy Township, Adams
County, Pennsylvania

Co-Executrices: Linda Kay Sandoval,
418 Lumber Street, Littlestown, PA
17340; Virginia Ruth Bentzel, 375
Bowers Road, Littlestown, PA 17340

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

Adams County Legal Journal

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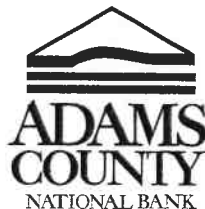
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In times like these,
you and your clients need
the experience and expertise
provided by a trust professional.



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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NOTICE

Pursuant to the July 8, 2005 Order of the Court of Common Pleas of Adams County, Pennsylvania, Notice is hereby given that Raymond Newman, Sheriff of Adams County, has filed a Petition in the Court of Common Pleas of Adams County to dispose of the following weapons and ammunition (case no. 05-S-708).

1. Ruger 357 magnum handgun - Serial # 16127133
2. Raven Arms Pistol 25-caliber handgun - Serial # 1154756
3. Smith & Wesson 38 caliber handgun - Serial # CEA2748
4. Smith & Wesson 38 caliber handgun - Serial # CET3686
5. Smith & Wesson 38 caliber handgun - Serial # CEF4504
6. Smith & Wesson 32 caliber handgun - Serial # CDF9158
7. Remington 30.06 rifle - Serial # 707111
8. Remington 20 GA. rifle - Serial # 1397088
9. Stevens 22 caliber rifle - Serial # unknown
10. 12 Ga. rifle - Serial # unknown
11. Remington 20 GA. rifle - Serial # 258916X
12. Winchester 9mm rifle - Serial # unknown
13. Browning 270 caliber rifle - Serial # 1EZNR21103
14. Browning 12 GA./Dbarrel - Serial # 35319NYP13
15. Beretta 28 GA. rifle - Serial # L53648B
16. Beretta 20 GA. rifle - Serial # N524418
17. Savage 20 GA. 357 Mag rifle - Serial # D320115
18. H&R Hornet 22 rifle - Serial # BB426725
19. Mossberg 20 GA. rifle - Serial # unknown
20. One large box of ammunition
21. Daisy BB gun - Serial # 92105687
22. Bowie knife
23. Machete

Any person claiming an ownership interest in any of the above weapons or ammunition should contact the Sheriff of Adams County at (717) 337-9828, go to the Sheriff's office located on the lower level of the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Pennsylvania, contact the attorney for the Sheriff as listed below, or appear at the hearing of this motion on **August 23, 2005 at 9:00 a.m.** at the Adams County Courthouse. Any such claimant should bring with him or her any proof of ownership he or she may have.

Wendy Weikal-Beauchat, Esq.
63 West High Street
Gettysburg, PA 17325
(717) 334-4515

Solicitor to the Adams County Sheriff
7/29 & 8/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 05-S-479 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 16th day of September, 2005, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate in the Borough of Abbottstown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin for a corner at the side of the pavement; thence along the lot of S. J. Diehl South 13 degrees East, 181 feet to an iron pin at an alley; thence along said alley South 76 degrees West, 66 feet to an iron pin and corner of land of Charles Swope; thence along the same North 13 degrees West, 181 feet to an iron pin at the side of the pavement along the Lincoln Highway; thence along the same North 76 Degrees East, 66 feet to the place of BEGINNING.

CONTAINING 11,946 square feet of land.

Being the same premises which Raymond L. Keeney and Clara V. Keeney, husband and wife, by Deed dated 3/13/89 and recorded 3/14/89 in

the Office of the Recorder of Deeds in and for Adams County in Deed Book 516 at Page 1016, granted and conveyed unto Howard L. Gray and Laurie E. Gray, husband and wife.

Tax Parcel #: 1-3-64

SEIZED and taken into execution as the property of **Laurie E. Gray & Howard L. Gray** and to be sold by me.

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

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

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

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

7/29, 8/5 & 12

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Tuesday, August 2, 2005, at 9:00 a.m.

BLOUGH—Orphans' Court Action Number OC-68-05. The First and Final Account of Adams County National Bank, Executor of the Estate of Marie W. Blough, deceased, late of the Borough of Arendtsville, Adams County, Pennsylvania.

Lisa K. Grubbs
Clerk of Courts

7/22 & 29

HARRIS VS. HOWE ET AL

1. The question presented by the demurrer is whether, on the facts averred, the law says with certainty that no recovery is possible. Where any doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of overruling the demurrer.

2. Acceptance of a resignation by council was necessary to its consummation, and until its acceptance, the tender or offer to resign would be revocable. An acceptance may be made by entry in book, by vote or resolution of council, or by treating the place as vacant, and proceeding to the election of another to fill it.

3. A vacancy created by removal from the borough is totally unlike that arising from resignation: the first arises instantly from the act of removal, the latter only by acceptance by council.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 04-S-1011, PHILLIP B. HARRIS VS. DANIEL HOWE,
SALLY VANCE, JEFFREY SHULL, AND THE BOROUGH
COUNCIL OF YORK SPRINGS.

Phillip B. Harris, Plaintiff, *pro se*
Cheryl L. Kovaly, Esq., for Defendants
Kuhn, P.J., December 27, 2004

OPINION ON DEFENDANTS' PRELIMINARY OBJECTIONS

Before this Court are Defendants' Preliminary Objections to Plaintiff's Complaint. For the reasons set forth herein, said objections are granted.

On October 4, 2004, Plaintiff, Phillip B. Harris ("Plaintiff"), filed his Complaint, captioned "Civil Action Mandamus," against Defendants, Daniel Howe ("Howe"), Sally Vance ("Vance"), Jeffrey Shull ("Shull") and the Borough Council of York Springs ("Council"), alleging that a special meeting of Council, held on September 29, 2004, was illegal for violating the Sunshine Act, 65 Pa. C.S.A. §701, *et seq.* He alleges that the following individuals comprise the Council: Plaintiff, Vice President; Howe, Council member; and Vance, Council member. Plaintiff further contends that Shull and Steven Picard had tendered their resignations as members of Council prior to the September 29, 2004 meeting. He avers that while Shull convened the September 29, 2004 meeting with Howe and Vance in attendance, a quorum did not exist because Shull was no longer a member of Council even though he withdrew his resignation at this time. Therefore, Plaintiff requests "the withdrawal and

reversal of all actions taken in any business conducted [at the September 29, 2004 meeting], and that [Howe, Vance and Shull] pay for damages and costs incurred by the Plaintiff associated with this Complaint.”

On October 21, 2004, Defendants filed their Preliminary Objections to Plaintiff’s Complaint and brief in support thereof. They argue that pursuant to Pa. R.C.P. 1028(a)(4), the Complaint fails to state a claim or cause of action for violation of the Sunshine Act for which relief may be granted. They also argue that Plaintiff’s Complaint fails to assert a claim or cause of action entitling Plaintiff to relief in mandamus, as a matter of law. Defendants further contend that they are entitled to recover reasonable attorney’s fees and costs from Plaintiff under the Sunshine Act, 65 Pa.C.S.A. §714.1.¹

Subsequently, on November 15, 2004, Plaintiff filed an amended request for emergency injunction.² Therein, he requests that the Court “enjoin in this Amended Request for Emergency Injunction until a Judicial determination has been made with regard to the ‘Complaint’..., and the legality of the meeting held on September 29, 2004.”

By Order, dated November 24, 2004, the Court set a hearing on the injunction for December 3, 2004 and attached a Preliminary Memorandum Opinion on the issues involved with Plaintiff’s request. Therein, I addressed, *inter alia*, the issues of whether Shull effectively resigned as a member of the Council and whether a quorum existed at the September 29, 2004 meeting. I ruled that Shull’s resignation was not effective because it was not accepted by Council

¹Pursuant to this section:

If the court determines that an agency willfully or with wanton disregard violated a provision of this chapter, in whole or in part, the court shall award the prevailing party reasonable attorneys fees and costs of litigation or an appropriate portion of the fees and costs. If the court finds that the legal challenge was of a frivolous nature or was brought with no substantial justification, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs.

65 Pa.C.S.A. §714.1.

² Plaintiff had previously filed his “Complaint Request For Emergency Injunction” on October 6, 2004. By Order dated the same day, the Court denied his request, indicating that until Plaintiff sets forth in an Amended Complaint the basis upon which relief is requested, the Court will not hold a hearing on the injunction.

at an official meeting and a quorum did, indeed, exist on September 29, 2004. My discussion of these issues in that Opinion is incorporated herein.³

On December 14, 2004, Plaintiff filed his Answer to Defendants' preliminary objections. Although the Court's Preliminary Memorandum Opinion explicitly stated that Shull's resignation was not effective and a quorum existed at the September 29, 2004 meeting and the undersigned again explained these determinations to Plaintiff at the hearing on injunctive relief, Plaintiff incredulously continues to argue that Shull's resignation is self-effectuating and, therefore, a quorum did not exist.

As stated above, Defendants filed their objections pursuant to Pa. R.C.P. 1028(a)(4) in the nature of a demurrer. A preliminary objection in the nature of a demurrer tests the legal sufficiency of the complaint. *Belser v. Rockwood Casualty Ins. Co.*, 791 A.2d 1216, 1219 (Pa.Super. 2002). The standard of review to be used in deciding such preliminary objections is well-settled:

[A]ll material facts set forth in the complaint as well as all inferences reasonably deducible therefrom are admitted as true for the purposes of review. The question presented by the demurrer is whether, on the facts averred, the law says with certainty that no recovery is possible. Where any doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of overruling the demurrer.

Id. (citations omitted).

Before I dispose of Defendant's objections, I feel it is necessary to address and clarify the case law, which Plaintiff relies upon to support his position. Plaintiff cites to *Commonwealth ex. rel. McVey v. Lefevre*, 13 Lanc. Law Rev. 121 (1896), *Commonwealth ex. rel. Whitehouse v. Krapf*, 94 A. 553 (Pa. 1915), and *Coles v. The Trustees of Williamsburgh*, 10 Wend. 659 (N.Y. Sup. Ct. 1833), arguing that

³The Court determined that the only issue regarding the legality of the September 29, 2004 meeting was whether it was properly scheduled. At the hearing on Plaintiff's request for injunctive relief, Plaintiff conceded that the meeting was properly scheduled. By Order, dated December 3, 2004, the Court denied Plaintiff's request for injunctive relief because Plaintiff had been unable to offer any evidence to support his entitlement to such relief.

Shull could not have been counted in determining a quorum was at the September 29, 2004 council meeting. However, his reliance on these cases is misplaced.

First, not only does Plaintiff blatantly misquote *Lefevre*, but the case in fact supports my ruling in the Preliminary Memorandum Opinion. In *Lefevre*, the Court states, when addressing the resignation of a council member of Ephrata Borough:

Of course acceptance by council was necessary to its consummation, and until its acceptance, the tender or offer to resign would be revocable. An acceptance may be made by entry in book, by vote or resolution of council, or by treating the place as vacant, and proceeding to the election of another to fill it.

13 Lanc. Law Rev 121, 125 (emphasis added). The Court ruled that when the Borough Council issued a call for a special meeting to take action on the council member's resignation as well as to elect an individual to fill the vacancy, there was an acceptance of the resignation and a vacancy was created. *Id.* In the instant case, Plaintiff avers in his Complaint that no authorized Council meeting took place from the time Shull tendered his resignation until the September 29, 2004 meeting. Therefore, in accordance with the above case law, Shull's resignation was not accepted by Council and he remained a member of Council at the September 29, 2004 meeting.

Plaintiff's reliance on *Krapf, supra*, is likewise misplaced. In his Answer to the present preliminary objections, Plaintiff argues:

There is a general rule of law that no member of the governing body shall vote on any question involving his own character or conduct, his right as a member, or his pecuniary interest, if that be immediate, particular and distinct from the public interest (referencing Raudenbush, the defendant in *Commonwealth v. Krapf*, 94 Atl. 553, (1915) in voting on his own resignation.

Yet, no here in *Krapf* does the Court address Plaintiff's argument. In fact, this is another case that supports my ruling. In *Krapf*, at a Council meeting, council member Raudenbush of the Borough of Ashland tendered his resignation, which also recommended Krapf as his successor. Within the same resolution, the Council voted to accept the resignation and elected Krapf as Raudenbush's successor, with

Raudenbush voting with the majority. The Court stated, "The resignation was not effective until it was accepted." 94 A. at 554 (emphasis added) (citations omitted).⁴ Therefore, the Court ruled that if Raudenbush's resignation was accepted at the meeting of council, his vote must be excluded in determining whether Krapf was elected as his successor. *Id.*

Moreover, *Coles v. The Trustees of Williamsburgh, supra*, is a case from the Supreme Court of Judicature of New York and, as such, has no precedential value before this Court.

Plaintiff also cites to *Commonwealth v. DeCinti*, 6 D. & C.3d 670 (Luzerne 1978), and *Commonwealth ex rel., Gast v. Kelly*, 100 A. 272 (Pa. 1917), in support of his argument that a quorum did not exist at the September 24, 2004 meeting. In *DeCinti*, the trial court ruled that a resignation was self-executing as of its own effective date. 6 D. & C.3d at 677-78. Although Plaintiff properly relies on *DeCinti*, the Court's reasoning in this case has not been followed by the appellate courts.⁵ See *Bowen v. Mount Joy Township*, 644 A.2d 818 (Pa.Comm. 1994); *Borough of California v. Horner*, 565 A.2d 1250 (Pa.Comm. 1989).

Finally, Plaintiff's reliance upon *Kelly* is misplaced. The issue in *Kelly* involved the filling of a vacancy created by the removal, not resignation, of a council member. The Court stated, "A vacancy created by removal from the borough is totally unlike that arising from resignation; the first arises instantly from the act of removal, the latter only by acceptance by council." 100 A. at 275 (emphasis added).

With this review in mind, I now turn to my disposition on the present objections. Because the Court previously determined that (1) Shull's resignation was not accepted by Council and, therefore, he remained a Council member at the September 24, 2004 meeting, and (2) a quorum existed at the meeting, there exists no basis upon which

⁴ Subsequent appellate courts relied upon this language in *Krapf* when determining that a resignation is not effective until it has been accepted by the municipal body. See *Bowen v. Mount Joy Township*, 644 A.2d 818 (Pa.Comm. 1994); *Borough of California v. Horner*, 565 A.2d 1250 (Pa.Comm. 1989). Interestingly, these are the same cases, which I cited to in my Preliminary Memorandum Opinion.

⁵ I note that the reasoning in *DeCinti* was also explicitly rejected by the trial court in *Kelly v. Drab*, 13 D. & C.3d 652 (Montgomery 1980). The Court in that case concluded that "the better view is that resignations require formal acceptance and are not self-executing." *Id.* at 655-56 (emphasis added)

Plaintiff can obtain relief for violation of the Sunshine Act as set forth in his Complaint.⁶ Thus, Defendants' preliminary objections are granted and Plaintiff's Complaint is dismissed with prejudice. The Court will not address Defendants' argument that they are entitled to attorney's fees and costs under the Sunshine Act, 65 Pa. C.S.A. 741.1, as this request is properly made through separate motion.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 27th day of December, 2004, in consideration of Defendants' Preliminary Objections To Plaintiff's Complaint, filed on October 21, 2004, said objections are granted and Plaintiff's complaint is dismissed with prejudice.

⁶ As such, it is not necessary to address whether Plaintiff's Complaint fails to assert a claim or cause of action entitling Plaintiff to relief in mandamus, as a matter of law.

**LEGAL NOTICE
ADAMS COUNTY TAX CLAIM BUREAU**

Pursuant to Court Orders 05-S-502 through 05-S-516, the following real property will be offered for sale September 16, 2005 at 1:00 p.m. E.D.S.T., at the Adams County Courthouse, 111-117 Baltimore Street, 4th floor, Gettysburg, Pennsylvania. The purpose of this sale is to dispose at public sale the following parcels of real estate:

OWNERS OR REPUTED OWNERS	TOWNSHIP/ BOROUGH	MAP NO., PARCEL NO., LOT NO. OR PROPERTY DESCRIPTION
Tracey, Charles E. & Helen A.	Franklin	Map D12, Parcel 20A
Monn, Richard	Franklin	1979 Liberty Mobile Home
Forsythe, Barbara	Franklin	Mobile Home
Gladhill, Richard	Hamiltonban	1983 Brigadier Mobile Home
Arnolt, Gary L. & Theresa L.	Huntington	1981 Hallmark Mobile Home
Englehardt a/k/a Aalice, Linda	Huntington	1983 Ritzcraft Mobile Home
Weller, Martin L.	Menallen	Map F 5, Parcel 4
Keystone Country Furniture	Menallen	Map 2, Parcel 6
Wetzel, Paul Wendell & Judith	Menallen	Map F 5, Parcel 58B
Madrigal, Juan Carlos Figuero	Mt. Pleasant	1994 Liberty Mobile Home
Vasquez, Miguel & Beatriz	Mt. Pleasant	1987 Commodore Mobile Home
Garland Construction	New Oxford	Map 5, Parcel 184
Ward, Sheryl	Oxford	1998 Fleetwood Mobile Home
Keeney a/k/a Bryant, Betty	Straban	1974 Astro Mobile Home
Routson, Marlin	Straban	1974 Mansion Mobile Home

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

The above properties were previously advertised for sale in the *Adams County Legal Journal*, *The Gettysburg Times* and in *The Hanover Evening Sun* on July 30, 2004.

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

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

Notice is hereby given by the Tax Claim Bureau in and for the County of Adams under the Act of 1947, P.L. 1368, as amended, that the Bureau will expose at public sale in the Adams County Courthouse, fourth floor, Jury Assembly Room, 111-117 Baltimore Street, in the Borough of Gettysburg, Pennsylvania at 9:00 a.m. E.D.S.T. on September 16, 2005 or any date to which the sale may be adjourned, re-adjourned or continued, for the purpose of collecting unpaid 2003 and any prior real estate taxes, prior liens, municipal, and all costs thereto, the following described set forth.

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

There will be no Redemption Period after the date of the sale, but these taxes and costs can be paid up to the date of the sale, September 16, 2005.

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

The property so struck down will be settled for before the next property is offered for sale. Deeds for the premises will be prepared by the Tax Claim Bureau and recorded. Buyer(s) will be required to pay, in addition to their bid, at the time the property is struck down to them, the basic sum for preparing and recording the deed, and the costs of such realty transfer stamps as required (assessed value x 3.28 % X 2). The Tax Claim Bureau will mail the deeds to the address given by the purchaser.

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

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

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

NOTICE TO PROSPECTIVE TAX SALE BIDDERS

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

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

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

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
	ABBOTTSTOWN BOROUGH	
Wagaman, Bryan	5, 1B	\$5,000
Wagaman, Bryan & Michelle	5, 17A	\$1,000
Wagaman, Bryan & Michelle	5, 17AA	\$900
Thatcher, Rosemary	3, 106	\$1,000
	ARENDTSTOWN BOROUGH	
Hays, Lawrence Walter III & Bessie D.	4, 8	\$3,100
Fleet, Leonora A.	6, 20	\$4,000
	BENDERSVILLE BOROUGH	
Black, Dorothy A.	10, 35	\$2,500
	BERWICK TOWNSHIP	
Luckenbaugh, Albert Lee Sr. & Vivian	L12, 94	\$8,000
Kennedy, David A. & Brenda E.	K11, 48E	\$4,500
Sowers, Robert E.	L11, 71	\$4,000
	BIGLERVILLE BOROUGH	
Petrosky, David A. & Angela K.	3, 97	\$3,500
Coldsmith, B. Zachary & Maresa Zirpoli	3, 101	\$14,100
	BONNEAUVILLE BOROUGH	
Weaver, Francis R. & Susann	5, 133	\$1,000
	BUTLER TOWNSHIP	
Stull, Bradley & Christine	F10, 38, 78, 1996 Liberty MH	\$1,500
Hockley, Ryan	F10, 38, 84, 1992 Imperial MH	\$1,300
Heldibridle, Sheila	F10, 38, 29, 1977 Mark IV MH	\$400
Kuhn, Toni L.	F10, 38, 81, 1998 Summerset MH	\$3,800
Stapleton, Shaun	F10, 38, 48, 1989 Wingate MH	\$2,200
Smith, Dennis & Sonya Sr.	F10, 38, 85, 1990 Fleetwood MH	\$1,200
Taylor, Woodrow & Tammy III	F10, 38, 62, 1994 Redman MH	\$1,700
Miller, George & Rose	F10, 38, 13A, 1993 Colony MH	\$1,500
Brinkley, Scott & Rebecca	F10, 38, 57, 1990 Sandpointe MH	\$1,100
Grimes, Michael E. & Mona S.	G08, 15	\$2,100
Carey, Martha L.	F10, 38, 53, 1989 Wingate MH	\$1,900
Rex, Kathleen	F07, 30, 1, 1968 Rebrandt MH	\$400
Cooper, Jack	F10, 38, 46, 1989 Windgate MH	\$1,300
Showvaker, Dale & Ruth	F10, 38, 33, 1989 Windgate MH	\$1,100.00
Stevens, David Leon	G07, 53	\$2,500
Pope, Thomas	F10, 38, 56, 1990 Sandpointe MH	\$900
Southerly, Michael A.	F07, 35, 1, 1974 Hillcrest MH	\$500
	CONEWAG TOWNSHIP	
Tavares, Cynthia R.	9, 243	\$2,400
Myers, David W. & Carolyn S.	K14, 140D	\$4,800

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Host, Nancy A. & Helen Volk	21, 4	\$4,300
Hollinger, Dianne M.	10, 182	\$1,500
Harkelroad, Bill	10, 72	\$3,400.00
Klunk, Michael A. & Beth A.	11, 49	\$1,800.00
Smith, Stephen L.	8, 256	\$4,200.00
CUMBERLAND TOWNSHIP		
Delaney, James H. Jr.	E13, 56	\$14,000
Holt, John A.	E16, 33	\$6,700
Heckendom, James & Christine	E17, 66H	\$3,300
Delaney, James H. Jr.	E12, 79A	\$2,000
Littrell, Leo	F15, 65, 34, 1995 Fleetwood MH	\$2,500
Brewer, Ian P. & Jennifer M. McKee	E17, 66E	\$2,000
Nell, Ray A. & Carol A.	F17, 36	\$4,000
Kirkham, Barbara E.	F17, 22C	\$2,500
Heiges, David K. & Wendy	F11, 106S	\$7,800
Keller, Jamie	F15, 65, 58, 1994 Fleetwood MH	\$2,500
Laramy, Edwin & Tina	F15, 65, 31, Fleetwood MH	\$1,500
McCleaf, Stacy K.	E16, 77, 65, Unit 65	\$1,200
Kern, Kenny & Linda M.	F15, 65, 30, 93 Fleetwood MH	\$1,300
Smith, John R. Jr.	E16, 65	\$7,700
Devlin, Gary A.	F10, 109	\$400
Brewer, Ian P. & Jennifer M. McKee	E17, 66E	\$800
EAST BERLIN BOROUGH		
Hull, Donald A.	4, 129	\$2,300
Schreffler, Howard R. & Christopher J. Twardowski	3, 26	\$1,000
FRANKLIN TOWNSHIP		
Beamer, William H. & Lynda M.	D8, 10	\$2,200
Gilland, Jeffrey A.	C11, 52	\$2,300
Griffith, Marlene E.	C11, 19A	\$1,100
Haas, Stephanie & Daniel	B8, 13, 10, Home Only	\$5,700
Six, David S. & Ida Beth	B9, 95	\$800
Rodriquez, Monica S.	C10, 27A	\$4,300
Strausbaugh, Charles W. & Alverta	B9, 38G	\$800
Hay, Robert L. & Tia A. Jr.	D12, 18A	\$700
Slee, John A.	A9, 47	\$17,800
Stake, B. Dean	B9, 122	\$500
Lester, Ona Mae	B10, 13B	\$900
Quigley, Dennis L. & Sharon A.	A9, 79	\$7,100
Haws, Robert W. Sr. & Jamie D. Caskey	C10, 189	\$2,100
Wagner, Wayde S. & Joyce L.	B9, 199	\$3,100
Melton, Jimmy & Lois Jean	B11, 24A	\$3,800
FREEDOM TOWNSHIP		
Musselman, John E.	D16, 17, 1/2 Interest Only	\$500
Richardson, Robert W. Jr.	F18, 14, 9, Cabin	\$700
Heffner, Lanny R.	E18, 14, 1, Structure	\$1,200
GETTYSBURG BOROUGH		
Ivey, Eric & Katherine	E18, 11	\$800
Jones, William H. & Cindy R.	10, 346	\$2,000
Costley, Valerie Lynn	10, 228	\$1,700
Mauston, James W. & Catherine	10, 346	\$1,700
McCleaf, Stacy K.	7, 316	\$2,200
Heiges, David K. & Wendy	10, 46	\$4,000

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Costley, Valerie Lynn	10, 228	\$1,700
McMaster, Donald J. Sr.	8, 43	\$5,800
	HAMILTON TOWNSHIP	
Fischer, F. Patrick & Kimberly	K8, 151	\$6,400
	HAMILTONBAN TOWNSHIP	
Brown, Thomas A. & Henrietta M.	C14, 30	\$1,700
Fitzgerald, David B. & Kathleen	B17, 104	\$8,100
Mort, Catherine C.	A17, 52	\$30,000
Nicholas, George W. & Mary A.	B16, 61A	\$500
Nicholas, George W. & Mary A.	B16, 61	\$6,800
Sprinkle, Lawrence K. & Sharon	A15, 10	\$900
Smith, Robert A.	B14, 73	\$1,200
Shelton, Leroy Jr & Sanders, Deborah	B16, 25	\$2,000
Naugle, Melissa J.	B13, 1E	\$800
Eversole, Jamie I. & Heidi J.	A17, 1F	\$900
White, Gale	BB, 40	\$600
	HIGHLAND TOWNSHIP	
Fritz, Louis Edward Jr.	AB, 76	\$500
	HUNTINGTON TOWNSHIP	
Mellott, Cindy L.	G3, 122, 9, 1981 Conner MH	\$600
Chronister, Kenneth E.	I5, 13B	\$1,300
Chronister, Kenneth E.	I5, 24A	\$3,100
Inman, Chester Jr & Tremmel, Lisa	H4, 12, 5, 1984 Mobile Home	\$600
Myers, Mary	G2, 15, 5, 1976 Virginia MH	\$400
Barrick, Melissa	H4, 12, 15, 1999 Forest Manor MH	\$1,400
Tanger, Carl L.	F3, 44	\$1,300
Zapata, William & Arlene	G3, 98	\$500
Reich, Paul S. & Hillary S.	G3, 104	\$1,300
Reich, Paul S. & Hillary S.	G3, 105	\$1,300
Reich, Paul S. & Hillary S.	G3, 114	\$1,400
	LATIMORE TOWNSHIP	
Brown, Janet L.	I3, 24B	\$1,300
Highway Petroleum Sales Inc. & Myers, James G., Chief Exec.	I4, 85	\$23,000
Kress, Michelle R.	I2, 4, 1, 1985 Shultz MH	\$800
Yohn, Arthur C. & Jeannette Marie	K3, 6	\$1,900
Myers, Dennis A. & Kimberly D.	H2, 2	\$3,000
Smith, Barbara L.	K4, 29A	\$900
	LIBERTY TOWNSHIP	
Burgess, Phillip G. & Leslie D.	OO, 123	\$700
Burgess, Phillip G. & Leslie D.	OO, 14	\$400
Burgess, Phillip G. & Leslie D.	OO, 51	\$500
Burgess, Phillip G.	OO, 53	\$400
Burgess, Phillip G.	OO, 62	\$400
Fritz, Louis E. Jr.	AA, 185	\$500
Gladhill, Richard L. & Deborah	A18, 44	\$390
Hurley, Gary A. & Susan S.	D17, 27, 1, 1973 Atlantic MH	\$600
Burgess, Phillip G. & Leslie D.	OO, 122	\$500
Sheldon, William Robert & Cheryl Ann	OO, 64	\$500
Sheldon, William Robert & Cheryl Ann	OO, 61	\$500
Bahr, Frederick H. Jr & Genevie	AE, 34	\$3,300
Ashley, Gladys M.	AD, 100	\$3,000

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Charnita, Inc.	AE, 9999B	\$6,200
Charnita, Inc.	AE, 9999A	\$3,700
Coll, Dorothy & Kathleen	AE, 90	\$3,700
Cook, Charles T. & Virginia T.	AD, 98	\$4,200
Cook, John D. & Robie G.	AE, 68	\$1,400
Cooley, Barbara A.	AD, 85	\$1,100
Cunningham, Robert B. & Mary W.	AE, 56	\$2,100
Fread, Danny L. & Helen J.	AE, 60	\$4,600
Garrett, Roger H. & Linda A.	AD, 99	\$4,600
Hagans, Franklin A. & Viola	AE, 49	\$2,500
Hunt, George A. & Patricia A.	AD, 62	\$2,500
Keith, James J.	AE, 72	\$4,100
Laptook, Harry	AD, 113	\$2,700
Miller, Mark S. & Joan	AE, 80	\$700
Moore, David R.	AE, 50	\$3,100
McGlaughlin, Roy A.	AE, 3	\$800
McGlaughlin, Roy A.	AE, 6	\$800
McGlaughlin, Roy A.	AE, 8	\$900
McGlaughlin, Roy A.	AE, 41	\$800
Naughton, Raymond D. & Pamela M.	AD, 79	\$4,200
Phillips, Patrick Bryan	AD, 76	\$2,800
Plank, Rodney W. & Janet A.	AD, 59	\$2,800
Plank, Rodney W. & Janet A.	AD, 123	\$2,700
Rodgers, Milton H. & Barbara A.	AE, 39	\$1,600
Shearer, Charles T.	AE, 63	\$4,300
Shifflett, Russell L. & Sarah R.	AE, 73	\$3,800
Smith, L. Geraldine & S. June	AE, 92	\$3,900
Sollars, Walter F. & Uvee	AD, 105	\$4,800
Spencer, William H. & Elizabeth & Joanne Wright	AE, 74	\$1,400
Stephens, Clarence G. & Gloria	AE, 35	\$800
Stewart, Alice Carlile	AE, 13	\$4,000
Stewart, Alice Carlile	AE, 36	\$3,800
Tomczak, Thaddeus E. & Dolores	AD, 83	\$3,500
Universal Life Church, Inc.	AD, 114	\$3,800
Viente, Craig B.	AE, 98	\$3,200
Weaver, Jesse S. & Edith W. & John Hassell	AD, 125	\$4,700
Williams, Charles L. & Margaret	AE, 59	\$2,000
Wooten, Hardy D. & Myrtle J.	AD, 74	\$4,300
Nagy, Francis & Suzanne	AA, 149	\$500
Zimmerman, Thomas W. & Deborah	AB, 48	\$5,600
Dupre, Russell J. Jr.	AE, 37	\$400
Brown, Roy F. & Carrie M.	AE, 61	\$700
Zimmerman, Thomas & Deborah	AB, 47	\$500
Roseborough, Geneva B.	AE, 100	\$600
Stake, B. Dean	OO, 92	\$600
Charnita, Inc.	AD, 1	\$7,700
Gillelan, George H. & Joshua	B18, 25	\$1,300
Vollmer, Leroy & Edna E.	AE, 70	\$500
Lopez, Janet	OO, 103	\$500
Burgess, Phillip & Leslie D.	OO, 124	\$2,100
Burgess, Phillip	OO, 119	\$500
Clark, Walter D. & Betty J. Jr.	AB, 39+	\$400

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Clark, Walter D. & Betty J. Jr	AB, 41	\$400
Wright, Jonathon	A18, 34	\$1,200
Charnita, Inc.	AD, 9999E	\$500
Rutherford, John & Lee	C18, 53	\$4,500
Ward, James	QQ, 29	\$500
Charnita, Inc.	AA, 155	\$500
LITTLESTOWN BOROUGH		
Henry, Roy J. & Marie M.	11, 68	\$6,300
Jackowski, Michael G. & Roberta	12, 72	\$3,100
MCSHERRYSTOWN BOROUGH		
Carbaugh, Warren E. & Geraldine	8, 221A	\$2,600
MENALLEN TOWNSHIP		
Musgrave, Robert S. & Susan G.	B5, 3	\$1,200
Kuhn, Freeman G. & Sharon A. Jr.	F5, 3B	\$2,200
Thomas, Richard F. Jr	D5, 28, 1, 1974 Derose MH	\$1,000
Hoover, Kenneth L. & Julie A.	F5, 142	\$5,000
Mickley, James E. & Jamie	E6, 27A	\$3,300
Sheaffer, Terry J.	D5, 41	\$4,200
Sheaffer, Terry J. & Jill E.	D5, 41, 1, 1976 Derose MH	\$500
Hays, L. Walter III	E4, 45	\$1,800
Sheaffer, David A. & Wilda B.	E5, 33F	\$1,800
McGuirk, Janet M.	D5, 62A	\$600
Black, Barry L.	F4, 40A, A	\$500
Laughman, Lee & Smith, Melody	F6, 12A, 1, 1981 Oakwood MH	\$1,400
Pritchard, Harry L. & Sharon A.	E5, 57	\$3,100
Mowen, Ralph C.	D5, 60B, 2, Structure	\$400
Smith, Melody	F6, 12A	\$1,600
Roth, Jeffrey B.	E5, 92	\$3,800
Cain, Ray William	E5, 36B	\$1,800
Showers, Jack D.	F5, 3A	\$1,100
Klinedinst, Melissa	E5, 64B	\$500
McKenrick, Robert & Helen	D7, 20	\$4,000
MT JOY TOWNSHIP		
King, Steven L.	H16, 26C	\$600
Bui, Hien Van	G14, 89	\$3,400
Bauerlien, Kenneth E. & Roberts, Donna	H16, 49	\$2,500
MT PLEASANT TOWNSHIP		
Bixler, Larry R. & Vivian	J12, 61, 25, 1993 Skyline MH	\$3,400
Deatrick, Gates D. & Cleason Stoner	I11, 42, 1, 1968 New Moon MH	\$400
Mullin, Richard P. & Michael S.	J11, 6A	\$2,500
James, John & Jess Maggard	J12, 61, 106, 1981 Windsor MH	\$600
Smith, Roger & Jane	J12, 61, 60, 1985 Liberty MH	\$800
Stoner, Cleason L. & Lavonda	I11, 42	\$3,600
Yingling, Wendell & Mary	J12, 61, 124, Liberty MH	\$700
Shindledecker, Mike	J12, 61, 135, Windsor MH	\$600
Beach, Carl L.	J12, 61, 141, 1981 Derose MH	\$700
McDannell, Loretta C. & Christina	J14, 80C	\$1,000
Deshong, Kenneth F. & Glenda K.	J11, 58C	\$3,200
Bless, Richard E. & Barbara A.	J11, 52, 26, 1986 Redman MH	\$500
Coffelt, Keith S. & Jacqueline	H13, 29, 4, 1978 Skyline MH	\$500
Eckenrode, Amy S.	H14, 32, 9, 1995 Wexford MH	\$1,000
Shaffer, Scott A.	J12, 61, 41, 1977 Liberty MH	\$500

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Degroft, Derrick	J12, 61, 40, 1996 Fleetwood MH	\$1,200
Smith, Robert A.	I13, 29	\$8,000
Rondeau, Gloria W.	I11, 39F	\$12,000
Wagaman, Jeffrey & Agnes	J12, 61, 66, 1987 Liberty MH	\$1,100
Michaels, Lawrence Jr.	J12, 61, 84, 1980 Liberty MH	\$600
Rosado, Angel R. & Gerardita J.	H14, 32, 14, 1991 New Moon MH	\$1,900
Rondeau, Brian K.	I11, 60	\$15,500
Bixler, Donald A.	J14, 54C	\$13,000
Keplinger, Victor	J12, 61, 129, 1987 Skyline MH	\$1,000
Stoner, Cleason L. Sr.	I11, 42A	\$600
Brenner, Lisa	J12, 61, 136, 1980 Liberty MH	\$500
Messer, Mary A.	J11, 114	\$3,300
Wolfe, Phillip L. Jr., Jessica A. Klinedinst	J12, 61, 95, Fleetwood MH	\$1,600
Monath, Margaret	J12, 52, 64, Atlantic MH	\$1,400
Grau, Kirk D. & Jennifer R.	I12, 29	\$3,000
Sirk, Krista L. & Jarrett M.	J12, 61, 155, Derose MH	\$600
Schulteis Family Trust	H13, 30	\$2,100
Brown, Irene E. & Tooney, Barbara	I17, 26	\$2,200
Ramsey, Linda	H14, 32, 31, 92 Redman MH	\$1,300
NEW OXFORD BOROUGH		
Harman, Audrey	5, 24	\$3,800
Wolf, Sonja M.	7, 76	\$2,400
Slike, Donald E. & Rose Marie	4, 55	\$4,200
Albertson, Valerie	4, 99	\$1,500
Weikert, Jean M.	5, 161	\$3,700
OXFORD TOWNSHIP		
Brough, Charles W. Jr.	J13, 71	\$900
Becker, Timothy L.	J10, 82	\$2,000
Sneeringer, Peter M. & Tracy Kennedy	1, 24	\$3,900
Kessel, Gregory E. & Debbie K.	J12, 111	\$3,400
Ketterman, Barry & Barbara	K11, 26C, 13, 1997 Liberty MH	\$2,200
Orndorf, Shawn	K11, 105F, 23, Skyline MH	\$1,300
Barnhart, Gary	K11, 105F, 5, 1980 Liberty MH	\$500
Trimen Industries Inc.	K11, 145A	\$26,000
READING TOWNSHIP		
Copenhaver, Ronald E.	L8, 19	\$1,100
Hampton Plains Inc.	J8, 119	\$500
Hartlaub, Carroll E. & Nancy J.	L7, 3B	\$2,500
Jarrett, Edward & Diane	J8, 45, 117, 1976 Metamora MH	\$500
McClelland, Katrina J. & Richard L. & Jean Koch	J8, 21	\$1,900
Cook, Robert J.	J8, 45, 126, 1986 Skyline MH	\$900
Reese, Steven & Samuel & Stephanie Lawrence	J8, 45, 108, 1992 Skyline MH	\$1,600
Rondeau, Peter W. & Bonnie S.	J8, 87	\$400
Rondeau, Peter A.	J8, 116	\$900
Smith, Gregory E.	K6, 46	\$1,700
Warne, Wilbur R. Jr. & Shriver, Erma	J8, 118	\$400
Hynson, David & Debra	5, 82	\$500
Brillhart, Joseph P. & Sandra M.	8, 98	\$500
James, Troy	J8, 45, 123, 1978 Hillcres MH	\$500
Hunt, Deloris A.	L8, 7	\$1,000
Sponseller, Donald P.	L6, 16	\$1,700
Sherry, Letitia P.	J8, 45, 10, Skyline MH	\$700

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Becker, John L. & Donna L.	J8, 85	\$2,100
Long, Michael A. & Melissa R.	L8, 123	\$3,800
Sponseller, Michael E. & Dorothy	L6, 16A	\$600
Sponseller, Michael & Dorothy	L7, 5, 3, 1984 Hollypark MH	\$700
Cooper, Jack B. & Mary R, Jr.	11, 81	\$500
Mathis, James H. & Bernadine B.	L8, 148	\$1,800
McClelland, Katrina J. & Richard L. & Jean Koch	J8, 21	\$4,400
Smith, Donald B. & Alice C.	J8, 42	\$900
STRABAN TOWNSHIP		
Ashley, Rebecca S.	4, 52	\$3,800
Dubbs, Donald L. Sr.	H12, 95B	\$1,200
Junkins, Timothy	G12, 124, 124, Kirkwood MH	\$400
Luckenbaugh, Brandon & Tiffany	G12, 124, 46, Herrii MH	\$400
Rondeau, Gloria W.	H11, 57A	\$2,000
Shealer, Frederick M. & Faye M.	G9, 40	\$6,100
Shealer, Frederick M.	G12, 10	\$18,100
Shealer, Frederick M.	G12, 39G	\$16,900
T-Wings Farms Inc. & Mark R. Stambaugh	G10, 18	\$10,700
Group, Nancy	H10, 17, 130, 86 Skyline MH	\$1,000
Sullivan, Thelma	G12, 124, 77, 1077 Lagrande MH	\$500
Maltese, Jerome	G13, 70	\$1,800
Maltese, Jerome	G13, 70A	\$400
Herb, David & Carrie	H10, 17, 152, Skyline MH	\$2,600
Chapman, Diane L. & Dean	G12, 124, 94, Skyline MH	\$700
Flynn, Thomas I. & Anna N.	G12, 14C	\$1,500
Zartman, Peggy A.	H11, 14, 1, 1975 Newport MH	\$400
Hartlaub, Marcenda	H10, 17, 138, Fleetwood MH	\$600
Callaway, John J. & Mary Francis & Bonnie Michele Still-Hammond	H9, 10	\$10,800
Holyfield, David & Wilda	G12, 124, 39, Redman MH	\$1,100
Defriece, Michael & Kristy	H10, 17, 140, Skyline MH	\$600
McDannell, Roger J. & Eppley, Carol	H10, 24	\$2,500
Gillespie, Richard F.	H10, 105, 1, 1982 Liberty MH	\$2,300
Weverink, Heinz J. & Debra R.	G9, 16	\$2,200
Rondeau, Brian K.	H12, 63	\$2,600
Karczmarek, Steve	H10, 17, 107, 1984 Redman MH	\$700
Weaver, Bernice & Vernon Rau	H10, 17, 159, Fortune Skyline MH	\$2,500
Smith, Sandra K.	J9, 16	\$8,000
Ash, Ronald K. & Michelle S.	G10, 16B, 29, Clayton MH	\$2,000
Flynn, Lawrence E.	G12, 14D	\$500
Scott, Renee	G12, 124, 125, 1975 Gerring MH	\$900
Tongyal, Michelle	H11, 1	\$3,000
Downey, Mairead	H10, 17, 119, Skyline MH	\$500
TYRONE TOWNSHIP		
Beers, Leeroy H. & Caroline A.	F4, 30, 1, 1984 Atlantic MH	\$700
Bly, Barry W. & Mary M.	I8, 12	\$2,100
Bly, Barry W. & Mary M.	I8, 12A	\$1,100
Bosserman, David L.	I7, 30B	\$2,600
Miller, Nancy S. & Terry W.	F3, 11C	\$2,700
Green Point Credit	H7, 75, 999, 95 Imperial MH	\$7,500
All American Housing	H7, 75, 15A, 96 Liberty MH	\$2,700
Foltz, James & Jean	H7, 75, 98, Commodore MH	\$2,900

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Lener, Mark & Michele L. Brand	H7, 75, 80, So Energy MH	\$5,500
Curry, John L.	H7, 75, 68, Liberty MH	\$1,900
Mendoza, Shannon	H7, 75, 121, Commodore MH	\$2,000
Fancovic, Rodger C.	H7, 75, 88, Imperial MH	\$2,300
Woodson, William & Wanda	H7, 75, 93, Imperial MH	\$2,500
O'Neal, George Sr.	H7, 75, 147, Fleetwood MH	\$1,800
Greegor, Frank & Betty Jr.	H7, 75, 60, Fleetwood MH	\$2,900
Lowe, Kevin E. & Heather M.	H7, 75, 109, So Energy MH	\$3,000
Sliker, Judah & Alicia	H7, 75, 170, Commodore MH	\$2,600
Stambaugh, Denise	H7, 75, 148, 1999 Fleetwood MH	\$4,900
All American Housing	H7, 75, 996, Claremont MH	\$2,000
Coleman, Kenneth L. & Donna J. Ludwig	H7, 75, 153, Fleetwood MH	\$1,900
Wise, Shane M. & Crystal Arentz	H7, 75, 133, Commodore MH	\$1,300
All American Housing	H7, 75, 995, 1996 Liberty MH	\$3,000
All American Housing	H7, 75, 997, 1996 Fleetwood MH	\$1,900
All American Housing	H7, 75, 998, 2000 Fleetwood MH	\$1,800
UNION TOWNSHIP		
Stern, Eric J.	K18, 6G	\$2,500
Jeffers, Daniel & Karen M.	3, 33	\$5,200
Klasek, James C. & Carla B.	3, 128	\$7,500
Corkum, Steven A. & Susan J.	J16, 45	\$1,300
Flowers, James E. & Connie J.	K17, 106	\$2,000
YORK SPRINGS BOROUGH		
Bothe, Frederick A. III & Tinamarie	5, 51	\$2,700
Slike, Donald E. & Rose Marie	1, 25	\$1,900
CARROLL VALLEY BOROUGH		
Boothe, Louise M.	22, 119	\$600
Burgess, Phillip G. & Leslie D.	25, 79	\$400
Cahn, Frank B. & Shirley E. II	35, 80	\$500
Cost Control Marketing & Manag & Schwab, William G. Associates	2, 72	\$8,000
Mort, Dwayne E.	21, 2	\$3,700
Mort, Dwayne E.	21, 3	\$4,200
Mort, Charles H. & Agnes K.	45, 67	\$4,100
Mort, Charles H. & Agnes K.	27, 2	\$900
Mort, Charles H. & Agnes A.	41, 139	\$3,200
Mort, Charles & Agnes	3, 57	\$3,500
Mort, Dwayne E. & Sharon K.	4, 89	\$3,600
Mort, Dwayne E. & Sharon K.	43, 42	\$3,600
Mort, Charles & Agnes	42, 2	\$4,700
Mort, Dwayne E.	41, 34	\$900
Mort, Dwayne E. & Sharon K.	43, 54	\$900
Sharrer, Paul D. Scott, Ed	6, 77	\$800
McClellan, John B.	19, 63	\$500
Prichard, Todd D.	11, 7	\$600
Reida, John R. & Helen E.	43, 5	\$4,900
Sedr, William W. & Dolores C.	18, 49	\$400
Unger, Michel J. & Carole A.	43, 4	\$7,900
Virostek, Geraldine A.	18, 17	\$700
Rosinski Group, Irvin E. Povlow, Lumis Investments, LLC	35, 113	\$4,500
Rosinski Group, Irvin E. Povlow, Lumis Investments, LLC	35, 90	\$600

OWNER OR REPUTED OWNER	PROPERTY DESCRIPTION	APPROXIMATE UPSET PRICE
Stake, B. Dean	35, 85	\$600
Stake, B. Dean	40, 77	\$700
Huff, Paul L. & Rhonda J. Jr.	27, 61	\$400
Stake, B. Dean	3, 58	\$700
L. P. G. Limited	29, 207	\$400
Hart, Douglas & Shirley E.	17, 150	\$500
Taylor, William E. & Marie N.	27, 134	\$400
Smith, Joel	13, 34	\$900
Orndorff, Claude H. Jr.	29, 126	\$600
Wivell, Jay & Michelle	43, 119	\$500
Fritz, Louis E. Jr.	23, 152	\$700
Six, David & Ida	35, 170	\$400
Dick, Bryon D. & Kathy A.	33, 28	\$400
Dick, Bryon D. & Kathy A.	34, 108	\$400
Hart, Gary	47, 49	\$800
Lucas, Andrew, & Louise E. Fritz Jr.	35, 84	\$600
Honeycutt, Douglas	29, 64	\$400
Davies, Howard M. & Florence K.	6, 72	\$5,000
Matthews, Maureen, & Morrison, Bernard & Brasche, James & Loretta E.	22, 147	\$600
Lee, Winnifred C. & William P.	22, 42	\$400
Mort, Charles & Agnes	27, 2	\$500
Smith, Juanita K. & John Hannan	35, 17	\$500
L. P. G. Limited	25, 48	\$400
Monsod, Christian S. & Solita C.	41, 170	\$600
Reynolds, George E. & Edythe M.	41, 113	\$700
Rubin, Nettie R. Trust & Abe	43, 30	\$700
Belt, Catherine R.	40, 59	\$500
Donahue, James P.	39, 160	\$400
Sylvester, William E. & Nancy	41, 64	\$400

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 JOY ANN COX, DEC'D**
Late of Straban Township, Adams County, Pennsylvania
Executrix: Deborah Meyer Covey, 9693 Copeland Drive, Manassas, VA 20109
Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325
- ESTATE OF JANICE M. DEARDORFF, DEC'D**
Late of Tyrone Township, Adams County, Pennsylvania
Executors: Richard L. Naugle, 4970 Old Harrisburg Road, Gettysburg, PA 17325; Robert S. Naugle, P.O. Box 114, Biglerville, PA 17307
Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325
- ESTATE OF MERL E. SEBRIGHT a/k/a MERL EUGENE SEBRIGHT, DEC'D**
Late of Cumberland Township, Adams County, Pennsylvania
Executor: Kermis Sebright, Box 233, York Springs, PA 17372
Attorney: Larry W. Wolf, Esq., 215 Broadway, Hanover, PA 17331
- ESTATE OF GLADYS M. SHADLE, DEC'D**
Late of the Borough of Littlestown, Adams County, Pennsylvania
Executor: Leroy D. Kline, Jr., 1709 Olmsted Way West, Camp Hill, PA 17011
Attorney: Thomas R. Campbell, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325
- ESTATE OF ROSE E. SHERMAN, DEC'D**
Late of Oxford Township, Adams County, Pennsylvania
Administrator: Manufacturers and Traders Trust Company, 13 Baltimore Street, Hanover, PA 17331
Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

- ESTATE OF LILLIAN M. THURSTON a/k/a LILLIAN MAY THURSTON, DEC'D**
Late of Oxford Township, Adams County, Pennsylvania
Executor: Ronny L. Thurston, 4416 Carlisle Pike, New Oxford, PA 17350
Attorney: Andrea M. Singley, Esq., 63 W. High St., Gettysburg, PA 17325

SECOND PUBLICATION

- ESTATE OF DORIS L. BOYD, DEC'D**
Late of Mount Joy Township, Adams County, Pennsylvania
Cathy D. Boyd, 1710 Hanover Pike, Littlestown, PA 17340
Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325
- ESTATE OF JEAN A. BROSS, DEC'D**
Late of Reading Township, Adams County, Pennsylvania
Co-Executors: Mr. Thomas M. Bross, Jr., 315 Round Hill Road, East Berlin, PA 17316; Sterling Financial Trust Company, successor to Bank of Hanover and Trust Company, Attn: Paul J. Stevenson, Trust Department, 25 Carlisle Street, Hanover, PA 17331
Attorney: Stanley A. Smith, Esq., Rhoads & Sinon LLP, Attorneys at Law, One S. Market Square, P.O. Box 1146, Harrisburg, PA 17106-1146

- ESTATE OF MARY L. CLARK, DEC'D**
Late of Conewago Township, Adams County, Pennsylvania
Administrators: David N. Clark, 279 Glenville Road, Hanover, PA 17331; Frederick E. Clark, 1956 Beck Mill Road, Hanover, PA 17331
Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325
- ESTATE OF MADELYN M. GOHN, DEC'D**
Late of Hamilton Township, Adams County, Pennsylvania
Co-Executors: Wayne Thayer and John Mummert, c/o 135 North George Street, York, PA 17401
Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

- ESTATE OF WILLIAM D. GOHN, DEC'D**
Late of Hamilton Township, Adams County, Pennsylvania
Co-Executors: Wayne Thayer and John Mummert, c/o 135 North George Street, York, PA 17401
Attorney: Sharon E. Myers, Esq., CGA Law Firm, Countess Gilbert Andrews, PC, 135 North George Street, York, PA 17401

- ESTATE OF EVELYN M. MAYERS, DEC'D**
Late of Germany Township, Adams County, Pennsylvania
Executor: Allen R. Mayers, 8 Daugherty Drive, Hanover, PA 17331
Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle St., Gettysburg, PA 17325

- ESTATE OF JAMES R. OYLER, DEC'D**
Late of Butler Township, Adams County, Pennsylvania
Gail D. Oyler and John S. Oyler, c/o Richard W. Stevenson, Esq., McNees Wallace & Nurick LLC, 100 Pine St., P.O. Box 1166, Harrisburg, PA 17108
Attorney: Richard W. Stevenson, Esq., McNees Wallace & Nurick LLC, 100 Pine St., P.O. Box 1166, Harrisburg, PA 17108
- ESTATE OF MARGARET K. SENFT a/k/a MARGARET K. KNOTT, DEC'D**
Late of Oxford Township, Adams County, Pennsylvania
Executor: Cecil D. Knott, 303 Queen Anne Circle, Westminster, MD 21157
Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

- ESTATE OF HANNALORE SHANK, DEC'D**
Late of Huntington Township, Adams County, Pennsylvania
Co-Executors: Betty L. Finfrock, 195 Goodyear Rd., Gardners, PA 17324; Daniel L. Shank, 197 Goodyear Rd., Gardners, PA 17324
Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

- ESTATE OF FRANKLIN E. WALTER, DEC'D**
Late of Franklin Township, Adams County, Pennsylvania
Executrix: Carol Ann McDannell, 759 Buchanan Valley Road, Orrtanna, PA 17353
Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

THIRD PUBLICATION

- ESTATE OF ELIZABETH S. HOLLINGER a/k/a MARY ELIZABETH HOLLINGER a/k/a M. ELIZABETH HOLLINGER a/k/a BETTY HOLLINGER, DEC'D**
Late of the Borough of Abbottstown, Adams County, Pennsylvania
Executrix: Sallie A. Murren, c/o Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore Street, Hanover, PA 17331
Attorney: Thomas M. Shultz, Esq., Shultz Law Firm, LLC, 215 Baltimore St., Hanover, PA 17331

(continued on page 14)

THIRD PUBLICATION (continued)

ESTATE OF DAVID A. JOHNSON, DEC'D
Late of Straban Township, Adams
County, Pennsylvania

Administrator: David A. Johnson, II,
854 Old Forge Road, New
Cumberland, PA 17070

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

ESTATE OF DONALD P. KELLY, DEC'D
Late of Conewago Township, Adams
County, Pennsylvania

Personal Representative: Phyllis M.
Fuhrman, 776 Edgegrove Rd.,
Hanover, PA 17331

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

ESTATE OF ROBERT L. MILLER, DEC'D
Late of Straban Township, Adams
County, Pennsylvania

Executrix: Sherry A. Miller, 2085 Old
Harrisburg Road, Gettysburg, PA
17325

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

ESTATE OF JUDITH C. POWELL, DEC'D
Late of Mount Joy Township, Adams
County, Pennsylvania

Executrix: Melissa Powell, 11 Hallron
Road, Newton, MA 02462

Attorney: Harry J. Rubin, Esq., Barley
Snyder LLC, 100 East Market
Street, P.O. Box 15012, York, PA
17405-7012

ESTATE OF TIMOTHY LEROY SHEE-
LEY, DEC'D

Late of Huntington Township, Adams
County, Pennsylvania

Administrator: Suzanne M. Griest,
1170 Upper Bermudian Road,
Gardners, PA 17324

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

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that
MCSHERRYSTOWN HERITAGE DAY
ASSOCIATION, INC. was incorporated
on May 31, 2005 under provisions of the
Pennsylvania Non-Profit Corporation
Law of 1988. The initial registered
address of the corporation is 106
Michelle Drive, McSherrystown, PA
17344.

The purpose for which the corporation
has been organized is to "promote an
ecumenical spirit of cooperation between
the congregation of Annunciation B.V.M.
Roman Catholic Church and St. Paul's
Lutheran Church, McSherrystown, PA,
and to use proceeds of the Heritage Day
Celebration to brighten the streets of the
Borough of McSherrystown during the
Christmas season."

David C. Smith, Esq.,
754 Edgegrove Road
Hanover, PA 17331
Solicitor

7/29

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that
Articles of Incorporation will be filed with
the Department of State of the Common-
wealth of Pennsylvania, at Harrisburg,
Pennsylvania, on or about July 1, 2005,
for the purpose of obtaining a Certificate
of Incorporation for a proposed business
corporation to be organized under the
Pennsylvania Business Corporation Law
of 1988. The name of the corporation is
FLEX AND FLANIGAN, INC., and the
purpose for which it is being organized is
for the retail sale of goods and merchan-
dise and all other activities permitted by
the PA Business Corporation Law, as
amended, within and outside the
Commonwealth of Pennsylvania, and
the corporation shall have unlimited pow-
ers to engage in and to do any lawful act
concerning any and all business for
which corporations may be incorporated
under the Pennsylvania Business
Corporation Law of 1988, and for these
purposes to have, possess, and enjoy all
the rights, benefits and privileges of said
Act of Assembly and its supplements and
amendments.

The initial registered office of the cor-
poration is 114 Springs Avenue,
Gettysburg, Pennsylvania, 17325.

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

7/29

INCORPORATION NOTICE

The articles of incorporation were filed
in the Department of State for WINDY
ACRE FARMS, INC. on March 12, 2003
in accordance with the provisions of the
business corporation law of 1988, as
amended, by Kai A. Hermansen, 941
Fickes School Road, York Springs, PA
17372.

Thomas J. Ahrens, Esq.
Ahrens Law Offices, P.C.
5521 Carlisle Pike
Mechanicsburg, PA 17050

7/29

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION
NO. RT-5-05(A)

NOTICE

TO: ALBERTO L. M. MAYO

YOU ARE HEREBY NOTIFIED that a
Petition for Involuntary Termination of
Parental Rights to Child has been filed in
the Orphans' Court Division of the Court
of Common Pleas of Adams County,
Pennsylvania. A hearing has been set for
August 15, 2005 and August 16, 2005, at
9:00 a.m., prevailing time, at the
Courthouse at Gettysburg, Adams
County, Pennsylvania, for the purpose of
determining whether or not statutory
grounds exist for the involuntary termina-
tion of your parental rights with respect to
your child.

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

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

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

7/15, 22 & 29