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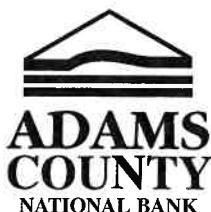
September 6, 2002

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WILLIAMS VS. KOUTCH ET AL

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1229 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

CONTAINING 5.032 acres.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 28, 2002, 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.

9/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-556 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Franklin Township, Adams County, Pennsylvania, being Lot No. 9 of Silver Meadows Subdivision, bounded and described as follows:

BEGINNING at an iron pin in U.S. Route 30 at Lot No. 8; thence by said lot North 44 degrees 38 minutes 2 seconds East, 307 feet to an iron pin at Lot No. 16; thence by said lot and by Lot No. 15 South 45 degrees 21 minutes 58 seconds East, 150 feet to an iron pin at Lot No. 10; thence by said lot South 44 degrees 38 minutes 2 seconds West, 307 feet to an iron pin in said U.S. Route 30; thence in said U.S. Route 30 North 45 degrees 21 minutes 58 seconds West, 150 feet to the place of BEGINNING. CONTAINING 1.057 Acres.

The above description was taken from Sheet 4 of a plan of lots labeled "Silver Meadows Subdivision," dated September 22, 1978, prepared by Boyer Surveys, and recorded in Adams County Plat Book 26 at page 19C.

HAVING ERECTED THEREON a dwelling known as 3405 Chambersburg Road, Biglerville, Pennsylvania.

BEING THE SAME PREMISES WHICH James E. Brown and Bonnie K. Brown by Deed dated July 19, 1990 and recorded July 20, 1990 in Adams County Deed Book 562, Page 281, granted and conveyed unto Eldridge G. Moses.

SEIZED IN EXECUTION AS THE PROPERTY OF ELDRIDGE G. MOSES UNDER ADAMS COUNTY JUDGMENT NO. 96-S-556.

MAP & PARCEL #D10-88

SEIZED and taken into execution as the property of **Eldridge G. Moses** 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 28, 2002, 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.

9/6, 13 & 20

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on July 1, 2002, a certificate will be filed under the Fictitious Name Act approved December 21, 1988, P.L. 1444, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Marie E. Jacoby, 123 North Second Street, McSherrystown, PA 17344, is/are the only person(s) owning or interested in a business, the character of which is Resale of Antiques and General Merchandise and that the name, style and designation under which said business is and will be conducted is ELAINE'S COUNTRY GENERAL STORE and the location where said business is and will be located is 123 North Second Street, McSherrystown, PA 17344.

9/6

WILLIAMS VS. KOUTCH ET AL

1. The Unfair Trade Practices and Consumer Protection Law (UTPCPL) was first enacted in Pennsylvania in 1968. Amendment in 1976 allowed for private civil actions for

(2) any person who purchases.....goods or services primarily for personal family or household purposes and thereby suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by any person of a method, act or practice declared unlawful by section 3 of this act.....

2. The contract for the construction of a dock or boathouse at one's home would qualify as a purchase of goods or services primarily for personal and family purposes.

3. This section (§2-01-2(4)(xxi) has been commonly referred to as the "catchall provision" of the UTPCPL. This section emphasizes that the underlying foundation of the UTPCPL is fraud prevention. In fact, in order to state a cause of action under the catchall provision the plaintiff must plead and prove the elements of common fraud.

4. The pleading rules require that averments of fraud must be averred with particularity. In addition, material facts are to be stated in a concise and summary form.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 97-S-1108, DODD A. WILLIAMS AND LAURIE L. WILLIAMS VS. RICHARD M. KOUTCH, BERNADETTE W. KOUTCH, AND HONEY BEAR ENTERPRISES, INC.

Scott A. Ruth, Esq., for Plaintiffs

Larry W. Wolf, Esq., for Defendants

Kuhn, P.J., February 5, 2002

OPINION ON PRELIMINARY OBJECTIONS FILED BY DEFENDANTS, BERNADETTE W. KOUTCH AND HONEY BEAR ENTERPRISES, INC.

Before the Court are preliminary objections filed by Defendants, Bernadette W. Koutch¹ and Honey Bear Enterprises, Inc., to a Complaint filed against them alleging a private cause of action for violation of the Unfair Trade Practices and Consumer Protection Law. For the reasons set forth herein, the preliminary objections are sustained.

Procedurally, this litigation commenced on November 24, 1997 when Plaintiffs filed a Complaint against Richard M. Koutch. A Second Amended Complaint was filed on June 29, 1998 setting forth

¹The parties are referred to hereafter for sake of simplicity as Plaintiffs, Richard, Bernadette, and Honey Bear. We refer to Bernadette and Honey Bear collectively as Defendants.

three counts: breach of contract (I), breach of express warranties (II), and violation of the UTPCPL (III). Subsequently, Plaintiffs were granted permission to join Bernadette and Honey Bear to Count III. A complaint was filed which sets forth the following averments.

Plaintiffs own water front lots No. 1067 and 1068 in the Lake Meade subdivision (§ 4). On or about March 1, 1995, Plaintiffs accepted a written "Proposal" from Richard to perform work in relation to a boathouse at the property for \$11,305.00 (§ 5).

Plaintiffs claim that Honey Bear is a Pennsylvania corporation in which Bernadette is the sole shareholder and officer. (§ 2). They further claim that Bernadette is Richard's wife (§ 3) and that Richard is the alter ego of Honey Bear. (§ 12).

In Paragraph 14 Plaintiffs allege that Defendants violated the UTPCPL by engaging in fraudulent conduct creating a likelihood of confusion as follows:

- a) material misrepresentation of fictitious "Williams roof over existing dock"/"Williams boat slip roof" contract for \$866.00 with a differing drawing depicting erroneous oversized, preexisting dock and "advised a building permit is not required" to Lake Meade POA and to Plaintiffs;
- b) wife as husband's bookkeeper and agent knew the representations as to contract value, drawings and nature of improvements were false;
- c) with the intent of misleading Lake Meade POA, Reading Township, Adams County Board of Assessment and Plaintiffs to avoid building code permit, oversight and inspections and a pattern of using incomplete status of project greater than one (1) year Building Code construction completion deadline for huckstering Plaintiffs into making additional payments of approximately \$20,000.00 as pled in Count I of the Second Amended Complaint filed June 29, 1998.
- d) Lake Meade POA and Plaintiffs did justifiably rely on the misrepresentation of the Koutch's and Corporate Bears holding themselves out as successful,

formal, good and workmanlike construction experts and becoming involved with them at all;

- e) The boathouse is a health and safety hazard, with unusually short useful life, subject to collapse by normal snow load, structurally unsound, not built in a substantial workmanlike manner in accordance with the BOCA code or with the Boathouse contract, and subject to the only feasible engineering solution by dismantling; Plaintiff's have suffered liquidated damages of \$11,305.00 and will suffer unliquidated damages of demolition costs to return them to the status quo before fraud.

Not surprisingly Defendants filed preliminary objections requesting that 1) the Complaint be dismissed for failure to state a cause of action; 2) paragraphs 10 and 17 be stricken; 3) the Complaint be dismissed for failing to comply with Pa.R.C.P. 1019; and 4) Plaintiffs be required to replead paragraph 14 with more specificity.

Pa.R.C.P. 1028(a)(2) allows preliminary objections seeking removal of scandalous or impertinent matter. Paragraph 10 of the Complaint sets forth that certain statutory provisions make it a summary offense to provide false information to any political subdivision about the nature of improvements. The legislation to which Plaintiffs refer is under the County Assessment Law. This paragraph is totally irrelevant to Plaintiffs' cause of action and will be stricken.

Furthermore, in Paragraph 17 Plaintiffs claim that Defendants failed to respond to a Petition to Join and therefore allegations set forth therein are deemed admitted and incorporated. Plaintiffs attempted to serve Defendants by forwarding the petition to Richard's attorney. Once that attorney was authorized to represent Defendants, he timely agreed to the petition. Under the circumstances, there was no duty upon Defendants to answer the petition. Paragraph 17 will be stricken.

The UTPCPL was first enacted in Pennsylvania in 1968. Amendment in 1976 allowed for private civil actions for

- (2) any person who purchases... goods or services primarily for personal family or household purposes and thereby suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment

by any person of a method, act or practice declared unlawful by section 3 of this act...

73 P.S. § 201.9.2.

A contract for the construction of a dock or boathouse at one's home would qualify as a purchase of goods or services primarily for personal and family purposes.

The primary issue before the Court is whether Plaintiffs have adequately pled unlawful conduct under the UTPCPL. The statute,² declares certain conduct to be unlawful. Conduct which is considered unlawful is set forth under the definitional section of the statute³.

Plaintiffs allege that Defendants engaged in "fraudulent conduct which creates a likelihood of confusion or of misunderstanding" under former § 2-01-2(4)(xvii)⁴ in effect in 1995. This section has been commonly referred to as the "catchall provision" of the UTPCPL. This section emphasizes that the underlying foundation of the UTPCPL is fraud prevention. *Weinberg v. Sun Co., Inc.*, 777 A.2d 442, 446 (Pa. 2001). In fact, in order to state a cause of action under the catchall provision the plaintiff must plead and prove the elements of common law fraud. *Booze v. Allstate Insurance Co.*, 750 A.2d 877, 880 (Pa.Super. 2000).

As recently stated in *Kit v. Mitchell*, 771 A.2d 814, 819 (Pa.Super. 2001):

To succeed in a fraud case, a plaintiff must establish the following elements... "(1) a representation; (2) which is material to the transaction at hand; (3) made falsely, with knowledge of its falsity or recklessness as to whether it is true or false; (4) with the intent of misleading another into relying on it; (5) justifiable reliance on the misrepresentation; and (6) the resulting injury was proximately caused by the reliance."... These elements must be proven by clear and convincing evidence. (citations omitted).

²73 P.S. § 201-3

³73 P.S. § 201-2(4) (defining "unfair methods of competition" and "unfair or deceptive acts or practices").

⁴This section is now designated as § 201-2(4)(xxi).

The pleading rules require that averments of fraud must be averred with particularity. Pa.R.C.P. 1019(b). In addition, material facts are to be stated in a concise and summary form. Pa.R.C.P. 1019(2). The complaint Plaintiffs filed against these Defendants fails to satisfy either of these pleading requirements.

It is extremely difficult to decipher Plaintiffs' complaint. They extensively incorporate by reference documents or averments from other pleadings (i.e. ¶ 2, 3, 5, 7, 8, 9, 12). They ramble in an incomprehensible fashion (i.e. ¶ 12(i), 14(c)). But most importantly, they have not averred fraud with particularity. The Court is unable to ascertain what material misrepresentations were made by any defendant. Nor can the Court determine whether Plaintiffs justifiably relied on misrepresentations attributable to Defendants.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 5th day of February, 2002, preliminary objections filed by Defendants, Bernadette W. Koutch and Honey Bear Enterprises, Inc. are sustained.

Plaintiffs are granted twenty (20) days from the date of mailing of this Order to file an amended pleading.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-644 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING tract of land situate, lying and being in Berwick Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at a point at a public road known as Route No. 194 at Lot No. 1, lands now or formerly of James J. Kline, et ux.; thence along said Lot No. 1, North sixty-six (66) degrees forty-two (42) minutes East, one hundred eighty-eight and ninety-eight hundredths (188.98) feet to a point at lands now or formerly of Stewart Lucabaugh; thence along said lands, South fifty-seven (57) degrees nineteen (19) minutes East, one hundred forty-five and ninety-eight hundredths (145.98) feet to a point at Lot No. 3, land now or formerly of James J. Kline, et ux.; thence along said Lot No. 3, South sixty-six (66) degrees forty-two (42) minutes West, two hundred seventy and sixty-five hundredths (270.65) feet to a point at Route 194 aforesaid; thence along said Route No. 194, North twenty-three (23) degrees eighteen (18) minutes West, one hundred twenty-one (121) feet to a point and place of BEGINNING.

BEING known on a plan of a series of lots laid out by George Anderson, et al., known as Section A Oakwood Hills, which plan is recorded in the Recorder of Deeds Office of Adams County Pennsylvania, in Plat Book 1, page 51, as Lot No. 2.

Tax Parcel #L12-35D

TITLE TO SAID PREMISES IS VESTED IN Michael R. Livelsberger and Cynthia A. Livelsberger, Husband and Wife by Deed from Norman L. Alban and Dorothy E. Alban, Husband and Wife dated 11/30/1995 and recorded 12/5/1995 in Record Book 1118, Page 160.

Premises being; 1520 Abbottstown Pike, Hanover, PA 17331

SEIZED and taken into execution as the property of Michael R. Livelsberger & Cynthia A. Livelsberger 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 28, 2002, 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.

8/30, 9/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-584 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner on South Street at lands now or formerly of Joseph Gobrecht; thence along said lands in a Southerly direction, a distance of 175 feet, more or less, to a public alley; thence along said public alley in an Easterly direction, a distance of 35 feet, neat measure, to lands now or formerly of Carl T. Bemiller and S. Kathryn Bemiller, his wife, of which this tract was a part; thence in a Northerly direction on a line exactly parallel with the line dividing this tract and lands now or formerly of Joseph Gobrecht, a distance of 175 feet to South Street, aforesaid; thence along said South Street in a Westerly direction, 35 feet, neat measure, to lands now or formerly of Joseph Gobrecht, aforesaid, the place of BEGINNING.

HAVING ERRECTED THEREON a dwelling known as 236 South Street, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Douglas M. Shuffler and Linda J. Shuffler by Deed dated July 31, 1998 and recorded August 6, 1998 in Adams County Deed Book 1636, Page 141, granted and conveyed unto Shawn A. Witmer and Lisa M. Hankey.

SEIZED IN EXECUTION AS THE PROPERTY OF SHAWN A. WITMER AND LISA M. HANKEY, NOW KNOWN AS LISA M. WITMER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-584.

MAP & PARCEL #08-009-0021

SEIZED and taken into execution as the property of Shawn A. Witmer & Lisa M. Witmer 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 28, 2002, 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.

9/6, 13 & 20

NOTICE

Pursuant to the August 5, 2002 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. 02-S-813).

1. Lorcin L 9 mm handgun – Serial #L043735
2. Raven Arms Model MP 25 .25 caliber handgun – Serial #1154756
3. Marlin rifle with scope 30AS/30.30 – Serial #11008553
4. Harrington & Richardson 12 gauge rifle – Serial #398684B AU45U646
5. 1 clip with six .25 caliber rounds of ammunition

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 October 10, 2002 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.
83 West High Street
Gettysburg, Pennsylvania 17325
(717) 334-4515

Solicitor to the Adams County Sheriff
8/23, 30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-103 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of the Lincoln Highway, aforesaid, at lands now or formerly of Ollie Wehler; thence by said lands and through an iron pin at the side of the highway and through a post on the property line and continuing through another post on the property line South eleven (11) degrees thirty (30) minutes East, one thousand one hundred sixty-seven (1,167) feet to a pin at an elm tree at the right-of-way line of the former East Bertin Railroad; thence by said right-of-way line, South sixty-three (63) degrees fifteen (15) minutes West, three hundred forty-six and four tenths (346.4) feet to a pin at lands of Hershey; thence by said lands and through a pin on the property line, North twenty (20) degrees West, one thousand one hundred ninety-six and one tenth (1,196.1) feet; continuing through another pin at the side of Lincoln Highway to a point in the center of the Lincoln Highway aforesaid; thence in the center of said highway, North seventy (70) degrees one (1) minute East, five hundred fifteen and five tenths (515.5) feet to a point, the place of BEGINNING.

CONTAINING 11.57 acres, more or less.

BEING THE SAME PREMISES which The Brian Trust established June 30, 1986 with Jerome I. Hoff and Eva Bering, as Trustees, t/a The Brian Realty Company, by Deed dated December 31, 1988 and recorded April 12, 1989 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 519, Page 295, et seq. granted and conveyed unto Children's Developmental Center Corp., its successors and assigns.

Adams County Parcel ID No.: L10-26

SEIZED and taken into execution as the property of **Jerome I. Hoff, Eva Bering & Children's Developmental Center Corp.** 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 21, 2002,

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.

8/23, 30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-567 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of September, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain tract of land situate, lying and being in the Borough of New Oxford, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a steel pin on the West side of South Orange Street at the Southern line of lands now or formerly of Urban Robinson, and extending thence from said point along last mentioned lands South seventy (70) degrees, twenty-two (22) minutes, forty-five (45) seconds West, one hundred feet (100) feet to a steel pin at other lands now or formerly of William Himes and Helen M. Himes, his wife; thence along last mentioned lands South nineteen (19) degrees, thirty-seven (37) minutes, fifteen (15) seconds East, one hundred twenty-five (125) feet to a steel pin at lands of same; thence along lands of same North seventy (70) degrees, twenty-two (22) minutes, forty-five (45) seconds East, one hundred (100) feet to a steel pin on the West side of Orange Street; thence along the West side of Orange Street North nineteen (19) degrees, thirty-seven (37) minutes fifteen (15) seconds West, one hundred twenty-five (125) feet to the steel pin first mentioned and the place of BEGINNING. CONTAINING 12,500 square feet as shown on the plan dated September 20, 1966, and revised June 5, 1967, prepared by J. H. Rife, registered professional engineer.

PIN# 7-12

BEING the same premises which Tammy Jane Kitzmiller and Lori Ann Kitzmiller, by Deed dated May 21, 1999 and recorded May 24, 1999, in the Recorder's Office in and for Adams, Pennsylvania, in Deed Book Volume 1836 Page 239, granted and conveyed

unto Chad E. Laughman and Kristi L. Laughman, the Mortgagees herein.

SEIZED and taken into execution as the property of **Chad E. Laughman & Kristi L. Laughman** 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 21, 2002, 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.

8/23, 30 & 9/6

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 Wednesday, September 11, 2002, at 9:00 o'clock a.m.

WINGERD—Orphans' Court Action Number OC-93-02. The First and Final Account of Farmers and Merchants Trust Company, Administrator under the Estate of Wilbur K. Wingerd, deceased, late of Franklin Township, Adams County, Pennsylvania.

KENNEL—Orphans' Court Action Number OC-94-02. The First and Final Account of Winfred Moritz, Executrix of the Estate of Walter Kennel, Jr., deceased, late of Straban Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

8/30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-331 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point on the right-of-way line of Johnamac South at corner of Lot No. 463 on the subdivision plan hereinafter referred to; thence along the right-of-way line of Johnamac South North twenty-nine (29) degrees fifty-six (56) minutes fifty-three (53) seconds East, twenty (20.00) feet to a point at Lot No. 461 on the subdivision plan hereinafter referred to; thence along Lot No. 461 South sixty (60) degrees three (03) minutes seven (07) seconds East, ninety-five (95.00) feet to a point at other lands of Weinberg and D & D Partnership, designated as future Phase II of the Appler Development; thence along said last mentioned lands and along Lot No. 465 on subdivision plan hereinafter referred to South twenty-nine (29) degrees fifty-six (56) minutes fifty-three (53) seconds West, twenty (20.00) feet to a point at Lot No. 463, aforesaid; thence along Lot No. 463 North sixty (60) degrees three (03) minutes seven (07) seconds West, ninety-five (95.00) feet to a point on the right-of-way line of Johnamac South, the point and place of BEGINNING. CONTAINING 1,900 square feet and being designated as Lot No. 462 on subdivision plan of Appler Development prepared by Group Hanover, Inc., dated July 15, 1994, as revised, Project No. 921060, which said plan is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plan Book 65, page 89.

IT BEING the same tract of land which Wyncrest, Inc., a Pennsylvania corporation, by its deed dated May 31, 1998, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 1205, page 76, granted and conveyed unto Jeffrey N. Weaver and Ruth E. Weaver, his wife, MORTGAGORS, HEREIN.

Premises being: 12 Johnamac Street, aka 12 Johnamac South, Littlestown, PA 17340

Tax Parcel No. 4-33

SEIZED and taken into execution as the property of **Jeffrey N. Weaver & Ruth E. Weaver** 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 28, 2002, 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.

8/23, 30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-590 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of land, together with any improvements thereon erected, situate, lying and being in Oxford Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING for a corner at a point in the center of Township Road T-497 (commonly referred to as Red Hill Road) along lands of Trimen Industries, Inc.; thence along said last mentioned lands of Trimen Industries, Inc., North thirty-six (36) degrees forty-two (42) minutes nine (09) seconds West, through a steel pin set twenty-five (25) feet from the beginning of this course and a steel pin set ninety-one and nine hundredths (91.09) feet from the terminus of this course, five hundred sixty-eight and seventy-one hundredths (568.71) feet to a steel pin (found) at lands formerly of Earl B. Bittinger, now Hershey, as shown on the hereinafter referred to subdivision plan; thence along said last mentioned lands, North forty-nine (49) degrees fifty-two (52) minutes sixteen (16) seconds East, three hundred seventy-five and fifty-three hundredths (375.53) feet to a steel pin (set) at corner of Lot No. 2 on the subdivision plan hereinafter referred to; thence along said Lot No. 2, South thirty-six (36) degrees forty-two (42) minutes nine (09) seconds East (erroneously stated in prior deed as West), through a steel pin set twenty-five and forty-three hundredths (25.43) feet from the terminus of this course, six hundred fifty-six and eighty-six hundredths (656.86) feet to a pin in the center of Township Road

T-497 (Red Hill Road); thence in and along the centerline of said Township Road T-497 the following four (4) courses and distances: (1) South sixty-six (66) degrees thirty-eight (38) minutes forty-nine (49) seconds West, one hundred eighteen and two hundredths (118.02) feet to a point; (2) South sixty-three (63) degrees nine (09) minutes thirty-five (35) seconds West, eighty-two and fifty-two hundredths (82.52) feet to a point; (3) South sixty-one (61) degrees fifty-five (55) minutes twenty-nine (29) seconds West seventy-one and seven hundredths (71.07) feet to a point; and (4) South sixty (60) degrees twenty-eight (28) minutes thirty-eight (38) seconds West, one hundred nine and thirty-three hundredths (109.33) feet to a point in the center of Township Road T-497, the point and place of BEGINNING. (CONTAINING 5.2342 acres of land.) (Being Lot No. 1 on subdivision plan prepared for Bi-Win Corporation by Donald E. Worley, bearing date August 9, 1982, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 37, page 40. Being Map #K11, Parcel #103B.

TITLE TO SAID PREMISES IS VESTED IN Anita A. Crebs by Deed from Garland Construction, Inc. dated 12/11/1998, recorded 5/3/1999, in Record Book 1822 Page 104.
Notice: Conveys title to Lot #1 only.

Premises being: 1310 Redhill Road, New Oxford, PA 17350

Tax Parcel No. 35-K11-103B

SEIZED and taken into execution as the property of **Anita A. Crebs** 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 28, 2002, 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.

8/23, 30 & 9/6

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-615 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN two (2) tracts of land, together with the improvements thereon erected, situate in the Borough of Carroll Valley, Adams County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1:

BEGINNING at a point in the Fairfield Road, State Route 116, at a corner of lands now or formerly of E. Wachte (Lot No. B-14CR); thence by said lands now or formerly of Wachte, South 63 degrees 54 minutes 40 seconds West, 139.55 feet to an existing pipe at steel rod at a corner of lands now or formerly of Shegrue (Lot No. B-37CR); thence by lands now or formerly of Yinger (Lot No. B-38CR) and by lands now or formerly of D. Jackson (Lot No. B-39CR) and passing through an existing pipe 142.54 feet from the beginning of this course, North 53 degrees 17 minutes 00 seconds West 188.78 feet to an existing pipe at the Southernmost corner of lands formerly of Ralph B. Jackson and Lillian S. Jackson, hereinbelow described; thence by said Tract Number 2, North 67 degrees 14 minutes 00 seconds East, 178.78 feet to a point in the Fairfield Road, State Route 116; thence by the Fairfield Road, State Route 116 and by a curve to the right on a circle having a radius of 1,910.08 feet for an arc distance of 164.56 feet, the long chord of which is South 42 degrees 48 minutes 53 seconds East, 164.51 feet to a point in the Fairfield Road, State Route 116, the point and place of BEGINNING.

CONTAINING 0.591 acres, more or less.

TRACT NO. 2:

BEGINNING at a point in the Fairfield Road, State Route 116, at the Northernmost corner of tract number 1 hereinabove described, lands formerly of Ralph B. Jackson and Lillian S. Jackson; thence by said lands formerly of Ralph B. Jackson and Lillian S. Jackson, South 67 degrees 14 minutes 00 seconds West, 178.78 feet to an existing pipe at the Westernmost corner of tract number 1 hereinabove described and on line of lands now or formerly of D. Jackson (Lot No. B-39CR); thence by said lands now or formerly of D. Jackson, North 53 degrees 17 minutes 00 seconds West, 102.42 feet and passing through an existing pipe 48.66 feet from the end of

this course to a steel rod at the Southernmost corner of lot number 1 of the hereinafter mentioned draft of survey and subdivision plan, lands now or formerly of Ralph B. Jackson, et ux.; thence by said lands now or formerly of Ralph B. Jackson, et ux., North 43 degrees 29 minutes 25 seconds East, 171.55 feet and passing through a steel rod 31.65 feet from the end of this course to a point in the Fairfield Road, State Route 116, at the Easternmost corner of said lands now or formerly of Ralph B. Jackson, et ux.; thence in the Fairfield Road, State Route 116, and by a curve to the right on a circle having a radius of 1,910.08 feet with an arc distance of 173.80 feet, the long chord of which is South 47 degrees 53 minutes 19 seconds East, 173.74 feet to a point in the Fairfield Road, State Route 116, the point and place of BEGINNING.

CONTAINING 0.128 acres, more or less.

Premises being: 6385 Fairfield Road, Fairfield, PA 17320

Tax Parcel No. 35-23

THE above descriptions for Tract numbers 1 and 2 herein are taken from a draft of survey and lot addition subdivision plan prepared by Adams County Surveyors J. Riley Redding, registered professional land surveyor, number 223810-E, dated May 15, 1989 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 53 at page 10, Tract number 1 above is designated thereon as Lot Number B-13CR and Tract number 2 above is designated thereon as Lot Number 2, according of said draft of survey and the lot addition subdivision. Tract numbers 1 and 2 herein shall be designated as new lot number B-13CR.

TRACT Number 2 herein is together with and subject to a private right of way for the purpose of ingress, egress and regress, to Lot number 1, which is depicted on the draft of survey and subdivision plan as reported in Plat Book 53 at page 10. The private right of way is for the benefit of said Lot number 1 and maintenance of the existing gravel drive is to be shared equally between the owners of Lot number 1 and the owners of new Lot B-13CR over that portion used in common. The area of the private right of way is described as follows:

BEGINNING at a point in the Fairfield Road, State Route 116, at the Northernmost corner of Tract number 2 described herein immediately above, at the Easternmost corner of lands now or formerly of Ralph B. Jackson, et ux.; thence in the Fairfield Road, State Route 116, and by a curve to the right on a circle having a radius of 1,910.08 feet, for

an arc distance of 173.80 feet, the long chord of which is South 47 degrees 53 minutes 19 seconds East, 173.74 feet to a point in the Fairfield Road, State Route 116, at the Northernmost corner of Tract No. 1 described above; thence by said Tract No. 1, South 67 degrees 14 minutes 00 seconds West, 58.98 feet to a point; thence through Tract No. 2 described above, North 49 degrees 08 minutes 00 seconds West, 150.10 feet to a point; thence by other lands of Ralph B. Jackson, et ux, North 43 degrees 29 minutes 25 seconds East, 56.67 feet to a point in the Fairfield Road, State Route 116, the point and place of BEGINNING.

THIS PRIVATE right of way includes all of the cross-hatched area as depicted on the draft of survey and subdivision plan dated May 15, 1989 plus all of the additional area situated immediately to the North and Northeast of the cross-hatched to the Northeastern boundary line of Lot No. 2 as depicted on the draft of survey and subdivision plan dated May 15, 1989 as recorded in Plat Book 53, Page 10.

Premises being: 6385 Fairfield Road, Fairfield, PA 17320

Tax Parcel No. 35-23

SEIZED and taken into execution as the property of **Robert Hopkins & Deborah Hopkins** 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 28, 2002, 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.

8/30, 9/6 & 13

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 JOYCE R. CRUM, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

Administratrix: Joanna L. St. Clair, 4401 Cold Springs Rd., Fayetteville, PA 17222

Attorney: William C. Cramer, Esq., 14 North Main Street, Ste. 414, Chambersburg, PA 17201

SECOND PUBLICATION**ESTATE OF STUART J. ALWINE, DEC'D**

Late of Butler Township, Adams County, Pennsylvania

Executor: Gregory S. Alwine, 2318 Ridge Road, Glenville, PA 17329

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

ESTATE OF MARTHA J. DEARDORFF, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executors: John E. Cox, Donald E. Cox and Sara A. Rupp, c/o Ten East High Street, Carlisle, PA 17013

Attorney: Edward L. Schorpp, Esq., Martson Deardorff Williams & Otto, Ten East High Street, Carlisle, PA 17013

ESTATE OF NELSON E. ELLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Robert L. Eller, 50 Ridgewood Circle, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF MARGARET C. GRAY, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executor: John Ritzert, 4084 University Drive, Suite 100, Fairfax, VA 22030

Attorney: Richard E. Thrasher, Esq., Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELMER C. PLANK, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Harold W. Plank, 75 Fern Drive, New Oxford, PA 17350; Jean L. Bolen, 2073 Hunterstown Road, Gettysburg, PA 17325

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

ESTATE OF ELVIN E. WEAVER a/k/a E. EUGENE WEAVER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Betty L. Wheeler, c/o 29 North Duke Street, York, PA 17401

Attorney: Joseph P. Clark, II, Esq., CGA Law Firm, Countess Gilbert Andrews, PC

THIRD PUBLICATION**ESTATE OF MARIE C. DAYHOFF, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Theron S. Dayhoff, Jr., 3602 Fairfield Road, Gettysburg, PA 17325; Barry R. Dayhoff, 57 Bankert Road, Hanover, PA 17331

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

ESTATE OF JOYCE R. PALMER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Michele L. Grove, 1145 Bremer Road, Dover, PA 17315

Attorney: Richard E. Thrasher, Esq., Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARIE A. SHOWERS, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Elizabeth A. Overholzer, 6026 Conover Road, Taneytown, MD 21787

Attorney: Ross H. Pifer, Esq., Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-684 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Easterly right of way line of Kinneman Road in the Township of Abbottstown, Adams County, Pennsylvania known and numbered as Lot No. 34 on a final plan of Abbotts Manor Phase I recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Easterly right of way line of Kinneman Road at a corner of Lot No. 35 on said plan; thence extending along the said right of way line North 1 degree 23 minutes 20 seconds East 85 feet to a point at a corner of Lot No. 33 on said Plan; thence extending along the said Lot No. 33 South 88 degrees 36 minutes 40 seconds East 120 feet to a point; thence South 1 degree 23 minutes 20 seconds West 85 feet to a point at a corner of Lot No. 35 on said plan; thence extending along the said Lot No. 35 North 88 degrees 36 minutes 40 seconds West 120 feet to the point and place of BEGINNING.

CONTAINING 10,200 Square Feet.

HAVING thereon erected a dwelling known as 76 Kinneman Road, Abbottstown, Pennsylvania 17301.

TITLE TO SAID PREMISES IS VESTED IN Ronald E. Moats and Ronda J. Moats, as joint tenants with right of survivorship by Deed from The Secretary of Housing and Urban Development dated 10/3/2000 and recorded 10/6/2000 in Record Book 2140, Page 219.

Premises being: 76 Kinneman Road, Abbottstown, PA 17301

Tax Parcel No. (1) 005-0032

SEIZED and taken into execution as the property of **Ronald E. Moats & Ronda J. Moats** 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 28, 2002, 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.

8/30, 9/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-41 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being partly in Germany Township and partly in Mt. Joy Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a p.k. nail West of the center line of Feeser Road (T-442) at the Northeast corner of Lot No. 4 on a plan of lots mentioned hereinafter; thence by said Lot No. 4 and through a steel rod set 25.0 feet from the beginning of this course North 55 degrees 51 minutes 30 seconds West, 216.57 feet to a steel rod; thence continuing by the same North 74 degrees 39 minutes 55 seconds West, 70.00 feet to a steel rod; thence continuing by the same South 11 degrees 13 minutes 40 seconds West, 270.00 feet to a steel rod on line of Lot No. 3 on the plan of lots mentioned hereinafter; thence by said Lot No. 3 and by Lot No. 2 on the plan of lots mentioned hereinafter North 74 degrees 39 minutes 55 seconds West, 942.74 feet to a steel rod at line of other land now or formerly of Thomas L. Greiber; thence by said Greiber land North 23 degrees 39 minutes 20 seconds East, 614.60 feet to an existing steel rod at post; thence continuing by the same and through a steel rod set 25.0 feet from the end of this course North 44 degrees 08 minutes 10 seconds East, 296.38 feet to a point near the center line of Roberts Road (T-441); thence running in and along said Roberts Road South 33 degrees 48 minutes 10 seconds East, 477.96 feet to a p.k. nail in the center line; thence continuing in the center of said road by a curve to the left, the radius of which is 461.12 feet, having an arc distance of 299.66 feet, the long chord of which is South 61 degrees 23 minutes 40 seconds East, 294.41 feet to a p.k. nail in the center line of said road; thence continuing to run in and along said road by a curve to the right, the radius of which is 550.50 feet, having an arc distance of 323.28 feet, the long chord of which is South 57 degrees 38 minutes 30 seconds East, 318.65 feet to an existing p.k. nail at the intersection of the center lines of Roberts Road and

Feeser Road; thence continuing in Feeser Road South 11 degrees 13 minutes 40 seconds West, 195.28 feet to a p.k. nail West of the center line of Feeser Road (T-442), the place of BEGINNING. CONTAINING 14.083 Acres.

Improvements consist of a single family residential dwelling

BEING PREMISES: 335 Roberts Road, Littlestown, PA 17340

SOLD as the property of Gary L. Cole and Phylis Kathleen Cole

Tax Parcel #1 16 13

SEIZED and taken into execution as the property of **Gary L. Cole & Phylis Kathleen Cole** 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 28, 2002, 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.

8/30, 9/6 & 13

Adams County Legal Journal

Vol. 44

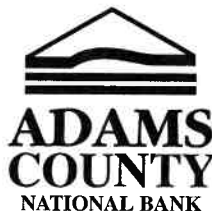
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Helping families achieve
their long-range financial goals
is our business.



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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. 01-S-1229 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

CONTAINING 5.032 acres.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 28, 2002, 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.

9/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-394 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike found 3 feet north of the centerline of Hilltown Road (T-355) at corner of Lot No. 6B on the hereinafter described subdivision plan; thence North 67 degrees 00 minutes 10 seconds West, 35.00 feet to a railroad spike set 3 feet north of the centerline of Hilltown Road (T-355) at corner of Lot No. 6A; thence by said lot and passing through a 5/8" rebar set 25.00 feet from the beginning of this course, North 22 degrees 59 minutes 50 seconds East, 372.83 feet to a 5/8" rebar set; thence by said lot, North 67 degrees 00 minutes 10 seconds West, 115.00 feet to a 5/8" rebar set on line of lands now or formerly of SPECO; thence by lands now or formerly of SPECO, North 22 degrees 59 minutes 50 seconds East, 77.17 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 67 degrees 00 minutes 10 seconds West 115.00 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 22 degrees 59 minutes 50 seconds East, 230.00 feet to a 5/8" rebar found; thence by same, South 67 degrees 00 minutes 10 seconds East, 380.00 feet to a 5/8" rebar found; thence by same, South 22 degrees 59 minutes 50 seconds West, 307.17 feet to a 5/8" rebar set at corner of Lot No. 6B; thence by same, North 67 degrees 00 minutes 10 seconds West, 115.00 feet to a 5/8"

rebar set at corner of Lot No. 6B; thence by same and passing through a 5/8" rebar set 25.00 feet from the end of this course, South 22 degrees 59 minutes 50 seconds West, 372.83 feet to a railroad spike set 3 feet north of the centerline of Hilltown Road (T-355), the point and place of BEGINNING. CONTAINING 2.775 acres, more or less.

The above description was taken from a final plan of subdivision dated October 26, 1992, prepared by Robert A. Sharrah, P.L.S., and recorded in Adams County Plat Book 62 at page 14, and designated as Lot No. 6 thereon.

IT BEING that same tract of land which Richard A. Hutchinson, single, by his deed dated March 15, 1996 and recorded in the Recorder of Deeds of Adams County in Record Book 1159 at Page 0207 conveyed unto Pamela J. Howery, single, grantor herein.

SEIZED IN EXECUTION as the property of Pamela J. Howery on Judgment No. 02-S-394

SEIZED and taken into execution as the property of **Pamela J. Howery** 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 November 18, 2002, 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.

9/13, 20 & 27

DIVEGLIA VS. SMITH

1. It is impossible for a Court in Equity to grant relief where all dispensable parties to a litigation have not been joined. In the event that the parties fail to raise non-joinder of an indispensable party, the obligation falls upon the Court to ensure that all necessary parties are included in the litigation.

2. Local rules are adopted by the Court for specific purposes and are binding on the parties. Where they are not followed, dismissal is an appropriate sanction. Although waiver may be an available sanction, such a remedy would not serve the interests of justice in light of the facts of this case.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 01-S-1344, ARCHIE V. DIVEGLIA AND CYNTHIA A.
DIVEGLIA VS. CLARK J. SMITH AND KATHARINE J. SMITH.

Archie V. Diveglia Kaylor, Esq., for Plaintiffs

Thomas E. Miller, Esq., for Defendants

George, J., February 11, 2002

OPINION

Archie V. Diveglia and Cynthia A. Diveglia (hereinafter referred to as Diveglia) filed a complaint in equity with the Adams County Court of Common Pleas on December 21, 2001, seeking, among other things, to enjoin Clark J. Smith and Katharine J. Smith (hereinafter referred to as Smith) from interfering with their use and enjoyment of a right of way providing ingress and egress to the rear of their property located at 2 Lincolnway West, New Oxford, Adams County, Pennsylvania. Diveglia alleges that Smith has interfered with their use and enjoyment of the right of way by placing obstructions at its narrowest point. Diveglia further allege in their complaint that Smith has neither a legal interest in the right of way nor legal title to the property upon which the right of way operates. ¹On January 16, 2002, Smith filed preliminary objections, containing a notice to plead, seeking dismissal of Plaintiffs' complaint based upon non-joinder of a necessary and indispensable party. On January 30, 2002, Diveglia filed a motion to strike Defendants' preliminary objections based upon Smith's failure to file a brief pursuant to Local

¹The pleadings are void at this time concerning identification of the title owner(s) to the real property upon which the right of way operates. The Court questions whether a judgment can be entered affecting real property rights where the property owner has not been included as a party in the litigation. *See, Barren v. Dubas*, 295 Pa. Super. 443, 441 A.2d 1315 (1982).

Rule of Civil Procedure 211. Subsequently, on February 5, 2002, Diveglia filed an Answer to Smith's preliminary objections.

Failure to include an indispensable party in litigation goes to the Court's subject matter jurisdiction. *Nelson by Nelson v. Dibble*, 353 Pa. Super. 537, 510 A.2d 792 (1986). It is impossible for a Court in Equity to grant relief where all dispensable parties to a litigation have not been joined. *Guthrie Clinic, Ltd. v. Meyer*, 162 Pa. Cmwlth. 152, 638 A.2d 400 (1994). In the event that the parties fail to raise non-joinder of an indispensable party, the obligation falls upon the Court to ensure that all necessary parties are included in the litigation. *Jefferson County Assistance Office, Dept. of Public Welfare v. Wolfe*, 136 Pa. Commw. 115, 582 A.2d 425 (1990).

Diveglia requests the Court to summarily dismiss this jurisdictional issue based upon Smith's failure to comply with Local Rule of Civil Procedure 211. That Rule requires the moving party to file a brief within ten (10) days following the filing of preliminary objections. The Rule further provides that where a party fails to file a brief, the Court may, in its discretion, consider the issues waived. *See, Local Rules 210 and 211*. If the matter were as simple as a party failing to file a brief in support of a less critical issue, the Court would be inclined to dismiss Smith's preliminary objections as waived. Local rules are adopted by the Court for specific purposes and are binding on the parties. Where they are not followed, dismissal is an appropriate sanction. Local Rule 211, according to its comment, is intended to speed up procedure involving preliminary objections so as to prevent parties from gaining reprieves to the filing requirements through manipulation of the briefing and argument schedule.

Although waiver may be an available sanction, such a remedy would not serve the interests of justice in light of the facts of this case. Initially, as mentioned above, resolution of the issue strikes at the heart of the Court's jurisdiction. It makes little sense to dismiss an issue because of procedural waiver, where, ultimately, a binding judgment necessitates resolution of that same issue.

Just as importantly, the interplay between Local Rule 211 and Pennsylvania Rule of Civil Procedure 1028 under the pleadings of this case may have misled counsel as to the appropriate course of action. Pennsylvania Rule of Civil Procedure 1028 authorizes parties to file preliminary objections including the non-joinder of a

necessary party. The nature of such a preliminary objection raises an issue of fact which cannot be determined from the record. The Note to Pennsylvania Rule of Civil Procedure 1028(c) (2) recognizes that in such circumstances, the preliminary objections must be endorsed with a notice to plead. Such a notice is contained on Smith's preliminary objections. Accordingly, under the Pennsylvania Rules of Civil Procedure, the burden falls upon Diveglia to file a responsive pleading. *See, Pennsylvania Rule of Civil Procedure 1029.* Under this scenario, requiring strict compliance with Local Rule 211 would place Smith in the unenviable position of being required to file a brief in support of his preliminary objections before the factual basis for the same has been defined. Such a result was neither contemplated nor intended by Local Rule 211. Accordingly, dismissal is not an appropriate remedy.

In light of the foregoing, the attached Order is entered.

ORDER OF COURT

AND NOW, this 11th day of February, 2002, Plaintiff's Motion to Strike Defendant's Preliminary Objections is denied. The Defendant shall file a brief in support of their preliminary objections within ten (10) days of the date of this Order. Failure to do so will result in the preliminary objections being dismissed. Thereafter, Plaintiffs shall file a responsive brief within twenty (20) days. The Prothonotary is directed to transmit the file and briefs to this Court and the case will be determined on brief. Both parties are directed to address the factual issue concerning identification of the title owner of the property upon which the right of way operates and whether such person is an indispensable party. If a factual dispute remains concerning the status of the alleged indispensable parties, the Court may ask the parties to supplement the record.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-644 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING tract of land situate, lying and being in Berwick Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a corner at a point at a public road known as Route No. 194 at Lot No. 1, lands now or formerly of James J. Kline, et ux.; thence along said Lot No. 1, North sixty-six (66) degrees forty-two (42) minutes East, one hundred eighty-eight and ninety-eight hundredths (188.98) feet to a point at lands now or formerly of Stewart Lucabaugh; thence along said lands, South fifty-seven (57) degrees nineteen (19) minutes East, one hundred forty-five and ninety-eight hundredths (145.98) feet to a point at Lot No. 3, land now or formerly of James J. Kline, et ux.; thence along said Lot No. 3, South sixty-six (66) degrees forty-two (42) minutes West, two hundred seventy and sixty-five hundredths (270.65) feet to a point at Route 194 aforesaid; thence along said Route No. 194, North twenty-three (23) degrees eighteen (18) minutes West, one hundred twenty-one (121) feet to a point and place of BEGINNING.

BEING known on a plan of a series of lots laid out by George Anderson, et al., known as Section A Oakwood Hills, which plan is recorded in the Recorder of Deeds Office of Adams County Pennsylvania, in Plat Book 1, page 51, as Lot No. 2.

Tax Parcel #L12-35D

TITLE TO SAID PREMISES IS VESTED IN Michael R. Livelsberger and Cynthia A. Livelsberger, Husband and Wife by Deed from Norman L. Alban and Dorothy E. Alban, Husband and Wife dated 11/30/1995 and recorded 12/5/1995 in Record Book 1118, Page 160.

Premises being; 1520 Abbottstown Pike, Hanover, PA 17331

SEIZED and taken into execution as the property of **Michael R. Livelsberger & Cynthia A. Livelsberger** 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 28, 2002, 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.

8/30, 9/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-701 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises, situate, lying and being in the Township of Latimore, in the County of Adams and Commonwealth of Pennsylvania, more particularly described as follows:

BEING Lot No. 1205 on a plan of lots of Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, page 7.

HAVING erected thereon premises known and numbered as R.D. #1, East Berlin, Adams County, Pennsylvania.

TITLE TO SAID PREMISES IS VESTED IN Sandra Lee Shade by Deed from Robert Lee Shade dated 8/26/83 and recorded 9/6/83, in Record Book 370, Page 385.

Premises being: 241 Lake Meade Drive, East Berlin, PA 17316

Tax Parcel No. MAP 6, PARCEL 15

SEIZED and taken into execution as the property of **Sandra Lee Shade** 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 November 18, 2002, 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.

9/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-395 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in the Village of McKnightstown, Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin along the southern edge of the Lincoln Highway at corner of lands now or formerly of May B. Sterner; thence along the southern edge of the Lincoln Highway, South 59-1/2 degrees East 60 feet to an iron pin along the southern edge of the Lincoln Highway; thence along a 10 ft. alley adjoining lands formerly owned by Dr. Elderdice, South 30-1/2 degrees West 218 feet to an iron pin; thence along a 20 ft. alley, North 53-1/4 degrees West 63 feet to a post; thence along lands now or formerly of May B. Sterner, North 31-1/4 degrees East 211.4 feet to an iron pin along the southern edge of the Lincoln Highway, the place of BEGINNING.

The above description was obtained from a draft of a survey dated December 14, 1939, prepared by LeRoy H. Winbrenner, Surveyor.

IT BEING that same tract of land which Daniel J. Rudisill, single, by his deed dated June 12, 1995 and recorded in the Recorder of Deeds of Adams County in Record Book 1041 at page 65, sold and conveyed unto Pamela J. Howery, grantor herein.

SEIZED IN EXECUTION as the property of **Pamela J. Howery**, on Judgment No. 02-S-395

SEIZED and taken into execution as the property of **Pamela J. Howery** 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 November 18, 2002, 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.

9/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-684 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the Easterly right of way line of Kinneman Road in the Township of Abbottstown, Adams County, Pennsylvania known and numbered as Lot No. 34 on a final plan of Abbotts Manor Phase I recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the Easterly right of way line of Kinneman Road at a corner of Lot No. 35 on said plan; thence extending along the said right of way line North 1 degree 23 minutes 20 seconds East 85 feet to a point at a corner of Lot No. 33 on said Plan; thence extending along the said Lot No. 33 South 88 degrees 36 minutes 40 seconds East 120 feet to a point; thence South 1 degree 23 minutes 20 seconds West 85 feet to a point at a corner of Lot No. 35 on said plan; thence extending along the said Lot No. 35 North 88 degrees 36 minutes 40 seconds West 120 feet to the point and place of BEGINNING.

CONTAINING 10,200 Square Feet.

HAVING thereon erected a dwelling known as 76 Kinneman Road, Abbottstown, Pennsylvania 17301.

TITLE TO SAID PREMISES IS VESTED IN Ronald E. Moats and Ronda J. Moats, as joint tenants with right of survivorship by Deed from The Secretary of Housing and Urban Development dated 10/3/2000 and recorded 10/6/2000 in Record Book 2140, Page 219.

Premises being: 76 Kinneman Road, Abbottstown, PA 17301

Tax Parcel No. (1) 005-0032

SEIZED and taken into execution as the property of **Ronald E. Moats & Ronda J. Moats** 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 28, 2002, 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.

8/30, 9/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-41 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being partly in Germany Township and partly in Mt. Joy Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a p.k. nail West of the center line of Feeser Road (T-442) at the Northeast corner of Lot No. 4 on a plan of lots mentioned hereinafter; thence by said Lot No. 4 and through a steel rod set 25.0 feet from a steel rod; thence continuing by the same North 55 degrees 51 minutes 30 seconds West, 216.57 feet to a steel rod; thence continuing by the same North 74 degrees 39 minutes 55 seconds West, 70.00 feet to a steel rod; thence continuing by the same South 11 degrees 13 minutes 40 seconds West, 270.00 feet to a steel rod on line of Lot No. 3 on the plan of lots mentioned hereinafter; thence by said Lot No. 3 and by Lot No. 2 on the plan of lots mentioned hereinafter North 74 degrees 39 minutes 55 seconds West, 942.74 feet to a steel rod at line of other land now or formerly of Thomas L. Greiber; thence by said Greiber land North 23 degrees 39 minutes 20 seconds East, 614.60 feet to an existing steel rod at post; thence continuing by the same and through a steel rod set 25.0 feet from the end of this course North 44 degrees 08 minutes 10 seconds East, 296.38 feet to a point near the center line of Roberts Road (T-441); thence running in and along said Roberts Road South 33 degrees 48 minutes 10 seconds East, 477.96 feet to a p.k. nail in the center line; thence continuing in the center of said road by a curve to the left, the radius of which is 461.12 feet, having an arc distance of 299.66 feet, the long chord of which is South 61 degrees 23 minutes 40 seconds East, 294.41 feet to a p.k. nail in the center line of said road; thence continuing to run in and along said road by a curve to the right, the radius of which is 550.50 feet, having an arc distance of 323.28 feet, the long chord of which is South 57 degrees 38 minutes 30 seconds East, 318.65 feet to an existing p.k. nail at the intersection of the center lines of Roberts Road and

Feeser Road; thence continuing in Feeser Road South 11 degrees 13 minutes 40 seconds West, 195.28 feet to a p.k. nail West of the center line of Feeser Road (T-442), the place of BEGINNING. CONTAINING 14.083 Acres.

Improvements consist of a single family residential dwelling

BEING PREMISES: 335 Roberts Road, Littlestown, PA 17340

SOLD as the property of Gary L. Cole and Phyllis Kathleen Cole

Tax Parcel # 16 13

SEIZED and taken into execution as the property of **Gary L. Cole & Phyllis Kathleen Cole** 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 28, 2002, 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.

8/30, 9/6 & 13

NOTICE

NOTICE IS HEREBY GIVEN that Kathleen M. Kotula intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 15th day of November, 2002, and that she intends to practice law as an Associate at the law firm of Hartman and Yannetti, 126 Baltimore St., Gettysburg, Pennsylvania.

9/13, 20 & 27

INCORPORATION NOTICE

PRISMMWORKS TECHNOLOGY, INC. has been incorporated under the provisions of the Business Corporation Law of 1988.

9/13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-615 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN two (2) tracts of land, together with the improvements thereon erected, situate in the Borough of Carroll Valley, Adams County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1:

BEGINNING at a point in the Fairfield Road, State Route 116, at a corner of lands now or formerly of E. Wachte (Lot No. B-14CR); thence by said lands now or formerly of Wachte, South 63 degrees 54 minutes 40 seconds West, 139.55 feet to an existing pipe at steel rod at a corner of lands now or formerly of Shegrue (Lot No. B-37CR); thence by lands now or formerly of Yinger (Lot No. B-38CR) and by lands now or formerly of D. Jackson (Lot No. B-39CR) and passing through an existing pipe 142.54 feet from the beginning of this course, North 53 degrees 17 minutes 00 seconds West 188.78 feet to an existing pipe at the Southernmost corner of lands formerly of Ralph B. Jackson and Lillian S. Jackson, hereinbelow described; thence by said Tract Number 2, North 67 degrees 14 minutes 00 seconds East, 178.78 feet to a point in the Fairfield Road, State Route 116; thence by the Fairfield Road, State Route 116 and by a curve to the right on a circle having a radius of 1,910.08 feet for an arc distance of 164.56 feet, the long chord of which is South 42 degrees 48 minutes 53 seconds East, 164.51 feet to a point in the Fairfield Road, State Route 116, the point and place of BEGINNING.

CONTAINING 0.591 acres, more or less.

TRACT NO. 2:

BEGINNING at a point in the Fairfield Road, State Route 116, at the Northernmost corner of tract number 1 hereinabove described, lands formerly of Ralph B. Jackson and Lillian S. Jackson; thence by said lands formerly of Ralph B. Jackson and Lillian S. Jackson, South 67 degrees 14 minutes 00 seconds West, 178.78 feet to an existing pipe at the Westernmost corner of tract number 1 hereinabove described and on line of lands now or formerly of D. Jackson (Lot No. B-39CR); thence by said lands now or formerly of D. Jackson, North 53 degrees 17 minutes 00 seconds West, 102.42 feet and passing through an existing pipe 48.66 feet from the end of

this course to a steel rod at the Southernmost corner of lot number 1 of the hereinafter mentioned draft of survey and subdivision plan, lands now or formerly of Ralph B. Jackson, et ux.; thence by said lands now or formerly of Ralph B. Jackson, et ux., North 43 degrees 29 minutes 25 seconds East, 171.55 feet and passing through a steel rod 31.65 feet from the end of this course to a point in the Fairfield Road, State Route 116, at the Easternmost corner of said lands now or formerly of Ralph B. Jackson, et ux.; thence in the Fairfield Road, State Route 116, and by a curve to the right on a circle having a radius of 1,910.08 feet with an arc distance of 173.80 feet, the long chord of which is South 47 degrees 53 minutes 19 seconds East, 173.74 feet to a point in the Fairfield Road, State Route 116, the point and place of BEGINNING.

CONTAINING 0.128 acres, more or less.

Premises being: 6385 Fairfield Road, Fairfield, PA 17320

Tax Parcel No. 35-23

THE above descriptions for Tract numbers 1 and 2 herein are taken from a draft of survey and lot addition subdivision plan prepared by Adams County Surveyors J. Riley Redding, registered professional land surveyor, number 223810-E, dated May 15, 1989 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Plat Book 53 at page 10, Tract number 1 above is designated thereon as Lot Number B-13CR and Tract number 2 above is designated thereon as Lot Number 2, according to said draft of survey and the lot addition subdivision. Tract numbers 1 and 2 herein shall be designated as new lot number B-13CR.

TRACT Number 2 herein is together with and subject to a private right of way for the purpose of ingress, egress and regress, to Lot number 1, which is depicted on the draft of survey and subdivision plan as reported in Plat Book 53 at page 10. The private right of way is for the benefit of said Lot number 1 and maintenance of the existing gravel drive is to be shared equally between the owners of Lot number 1 and the owners of new Lot B-13CR over that portion used in common. The area of the private right of way is described as follows:

BEGINNING at a point in the Fairfield Road, State Route 116, at the Northernmost corner of Tract number 2 described herein immediately above, at the Easternmost corner of lands now or formerly of Ralph B. Jackson, et ux.; thence in the Fairfield Road, State Route 116, and by a curve to the right on a circle having a radius of 1,910.08 feet, for

an arc distance of 173.80 feet, the long chord of which is South 47 degrees 53 minutes 19 seconds East, 173.74 feet to a point in the Fairfield Road, State Route 116, at the Northernmost corner of Tract No. 1 described above; thence by said Tract No. 1, South 67 degrees 14 minutes 00 seconds West, 58.98 feet to a point; thence through Tract No. 2 described above, North 49 degrees 08 minutes 00 seconds West, 150.10 feet to a point; thence by other lands of Ralph B. Jackson, et ux, North 43 degrees 29 minutes 25 seconds East, 56.67 feet to a point in the Fairfield Road, State Route 116, the point and place of BEGINNING.

THIS PRIVATE right of way includes all of the cross-hatched area as depicted on the draft of survey and subdivision plan dated May 15, 1989 plus all of the additional area situated immediately to the North and Northeast of the cross-hatched to the Northeastern boundary line of Lot No. 2 as depicted on the draft of survey and subdivision plan dated May 15, 1989 as recorded in Plat Book 53, Page 10.

Premises being: 6385 Fairfield Road, Fairfield, PA 17320

Tax Parcel No. 35-23

SEIZED and taken into execution as the property of **Robert Hopkins & Deborah Hopkins** 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 28, 2002, 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.

8/30, 9/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-734 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE TWO (2) parcels of land situate in the Borough of New Oxford, Adams County, Pennsylvania, more particularly bounded and described as follows:

PARCEL NO. 1: Fronting on the North side of Lincoln Way West (formerly Pitt Street), and beginning at a corner of Lot No. 82 on a twenty (20) foot alley and Lincoln Way West; thence North by said alley for a distance of one hundred eighty (180) feet to corner of Lot No. 109; thence East on line of said Lot No. 109 for a distance of ninety-five (95) feet to a point on Lot No. 81; thence South by said Lot No. 81 for a distance of one hundred eighty (180) feet to Lincoln Way West; thence West along said Lincoln Way West for a distance of ninety-five (95) feet to the place of BEGINNING.

PARCEL NO. 2: ALL that certain ten (10) foot strip of land situate in the Borough of New Oxford, Adams County, Pennsylvania, being the Eastern ten (10) feet of a twenty (20) foot wide alley running between lot owned by N.T. Washburn and the Hubert B. Flaherty Estate, said alley running for a depth of one hundred eighty (180) feet in a Northerly direction along lot of Hubert B. Flaherty Estate, said alley having been vacated by the Borough of New Oxford on July 7, 1969, the alley having been evenly divided with ten (10) feet of width being added to the frontage of the said Washburn and Flaherty Estate lots by the Mapping Department of the Assessor's Office located in the Court House of Adams County, Pennsylvania.

TITLE TO SAID PREMISES IS VESTED IN Joseph M. Masslofsky and Bonnie J. Masslofsky, his wife by Deed from James M. Cannady and Tracey L. Cannady, his wife dated 5/15/1992, recorded 5/18/1992, in Record Book 627, Page 347.

Premises being: 104 Lincolnway West, New Oxford, PA 17350

Tax Parcel No. MAP 4, PARCEL 18

SEIZED and taken into execution as the property of **Joseph M. Masslofsky & Bonnie J. Masslofsky** 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 November 18, 2002, 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.

9/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-556 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Franklin Township, Adams County, Pennsylvania, being Lot No. 9 of Silver Meadows Subdivision, bounded and described as follows:

BEGINNING at an iron pin in U.S. Route 30 at Lot No. 8; thence by said lot North 44 degrees 38 minutes 2 seconds East, 307 feet to an iron pin at Lot No. 16; thence by said lot and by Lot No. 15 South 45 degrees 21 minutes 58 seconds East, 150 feet to an iron pin at Lot No. 10; thence by said lot South 44 degrees 38 minutes 2 seconds West, 307 feet to an iron pin in said U.S. Route 30; thence in said U.S. Route 30 North 45 degrees 21 minutes 58 seconds West, 150 feet to the place of BEGINNING. CONTAINING 1.057 Acres.

The above description was taken from Sheet 4 of a plan of lots labeled "Silver Meadows Subdivision," dated September 22, 1978, prepared by Boyer Surveys, and recorded in Adams County Plat Book 26 at page 19C.

HAVING ERECTED THEREON a dwelling known as 3405 Chambersburg Road, Biglerville, Pennsylvania.

BEING THE SAME PREMISES WHICH James E. Brown and Bonnie K. Brown by Deed dated July 19, 1990 and recorded July 20, 1990 in Adams County Deed Book 562, Page 281, granted and conveyed unto Eldridge G. Moses.

SEIZED IN EXECUTION AS THE PROPERTY OF ELDRIDGE G. MOSES UNDER ADAMS COUNTY JUDGMENT NO. 96-S-556.

MAP & PARCEL #D10-88

SEIZED and taken into execution as the property of **Eldridge G. Moses** 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 28, 2002, 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.

9/6, 13 & 20

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 311 of the Act of December 16, 1982, P.L. 1309, No. 295, codified as amended (54 Pa. C.S.A. §311), there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on August 26, 2002, an Application for Registration of Fictitious Name of AIREXCELL, the address of the principal place of business being 545 University Drive, Biglerville, Pennsylvania 17307. The name and address of the person who is a party to said registration is: Mark P. Campolung, 545 University Drive, Biglerville, Pennsylvania 17307.

Puhl, Eastman & Thrasher
Attorneys

9/13

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 PIUS D. CLAPSADL, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Linda L. Clapsadl, 2545 Mount Hope Road, Fairfield, PA 17320

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF HAROLD L. MENTZEL, JR. a/k/a HAROLD LEROY MENTZEL, JR., DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executor: Dale L. Wilhelm, 8932 Groffs Mill Drive, Owings Mills, MD 21117

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

ESTATE OF KEITH D. NAUGLE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Michael J. Erikson, 39 Bonniefield Circle, Gettysburg, PA 17325

Attorney: Richard E. Thrasher, Esq., 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PERRY D. SHEAFFER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Betty H. Pitzer, 859 Brysonia-Wenksville Road, Biglerville, PA 17307

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

ESTATE OF DOROTHY S. THOMAS a/k/a DOROTHY LOUISE THOMAS, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Waybright R. Thomas, 390 Carlisle Road, P.O. Box 88, Biglerville, PA 17307

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

SECOND PUBLICATION

ESTATE OF JOYCE R. CRUM, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Administratrix: Joanna L. St. Clair, 4401 Cold Springs Rd., Fayetteville, PA 17222

Attorney: William C. Cramer, Esq., 14 North Main Street, Ste. 414, Chambersburg, PA 17201

THIRD PUBLICATION

ESTATE OF STUART J. ALWINE, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Gregory S. Alwine, 2318 Ridge Road, Glensville, PA 17329

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

ESTATE OF MARTHA J. DEARDORFF, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executors: John E. Cox, Donald E. Cox and Sara A. Rupp, c/o Ten East High Street, Carlisle, PA 17013

Attorney: Edward L. Schorpp, Esq., Martson Deardorff Williams & Otto, Ten East High Street, Carlisle, PA 17013

ESTATE OF NELSON E. ELLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Robert L. Eller, 50 Ridgewood Circle, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF MARGARET C. GRAY, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Executor: John Ritzer, 4084 University Drive, Suite 100, Fairfax, VA 22030

Attorney: Richard E. Thrasher, Esq., Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELMER C. PLANK, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executors: Harold W. Plank, 75 Fern Drive, New Oxford, PA 17350; Jean L. Bolen, 2073 Hunterstown Road, Gettysburg, PA 17325

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

ESTATE OF ELVIN E. WEAVER a/k/a E. EUGENE WEAVER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Betty L. Wheeler, c/o 29 North Duke Street, York, PA 17401

Attorney: Joseph P. Clark, II, Esq., CGA Law Firm, Countess Gilbert Andrews, PC

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-584 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner on South Street at lands now or formerly of Joseph Gobrecht; thence along said lands in a Southerly direction, a distance of 175 feet, more or less, to a public alley; thence along said public alley in an Easterly direction, a distance of 35 feet, neat measure, to lands now or formerly of Carl T. Bemiller and S. Kathryn Bemiller, his wife, of which this tract was a part; thence in a Northerly direction on a line exactly parallel with the line dividing this tract and lands now or formerly of Joseph Gobrecht, a distance of 175 feet to South Street, aforesaid; thence along said South Street in a Westerly direction, 35 feet, neat measure, to lands now or formerly of Joseph Gobrecht, aforesaid, the place of BEGINNING.

HAVING ERECTED THEREON a dwelling known as 236 South Street, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Douglas M. Shuffler and Linda J. Shuffler by Deed dated July 31, 1998 and recorded August 6, 1998 in Adams County Deed Book 1636, Page 141, granted and conveyed unto Shawn A. Witmer and Lisa M. Hankey.

SEIZED IN EXECUTION AS THE PROPERTY OF SHAWN A. WITMER AND LISA M. HANKEY, NOW KNOWN AS LISA M. WITMER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-584.

MAP & PARCEL #08-009-0021

SEIZED and taken into execution as the property of **Shawn A. Witmer & Lisa M. Witmer** 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 28, 2002, 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.

9/6, 13 & 20

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 02-S-751

NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

NATIONAL CITY BANK, AS TRUSTEE
FOR THE REGISTERED HOLDERS
OF CREDIT SUISSE FIRST BOSTON
MORTGAGE SECURITIES CORP
HOME EQUITY LOAN TRUST 2000-
HE1, HOME EQUITY LOAN PASS-
THROUGH CERTIFICATES, SERIES
2000-HE1, Plaintiff

vs.

JENNIFER M. DECKERT, GERALD
ZIMMERMAN, REAL OWNER AND
GERALD ZARTMAN, MORTGAGOR,
Defendants

TO: Gerald Zimmerman, Defendant,
whose last known address is 183
Hunterstown-Hampton Road, Gettysburg,
PA 17325

COMPLAINT IN MORTGAGE
FORECLOSURE

YOU ARE HEREBY NOTIFIED that Plaintiff, National City Bank, as Trustee for the Registered Holders of Credit Suisse First Boston Mortgage Securities Corp Home Equity Loan Trust 2000-HE1, Home Equity Loan Pass-Through Certificates, Series 2000-HE1, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Adams County, Pennsylvania, docketed to NO. 02-S-751, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 183 Hunterstown-Hampton Road, Gettysburg, PA 17325, whereupon your property would be sold by the Sheriff of Adams County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the notice above, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the

Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

LAWYER REFERRAL SERVICES

Court Administrator
Adams County Courthouse
Gettysburg, PA 17325
717-337-9846

Mark J. Udren, Esq.
Attorney for Plaintiff
Mark J. Udren & Associates
1040 N. Kings Highway
Cherry Hill, NJ 08034
856-482-6900

9/13

Adams County Legal Journal

Vol. 44

September 20, 2002

No. 17, pp. 91-97

IN THIS ISSUE

TYLER VS. MASON

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-668 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 833 on a plan of lots of the Lake Heritage Subdivision duly entered and appearing of record in the office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book "4" at page 778, and subject to all legal highways, easements, rights of way and restrictions of record.

IT BEING THE SAME TRACT OF LAND which Gregory J. Macaluso and Claire V. Macaluso, husband and wife, by their Deed dated July 6, 1990 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 0561 at Page 0072, sold and conveyed unto William J. Strausbaugh, Jr. and Diane K. Strausbaugh, husband and wife.

SEIZED and taken into execution as the property of **William J. Strausbaugh, Jr. & Diane K. Strausbaugh** 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 December 9, 2002, 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.

9/20, 27 & 10/4

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982-295 (Pa. C.S. 311), the undersigned entity announces his intent to file in the office of the Secretary of the Commonwealth of Pennsylvania, on approximately the 1st day of July, 2002, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name of DIGITALLY YOURS, with its principal place of business at 10 Trout Run Trail, Fairfield, PA 17320. The name and address of the person owning or interested in said business is David A. Graham, residing at 10 Trout Run Trail, Fairfield, PA 17320. The character or nature of the business is digital photography.

David A. Graham
10 Trout Run Trail
Fairfield, PA 17320

9/20

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

IN PURSUANCE of a Writ of Execution, Judgment No. 01-S-1229 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

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

CONTAINING 5.032 acres.

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 28, 2002, 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.

9/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-394 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike found 3 feet north of the centerline of Hilltown Road (T-355) at corner of Lot No. 6B on the hereinafter described subdivision plan; thence North 67 degrees 00 minutes 10 seconds West, 35.00 feet to a railroad spike set 3 feet north of the centerline of Hilltown Road (T-355) at corner of Lot No. 6A; thence by said lot and passing through a 5/8" rebar set 25.00 feet from the beginning of this course, North 22 degrees 59 minutes 50 seconds East, 372.83 feet to a 5/8" rebar set; thence by said lot, North 67 degrees 00 minutes 10 seconds West, 115.00 feet to a 5/8" rebar set on line of lands now or formerly of SPECO; thence by lands now or formerly of SPECO, North 22 degrees 59 minutes 50 seconds East, 77.17 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 67 degrees 00 minutes 10 seconds West 115.00 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 22 degrees 59 minutes 50 seconds East, 230.00 feet to a 5/8" rebar found; thence by same, South 67 degrees 00 minutes 10 seconds East, 380.00 feet to a 5/8" rebar found; thence by same, South 22 degrees 59 minutes 50 seconds West, 307.17 feet to a 5/8" rebar set at corner of Lot No. 6B; thence by same, North 67 degrees 00 minutes 10 seconds West, 115.00 feet to a 5/8"

rebar set at corner of Lot No. 6B; thence by same and passing through a 5/8" rebar set 25.00 feet from the end of this course, South 22 degrees 59 minutes 50 seconds West, 372.83 feet to a railroad spike set 3 feet north of the centerline of Hilltown Road (T-355), the point and place of BEGINNING. CONTAINING 2.775 acres, more or less.

The above description was taken from a final plan of subdivision dated October 26, 1992, prepared by Robert A. Sharrah, P.L.S., and recorded in Adams County Plat Book 62 at page 14, and designated as Lot No. 6 thereon.

IT BEING that same tract of land which Richard A. Hutchinson, single, by his deed dated March 15, 1996 and recorded in the Recorder of Deeds of Adams County in Record Book 1159 at Page 0207 conveyed unto Pamela J. Howerly, single, grantor herein.

SEIZED IN EXECUTION as the property of Pamela J. Howerly on Judgment No. 02-S-394

SEIZED and taken into execution as the property of **Pamela J. Howerly** 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 November 18, 2002, 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.

9/13, 20 & 27

TYLER VS. MASON

1. A special injunction is an extraordinary remedy and should only be granted where the plaintiff has established a clear right to the relief requested. It operates to place the parties in the position they were in prior to the underlying dispute by compelling the "wrongdoer to give up the status he appropriated before an action could have been instituted against him."

2. A court may grant a preliminary injunction only where the following prerequisites are established:

- 1) the relief is necessary to prevent immediate and irreparable harm which cannot be compensated by damages;
- 2) the greater injury would result by refusing it than by granting it;
- 3) it properly restores the parties to their status as it existed immediately prior to the alleged wrongful conduct;
- 4) the activity sought to be restrained is actionable and the injunction is reasonably suited to abate such activity; and
- 5) the plaintiff's right is clear and the wrong is manifest.

3. A mandatory injunction goes beyond mere restraint and compels a defendant to perform an act. Therefore, as Defendant contends, it will only be granted upon a very strong showing that the plaintiff has a clear right to relief.

4. Defendant is accurate in stating that a special injunction may not issue if the plaintiff fails to post bond, however, it is not required that the bond be filed before a hearing. If the court issues an injunction, it can be conditioned upon Plaintiff posting the bond or adequate security.

5. Any plaintiff can be denied equitable relief if he/she does not present with clean hands in the transaction at issue.

6. Compliance with the Landlord and Tenant Law or a judgment in ejectment is a condition precedent to a landlord's right to evict a tenant whether that be for non-payment of rent, breach of condition, or because of expiration of the term of the lease. Self-help eviction is not condoned in Pennsylvania.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 02-S-108, EASTER TYLER VS. DONALD MASON.

Donald Marritz, Esq., for Plaintiff

Thomas Campbell, Esq., for Defendant

Kuhn, P.J., February 27, 2002 (Memorandum Opinion)

MEMORANDUM OPINION

Plaintiff commenced this action on January 29, 2002, when she filed a Complaint alleging that Defendant had wrongfully evicted her from Apartment #8, 35 Buford Avenue, Gettysburg, Adams County, in violation of provisions of the Landlord and Tenant Law, 68 P.S. §250.101, et seq. At the same time, she filed a Motion for Special Injunction wherein she seeks an order requiring Defendant to restore possession of Apartment #8 to her.

A hearing was held on February 6, 2002, on the Motion for Special Injunction. The issue to be decided was whether Plaintiff could establish her immediate right of access to Apartment #8. Plaintiff presented two witnesses, herself and Kenneth Maurice.¹ Defendant offered no testimony. Based upon the background presented,² the Court finds that Plaintiff is entitled to injunctive relief.

For some unknown time prior to September 2001, Kenneth Maurice was incarcerated at the Adams County Prison. He needed a place to live when released. At the time, Plaintiff was Mr. Maurice's girlfriend. She obtained a rental application from Defendant, which both she and Mr. Maurice completed and executed. It was their intent to reside together. Approximately one week before his release date, Mr. Maurice obtained a check in the amount of \$400.00 from his employer, Gettysburg Construction, to use as a rental security deposit. He gave the check to Plaintiff, who, in turn gave the check to Defendant. When Mr. Maurice got out of jail, he and Plaintiff gave Defendant the rent payment for Apartment #8 for one month. Both of them were given keys to the apartment complex, the specific apartment, and the mailbox. The agreement with Defendant was a month-to-month oral lease. Plaintiff and Mr. Maurice moved into the apartment on September 14, 2001.

On October 26, 2001, Plaintiff commenced 30 days of incarceration at the Adams County Prison for contempt. She claims that Defendant knew she would only be in jail for one month and that Mr. Maurice would continue residing in the apartment. At some point shortly thereafter, Mr. Maurice admittedly advised Defendant that he would be "going out of town for awhile." He denies ever saying he was moving out on a date certain.

Nevertheless, Defendant presented the original (DX 2) and a copy (DX 1) of a piece of paper wherein it was written in Defendant's hand,

¹Mr. Maurice was incarcerated at the Adams County Prison at the time of the hearing.

²This background is not intended to reflect binding findings with regard to the merits of Plaintiff's Complaint.

6:45 P.M.

10/14/01

I will be vacating Apt. #8 at 35 Buford Avenue, Gettysburg, Pa. on or before October 31, 2001. I understand that if the rent is not paid that the \$400 security deposit will be used for October, 2001 rent.

Kenneth Maurice
(signature)

WITNESS:

Donald Mason, landlord

Mr. Maurice claims the first sentence was not present on the note when he signed it.

Mr. Maurice claims that he never told Defendant that he or Plaintiff was moving out. Instead, he testified that he was in the apartment in the beginning of November when Defendant entered. Mr. Maurice allegedly advised Defendant he was "coming back and would make the rent."

Plaintiff testified that on November 17, 2001, she was at Apartment #8 while on a furlough for a funeral. She claims that Defendant had packed her belongings purportedly because November's rent had not been paid. She advised Defendant that she would pay the rent when she was released on November 23, if Mr. Maurice had not paid it by then. When Plaintiff was released from jail, she discovered that Defendant had changed the locks to the apartment. Despite requests, he has continued denying her access to the apartment.

Neither Plaintiff nor Mr. Maurice has been presented with a notice to quit the apartment. On December 26, 2001, Plaintiff signed the Verification to the Complaint and on January 7, 2002, she signed the Verification on the Motion, but neither was filed until January 29, 2002. Plaintiff claims that up to that point she was trying to negotiate with Defendant for re-entry to the apartment.

Since her release from prison on November 23, 2001, Plaintiff has been residing with friends (which she claims is no longer available), staying in a motel room, or walking the streets. She testified to having no place to live at present. She has made no attempt to rent another apartment. She asserts that she has \$400 to pay toward rent for Apartment #8 or any other unit within the complex. She contends

that Defendant retains her personal belongings. The Court granted counsel an opportunity to provide authority for their respective positions.

As noted, Plaintiff seeks a special injunction. Such injunctions are authorized by Pa. R.C.P. 1531(a) and may be granted at any stage of the proceeding to preserve the status quo until final hearing. 15 Standard Pa. Prac. §83.11. A special injunction is an extraordinary remedy and should only be granted where the plaintiff has established a clear right to the relief requested. *Hart v. O'Malley*, 676 A.2d 222, 223 (Pa. 1996) (footnote 1). It operates to place the parties in the position they were in prior to the underlying dispute by compelling the “wrongdoer to give up the status he appropriated before an action could have been instituted against him.” *West Penn Specialty MSO, Inc. v. Nolan*, 737 A.2d 295, 298 (Pa. Super. 1999), quoting *Herman v. Dixon*, 141 A.2d 576, 577 (Pa. 1958).

A court may grant a preliminary injunction only where the following prerequisites are established:

- 1) the relief is necessary to prevent immediate and irreparable harm which cannot be compensated by damages;
- 2) the greater injury would result by refusing it than by granting it;
- 3) it properly restores the parties to their status as it existed immediately prior to the alleged wrongful conduct;
- 4) the activity sought to be restrained is actionable and the injunction is reasonably suited to abate such activity; and
- 5) the plaintiff’s right is clear and the wrong is manifest.

All-Pak, Inc. v. Johnston, 694 A.2d 347, 350 (Pa. Super. 1997). If one element is lacking, relief is unavailable. *Norristown Municipal Waste Authority v. West Norristown Township Municipal Authority*, 705 A.2d 509, 512 (Pa. Comwlth. Ct. 1998); appeal den. 724 A.2d 937 (Pa. 1998).

Defendant argues that Plaintiff is seeking a mandatory preliminary injunction and, therefore, this Court should proceed more

cautiously than would otherwise be the case. A mandatory injunction goes beyond mere restraint and compels a defendant to perform an act. Therefore, as Defendant contends, it will only be granted upon a very strong showing that the plaintiff has a clear right to relief. *Sheridan Broadcasting Networks, Inc. v. NBN Broadcasting, Inc.*, 693 A.2d 989, 994, footnote 7 (Pa. Super. 1997).

Respectfully, we must disagree with Defendant's premise. Plaintiff alleges she was wrongfully evicted from her apartment and she is seeking a return to the status quo as it existed prior to the date when she was precluded entry. Plaintiff is not requesting an order compelling Defendant to perform an act,³ rather she is requesting that Defendant be restrained from denying her access to the apartment.

Before discussing whether Plaintiff has established the elements entitling her to injunctive relief, the Court will address two preliminary matters raised by Defendant. First, he argues that Plaintiff must be denied relief because she has not filed a bond. Defendant is accurate in stating that a special injunction may not issue if the plaintiff fails to post a bond, 15 Standard Pa. Proc. 2nd §83:334, however, it is not required that the bond be filed before a hearing. §83:339. If the court issues an injunction, it can be conditioned upon Plaintiff posting the bond or adequate security.

Second, Defendant contends that Plaintiff comes before the court with unclean hands because she delayed her action for a period of 67 days between November 23, 2001 and January 29, 2002. Any plaintiff can be denied equitable relief if he/she does not present with clean hands in the transaction at issue. *Lucey v. Workmen's Compensation Appeal Board (uy-cal Plastics PMA Group)*, 732 A.2d 1201, 1204 (Pa. 1999); *Jacobs v. Halloran*, 710 A.2d 1098, 1103 (Pa. 1998). Defendant suggests that Plaintiff's delay was unreasonable and the Court should, therefore, deny her equitable relief. *Moyerman v. Glanzberg*, 138 A.2d 681, 684 (Pa. 1958).

The record belies the notion that Plaintiff acted in bad faith. She testified to having attempted amicable resolution with Defendant

³Perhaps Defendant considers opening the doors to a closed apartment rented by a tenant as compelling him to perform an act. If the request was for Defendant to grant her access to a different apartment, that would, in our opinion, fall within the concept of a mandatory injunction. Defendant offered no evidence that Apartment #8 is occupied and unavailable.

before seeking judicial assistance. Negotiation prior to litigation is to be encouraged, not penalized. However, delay should not be unreasonable. Plaintiff obviously contacted counsel within a month of eviction (i.e. verification signed December 26, 2001) and attempted to secure housing with friends. Defendant has offered no contradiction to this testimony. Therefore, we assume for purposes of this decision, that Defendant was aware of Plaintiff's claim immediately and cannot argue prejudice if he changed his position in the face of Plaintiff's assertions of entitlement to access.

We now address each element which Plaintiff must establish before the Court may grant the relief requested.

First, Plaintiff has established that the relief is necessary to prevent immediate and irreparable harm which cannot be compensated by damages. Plaintiff claims that she has exhausted her housing options and sometimes has to walk the streets in mid winter. Defendant argues that if she can pay rent to him, she could pay rent to others, and her failure to produce evidence that other rental units were not available to her in the community should preclude her relief. Although we are troubled to some degree by that issue, the equities favor Plaintiff. If a tenant returned home one day and found that the landlord had wrongfully taken steps to deny the tenant access, there would be little doubt that the tenant would suffer immediate and irreparable injury if not granted entry. In that situation, one would not place a burden on the tenant to show that he/she tried to secure other housing before being entitled to injunctive relief. There is no line of demarcation in this area. The difference between one day and 67 days without housing is a matter of degree, not a matter of waiver or abandonment of harm.

Second, we agree that Plaintiff will suffer greater injury if the injunction is not granted than Defendant would suffer if it is granted. As stated, Plaintiff is homeless. She has offered to pay the rent. Defendant has not indicated that Apartment #8 is unavailable.

Third, granting the injunction would clearly put the parties in their same position as existed immediately prior to November 23, 2001.

Fourth, the activity sought to be restrained is actionable, injunctive relief is suited to abate the alleged wrong and Plaintiff's right is clear. If credible, the testimony offered by Plaintiff is sufficient to show that she was wrongly evicted from Apartment #8. She

described being a tenant pursuant to a month-to-month lease who was denied access to her apartment without having first been provided the notice to quit, required by law, 68 P.S. §250.501. Compliance with the Landlord and Tenant Law or a judgment in ejectment is a condition precedent to a landlord's right to evict a tenant whether that be for nonpayment of rent, breach of condition, or because of expiration of the term of the lease. Defendant offered no evidence that Plaintiff was not a tenant, that notice was given, or that she abandoned the apartment. Self-help eviction is not condoned in Pennsylvania. *Lenair v. Campbell*, 31 D&C 3rd 237 (Phila. 1984), *Wofford v. Vavreck*, 22 D&C3d 444 (Crawford Co. 1981). Based upon the record presented, Defendant had no legal right to deny Plaintiff access to her apartment upon her return on November 23, 2001.

Accordingly, Plaintiff is entitled to a special injunction.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-395 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in the Village of McKnightstown, Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin along the southern edge of the Lincoln Highway at corner of lands now or formerly of May B. Sterner; thence along the southern edge of the Lincoln Highway, South 59-1/2 degrees East 60 feet to an iron pin along the southern edge of the Lincoln Highway; thence along a 10 ft. alley adjoining lands formerly owned by Dr. Elderidge, South 30-1/2 degrees West 218 feet to an iron pin; thence along a 20 ft. alley, North 53-1/4 degrees West 63 feet to a post; thence along lands now or formerly of May B. Sterner, North 31-1/4 degrees East 211.4 feet to an iron pin along the southern edge of the Lincoln Highway, the place of BEGINNING.

The above description was obtained from a draft of a survey dated December 14, 1939, prepared by LeRoy H. Winebrenner, Surveyor.

IT BEING that same tract of land which Daniel J. Rudisill, single, by his deed dated June 12, 1995 and recorded in the Recorder of Deeds of Adams County in Record Book 1041 at page 65, sold and conveyed unto Pamela J. Howery, grantor herein.

SEIZED IN EXECUTION as the property of Pamela J. Howery, on Judgment No. 02-S-395.

SEIZED and taken into execution as the property of Pamela J. Howery 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 November 18, 2002, 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.

9/13, 20 & 27

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

Adoption of: Gabriela Elizabeth Raver
RT-7-02

DECREE

AND NOW, this 17th day of July, 2002, all rights of Isidro Olguien Zamudio as father of Gabriela Elizabeth Raver, date of birth June 20, 1999, are hereby terminated. Custody, pending an adoption, is awarded to Petitioner, Elizabeth J. Raub, and her husband, Paul L. Raub, III.

The said Isidro Olguien Zamudio shall not be entitled to receive further notice of the adoption proceedings nor to object to those proceedings.

The said Isidro Olguien Zamudio is hereby notified that he has a right to appeal to the Superior Court of Pennsylvania by filing a notice of appeal with the Clerk of Courts within 30 days of the date of publication of this Decree, otherwise, any right to appeal may be waived.

Service of this Decree shall be made by Petitioner by publication one time only in the *Gettysburg Times* of Gettysburg, Pennsylvania and the *Adams County Legal Journal* of Gettysburg, Pennsylvania, and proof of service shall be filed of record.

The Clerk of Courts shall not be required to forward notices pursuant to 23 Pa. C.S.A. Section 2503(e), 2504(d), 2511(c), and 2509(d) as the address of the natural father is unknown.

By the Court,
/s/Robert G. Bigham, Judge
Richard E. Thrasher, Esq.
Kelly Dilts, Esq.

9/20

NOTICE

NOTICE IS HEREBY GIVEN that Kathleen M. Kotula intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 15th day of November, 2002, and that she intends to practice law as an Associate at the law firm of Hartman and Yannetti, 126 Baltimore St., Gettysburg, Pennsylvania.

9/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-701 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises, situate, lying and being in the Township of Latimore, in the County of Adams and Commonwealth of Pennsylvania, more particularly described as follows:

BEING Lot No. 1205 on a plan of lots of Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, page 7.

HAVING erected thereon premises known and numbered as R.D. #1, East Berlin, Adams County, Pennsylvania.

TITLE TO SAID PREMISES IS VESTED IN Sandra Lee Shade by Deed from Robert Lee Shade dated 8/26/83 and recorded 9/6/83, in Record Book 370, Page 385.

Premises being: 241 Lake Meade Drive, East Berlin, PA 17316

Tax Parcel No. MAP 6, PARCEL 15

SEIZED and taken into execution as the property of Sandra Lee Shade 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 November 18, 2002, 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.

9/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-734 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE TWO (2) parcels of land situate in the Borough of New Oxford, Adams County, Pennsylvania, more particularly bounded and described as follows:

PARCEL NO. 1: Fronting on the North side of Lincoln Way West (formerly Pitt Street), and beginning at a corner of Lot No. 82 on a twenty (20) foot alley and Lincoln Way West; thence North by said alley for a distance of one hundred eighty (180) feet to corner of Lot No. 109; thence East on line of said Lot No. 109 for a distance of ninety-five (95) feet to a point on Lot No. 81; thence South by said Lot No. 81 for a distance of one hundred eighty (180) feet to Lincoln Way West; thence West along said Lincoln Way West for a distance of ninety-five (95) feet to the place of BEGINNING.

PARCEL NO. 2: ALL that certain ten (10) foot strip of land situate in the Borough of New Oxford, Adams County, Pennsylvania, being the Eastern ten (10) feet of a twenty (20) foot wide alley running between lot owned by N.T. Washburn and the Hubert B. Flaherty Estate, said alley running for a depth of one hundred eighty (180) feet in a Northerly direction along lot of Hubert B. Flaherty Estate, said alley having been vacated by the Borough of New Oxford on July 7, 1969, the alley having been evenly divided with ten (10) feet of width being added to the frontage of the said Washburn and Flaherty Estate lots by the Mapping Department of the Assessor's Office located in the Court House of Adams County, Pennsylvania.

TITLE TO SAID PREMISES IS VESTED IN Joseph M. Masslofsky and Bonnie J. Masslofsky, his wife by Deed from James M. Cannady and Tracey L. Cannady, his wife dated 5/15/1992, recorded 5/18/1992, in Record Book 627, Page 347.

Premises being: 104 Lincolnway West, New Oxford, PA 17350

Tax Parcel No. MAP 4, PARCEL 18

SEIZED and taken into execution as the property of **Joseph M. Masslofsky & Bonnie J. Masslofsky** 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 November 18, 2002, 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.

9/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-556 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in Franklin Township, Adams County, Pennsylvania, being Lot No. 9 of Silver Meadows Subdivision, bounded and described as follows:

BEGINNING at an iron pin in U.S. Route 30 at Lot No. 8; thence by said lot North 44 degrees 38 minutes 2 seconds East, 307 feet to an iron pin at Lot No. 16; thence by said lot and by Lot No. 15 South 45 degrees 21 minutes 58 seconds East, 150 feet to an iron pin at Lot No. 10; thence by said lot South 44 degrees 38 minutes 2 seconds West, 307 feet to an iron pin in said U.S. Route 30; thence in said U.S. Route 30 North 45 degrees 21 minutes 58 seconds West, 150 feet to the place of BEGINNING. CONTAINING 1.057 Acres.

The above description was taken from Sheet 4 of a plan of lots labeled "Silver Meadows Subdivision," dated September 22, 1978, prepared by Boyer Surveys, and recorded in Adams County Plat Book 26 at page 19C.

HAVING ERECTED THEREON a dwelling known as 3405 Chambersburg Road, Biglerville, Pennsylvania.

BEING THE SAME PREMISES WHICH James E. Brown and Bonnie K. Brown by Deed dated July 19, 1990 and recorded July 20, 1990 in Adams County Deed Book 562, Page 281, granted and conveyed unto Eldridge G. Moses.

SEIZED IN EXECUTION AS THE PROPERTY OF ELDRIDGE G. MOSES UNDER ADAMS COUNTY JUDGMENT NO. 96-S-556.

MAP & PARCEL #D10-88

SEIZED and taken into execution as the property of **Eldridge G. Moses** 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 28, 2002, 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.

9/6, 13 & 20

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S.A. §311, that an Application to conduct business in Pennsylvania under the assumed or fictitious name, style or designation of UPPER TEMPLE VIBRATIONS was filed with the Department of State, Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania. The business is located at 677 Upper Temple Road, Adams County, Pennsylvania. The names and addresses of the persons who are parties to the registration are: Donald J. Taylor, 677 Upper Temple Road, Biglerville, PA 17307.

Robert L. McQuaide
Solicitor
Suite 204
18 Carlisle Street
Gettysburg, PA 17325

9/20

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Pennsylvania Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for the purposes of obtaining a Certificate of Incorporation of a proposed corporation to be organized under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 144, No. 177, as amended. The name of the corporation is VANITA TRADING, INC.

9/20

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 EMMA E. KEMPER, DEC'D

Late of the Borough of York Springs, Adams County, Pennsylvania
Co-Executors: Beverly E. Myers, 232 Ewell Avenue, Gettysburg, PA 17325; Kenneth C. Kemper, 318 Main Street, York Springs, PA 17372
Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF ROSIE C. KERCHNER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania
Executor: James Henry Graft, 220 North Street, McSherrystown, PA 17344
Attorney: John James Mooney, III, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

ESTATE OF JOHN F. LAUGHMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania
Executrix: Cindy L. Markle, 50 W. Granger Street, Hanover, PA 17331
Attorney: Crabbs & Crabbs, Attorneys for the Estate, 202 Broadway, Hanover, PA 17331

ESTATE OF JANE R. SHILDT, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
Executors: Ronald J. Hagarman, 110 Baltimore Street, Gettysburg, PA 17325; PNC Bank NA, Attn: Linda J. Lundberg, P.O. Box 308, Camp Hill, PA 17001-0308
Attorney: Ronald J. Hagarman, Esq., 110 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF PIUS D. CLAPSADL, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania
Executrix: Linda L. Clapsadl, 2545 Mount Hope Road, Fairfield, PA 17320
Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF HAROLD L. MENTZEL, JR. a/k/a HAROLD LEROY MENTZEL, JR., DEC'D

Late of Liberty Township, Adams County, Pennsylvania
Executor: Dale L. Wilhelm, 8932 Groffs Mill Drive, Owings Mills, MD 21117
Attorney: Puhl, Eastman & Thrasher, 220 Baltimore St., Gettysburg, PA 17325

ESTATE OF KEITH D. NAUGLE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Michael J. Erikson, 39 Bonniefield Circle, Gettysburg, PA 17325
Attorney: Richard E. Thrasher, Esq., 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PERRY D. SHEAFFER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania
Betty H. Pitzer, 859 Brysonia-Wenksville Road, Biglerville, PA 17307
Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF DOROTHY S. THOMAS a/k/a DOROTHY LOUISE THOMAS, DEC'D

Late of Butler Township, Adams County, Pennsylvania
Waybright R. Thomas, 390 Carlisle Road, P.O. Box 88, Biglerville, PA 17307
Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF JOYCE R. CRUM, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania
Administratrix: Joanna L. St. Clair, 4401 Cold Springs Rd., Fayetteville, PA 17222
Attorney: William C. Cramer, Esq., 14 North Main Street, Ste. 414, Chambersburg, PA 17201

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-584 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 4th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a corner on South Street at lands now or formerly of Joseph Gobrecht; thence along said lands in a Southerly direction, a distance of 175 feet, more or less, to a public alley; thence along said public alley in an Easterly direction, a distance of 35 feet, neat measure, to lands now or formerly of Carl T. Bemiller and S. Kathryn Bemiller, his wife, of which this tract was a part; thence in a Northerly direction on a line exactly parallel with the line dividing this tract and lands now or formerly of Joseph Gobrecht, a distance of 175 feet to South Street, aforesaid; thence along said South Street in a Westerly direction, 35 feet, neat measure, to lands now or formerly of Joseph Gobrecht, aforesaid, the place of BEGINNING.

HAVING ERECTED THEREON a dwelling known as 236 South Street, Hanover, Pennsylvania.

BEING THE SAME PREMISES WHICH Douglas M. Shuffler and Linda J. Shuffler by Deed dated July 31, 1998 and recorded August 6, 1998 in Adams County Deed Book 1636, Page 141, granted and conveyed unto Shawn A. Witmer and Lisa M. Hankey.

SEIZED IN EXECUTION AS THE PROPERTY OF SHAWN A. WITMER AND LISA M. HANKEY, NOW KNOWN AS LISA M. WITMER UNDER ADAMS COUNTY JUDGMENT NO. 02-S-584.

MAP & PARCEL #08-009-0021

SEIZED and taken into execution as the property of **Shawn A. Witmer & Lisa M. Witmer** 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 28, 2002, 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.

9/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-758 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of November, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin at the intersection of the Hunterstown Road (now Gun Club Road) with the Round Hill Road; thence South sixty (60) degrees East ninety-eight (98) feet to an iron pin at other lands now or formerly of Robert Howe and Annie Howe; thence by the same, South thirty-seven (37) degrees West, two hundred thirty-five (235) feet six (6) inches to an iron pin at land of the same; thence by the same, North sixty (60) degrees West, ninety-eight (98) feet to an iron pin the center of the Hunterstown Road; thence by the center of Hunterstown Road North thirty-seven (37) degrees East, two hundred thirty-five (235) feet six (6) inches to an iron pin at the intersection aforesaid, the place of BEGINNING.

CONTAINING eighty and one-half (80 1/2) perches, more or less. The description herein is taken from a draft of survey made November 22, 1941, by A.T. Bennett, Engineer.

TAX PARCEL #15-48

TITLE TO SAID PREMISES IS VESTED IN Daniel Gallegos and Ruth A. Gallegos, His Wife by Deed from Mary Louise Ensor, Widow dated 8/30/2000 and recorded 9/6/2000 in Record Book 2120, Page 322.

Premises being: 1135 Gun Club Road, York Springs, PA 17372

SEIZED and taken into execution as the property of **Daniel Gallegos & Ruth A. Gallegos** 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 November 25, 2002, 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.

9/20, 27 & 10/4

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on July 12, 2002, pursuant to the Fictitious Name Act, setting forth that Gary Bretzman, Doug Kane, Scott Kane, Jeff Kime, Shawn Melhorn, Charlie Schriver, Jim Shenk, Clayton Staub, Doug Stoner, Pete Stoner, Dave Taylor and Jeff Taylor are the only individuals interested in a business, the character of which is the ownership and leasing of real property for hunting purposes, that the designation under which the business is and will be conducted is BIG BELLY CLUB and that the location where said business is and will be conducted is 112 Kime Avenue, Bendersville, PA 17306.

Bernard A. Yannetti, Jr.
Solicitor

9/20

INCORPORATION NOTICE

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

The name of the proposed corporation which has been organized pursuant to the Nonprofit Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988 (P.L. 1444, No. 177), is WASHINGTON STREET CORRIDOR COMMUNITY COALITION, INC.

Clayton R. Wilcox
Solicitor

9/20

Adams County Legal Journal

Vol. 44

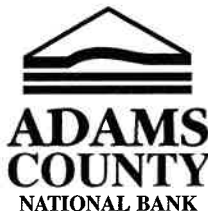
September 27, 2002

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IN THIS ISSUE

PLANK VS. VARISH ET AL

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-668 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground situate, lying and being in Mt. Joy Township, Adams County, Pennsylvania, being more particularly described as Lot No. 833 on a plan of lots of the Lake Heritage Subdivision duly entered and appearing of record in the office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Book "4" at page 778, and subject to all legal highways, easements, rights of way and restrictions of record.

IT BEING THE SAME TRACT OF LAND which Gregory J. Macaluso and Claire V. Macaluso, husband and wife, by their Deed dated July 6, 1990 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 0561 at Page 0072, sold and conveyed unto William J. Strausbaugh, Jr. and Diane K. Strausbaugh, husband and wife.

SEIZED and taken into execution as the property of **William J. Strausbaugh, Jr. & Diane K. Strausbaugh** 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 December 9, 2002, 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.

9/20, 27 & 10/4

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-394 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike found 3 feet north of the centerline of Hilltown Road (T-355) at corner of Lot No. 6B on the hereinafter described subdivision plan; thence North 67 degrees 00 minutes 10 seconds West, 35.00 feet to a railroad spike set 3 feet north of the centerline of Hilltown Road (T-355) at corner of Lot No. 6A; thence by said lot and passing through a 5/8" rebar set 25.00 feet from the beginning of this course, North 22 degrees 59 minutes 50 seconds East, 372.83 feet to a 5/8" rebar set; thence by said lot, North 67 degrees 00 minutes 10 seconds West, 115.00 feet to a 5/8" rebar set on line of lands now or formerly of SPECO; thence by lands now or formerly of SPECO, North 22 degrees 59 minutes 50 seconds East, 77.17 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 67 degrees 00 minutes 10 seconds West 115.00 feet to a 5/8" rebar found at corner of lands now or formerly of SPECO; thence by same, North 22 degrees 59 minutes 50 seconds East, 230.00 feet to a 5/8" rebar found; thence by same, South 67 degrees 00 minutes 10 seconds East, 380.00 feet to a 5/8" rebar found; thence by same, South 22 degrees 59 minutes 50 seconds West, 307.17 feet to a 5/8" rebar set at corner of Lot No. 6B; thence by same, North 67 degrees 00 minutes 10 seconds West, 115.00 feet to a 5/8" rebar set at corner of Lot No. 6B; thence by same and passing through a 5/8" rebar set 25.00 feet from the end of this course, South 22 degrees 59 minutes 50 seconds West, 372.83 feet to a railroad spike set 3 feet north of the centerline of Hilltown Road (T-355), the point and place of BEGINNING. CONTAINING 2.775 acres, more or less.

The above description was taken from a final plan of subdivision dated October 26, 1992, prepared by Robert A. Sharrah, P.L.S., and recorded in Adams County Plat Book 62 at page 14, and designated as Lot No. 6 thereon.

IT BEING that same tract of land which Richard A. Hutchinson, single, by his deed dated March 15, 1996 and recorded in the Recorder of Deeds of Adams County in Record Book 1159 at Page 0207 conveyed unto Pamela J. Howery, single, grantor herein.

SEIZED IN EXECUTION as the property of Pamela J. Howery on Judgment No. 02-S-394

SEIZED and taken into execution as the property of **Pamela J. Howery** 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 November 18, 2002, 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.

9/13, 20 & 27

NOTICE

NOTICE IS HEREBY GIVEN that Kathleen M. Kotula intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 15th day of November, 2002, and that she intends to practice law as an Associate at the law firm of Hartman and Yannetti, 126 Baltimore St., Gettysburg, Pennsylvania.

9/13, 20 & 27

PLANK VS. VARISH ET AL

1. Although the allowance of an amendment to the pleadings is within the sound discretion of the trial court, there is a wealth of appellate authority in Pennsylvania indicating that amendment should be liberally granted to permit cases to be decided on the merits.

2. Despite the plethora of case law liberally allowing amendment, the Court's discretion is not unfettered and amendment should be disallowed if prejudice results to either party.

3. The fact that time and money have been spent during the period of time leading up to amendment of the complaint is not enough to establish prejudice.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 01-S-802, PHILIP J. PLANK AND TRICIA M. PLANK VS. THOMAS E. VARISH, AN ADULT INDIVIDUAL T/D/B/A VARISH CONSTRUCTION CO.

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

John A. Wolfe, Esq., for Defendant

George, J., February 28, 2002

OPINION

This action was commenced on August 7, 2001, by complaint filed by Philip and Tricia Plank (hereinafter referred to as Plank). At that time, Plank alleged that they had contracted Thomas Varish (hereinafter referred to as Varish) to build a house for them at 5330 Old Harrisburg Road, York Springs, Pennsylvania. They further alleged that approximately twenty-one items were either not completed or completed in an unworkmanlike manner in breach of their written agreement with Varish. They sought damages in the amount of \$22,223.92. Varish timely filed an answer to the complaint alleging, among other things, that the majority of the construction was completed properly and that the remainder was in the process of being completed until Plank's conduct precluded further completion. Since the amount in controversy did not exceed the mandatory arbitration limits, a Board of Arbitrators was appointed and a hearing was scheduled for October 4, 2001. Although the parties appeared for the hearing, the matter was continued at the call of either party without the taking of any testimony due to the failure of Plank's expert witness to appear. The matter now comes before the Court on Plaintiffs' Motion for Leave to Amend the Complaint. Plank alleges that since the filing of the initial complaint, hidden structural deficiencies in the construction of the home have been discovered which

were not previously known. Varish opposes the amendment claiming that Plank's allegations are not supported by competent evidence. Additionally, Varish claims that he is prepared for arbitration and that he has expended legal fees in that preparation. It is noted that at a conference between the parties and the Court, it was agreed that a second arbitration date has not yet been set and that allowing amendment to the complaint will result in the matter exceeding the mandatory arbitration limit.

Rule 1033 of the Pennsylvania Rules of Civil Procedure govern the amendment of a complaint. That Rule specifies that "a party, . . . , may at any time change the form of action, correct the name of a party or amend the pleading". *Pa. R.C.P. 1033*. However, consent of the opposing party or allowance from the Court is required prior to amendment. As mentioned, the consent has not been forthcoming in this case. Therefore, this Court must determine whether granting leave to amend is appropriate.

Although the allowance of an amendment to the pleadings is within the sound discretion of the trial court, *Werner v. Zazyczny*, 545 Pa. 570, 681 A.2d 1331 (1996), there is a wealth of appellate authority in Pennsylvania indicating that amendment should be liberally granted to permit cases to be decided on the merits. *Noll by Noll v. Harrisburg Area Y.M.C.A.*, 537 Pa. 274, 643 A.2d 81 (1994); *Capobianchi v. Bic Corp.*, 446 Pa. Super. 130, 666 A.2d 344 (1995). Despite the plethora of case law liberally allowing amendment, the Court's discretion is not unfettered and amendment should be disallowed if prejudice results to either party.

In balancing the respective interests of the current parties, the Court finds that granting leave to amend will best serve the interests of justice and will allow the parties to fully develop their theories and claims without causing prejudice to either. Plaintiffs' proffered amendments allege the same legal theory involving the same contract as was the subject of the initial complaint. Although the specific underlying facts may differ, generally speaking, the legal elements are identical and the same general defenses are available to both the original complaint and the proffered amended complaint. Since the running of the statute of limitations is not at issue, a conclusion as to whether the proffered amended complaint alleges a new "cause of action" need not be reached.

Varish relies generally on inconvenience and expense as a basis for prejudice justifying denial of the amendment. However, the fact that time and money have been spent during the period of time leading up to amendment of the complaint is not enough to establish prejudice. *Horowitz v. Universal Underwriters Ins.*, 397 Pa. Super. 473, 580 A.2d 395 (1990). Clearly, most amendments cause inconvenience and expense and, therefore, finding prejudice solely on this basis would entirely circumvent the general principle of liberal construction. Moreover, under the facts of this case, if expenses and legal fees were wasted, they were incurred by Varish in preparing for the initial arbitration hearing and are lost as a result of its continuance. Since a second arbitration hearing has not yet been set, the Court finds it difficult under these circumstances to find that preparation will be lost as a result of allowing an amendment to the complaint. The Court notes with interest that other courts have allowed amendment even after an arbitration hearing has already been held. *See, Marlowe v. Lehigh Township*, 100 Pa. Commw. 201, 514 A.2d 304 (1986). Accordingly, your undersigned finds no prejudice under the current circumstances. The Plaintiffs will be given the opportunity to amend their complaint.

ORDER OF COURT

AND NOW, this 28th day of February, 2002, for the reasons set forth in the attached Opinion, the Plaintiffs are granted leave to amend their complaint. Accordingly, the Plaintiffs shall file an amended complaint within twenty (20) days of the date of this Order. Failure to do so will result in the preclusion of any additional claims.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-395 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate in the Village of McKnightstown, Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin along the southern edge of the Lincoln Highway at corner of lands now or formerly of May B. Sterner, thence along the southern edge of the Lincoln Highway, South 59-1/2 degrees East 60 feet to an iron pin along the southern edge of the Lincoln Highway; thence along a 10 ft. alley adjoining lands formerly owned by Dr. Elderdice, South 30-1/2 degrees West 218 feet to an iron pin; thence along a 20 ft. alley, North 53-1/4 degrees West 63 feet to a post; thence along lands now or formerly of May B. Sterner, North 31-1/4 degrees East 211.4 feet to an iron pin along the southern edge of the Lincoln Highway, the place of BEGINNING.

The above description was obtained from a draft of a survey dated December 14, 1939, prepared by LeRoy H. Winebrenner, Surveyor.

IT BEING that same tract of land which Daniel J. Rudisill, single, by his deed dated June 12, 1995 and recorded in the Recorder of Deeds of Adams County in Record Book 1041 at page 65, sold and conveyed unto Pamela J. Howery, grantor herein.

SEIZED IN EXECUTION as the property of Pamela J. Howery, on Judgment No. 02-S-395.

SEIZED and taken into execution as the property of Pamela J. Howery 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 November 18, 2002, 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.

9/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-701 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract or parcel of land and premises, situate, lying and being in the Township of Latimore, in the County of Adams and Commonwealth of Pennsylvania, more particularly described as follows:

BEING Lot No. 1205 on a plan of lots of Lake Meade Subdivision duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, page 7.

HAVING erected thereon premises known and numbered as R.D. #1, East Berlin, Adams County, Pennsylvania.

TITLE TO SAID PREMISES IS VESTED IN Sandra Lee Shade by Deed from Robert Lee Shade dated 8/26/83 and recorded 9/6/83, in Record Book 370, Page 385.

Premises being: 241 Lake Meade Drive, East Berlin, PA 17316

Tax Parcel No. MAP 6, PARCEL 15

SEIZED and taken into execution as the property of Sandra Lee Shade 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 November 18, 2002, 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.

9/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-287 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN piece, parcel or tract of ground, situate, lying and being in the Township of Reading, Adams County, Pennsylvania, being more particularly described as Lot No. 292 on a plan of lots of Lake Meade Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County in Plat Book 1, Page 1.

TITLE TO SAID PREMISES IS VESTED IN Paul E. Sumner by Deed from Alvin H. Ruby widower dated 6/5/2000 and recorded 6/20/2000 in Record Book 2072, Page 171.

Premises being: 125 Schofield Drive, East Berlin, PA 17316

Tax Parcel No. 14-46

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

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 9, 2002, 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.

9/27, 10/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-658 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a railroad spike in the centerline of New Road (T-364) at corner of Lot No. 6 on the hereinafter referred to Final Subdivision Plan; thence in said New Road South 52 degrees 24 minutes 39 seconds East, 202.22 feet to a railroad spike at land now or formerly of Dale Baker; thence by said Baker land South 04 degrees 36 minutes 12 seconds West, 790.34 feet to an existing axle in stones at land now or formerly of Robert E. Greenfield; thence by said Greenfield land South 60 degrees 36 minutes 58 seconds West, 352.95 feet to an existing stone at land now or formerly of Roman Catholic Church of the Diocese of Harrisburg; thence by said Roman Catholic Church land North 41 degrees 15 minutes 00 seconds West, 503.98 feet to a steel pin set at a corner of Lot No. 6 on the hereinafter referred to Final Subdivision Plan; thence by Lot No. 6 North 37 degrees 35 minutes 21 seconds West, 890.22 feet to a railroad spike in the centerline of New Road (T-364), the point and place of BEGINNING. CONTAINING 10.000 Acres, more or less.

The above description as taken from a Final Subdivision Plan for Tony L. Schuman as prepared by Group Hanover, Inc., dated 1/10/1995 and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 68 at page 14A and being known as Lot No. 7 thereon.

SEIZED and taken into execution as the property of **Dan L. Gladfelter & Sandra L. Gladfelter** and to be sold by me.

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 9, 2002, 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.

9/27, 10/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-758 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 1st day of November, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin at the intersection of the Hunterstown Road (now Gun Club Road) with the Round Hill Road; thence South sixty (60) degrees East ninety-eight (98) feet to an iron pin at other lands now or formerly of Robert Howe and Annie Howe; thence by the same, South thirty-seven (37) degrees West, two hundred thirty-five (235) feet six (6) inches to an iron pin at land of the same; thence by the same, North sixty (60) degrees West, ninety-eight (98) feet to an iron pin the center of the Hunterstown Road; thence by the center of Hunterstown Road North thirty-seven (37) degrees East, two hundred thirty-five (235) feet six (6) inches to an iron pin at the intersection aforesaid, the place of BEGINNING.

CONTAINING eighty and one-half (80 1/2) perches, more or less. The description herein is taken from a draft of survey made November 22, 1941, by A.T. Bennett, Engineer.

TAX PARCEL #15-48

TITLE TO SAID PREMISES IS VESTED IN Daniel Gallegos and Ruth A. Gallegos, His Wife by Deed from Mary Louise Ensor, Widow dated 8/30/2000 and recorded 9/6/2000 in Record Book 2120, Page 322.

Premises being: 1135 Gun Club Road, York Springs, PA 17372

SEIZED and taken into execution as the property of **Daniel Gallegos & Ruth A. Gallegos** 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 November 25, 2002, 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.

9/20, 27 & 10/4

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 93-S-998
Action in Divorce

BETTY SUE MITCHELL, Plaintiff
vs.

ANDREW ROMAN MITCHELL, Defendant

NOTICE TO: Betty Sue Mitchell,
Plaintiff

NOTICE

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

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

COURT ADMINISTRATOR
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, Pennsylvania 17325
Phone: 334-9846 or 1-888-337-9846

9/27

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 PAUL J. BILLET, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Ardoth Gentzler, c/o 29 North Duke Street, York, PA 17401

Attorney: John D. Finchbaugh, Esq., CGA Law Firm, Countess Gilbert Andrews, PC

ESTATE OF OLIVE B. FETTER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executors: Herbert L. Fetter, Jr., 60 Pine Grove Furnace Rd., Aspers, PA 17304; Larry A. Fetter, 2340 Table Rock Road, Biglerville, PA 17307

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

ESTATE OF ERNA FREUND, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Anton Peter Freund, 34-05 80th Street, Jackson Heights, NY 11372; Robert J. Freund, 131 Commodore Circle, Port Jefferson, NY 11776

Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF PEARL F. McKINNEY, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrix: Helen L. Kulp, 69 West Hanover Street, Gettysburg, PA 17325

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

SECOND PUBLICATION

ESTATE OF EMMA E. KEMPER, DEC'D

Late of the Borough of York Springs, Adams County, Pennsylvania

Co-Executors: Beverly E. Myers, 232 Ewell Avenue, Gettysburg, PA 17325; Kenneth C. Kemper, 318 Main Street, York Springs, PA 17372

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

ESTATE OF ROSIE C. KERCHNER, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executor: James Henry Groft, 220 North Street, McSherrystown, PA 17344

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

ESTATE OF JOHN F. LAUGHMAN, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Cindy L. Markle, 50 W. Granger Street, Hanover, PA 17331

Attorney: Crabbs & Crabbs, Attorneys for the Estate, 202 Broadway, Hanover, PA 17331

ESTATE OF JANE R. SHILDT, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executors: Ronald J. Hagarman, 110 Baltimore Street, Gettysburg, PA 17325; PNC Bank NA, Attn: Linda J. Lundberg, P.O. Box 308, Camp Hill, PA 17001-0308

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

THIRD PUBLICATION

ESTATE OF PIUS D. CLAPSADL, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Linda L. Clapsadl, 2545 Mount Hope Road, Fairfield, PA 17320

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF HAROLD L. MENTZEL, JR. a/k/a HAROLD LEROY MENTZEL, JR., DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executor: Dale L. Wilhelm, 8932 Groffs Mill Drive, Owings Mills, MD 21117

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

ESTATE OF KEITH D. NAUGLE, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Michael J. Erikson, 39 Bonniefield Circle, Gettysburg, PA 17325

Attorney: Richard E. Thrasher, Esq., 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PERRY D. SHEAFFER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Betty H. Pitzer, 859 Brysonia-Wenksville Road, Biglerville, PA 17307

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

ESTATE OF DOROTHY S. THOMAS a/k/a DOROTHY LOUISE THOMAS, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Waybright R. Thomas, 390 Carlisle Road, P.O. Box 88, Biglerville, PA 17307

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-734 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of October, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THOSE TWO (2) parcels of land situate in the Borough of New Oxford, Adams County, Pennsylvania, more particularly bounded and described as follows:

PARCEL NO. 1: Fronting on the North side of Lincoln Way West (formerly Pitt Street), and beginning at a corner of Lot No. 82 on a twenty (20) foot alley and Lincoln Way West; thence North by said alley for a distance of one hundred eighty (180) feet to corner of Lot No. 109; thence East on line of said Lot No. 109 for a distance of ninety-five (95) feet to a point on Lot No. 81; thence South by said Lot No. 81 for a distance of one hundred eighty (180) feet to Lincoln Way West; thence West along said Lincoln Way West for a distance of ninety-five (95) feet to the place of BEGINNING.

PARCEL NO. 2: ALL that certain ten (10) foot strip of land situate in the Borough of New Oxford, Adams County, Pennsylvania, being the Eastern ten (10) feet of a twenty (20) foot wide alley running between lot owned by N.T. Washburn and the Hubert B. Flaherty Estate, said alley running for a depth of one hundred eighty (180) feet in a Northerly direction along lot of Hubert B. Flaherty Estate, said alley having been vacated by the Borough of New Oxford on July 7, 1969, the alley having been evenly divided with ten (10) feet of width being added to the frontage of the said Washburn and Flaherty Estate lots by the Mapping Department of the Assessor's Office located in the Court House of Adams County, Pennsylvania.

TITLE TO SAID PREMISES IS VESTED IN Joseph M. Masslofsky and Bonnie J. Masslofsky, his wife by Deed from James M. Cannady and Tracey L. Cannady, his wife dated 5/15/1992, recorded 5/18/1992, in Record Book 627, Page 347.

Premises being: 104 Lincolnway West, New Oxford, PA 17350

Tax Parcel No. MAP 4, PARCEL 18

SEIZED and taken into execution as the property of **Joseph M. Masslofsky & Bonnie J. Masslofsky** 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 November 18, 2002, 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.

9/13, 20 & 27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 02-S-752 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of November, 2002, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN unit in the property known, named and identified in the declaration referred to below as South Branch Estates, located in the Township of Oxford, Adams County, Pennsylvania which has heretofore been submitted to the provisions of the Pennsylvania Uniform Condominium Act 68 P.S.A. Section 3101, et seq., by the recording in the Office of the Recorder of Deeds in and for Adams County, PA, of a land development plan dated October 6, 1995, last revised December 14, 1995 and recorded in Book 69, Page 23 (together with all amendments and supplements thereto recorded on or before the date hereof) being all designated in such plan as Unit No. 42 as more fully bounded and described in such plan, together with a proportionate undivided interest in the common elements as defined in a declaration plan recorded in the Office of the Recorder of Deeds, in and for York County, PA in Record Book 1271, Page 34.

UNDER AND SUBJECT to any and all covenants, conditions, restrictions, rights-of-way, easements and agreements of record, including (but not limited to) those contained in the instruments recorded in the aforesaid Recorder's Office in Record Book 69, Page 23.

TOGETHER with the limited common elements appurtenant as more fully shown on Plan 1271, Page 34.

Premises being: 41 Fiddler Drive, New Oxford, PA 17350

Tax Parcel No. 35-001-0052-042

SEIZED and taken into execution as

the property of **Aelsey S. Bland** 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 December 9, 2002, 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.

9/27, 10/4 & 11

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 Thursday, October 10, 2002, at 9:00 o'clock a.m., Courtroom #3.

WILLS—Orphans' Court Action Number OC-25 Feb. 1973. The Supplemental First and Final Account of PNC Bank, National Association, surviving Trustee of the trust under Will of Clarence A. Wills for the lifetime benefit of Robert A. Wills.

WILLS—Orphans' Court Action Number OC-156-95. The First and Final Account of PNC Bank National Association, Guardian of the Estate of Robert A. Wills, an Incapacitated Person (now deceased).

Peggy J. Breighner
Clerk of Courts

9/27 & 10/4