

Adams County Legal Journal

Vol. 38

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No. 41, pp. 229-232

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-999 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, 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 Straban Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the center of Township Route 514 and Lot No. 8. of the hereinafter referenced subdivision plan; thence along said Lot No. 8 and through a steel pin on line set back 25 feet from said starting point, South sixty-nine (69) degrees ten (10) minutes five (05) seconds East, three hundred (300.00) feet to a point at Lot No. 10 of the hereinafter referenced subdivision plan; thence along same, South twenty (20) degrees forty-nine (49) minutes fifty-five (55) seconds West, seventy (70.00) feet to a point at lands now or formerly of Herbert W. Wessel, Jr.; thence along same and through a steel pin on line set back 16.62 feet from the termination of this course, North eighty-five (85) degrees thirty-six (36) minutes forty-nine (49) seconds West, three hundred three

and thirty-five hundredths (303.35) feet to a steel pin on the Eastern edge of Township Route 514; thence along said Township Route 514, North eight (08) degrees twenty-seven (27) minutes thirty-nine (39) seconds West, eighteen and fifty-one hundredths (18.51) feet to a point on the center of said Township Route 514; thence along same, North twenty (20) degrees forty-nine (49) minutes fifty-five (55) seconds East, one hundred thirty-nine and seventy-four hundredths (139.74) feet to a point at Lot No. 8 of the hereinafter referenced subdivision plan, the point and place of BEGINNING. CONTAINING .7851 acres and identified as Lot No. 7 on a plan of lots prepared by Donald E. Worley, Registered Surveyor, on November 11, 1981. Said plan is recorded in the Adams County Recorder of Deeds Office in Plat Book 36, at page 81.

SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS OF RECORD.

HAVING THEREON ERECTED a dwelling known as 1449 New Chester Road, New Oxford, PA.

BEING THE SAME PREMISES WHICH Robert Paul Kuhn and Ruth Ellen Kuhn by deed dated September 18, 1986 and recorded in Adams County Deed Book 436, Page 836 granted and conveyed unto Richard A. Gulas and M. Denise Gulas.

TO BE SOLD AS THE PROPERTY OF RICHARD A. GULAS AND M. DENISE GULAS A/K/A DENISE M. GULAS UNDER ADAMS COUNTY JUDGMENT NO. 96-S-999.

Tax Parcel: 38 19 35

SEIZED and taken into execution as the property of **Richard A. Gulas and M. Denise Gulas** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 7, 1997.

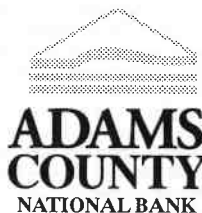
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser 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.

3/7, 14 & 21

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

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-471 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that tract of land situate, lying and being in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lot No. 5 in Section RH, bounded and described as follows:

BEGINNING at a point in the center of Mile Trail at Lot No. 6; thence by said lot North two (2) degrees thirty-seven (37) minutes twenty (20) seconds East, two hundred twenty-five (225.00) feet to lands now or formerly of Charmita, Inc; thence by said lands South eighty-seven (87) degrees twenty-two (22) minutes forty (40) seconds East, one hundred (100) feet to Lot No. 4; thence by said lot South two (2) degrees thirty-seven (37) minutes twenty (20) seconds West, two hundred twenty-five (225.00) feet to a point in the center of said Mile Trail; thence in said Mile Trail North eight-seven (87) degrees twenty-two (22) minutes forty (40) seconds West, one hundred (100) feet to the place of BEGINNING.

SEIZED and taken into execution as the property of **Timothy M. Friedel and Bart W. Bauerlien t/d/b/a B & T Custom Homes** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
January 28, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 14, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/21, 28 & 3/7

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 97-S-146

Action to Quiet Title

JOHN PLANK, 211 Shrivvers Corner Road, Gettysburg, Pennsylvania 17325, Plaintiff.

vs.

C.H. WENSCHÖFF, deceased, FANNIE WENSCHÖFF, deceased, H.H. WENSCHÖFF, deceased, BRUCE WENSCHÖFF, deceased, OLIVER LUCKENBAUGH, deceased, MARY ANN LUCKENBAUGH, deceased, Unknown Heirs and Assigns of the above Defendants, Addresses Unknown, Defendants.

NOTICE TO: The above-named defendants, their heirs, assigns and all persons claiming any right, title, claim or interest to the property located in Cumberland Township, more particularly described as follows:

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

BEGINNING at a buttonwood tree at corner of lands now or formerly of Mary C. Bishop; thence by lands of the same, North forty-nine and three-fourths (49 3/4) degrees East, eight (8) perches to a rock; thence by lands of the same, South forty-one (41) degrees East thirty-seven and four-tenths (37.4) perches to a stump; thence by lands of the same, North fifteen (15) degrees East, fifty-two and seven-tenths (52.7) perches to a stake; thence by lands now or formerly of J. M. Warner, South forty-nine and one-fourth (49 1/4) degrees East, twelve (12) perches to a white oak; thence by the same, South thirty-nine (39) degrees East; forty-eight and seven-tenths (48.7) perches to a stone; thence South forty-nine and one-half (49 1/2) degrees West, forty-nine and two-tenths (49.2) perches; thence North sixty-seven and three-fourths (67 3/4) degrees West, nine and four-tenths (9.4) perches; thence North twenty-eight and three fourths (28 3/4) degrees West, eighteen (18) perches; thence North fifty-five and one-half (55 1/2) degrees West, eight (8) perches; thence North forty-nine and one-half (49 1/2) degrees West, thirty-three and eight-tenths (33.8) perches to a hickory stump; thence North twenty-nine (29) degrees East, four and five-tenths (4.5) perches to the buttonwood tree, the place of BEGINNING. CONTAINING 16 Acres and 48 Perches.

TAKE NOTICE THAT John Plank has filed an Action to Quiet Title in the aforesaid Court as of the above-number, averring that he has acquired title to the property by virtue of his exclusive possession for over twenty-one (21) years. Plaintiff requests an order declaring plaintiff to be the legal and equitable owners of the property and ordering the Recorder of Deeds to record an Order awarding fee simple title to plaintiff. You are hereby notified to file an Answer within twenty (20) days following the date of this publication. If you fail to do so final judgment may be entered against you, as prayed for in the complaint.

If you wish to defend, you must enter a written appearance personally or by an 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 plaintiff. 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.

COUNTY REFERRAL OFFICER
Adams County Courthouse
Gettysburg, Pennsylvania 17325
(717) 334-6781

Wendy Weikal-Beauchat, Esquire
116 Baltimore Street
Gettysburg, Pennsylvania 17325
3/7, 14 & 21

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of a fictitious name has been filed with the Department of State of the Commonwealth of Pennsylvania, in Harrisburg, PA, pursuant to the Fictitious Names Act, setting forth that Richard E. Weidner, 2653 Carlisle Road, Gardners, PA, 17324 is the only individual interested in the business, character of which is commercial a residential excavation, paving and septic tank pumping. The designation under which said business is and will be conducted is RICHARD E. WEIDNER PAVING & EXCAVATING located at 353 Gardners Station Road, P.O. Box 155, Gardners, Pennsylvania 17324.

Arthur J. Becker, Jr., Esq.
Solicitor

3/7

COMMONWEALTH VS. VANKIRK

1. Orders granting ARD are interlocutory.
2. In order to prevail on a plea of double jeopardy and estop the District Attorney from pursuing criminal charges against her, Defendant must show that she has been once placed in jeopardy.
3. Speedy trial and Rule 1100 rights may be waived.

In the Court of Common Pleas, Adams County, Pennsylvania, Criminal No. CC-695-92, COMMONWEALTH OF PENNSYLVANIA VS. CRYSTAL LYNNE VANKIRK.

Michael George, Esq., District Attorney
Anthony Miley, Esq., for Defendant

OPINION ON MOTION FOR RECONSIDERATION AND TO DISMISS

Spicer, P.J., June 24, 1996.

Defendant was admitted into the Accelerated Rehabilitative Disposition program (ARD) on May 7, 1993, ordered to pay fees, charges, costs and restitution and placed on probation for a period of one year. As a condition of her entry, she waived the right to claim the benefit of Pa.R.Crim.P. 1100 and constitutional speedy trial provisions. These rights were orally explained to her by the court and she indicated that she understood them. Subsequently, defendant apparently had difficulty paying her obligations within a twelve month period and twice requested extensions of six months each, which were granted. (April 21, 1994, and October 26, 1994). Each application contained express waivers of speedy trial and Rule 1100 rights. During the last extension, she violated the conditions of the program by committing burglary and theft.

In accordance with local practice, the Probation Office submitted a request for a program review hearing to the District Attorney. The request specifically noted a violation of standard condition of probation 3(a), which required defendant to avoid any violation of the law, and stated "[s]he was charged with Theft By Unlawful Taking by the Pennsylvania State Police on 12/18/94 and Selling or Furnishing Liquor to Minors by the East Berlin Police Department on 01/14/95." The District Attorney then filed this request with the Clerk of Courts (2-28-95) and later (March 7, 1995) directed the Clerk to list the matter for hearing. On the date of hearing, April 4, 1995, an order issued, noting that the Commonwealth was requesting removal of the defendant from the ARD program on the basis of pending charges, and continuing the hearing at the call of any party. The continuance was

based upon an agreement to this effect. Additional listings at the direction of the District Attorney followed, with hearings being further continued at the call of any party by agreement (6-7-94) or defendant's request (11-15-95).

On April 4, 1996, the District Attorney again listed the matter for hearing. The parties appeared May 7, 1996, at which time it was determined that defendant had pleaded guilty to burglary and theft in another case (CC-867-95). Her entry into the ARD program was revoked and trial was scheduled for the term beginning June 10, 1996.

Defendant filed an omnibus pretrial motion on May 21, 1996, and trial was continued by order of June 10, 1996.

We will now consider the various requests for relief raised in the motion.

Motion for reconsideration of the order revoking defendant's ARD status:

Defendant argues that the means by which her ARD status was revoked was procedurally incorrect and, therefore, a nullity.

In *Commonwealth v. Burke*, 356 Pa.Super. 400, 514 A.2d 919, (1986), Superior Court considered the decision in *Commonwealth v. Lutz*, 508 Pa. 297, 495 A.2d 928 (1985) and concluded that if only the District Attorney can give, only the District Attorney can take away. Superior Court, therefore, held that Pa.R.Crim.P. 184 provides the only possible vehicle for revoking ARD status. Defendant reads the rule as requiring a written motion for revocation. However, that is not what the rule provides. On the contrary, all that is required is that the District Attorney file a motion "alleging that the defendant during the period of the program has violated a condition thereof." Nowhere in the rule is it required that the filed motion request revocation.

In this case, the District Attorney filed the request for review, set the matter for hearing, and then orally moved for revocation. Defendant was brought before the court and was given an opportunity to be heard. She was given ample notice of the nature of the reasons for Commonwealth's request and sufficient time to prepare a response. In this case, the District Attorney had full control over the proceedings and we find that the procedure followed complies with Rule 184.

Defendant claims that she did not knowingly, intelligently and voluntarily enter into the two extensions.

Defendant has offered no testimony in this regard and we can assume that she has abandoned the position. It was, after all, at her request that the court acted. See *Commonwealth v. Rogers*, 335 Pa.Super 130, 483 A.2d 990 (1984). (Defendant cannot say things upon

which a court will rely during plea colloquy and then later said that he lied at counsel's request).

Ms. VanKirk contends that this court lost jurisdiction to modify its order setting her ARD term at 12 months. In *Commonwealth ex rel. Powell v. Rosenberry*, 435 Pa.Super 337, 645 A.2d 1328 (1994), Superior court held that a trial court improperly extended a defendant's probation, when more than thirty days had expired since the date of original sentencing. As authority, Superior Court cited 42 Pa.C.S.A. §5505. That section reads:

Except as otherwise provided or prescribed by law, a court upon notice to the parties may modify or rescind any order within 30 days after its entry, notwithstanding the prior termination of any term of court, if no appeal from such order has been taken or allowed.

This section does not apply to interlocutory orders. *Commonwealth v. Bowden*, 456 Pa. 278, 309 A.2d 714 (1972); *Commonwealth v. Nicodemus*, 431 Pa.Super 342, 636 A.2d 1118 (1993), appeal denied 540 Pa. 580, 655 A.2d 512. Orders regarding ARD are interlocutory. *Commonwealth v. Getz*, 410 Pa.Super 28, 598 A.2d 1309 (1991).

Defendant also argues that non-payment of costs is not a basis for revocation from the ARD program. Since she was not removed for non-payment, but rather for committing a crime, we fail to see the relevance of this argument. Assuming that she contends that her requests for extensions lacked consideration, we point out that ARD programs are viewed differently than probation following sentence. ARD involves a defendant's agreement to pay, with the agreement forming the basis for entry into the program. *Id.* On the other hand, requiring that non-payment be willful before revoking probation and imposing a jail sentence reflects the policy in this Commonwealth not to imprison poor people. *Commonwealth ex rel. Powell v. Rosenberry*, *supra*. Removal from the ARD program did not expose Ms. VanKirk to re-sentencing; it merely placed her case back on the trial list.

Motion for habeas corpus.

All arguments in support of defendant's motion for dismissal are repetitive of those presented in her motion for reconsideration and are dismissed without further discussion.

Motion to dismiss on grounds of double jeopardy.

Superior Court has, on one occasion, applied double jeopardy principles in holding that Commonwealth was estopped from denying a defendant the benefit of ARD. *Commonwealth v. McSorley*, 335 Pa.Super 522, 485 A.2d 15 (1984), affirmed without adopting the

reasoning of Superior Court, 509 Pa. 621, 506 A.2d 895 (1986). Allowing defendant to complete ARD requirements, then denying him the right to enter the program was said to have violated the spirit of double jeopardy provisions. However, double jeopardy technically does not apply, and a person may be removed for lying during his application for admission. *Commonwealth v. Jones*, 437 Pa.Super. 345, 650 A.2d 60 (1994).

Jeopardy has not attached in this case. In order to prevail on a plea of double jeopardy, defendant must show that she has been once placed in jeopardy. In a jury case, jeopardy attaches when a jury is impaneled and sworn. In a bench trial, it attaches when the accused has been subjected to a charge and a judge begins to hear evidence. *Commonwealth v. DaSilva*, 440 Pa. Super 291, 655 A.2d 568 (1995). It also attaches when a defendant has been sentenced. *Commonwealth v. Branch* 417 Pa.Super. 571, 612 A.2d 1085 (1992). None of those things have occurred. Defendant has not been misled and there is nothing justifying using the spirit of double jeopardy provisions to estop the District Attorney from pursuing criminal charges against her.

Motion to dismiss under Pa.R.Crim.P 1100:

Defendant does not contend that she did not intelligently, voluntarily and knowingly waive her Rule 1100 rights. Instead, she contends that the District Attorney did not diligently pursue his motion for revocation. Quite aside from the fact that all delay was attributable either to defendant or was pursuant to agreement, her waivers applied during the entire time that she remained in the program.

Speedy trial and Rule 1100 rights may be waived. *Commonwealth v. Gibson*, 385 Pa.Super. 571, 561 A.2d 1240 (1989) appeal denied 525 Pa. 642, 581 A.2d 568.

Therefore, we reject argument that periods before her removal should be counted against the Commonwealth.

The attached order is entered.

ORDER OF COURT

AND NOW, this 24th day of June, 1996, the Court denies defendant's motion for reconsideration and dismissal.

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 MAE V. BELL a/k/a MAE VICTORIA BELL, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania
 Executors: Daun L. Staub; William L. Bell
 Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF M. PEARL BLETTNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: Michael B. Wierman, 223 Highland Avenue, Hanover, PA 17331
 Attorney: Donald W. Door, Buchen, Wise & Door, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF ROBERT LEE KAUFFMAN, DEC'D

Late of Latimore Township, Adams County, Pennsylvania
 Executrix: Lou Ann Kauffman, 1555 Town Hill Road, York Springs, PA 17372
 Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF MIYAKO MATSUKI a/k/a MIYAKO KEAY, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania
 Executor: Alexander Keay, 2931 North Charles Street, Baltimore, MD 21218
 Attorney: John A. Wolfe, Esq., Wolfe & Rice, 47 West High Street, Gettysburg, PA 17325

ESTATE OF MILFORD E. ROUSE, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: PNC Bank, N.A., 10 York Street, Gettysburg, PA 17325
 Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF LLOYD V. WEIDNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: Marshall Garretson, 160 Seminary Avenue, Gettysburg, PA 17325
 Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF ETHEL M. COOLEY, DEC'D

Late of Huntington Township, Adams County, Pennsylvania
 Administratrix: Donna M. Cooley, 3595 Carlisle Pike, Gardeners, PA 17324
 Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF LAURA M. CROUSE, DEC'D

Late of Germany Township, Adams County, Pennsylvania
 Executors: Clyde W. Crouse, 1215 Frederick Pike, Littlestown, PA 17340; David F. Crouse, 15 Chapel Rd., Gettysburg, PA 17325
 Attorney: John W. Phillips, Esq., 101 W. Middle St., Gettysburg, PA 17325

ESTATE OF GUY L. DEARDORFF, DEC'D

Late of 420 Tree Lane Road, Tyrone Township, Aspers, Adams County, Pennsylvania
 Executor: Jeffrey L. Deardorff, 20754 Barbara Lane, Meadville, PA 16335
 Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PAULINE M. FRANKS, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania
 Executrix: Arlene M. Justice, Hanover Station, 1157 Eichelberger Street, Hanover, PA 17331
 Attorney: Douglas H. Gent, Esquire, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF ISAAC H. GROGG, JR., DEC'D

Late of 637 Blettner Ave., Hanover, PA 17331, Adams County, Pennsylvania
 Executrix: Sally A. Roelke, 637 Blettner Ave., Hanover, PA 17331

ESTATE OF JULIA JANE O'BRIEN, DEC'D

Late of New Oxford, Adams County, Pennsylvania
 Executors: Robert F. O'Brien, 365 Bair Road, Abbottstown, PA 17301; Anne L. Kendrick, 2735 Carlisle Pike, New Oxford, PA 17350
 Attorney: Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331

ESTATE OF MARILYN L. OVERBAUGH a/k/a MARILYN LOUISE OVERBAUGH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania
 Executrices: Eileen Jane Day; Mary Anne Overbaugh (Topper)
 Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF ANNA MARY SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Co-Executors: Louise A. Little, 1434 Honda Road, Hanover, PA 17331; James L. Smith, 33 Oak Lane, Hanover, PA 17331; Angela C. Smith, 2425 Logan Street, Harrisburg, PA 17110

ESTATE OF WILLIAM G. STAUB, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania
 Co-Executors: Gloria J. Harbold; Donald A. Staub
 Attorney: Douglas H. Gent, Esquire, Hanover Station, 1157 Eichelberger Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF GARNETTE F. BAKER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executors: Ralph W. Baker, 242 Lane Avenue, Gettysburg, PA 17325; Mary B. Ryman, 1330 Old Carlisle Road, Aspers, PA 17034
 Attorney: John R. White, Campbell and White, 122 Baltimore St., Gettysburg, PA 17325

ESTATE OF CATHRYN R. HOKE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executor: Constance H. Shaner, 2755 Jefferson Street, Suite 200, Carlsbad, CA 92008
 Attorney: Buchen, Wise & Dorr, 126 Carlisle Street, Hanover, PA 17331

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, the Fictitious Names Act (54 Pa. C.S.A. Sec. 311), there was filed with the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on February 20, 1997, an Application for Registration of the fictitious name YESTERYEAR IMAGES CO. the address of the principal office or place of business of the business to be carried on, under or through said name being North Gettysburg Plaza, Gettysburg, Pennsylvania. The name and address of the person who is party to the registration is: Diane Louise Adams, 427 Town Hill Road, York Springs, Pennsylvania, 17372.

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

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-1009 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 21st day of March, 1997, 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 on the East side of Township Road No. T-455, in Union Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point in the center of Township Road No. T-455 at lands now of Louis J. Small and Dawn M. Small; thence leaving said Township Road and through a steel pin set back twenty-five (25) feet from the beginning hereof, North fifty-six (56) degrees twenty-four (24) minutes East, three hundred twenty-two and eighty-one hundredths (322.81) feet to a steel pins at lands of Harry C. Worley; thence by lands of Harry C. Worley, South twenty-seven (27) degrees thirty (30) minutes East, one hundred eighty one and fifteen hundredths (181.15) feet to a point in Township Road No. T-455; thence in and along the center line of said Township Road No. T-455, South fifty-seven (57) degrees fifty-three (53) minutes forty (40) seconds West, three hundred three and sixty hundredths (303.60) feet to a point at or near the curve in said Township Road No. T-455; thence continuing in and along the center line of said Township Road T-455, North thirty-three (33) degrees thirty-six (36) minutes West one hundred seventy-two and twenty-six hundredths (172.26) feet to the place of BEGINNING. CONTAINING 1.2674 Acres.

HAVING ERECTED THEREON a dwelling known as 810 Barts Church Road, Hanover, PA 17331.

Parcel #K17-0079B.

BEING the same premises which Hughes-Patwil Homes, Inc., by its Deed dated May 1, 1989 and recorded in the Recorder's Office of Adams County, Pennsylvania on May 25, 1989 in Deed Book Volume 523, Page 297, granted and conveyed unto John J. Allen, Jr. and Donna M. Allen.

SEIZED and taken into execution as the property of **John J. Allen, Jr. and Donna M. Allen** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
January 24, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on April 14, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

2/21, 28 & 3/7

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 95-S-484 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, 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 in Menallen Township, Adams County, Pennsylvania, being more fully bounded, limited, and described as follows:

BEGINNING at a point in or near the centerline of Legislative Route 01080 (S.R. 4012), thence leaving said roadway and extending along the dividing line of Lots No. 2 and 3 of the hereinafter referred to subdivision plan, North 42 degrees 26 minutes 45 seconds West a distance of 465.07 feet to a point at other lands now or formerly of Wayne Ogburn; thence along the last mentioned lands, North 43 degrees 24 minutes 20 seconds East 100.00 feet to a point at the dividing line of Lots 1 and 2 on the hereinafter referred to subdivision plan; thence along said dividing line, South 45 degrees 15 minutes 05 seconds East 490.59 feet to a point in or near the centerline of Legislative Route 01080 (S.R. 4012); thence in, along and through said last mentioned roadway South 55 degrees 41 minutes 40 seconds West 125.00 feet to the point and place of beginning.

CONTAINING 1.224 acres and being designated as Lot No. 2 on a Final Plan of Subdivision for Wayne Ogburn, prepared by J. Riley Redding, R.S., Said Plan is recorded in Adams County Records in Plat Book 55, Page 78.

BEING NO. 1515 COON ROAD.

MAP E4 PARCEL 77

SEIZED and taken into execution as the property of **Patrick S. Dietz and Susan F. Dietz** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 10, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, 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.

3/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-907 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, P/ the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situate, lying and being in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lot No. 6 in Section RD, bounded and described as follows:

BEGINNING at a point in the center of Little Road at Lot No. 5; THENCE by said Lot North 87 degrees 22 minutes 40 seconds West, 225 feet to Lot No.7; THENCE by said Lot North 02 degrees 37 minutes 20 seconds East, 153.18 feet to a point in the center of Brasmer Lane; THENCE in said Brasmer Lane South 87 degrees 22 minutes 40 seconds East, 91.44 feet to a point in said Brasmer Lane; THENCE continuing in said Brasmer Lane South 77 degrees 32 minutes East, 136.56 feet to a point in the intersection of Brasmer Lane and Little Road; THENCE in said Little Road South 2 degrees 37 minutes 20 seconds West, 130 feet to the place of BEGINNING.

THE above description was taken from a plan of lots labeled "Section RD of Charnita, Inc.," dated November 1/ 1968, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book No. 1 at page 36.

TOGETHER with all rights and conditions as now of record.

BEING the same premises which Daniel B. Farber and Harriette B. Farber, h/w, by Deed dated 10/23/88 and recorded 10/28/88 in the Adams County Recorder of Deeds' Office in Deed Book 505, Page 275, granted and conveyed unto James E. Norris and Cathy E. Norris, h/w, as tenants by the entireties.

SEIZED and taken into execution as the property of **James E. Norris and Cathy E. Norris** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 7, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, 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.

3/7, 14 & 21

Adams County Legal Journal

Vol. 38

March 14, 1997

No. 42, pp. 233-238

CONTINUING LEGAL EDUCATION PROGRAMS

1. *Civil Litigation Update*

Wednesday, March 26, 1997—9:00 a.m.—5:00 p.m.

Adams County Cooperative Extension Office
Substantive Law—5 credits. Ethics—1 credit.
Registration through P.B.I. 800-932-4637.

2. *Trial Skills for Women*

Tuesday, April 8, 1997—9:00 a.m.—5:00 p.m.

Adams County Cooperative Extension Office
Substantive Law—6 credits. Ethics—0 credits.
Registration through P.B.I. 800-932-4637.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-999 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, 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 Straban Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the center of Township Route 514 and Lot No. 8. of the hereinafter referenced subdivision plan; thence along said Lot No. 8 and through a steel pin on line set back 25 feet from said starting point, South sixty-nine (69) degrees ten (10) minutes five (05) seconds East, three hundred (300.00) feet to a point at Lot No. 10 of the hereinafter referenced subdivision plan; thence along same, South twenty (20) degrees forty-nine (49) minutes fifty-five (55) seconds West, seventy (70.00) feet to a point at lands now or formerly of Herbert W. Wessel, Jr.; thence along same and through a steel pin on line set back 16.62 feet from the termination of this course, North eighty-five (85) degrees thirty-six (36) minutes forty-nine (49) seconds West, three hundred three

and thirty-five hundredths (303.35) feet to a steel pin on the Eastern edge of Township Route 514; thence along said Township Route 514, North eight (08) degrees twenty-seven (27) minutes thirty-nine (39) seconds West, eighteen and fifty-one hundredths (18.51) feet to a point on the center of said Township Route 514; thence along same, North twenty (20) degrees forty-nine (49) minutes fifty-five (55) seconds East, one hundred thirty-nine and seventy-four hundredths (139.74) feet to a point at Lot No. 8 of the hereinafter referenced subdivision plan, the point and place of BEGINNING. CONTAINING .7851 acres and identified as Lot No. 7 on a plan of lots prepared by Donald E. Worley, Registered Surveyor, on November 11, 1981. Said plan is recorded in the Adams County Recorder of Deeds Office in Plat Book 36, at page 81.

SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS OF RECORD.

HAVING THEREON ERECTED a dwelling known as 1449 New Chester Road, New Oxford, PA.

BEING THE SAME PREMISES WHICH Robert Paul Kuhn and Ruth Ellen Kuhn by deed dated September 18, 1986 and recorded in Adams County Deed Book 436, Page 836 granted and conveyed unto Richard A. Gulas and M. Denise Gulas.

TO BE SOLD AS THE PROPERTY OF RICHARD A. GULAS AND M. DENISE GULAS A/K/A DENISE M. GULAS UNDER ADAMS COUNTY JUDGMENT NO. 96-S-999.

Tax Parcel: 38 19 35

SEIZED and taken into execution as the property of **Richard A. Gulas and M. Denise Gulas** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 7, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, 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.

3/7, 14 & 21

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 97-S-191
Action to Quiet Title

JOHN W. BENNETT and SHIRLEY J. BENNETT, husband and wife, Plaintiffs,
vs.

SHARON ROSENBERG, Defendant.

TO: Sharon Rosenberg, or to her heirs or assigns.

NOTICE

The plaintiffs named above have brought a suit against Sharon Rosenberg, the defendant, to obtain a court order declaring that Sharon Rosenberg has no interest in that property known as lot 108 in section RD of the former Charnita subdivision, in Liberty Township, Adams County, Pennsylvania. The lot was sold by the Adams County Tax Claim Bureau on September 12, 1983, as the property of Herbert H. Rosenberg and Mae E. Rosenberg. Defendant was the alleged beneficiary of a trust of the subject lot, but was not notified of the sale of the lot.

If you wish to defend against this suit, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court of Common Pleas of Adams County. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered without further notice to you forever ending any and all claim that you or any of you may have to the said lot 108, section RD of the former Charnita subdivision. 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.

County Referral Office
Adams County Courthouse
111 Baltimore Street
Gettysburg, PA 17325
(717) 334-6781

Walter V. Davis
Attorney for Plaintiffs
116 Baltimore St.
Gettysburg, PA 17325

3/14, 21 & 28

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 97-S-146
Action to Quiet Title

JOHN PLANK, 211 Shrivvers Corner Road, Gettysburg, Pennsylvania 17325, Plaintiff.

vs.

C.H. WENSCHOFF, deceased, FANNIE WENSCHOFF, deceased, H.H. WENSCHOFF, deceased, BRUCE WENSCHOFF, deceased, OLIVER LUCKENBAUGH, deceased, MARY ANN LUCKENBAUGH, deceased, Unknown Heirs and Assigns of the above Defendants, Addresses Unknown, Defendants.

NOTICE TO: The above-named defendants, their heirs, assigns and all persons claiming any right, title, claim or interest to the property located in Cumberland Township, more particularly described as follows:

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

BEGINNING at a buttonwood tree at corner of lands now or formerly of Mary C. Bishop; thence by lands of the same, North forty-nine and three-fourths (49 3/4) degrees East, eight (8) perches to a rock; thence by lands of the same, South forty-one (41) degrees East thirty-seven and four-tenths (37.4) perches to a stump; thence by lands of the same, North fifteen (15) degrees East, fifty-two and seven-tenths (52.7) perches to a stake; thence by lands now or formerly of J. M. Warner, South forty-nine and one-fourth (49 1/4) degrees East, twelve (12) perches to a white oak; thence by the same, South thirty-nine (39) degrees East; forty-eight and seven-tenths (48.7) perches to a stone; thence South forty-nine and one-half (49 1/2) degrees West, forty-nine and two-tenths (49.2) perches; thence North sixty-seven and three-fourths (67 3/4) degrees West, nine and four-tenths (9.4) perches; thence North twenty-eight and three fourths (28 3/4) degrees West, eighteen (18) perches; thence North fifty-five and one-half (55 1/2) degrees West, eight (8) perches; thence North forty-nine and one-half (49 1/2) degrees West, thirty-three and eight-tenths (33.8) perches to a hickory stump; thence North twenty-nine (29) degrees East, four and five-tenths (4.5) perches to the buttonwood tree, the place of BEGINNING. CONTAINING 16 Acres and 48 Perches.

TAKE NOTICE THAT John Plank has filed an Action to Quiet Title in the aforesaid Court as of the above-number, averring that he has acquired title to the property by virtue of his exclusive possession for over twenty-one (21) years. Plaintiff requests an order declaring plaintiff to be the legal and equitable owners of the property and ordering the Recorder of Deeds to record an Order awarding fee simple title to plaintiff. You are hereby notified to file an Answer within twenty (20) days following the date of this publication. If you fail to do so final judgment may be entered against you, as prayed for in the complaint.

If you wish to defend, you must enter a written appearance personally or by an 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 plaintiff. 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.

County Referral Officer
Adams County Courthouse
Gettysburg, Pennsylvania 17325
(717) 334-6781

Wendy Weikal-Beauchat, Esquire
116 Baltimore Street
Gettysburg, Pennsylvania 17325
3/7, 14 & 21

BROWN VS. FAIRFIELD AREA SCHOOL DISTRICT, ET AL.

1. Normally an affirmative defense must be raised in new matter but clear cases under 42 Pa.C.S.A. §8542 may be raised in preliminary objections.
2. Allegations in the complaint must be read in light of the exhibit.
3. Exceptions to the rule of immunity must be narrowly interpreted, given an express legislative intent to insulate political subdivisions from tort liability.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 95-S-1005, AARON M. BROWN VS. FAIRFIELD AREA SCHOOL DISTRICT AND GARY H. BECHTEL.

Scott T. Mumma, Esq., for Plaintiff

Timothy J. McMahon, Esq., for Defendant Bechtel

Dean F. Picarella, Esq., for Defendant Fairfield Area School District
and Gary H. Bechtel

OPINION ON PRELIMINARY OBJECTIONS

Spicer, P.J., July 2, 1996.

Plaintiff commenced this action on October 28, 1995, by filing a praecipe for a writ of summons. After having been ruled to do so, he filed a complaint March 4, 1996. He has alleged that Gary H. Bechtel wrote a letter to the editor which was published in the Gettysburg Times, a newspaper of general circulation in Adams County, Pennsylvania. Mr. Bechtel is alleged to have divulged confidential information he obtained while teaching plaintiff, while the latter was a student at Fairfield High School.

The letter, which was attached to the complaint as an exhibit, apparently responded to comments plaintiff made to a Times writer during the course of a published interview. Evidently, plaintiff's comments were critical of Fairfield High School and some of its teachers. The letter stated that Mr. Bechtel was "mentioned in a favorable manner as part of the Fairfield High School staff while every one [*sic*] else at the school 'did nothing but fight and complain the whole time I was there' " according to Aaron. Mr. Bechtel then went on to say, among other things, that plaintiff used his talent for doing as little as possible, unless it coincided with what he wanted to do at the moment, responded that his wood work was "good enough" when it was criticized for poor quality, and called Mr. Bechtel in the middle of the night over a period of two years.

Plaintiff alleges that Mr. Bechtel acquired the information in confidentiality during the course of his employment with Fairfield Area School District and that the district has no written policy prohibiting public disclosure of confidential information about academic and behavioral performance of students. He further alleges negligent supervision of Mr. Bechtel by the district with regard to the disclosure.

The district has filed preliminary objections, in which it raises the defense of governmental immunity. Normally, an affirmative defense must be raised in new matter but clear cases under 42 Pa.C.S.A. §8542 may be raised in preliminary objections. *Guinn v. Alburdis Fire Company*, 134 Pa. Cmwlth 270, 577 A.2d 971 (1990).

Legislation generally limits liability of local agencies such as the district to instances in which there is a common law or statutory cause of action, injury is caused by negligence and the acts by the local agency or any of its employees fall within eight specifically described exceptions. *supra*. Although actions against a government agency must be based on negligence, immunity as to the employee does not apply to crimes, actual fraud or malice, or willful misconduct. §8550. *Kuehner v. Parsons*, 107 Pa. Cmwlth 61, 527 A.2d 627 (1987), appeal denied 517 Pa. 626, 538 A.2d 879; *Petula v. Mellody*, 158 Pa. Cmwlth 212, 631 A.2d 762 (1993). Finally, the act limits damages that may be recovered. §8553.

In ruling on preliminary objections, we are directed to read factual allegations in the complaint in a light most favorable to plaintiff, to give him the benefit of all reasonable inferences and to sustain the objections only if it is clear that he is not entitled to recover as a matter of law. However, allegations in the complaint must be read in light of the exhibit. *Philmar Mid Atlantic Inc. v. York Streets Associates, Inc.* 389 Pa. Super 297, 566 A.2d 1253 (1989). Plaintiff has not favored us with a brief and we do not have the benefit of his insight with regard to confidentiality. We have perused applicable law relating to schools and, frankly, can find nothing in the letter that would be classified as confidential information, or which would impose a duty on the district to enact written regulations, or to supervise disclosure thereof. We do not, of course, intend to rule on an objection not raised by the district, but the observation remains, nonetheless.

The Act, *supra*, lists exceptions which can be summarized as: (1) vehicle liability; (2) care, custody and control of personal property of others in possession of the agency; (3) real property; (4) trees, traffic controls and street lighting; (5) utility service facilities; (6) streets; (7) sidewalks; and (8) the care custody and control of animals. None can be easily applied to a defamation suit, and do not apply in this case. The crack most often described (by plaintiffs) as a breach is the one relating to real estate, but it is amply clear that the exception may not be construed to include negligent supervision of employees. *Houston v. Central Bucks School Authority*, 119 Pa. Cmwlth 48, 546 A.2d 1286 (1988).

Thus, we hold that plaintiff's action against the district is barred by governmental immunity.

Even if it weren't, damage to reputation is not authorized by §8553(c) which provides:

(c) Types of losses recognized. — Damages shall be recoverable only for:

(1) Past and future loss of earnings and earning capacity.

(2) Pain and suffering in the following instances:

(i) death; or

(ii) only in cases of permanent loss of a bodily function, permanent disfigurement or permanent dismemberment where the medical and dental expenses referred to in paragraph (3) are in excess of \$1,500.

(3) Medical and dental expenses including the reasonable value of reasonable and necessary medical and dental service, prosthetic devices and necessary ambulance, hospital, professional nursing, and physical therapy expenses accrued and anticipated in the diagnosis, care and recovery of the claimant.

(4) Loss of consortium.

(5) Loss of support.

(6) Property losses.

Only the last comes remotely close to the damage claimed by plaintiff. It does not, however, come close enough. While we sometimes think of our reputations and good names as property, ascribing that meaning does not accord with the generally accepted definition of the word. See, 1 Pa.C.S.A. §1903; *The American Heritage Dictionary of the English Language*, Houghton Mifflin and Company (1981). Furthermore, exceptions to the rule of immunity must be narrowly interpreted, given an express legislative intent to insulate political subdivisions from tort liability. *Dickens v. Horner*, 531 Pa. 127, 611 A.2d 693 (1992). *Farber v. Pennsylvania School District*, 131 Pa. Cmwlth 642, 571 A.2d 546 (1990).

The attached order is entered.

ORDER

AND NOW, this 2nd day of July, 1996, preliminary objections filed by Fairfield Area School District are sustained and the complaint against the district is dismissed.

COMMONWEALTH VS. SANDERS

1. Insufficiency of proof and weight of evidence are two discrete issues.
2. Before evidence can be deemed insufficient, it must be so weak and inconclusive that, as a matter of law, no probability of fact can be drawn from the combined circumstances of the case.

3. An argument addressed to the weight of evidence assumes sufficiency, and the issue becomes whether the verdict shocks one's sense of justice, making a new trial imperative so that right may be given another opportunity to prevail.
4. A sex offense verdict can rest on uncorroborated testimony of the victim.
5. The law does not require consistency in verdicts.

In the Court of Common Pleas, Adams County, Pennsylvania, Criminal No. CC-801-95, COMMONWEALTH OF PENNSYLVANIA VS. LAWRENCE JOSEPH SANDERS, III.

Martha Duvall, Esq., Assistant District Attorney
Jeffery Cook, Esq., for Defendant

OPINION ON POST SENTENCE MOTIONS

Spicer, P.J., September 4, 1996.

A jury found defendant guilty of sexual assault and corruption of minors on May 15, 1996. At the same time, defendant was acquitted of rape and indecent assault. He was sentenced June 21, 1996, and, thereafter, filed post sentence motions. Those motions included a motion for acquittal, a challenge to the sufficiency of the evidence and a motion for a new trial based upon the weight of the evidence. His brief has pursued only the challenge to the weight of the evidence.

At trial, S.W. described occurrences that took place in Bonneauville borough August 23, 1995. At the time, S.W. was 15 years of age.

She said she first saw defendant between 4:30 p.m. and 5:00 p.m. when he passed her in a pick up truck and waved. She waved back. Encouraged, defendant returned in a car and gave her his phone number. S.W. returned home and told her mother, who then telephoned defendant and asked what he wanted. After the mother finished her conversation, she handed the telephone to S.W. who then spoke with defendant. The end results were that the young woman met defendant later that evening, ostensibly to ride bicycles. The two went for a walk, defendant became amorous and sexual intercourse occurred. S.W. said she told him not to kiss her and to desist, but that he ignored her complaints.

Although defendant admitted having sexual intercourse with the complainant, other circumstances were hotly disputed. S.W. said that defendant picked her up, placed her on the ground, pushed her baggy, cut off shorts aside and penetrated her. She said intercourse occurred without her consent and against her will.

Defendant, on the other hand, described an entirely consensual liaison. He disputed S.W.'s statement that she told him not to kiss her, said he gave her a condom early during the proceedings, placed his shirt on the ground when she voiced concern about getting dirty, helped take her shorts all the way off, asked for and received the condom back from

her, asked her if she wanted to have sex and received an answer of yes.

Dr. Allison Moll, a physician who examined S.W. after the incident described the following physical findings: multiple, red, open and small scratches and abrasions on S.W.'s upper and lower back; 2 lacerations of the hymen which were bleeding and which indicated penetration within a couple of hours of the examination and no previous sexual intercourse.

Defendant was convicted of violating 18 Pa.C.S.A §3124.1, which provides:

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

Commonwealth was required to prove that defendant acted at least recklessly with regard to S.W.'s lack of consent. 18 Pa. C.S.A. §302(c).

Defendant does not challenge his conviction for corruption of minors.

Reduced to simplest elements, defendant's arguments amount to the following: 1) defendant's acquittal of indecent assault, which involves non-consensual sexual contact, is inconsistent with his conviction of sexual assault; 2) physical findings make S.W.'s account incredible; 3) S.W. was generally incredible.

Although defendant has not pursued his contention that the verdict was based on insufficient proof, we feel impelled to say that insufficiency of proof and weight of evidence are two discrete issues. Before evidence can be deemed insufficient, it must be so weak and inconclusive that, as a matter of law, no probability of fact can be drawn from the combined circumstances of the case. Evidence is viewed in a light most favorable to the Commonwealth, together with reasonable inferences, to determine whether evidence is sufficient to prove guilt beyond a reasonable doubt. An argument addressed to the weight of evidence assumes sufficiency, and the issue becomes whether the verdict shocks one's sense of justice, making a new trial imperative so that right may be given another opportunity to prevail. *Commonwealth v. Owens*, 437 Pa. Super 64, 649 A.2d 129 (1994); *Commonwealth v. Sanders*, 426 Pa. Super 362, 627 A.2d 183 (1993) alloc dn 535 Pa. 657, 634 A.2d 220 (1993); *Commonwealth v. Parker*, 435 Pa. Super 81, 644 A.2d 1245 (1994) alloc dn 540 Pa. 630, 658 A.2d 793 (1994).

A sex offense verdict can rest on uncorroborated testimony of the victim. *Comm. v. Owens*, supra. Credibility is a matter for the jury to determine. *Commonwealth v. Betz*, 444 Pa. Super. 607, 664 A.2d 600 (1995) alloc dn in ___ Pa. ___, 674 A.2d 1065 (1995); *Comm. v. Parker*, supra.

S.W.'s testimony, if believed, was sufficient to establish all elements essential to defendant's guilt. There are no reasons justifying a finding that her testimony was incredible. Following her return home, she told defendant she felt that he has used her. The remark is subject to several interpretations, we suppose, but is compatible with a confused teenager who has been subjected to an inauspicious beginning of her sexual life. Later statements to her mother, to the effect that that parent was going to hate her, can be ascribed to feelings of unworthiness and shame.

We do not find the physician's testimony required the jury to reject S.W.'s version of the incident. In fact, it supported her description more than it did the defendant's. Abrasions and lacerations of S.W.'s back could indicate that: (a) the locale was not conducive for comfortable sexual intercourse, which might indicate the fact that S.W. had no choice in its selection; (b) defendant did not, a la' Sir Walter Raleigh, spread his shirt upon the ground.

The law does not required consistency in verdicts. *Commonwealth v. Miller*, 441 Pa. Super 320, 657 A.2d 946 (1995), (acquittal of indecent assault did not affect corruption charge based on the same conduct); *Commonwealth v. Campbell*, 539 Pa. 212, 651 A.2d 1096 (1994), (acquittal of principal in joint trial does not affect conviction as accomplice).

In short, we reject defendant's arguments and dismiss his post sentence motions.

ORDER

AND NOW, this 4th day of September, 1996, defendant's post sentence motions are denied. Defendant is given the following notice:

(a) He has the right to appeal to Superior Court from this sentence. The appeal must be filed within the next thirty days.

(b) He has the right to assistance of counsel in the preparation of his appeal.

(c) He has the right, if indigent, to appeal in forma pauperis and to proceed with assigned counsel. Mr. Cook will perfect and litigate the appeal if, but only if, defendant tells Mr. Cook he wants this done.

(d) He has the right to remain free on bail during the pendency of his appeal.

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 herewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, March 24, 1997, at 10:30 a.m.

LASH—Orphans' Court Action Number OC-167-96. The First and Final Account of Donald G. Oyler, Executor under the Will of Frederick A. Lash, deceased, late of Cumberland Township, Adams County, Pennsylvania.

WENNBERG—Orphans' Court Action Number OC-2-97. The First and Partial Account of Steven J. Wennberg, Executor of the Last Will and Testament of Isabelle G. Wennberg a/k/a Isabelle A. Wennberg, deceased, late of Straban Township, Adams County, Pennsylvania.

BAUER—Orphans' Court Action Number OC-121-96. The First and Final Account of Robert F. Bauer, Administrator of the Estate of John E. Bauer, deceased, late of Straban Township, Adams County, Pennsylvania.

DEATRICH—Orphans' Court Action Number OC-70-96. The First and Final Account of Gregory L. Kiersch, Administrator, c.t.a. of the Estate of J. Lloyd Deatrack a/k/a Jacob Lloyd Deatrack, deceased, late of Cumberland Township, Adams County, Pennsylvania.

NAYLOR—Orphans' Court Action Number OC-14-97. The First and Final Account of Harry A. Naylor, Sr., Executor of the Estate of Charles Glenn Naylor, deceased, late of Butler Township, Adams County, Pennsylvania.

NAUGLE—Orphans' Court Action Number OC-16-97. The First and Final Account of Keith Donaldson Naugle, Executor of the Last Will and Testament of Mary E. Naugle, deceased, late of the Borough of Gettysburg, Adams County, Pennsylvania.

SWISHER—Orphans' Court Action Number OC-19-97. The First and Final Account of Carlotta Strevig, Executrix of the Last Will and Testament of Donald H. Swisher, deceased, late of Cumberland Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

3/14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-1059 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of May, 1997, 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 Littlestown Borough, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING for a point on the right-of-way line of South Columbus Avenue at Lot No. 9 as shown on the hereinafter referenced subdivision plan; thence along the right-of-way line of South Columbus Avenue by a curve to the right, having a radius of two hundred seventy (270.00) feet, an arc length of fifty-two and fifty-four hundredths (52.54) feet, and a long chord bearing and distance of North sixty-four (64) degrees twenty-seven (27) minutes forty-seven (47) seconds West, fifty-two and forty-six hundredths (52.46) feet to a point on the right-of-way line of South Columbus Avenue; thence along the right-of-way line of South Columbus Avenue, North fifty-eight (58) degrees fifty-three (53) minutes thirty-four (34) seconds West, five and thirty-six hundredths (5.36) feet to a point at the intersection of South Columbus Avenue and Boyer Street as shown on the hereinafter referenced subdivision plan; thence along the right-of-way line of Boyer Street by a curve to the right having a radius of twenty (20.00) feet, an arc length of thirty-four and twenty-seven hundredths (34.27) feet, and a long chord bearing and distance of North nine (09) degrees forty-eight (48) minutes thirty (30) seconds West, thirty and twenty-three hundredths (30.23) feet to a point on the right-of-way line of Boyer Street; thence along the right-of-way line of Boyer Street, North thirty-nine (39) degrees sixteen (16) minutes thirty-four seconds East, ninety-seven and seventy hundredths (97.70) feet to a point at Lot No. 7 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 7, South fifty-six (56) degrees seventeen (17) minutes twenty-eight (28) seconds East, seventy-eight and ninety-six hundredths (78.96) feet to a point at Lot No. 9 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 9, South thirty-nine (39) degrees zero (00) minutes forty-three (43) seconds West, one hundred eleven and ninety-four hundredths (111.94) feet to a point on the right-of-way line of South Columbus Avenue, the point and place of BEGINNING. CONTAINING 9,174.98 square feet/0.21 acres.

The above description being Lot No. 8 on the Final Subdivision Plan of Heritage Hill—Phase 2, for New Age Associates, prepared by James R. Holley & Associates, Inc., dated January 20, 1993 and

recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 63, page 58.

IT BEING the same premises which Harry P. McKean, single man, t/d/b/a New Age Associates, by his Deed dated April 5, 1995 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1013, page 344, granted and conveyed unto Lois J. Wilson.

SEIZED and taken into execution as the property of **Lois Jan Wilson** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 2, 1997, 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.

3/14, 21 & 28

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 JOHN H. LILLICH, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executor: Jack E. Housman, 303 Forge Court, Spring Grove, PA 17362
Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF DORIS V. RUSSELL, DEC'D

Late of Germany Township, Adams County, Pennsylvania
Co-Executors: Patricia P. Mills, 255 Ulricktown Road, Littlestown, PA 17340; Judith L. Blankenship, 14 Constitution Court, Littlestown, PA 17340
Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF GLADYS L. SCHWARTZ, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
Co-Executors: George E. Halter, Jr., 408 East King Street, Littlestown, PA 17340; Rosa Lee Russell, 508 East 6th Street, Laurel, DE 19956
Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF JOHN J. UPTON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executor: Robert D. Upton, 203 Hanover Street, Gettysburg, PA 17325
Attorney: Bigham & Puhl, Esqs., 16 Lincoln Square, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF MAE V. BELL a/k/a MAE VICTORIA BELL, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania
Executors: Daun L. Staub; William L. Bell
Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF M. PEARL BLETTNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
Executor: Michael B. Wierman, 223 Highland Avenue, Hanover, PA 17331
Attorney: Donald W. Door, Buchen, Wise & Door, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF ROBERT LEE KAUFFMAN, DEC'D

Late of Latimore Township, Adams County, Pennsylvania
Executrix: Lou Ann Kauffman, 1555 Town Hill Road, York Springs, PA 17372
Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF MIYAKO MATSUKI a/k/a MIYAKO KEAY, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania
Executor: Alexander Keay, 2931 North Charles Street, Baltimore, MD 21218
Attorney: John A. Wolfe, Esq., Wolfe & Rice, 47 West High Street, Gettysburg, PA 17325

ESTATE OF MILFORD E. ROUSE, DEC'D

Late of Straban Township, Adams County, Pennsylvania
Executor: PNC Bank, N.A., 10 York Street, Gettysburg, PA 17325
Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF LLOYD V. WEIDNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
Executor: Marshall Garretson, 160 Seminary Avenue, Gettysburg, PA 17325
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF ETHEL M. COOLEY, DEC'D

Late of Huntington Township, Adams County, Pennsylvania
Administratrix: Donna M. Cooley, 3595 Carlisle Pike, Gardners, PA 17324
Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF LAURA M. CROUSE, DEC'D

Late of Germany Township, Adams County, Pennsylvania
Executors: Clyde W. Crouse, 1215 Frederick Pike, Littlestown, PA 17340; David F. Crouse, 15 Chapel Rd., Gettysburg, PA 17325
Attorney: John W. Phillips, Esq., 101 W. Middle St., Gettysburg, PA 17325

ESTATE OF GUY L. DEARDORFF, DEC'D

Late of 420 Tree Lane Road, Tyrone Township, Aspers, Adams County, Pennsylvania
Executor: Jeffrey L. Deardorff, 20754 Barbara Lane, Meadville, PA 16335
Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PAULINE M. FRANKS, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania
Executrix: Arlene M. Justice, Hanover Station, 1157 Eichelberger Street, Hanover, PA 17331
Attorney: Douglas H. Gent, Esquire, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF ISAAC H. GROGG, JR., DEC'D

Late of 637 Blettner Ave., Hanover, PA 17331, Adams County, Pennsylvania
Executrix: Sally A. Roelke, 637 Blettner Ave., Hanover, PA 17331

ESTATE OF JULIA JANE O'BRIEN, DEC'D

Late of New Oxford, Adams County, Pennsylvania
Executors: Robert F. O'Brien, 365 Bair Road, Abbottstown, PA 17301; Anne L. Kendrick, 2735 Carlisle Pike, New Oxford, PA 17350
Attorney: Larry W. Wolf, Esquire, 215 Broadway, Hanover, PA 17331

ESTATE OF MARILYN L. OVER-BAUGH a/k/a MARILYN LOUISE OVERBAUGH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania
Executrices: Eileen Jane Day; Mary Anne Overbaugh (Topper)
Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF ANNA MARY SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
Co-Executors: Louise A. Little, 1434 Honda Road, Hanover, PA 17331; James L. Smith, 33 Oak Lane, Hanover, PA 17331; Angela C. Smith, 2425 Logan Street, Harrisburg, PA 17110

ESTATE OF WILLIAM G. STAUB, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania
Co-Executors: Gloria J. Harbold; Donald A. Staub
Attorney: Douglas H. Gent, Esquire, Hanover Station, 1157 Eichelberger Street, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-907 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, 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 Carroll Valley, Adams County, Pennsylvania, being Lot No. 6 in Section RD, bounded and described as follows:

BEGINNING at a point in the center of Little Road at Lot No. 5; THENCE by said Lot North 87 degrees 22 minutes 40 seconds West, 225 feet to Lot No. 7; THENCE by said Lot North 02 degrees 37 minutes 20 seconds East, 153.18 feet to a point in the center of Brasmer Lane; THENCE in said Brasmer Lane South 87 degrees 22 minutes 40 seconds East, 91.44 feet to a point in said Brasmer Lane; THENCE continuing in said Brasmer Lane South 77 degrees 32 minutes East, 136.56 feet to a point in the intersection of Brasmer Lane and Little Road; THENCE in said Little Road South 2 degrees 37 minutes 20 seconds West, 130 feet to the place of BEGINNING.

THE above description was taken from a plan of lots labeled "Section RD of Charnita, Inc.," dated November 18, 1968, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book No. 1 at page 36.

TOGETHER with all rights and conditions as now of record.

BEING the same premises which Daniel B. Farber and Harriette B. Farber, h/w, by Deed dated 10/23/88 and recorded 10/28/88 in the Adams County Recorder of Deeds' Office in Deed Book 505, Page 275, granted and conveyed unto James E. Norris and Cathy E. Norris, h/w, as tenants by the entireties.

SEIZED and taken into execution as the property of **James E. Norris and Cathy E. Norris** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 7, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, 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.

3/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 95-S-484 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, 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 in Menallen Township, Adams County, Pennsylvania, being more fully bounded, limited, and described as follows:

BEGINNING at a point in or near the centerline of Legislative Route 01080 (S.R. 4012), thence leaving said roadway and extending along the dividing line of Lots No. 2 and 3 of the hereinafter referred to subdivision plan, North 42 degrees 26 minutes 45 seconds West a distance of 465.07 feet to a point at other lands now or formerly of Wayne Ogburn; thence along the last mentioned lands, North 43 degrees 24 minutes 20 seconds East 100.00 feet to a point at the dividing line of Lots 1 and 2 on the hereinafter referred to subdivision plan; thence along said dividing line, South 45 degrees 15 minutes 05 seconds East 490.59 feet to a point in or near the centerline of Legislative Route 01080 (S.R. 4012); thence in, along and through said last mentioned roadway South 55 degrees 41 minutes 40 seconds West 125.00 feet to the point and place of beginning.

CONTAINING 1.224 acres and being designated as Lot No. 2 on a Final Plan of Subdivision for Wayne Ogburn, prepared by J. Riley Redding, R.S., Said Plan is recorded in Adams County Records in Plat Book 55, Page 78.

BEING NO. 1515 COON ROAD.

MAP E4 PARCEL 77

SEIZED and taken into execution as the property of **Patrick S. Dietz and Susan F. Dietz** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 10, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, 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.

3/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 95-S-961 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, 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 Mt. Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the eastern edge of Hooker Drive at Lot No. 640; thence by said lot South 79 degrees 00 minutes 00 seconds East, 200.00 feet to a point at Lot No. 650; thence by said lot and by Lots No. 651 and 652 South 11 degrees 00 minutes 00 seconds West, 220.00 feet to a point at Lot No. 653; thence by said lot and by Lots No. 644 and 643 North 79 degrees 00 minutes 00 seconds East, 200.00 feet to a point on the eastern edge of Hooker Drive; thence along said Hooker Drive North 11 degrees 00 minutes 00 seconds East, 220.00 feet to the place of BEGINNING. CONTAINING 44,000 Square Feet.

The above description was taken from a plan of lots prepared by Donald E. Worley, dated March 12, 1986.

BEING NO. 642 HOOKER DRIVE.

PARCEL #: 5-97

SEIZED and taken into execution as the property of **Merrill A. Mummert and Barbara A. Mummert** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 19, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, 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.

3/14, 21 & 28

Adams County Legal Journal

Vol. 38

March 21, 1997

No. 43, pp. 239-242

CONTINUING LEGAL EDUCATION PROGRAMS

1. *Civil Litigation Update*

Wednesday, March 26, 1997—9:00 a.m.—5:00 p.m.

Adams County Cooperative Extension Office
Substantive Law—5 credits. Ethics—1 credit.
Registration through P.B.I. 800-932-4637.

2. *Trial Skills for Women*

Tuesday, April 8, 1997—9:00 a.m.—5:00 p.m.

Adams County Cooperative Extension Office
Substantive Law—6 credits. Ethics—0 credits.
Registration through P.B.I. 800-932-4637.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-999 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, 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 Straban Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the center of Township Route 514 and Lot No. 8, of the hereinafter referenced subdivision plan; thence along said Lot No. 8 and through a steel pin on line set back 25 feet from said starting point, South sixty-nine (69) degrees ten (10) minutes five (05) seconds East, three hundred (300.00) feet to a point at Lot No. 10 of the hereinafter referenced subdivision plan; thence along same, South twenty (20) degrees forty-nine (49) minutes fifty-five (55) seconds West, seventy (70.00) feet to a point at lands now or formerly of Herbert W. Wessel, Jr.; thence along same and through a steel pin on line set back 16.62 feet from the termination of this course, North eighty-five (85) degrees thirty-six (36) minutes forty-nine (49) seconds West, three hundred three

and thirty-five hundredths (303.35) feet to a steel pin on the Eastern edge of Township Route 514; thence along said Township Route 514, North eight (08) degrees twenty-seven (27) minutes thirty-nine (39) seconds West, eighteen and fifty-one hundredths (18.51) feet to a point on the center of said Township Route 514; thence along same, North twenty (20) degrees forty-nine (49) minutes fifty-five (55) seconds East, one hundred thirty-nine and seventy-four hundredths (139.74) feet to a point at Lot No. 8 of the hereinafter referenced subdivision plan, the point and place of BEGINNING. CONTAINING .7851 acres and identified as Lot No. 7 on a plan of lots prepared by Donald E. Worley, Registered Surveyor, on November 11, 1981. Said plan is recorded in the Adams County Recorder of Deeds Office in Plat Book 36, at page 81.

SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS OF RECORD.

HAVING THEREON ERECTED a dwelling known as 1449 New Chester Road, New Oxford, PA.

BEING THE SAME PREMISES WHICH Robert Paul Kuhn and Ruth Ellen Kuhn by deed dated September 18, 1986 and recorded in Adams County Deed Book 436, Page 836 granted and conveyed unto Richard A. Gulas and M. Denise Gulas.

TO BE SOLD AS THE PROPERTY OF RICHARD A. GULAS AND M. DENISE GULAS A/K/A DENISE M. GULAS UNDER ADAMS COUNTY JUDGMENT NO. 96-S-999.

Tax Parcel: 38 19 35

SEIZED and taken into execution as the property of **Richard A. Gulas and M. Denise Gulas** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 7, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, 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.

3/7, 14 & 21

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

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IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 97-S-191
Action to Quiet Title

JOHN W. BENNETT and SHIRLEY J. BENNETT, husband and wife, Plaintiffs,

vs.

SHARON ROSENBERG, Defendant.

TO: Sharon Rosenberg, or to her heirs or assigns.

NOTICE

The plaintiffs named above have brought a suit against Sharon Rosenberg, the defendant, to obtain a court order declaring that Sharon Rosenberg has no interest in that property known as lot 108 in section RD of the former Charnita subdivision, in Liberty Township, Adams County, Pennsylvania. The lot was sold by the Adams County Tax Claim Bureau on September 12, 1983, as the property of Herbert H. Rosenberg and Mae E. Rosenberg. Defendant was the alleged beneficiary of a trust of the subject lot, but was not notified of the sale of the lot.

If you wish to defend against this suit, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court of Common Pleas of Adams County. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered without further notice to you forever ending any and all claim that you or any of you may have to the said lot 108, section RD of the former Charnita subdivision. 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.

County Referral Office
Adams County Courthouse
111 Baltimore Street
Gettysburg, PA 17325
(717) 334-6781

Walton V. Davis
Attorney for Plaintiffs
116 Baltimore St.
Gettysburg, PA 17325

3/14, 21 & 28

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 97-S-146
Action to Quiet Title

JOHN PLANK, 211 Shrivvers Corner Road, Gettysburg, Pennsylvania 17325, Plaintiff.

vs.

C.H. WENSCHOFF, deceased, FANNIE WENSCHOFF, deceased, H.H. WENSCHOFF, deceased, BRUCE WENSCHOFF, deceased, OLIVER LUCKENBAUGH, deceased, MARY ANN LUCKENBAUGH, deceased, Unknown Heirs and Assigns of the above Defendants, Addresses Unknown, Defendants.

NOTICE TO: The above-named defendants, their heirs, assigns and all persons claiming any right, title, claim or interest to the property located in Cumberland Township, more particularly described as follows:

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

BEGINNING at a buttonwood tree at corner of lands now or formerly of Mary C. Bishop; thence by lands of the same, North forty-nine and three-fourths (49 3/4) degrees East, eight (8) perches to a rock; thence by lands of the same, South forty-one (41) degrees East thirty-seven and four-tenths (37.4) perches to a stump; thence by lands of the same, North fifteen (15) degrees East, fifty-two and seven-tenths (52.7) perches to a stake; thence by lands now or formerly of J. M. Warner, South forty-nine and one-fourth (49 1/4) degrees East, twelve (12) perches to a white oak; thence by the same, South thirty-nine (39) degrees East; forty-eight and seven-tenths (48.7) perches to a stone; thence South forty-nine and one-half (49 1/2) degrees West, forty-nine and two-tenths (49.2) perches; thence North sixty-seven and three-fourths (67 3/4) degrees West, nine and four-tenths (9.4) perches; thence North twenty-eight and three-fourths (28 3/4) degrees West, eighteen (18) perches; thence North fifty-five and one-half (55 1/2) degrees West, eight (8) perches; thence North forty-nine and one-half (49 1/2) degrees West, thirty-three and eight-tenths (33.8) perches to a hickory stump; thence North twenty-nine (29) degrees East, four and five-tenths (4.5) perches to the buttonwood tree, the place of BEGINNING. CONTAINING 16 Acres and 48 Perches.

TAKE NOTICE THAT John Plank has filed an Action to Quiet Title in the aforesaid Court as of the above-number, averring that he has acquired title to the property by virtue of his exclusive possession for over twenty-one (21) years. Plaintiff requests an order declaring plaintiff to be the legal and equitable owners of the property and ordering the Recorder of Deeds to record an Order awarding fee simple title to plaintiff. You are hereby notified to file an Answer within twenty (20) days following the date of this publication. If you fail to do so final judgment may be entered against you, as prayed for in the complaint.

If you wish to defend, you must enter a written appearance personally or by an 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 plaintiff. 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.

County Referral Officer
Adams County Courthouse
Gettysburg, Pennsylvania 17325
(717) 334-6781

Wendy Weikal-Beauchat, Esquire
116 Baltimore Street
Gettysburg, PA 17325

3/7, 14 & 21

NOTICE

NOTICE IS HEREBY GIVEN to all persons of interest that Sylvania Shoe Manufacturing Corporation, a Pennsylvania corporation, having its registered office at P.O. Box 97, McSherrystown, Pennsylvania 17344 will be filing Articles of Dissolution with the Department of State of the Commonwealth of Pennsylvania pursuant to and in accordance with the provisions of the Business Corporation Law of Pennsylvania of 1988, and that said corporation is winding up its affairs in the manner prescribed by law, so that its corporate existence shall be ended upon the issuance of a Certificate of Dissolution by the Department of State of the Commonwealth of Pennsylvania.

Arthur J. Becker, Jr., Esquire
Solicitor

3/21, 28

SHAUCK VS. KNAUB

1. An action to quiet title provides a full and complete remedy for the removal of every type of cloud on a title to real estate.
2. Ejectment will not lie unless a party is entitled to exclusive possession, which is not the case in joint tenancies.
3. Allegations of fraud, coercion and undue influence remove the bar of the Statute of Frauds.
4. A complaint in an action to quiet title must describe the land in question.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 96-S-177, JUNE A. SHAUCK VS. HARVEY E. KNAUB, III.

Jay C. Kauffman, Esq., for Plaintiff
Samuel K. Gates, Esq., for Defendant

OPINION ON PRELIMINARY OBJECTIONS

Spicer, P.J., July 9, 1996.

According to the complaint, defendant and plaintiff purchased Lot 662 in the Lake Meade subdivision in Reading Township on June 10, 1987. The deed contained no description, other than identifying the lot number and stating that it was as appearing on a "Plan of Lots of Lake Meade Subdivision," which had been recorded in the Recorder of Deeds' office in plat book 1, page 5. Plaintiff recited that the parties agreed that defendant would alone take title, although both contributed to the purchase price, because of plaintiff's bad credit history, and that defendant would, at a later date, convey title into both names. About three months later, September 8, 1987, this was done. Thereafter, each party contributed a portion of his or her income to a joint checking account, out of which mortgage payments, utilities, homeowners' insurance, fees, taxes and maintenance were paid.

Plaintiff said she moved from the home in September 1993 as a result of physical and verbal abuse perpetrated by defendant. Prior to separation, plaintiff said that two things occurred; defendant paid off the mortgage in December, 1991, and the parties conveyed title to defendant alone on May 15, 1992. This deed, as had its two predecessors, identified the property simply as lot 662 in the Lake Meade subdivision. A copy of the deed was attached to the complaint as an exhibit.

Plaintiff claims that the last conveyance was invalid because it "was procured by the Defendant through fraud, undue influence, and duress and without consideration." ¶10. Following this general allegation,

plaintiff recited more specific allegations of misrepresentations, physical and verbal abuse and threats.¹

Defendant has filed a demurrer and a motion for more specific pleading. These objections require us to consider whether plaintiff may maintain an action in quiet title to obtain the relief sought and whether plaintiff must provide more detailed information.

It is clear that Pa. R.C.P. 1061 provides a wide umbrella for actions concerning defects, clouds and questions about title to real estate. One authority describes the rule as “unifying into one single procedure all of the diverse procedures by which clouds on title were formerly tried,” and that “an action to quiet title provides a full and complete remedy for the removal of every type of cloud on a title to real estate.” 4 Goodrich Amram 2d §1061(b):1. This same authority states, “An action to quiet title under Rule 1061(b)(2) may be brought only where an action of ejectment will not lie.” *id.* §1061(b):9.

This last statement is not surprising in light of the Rule’s wording: (2) where an action of ejectment will not lie, to determine any right, lien, title or interest in the land or determine the validity or discharge of any document, obligation or deed affecting any right, lien, tile or interest in the land;

This subsection has been employed in a variety of circumstances, 4 Goodrich Amram 2d §1061(b):7; 22 Standard Pennsylvania Practice 2d §120.151; and almost the same precise situation as is now before us. *Stauffer v. Stauffer*, 465 Pa. 558, 351 A.2d 236 (1970). (Husband allowed to maintain action to effectively cancel deed granting wife sole title). *Stauffer* also held that ejectment will not lie unless a party is entitled to exclusive possession, which is not the case in joint tenancies. see also *Bruker v. Burgess and Town Council*, 376 Pa. 330, 102 A.2d 418 (1954). (Many people, including the public had an interest in Carlisle’s square).

It is clear that plaintiff’s action is authorized by the Rule, *supra*.

Defendant attempts, through a demurrer to raise the Statute of Frauds. Putting aside the propriety of raising an affirmative defense through preliminary objections, it is clear that allegations of fraud, coercion and undue influence remove the bar of the statute. *Walsh v. Bucalo*, *supra*, *Stauffer v. Stauffer*, *supra*, *Kadel v. McMonigle*, 425 Pa.Super 253, 624 A.2d 1059 (1993).

¹Plaintiff also specifically complained that she received no consideration. In this regard, see *Walsh v. Bucalo*, 423 Pa. Super. 25, 620 A.2d 21 (1993) which held that an otherwise valid deed is not invalidated because of failure to pay the recited consideration of \$1.00.

Defendant argues that plaintiff has not pleaded facts in concise and summary form and that he is entitled to a more specific complaint. The objection raises two points: first, whether allegations of undue influence, coercion and fraud have been sufficiently pleaded; second, whether the description of the property satisfies requirements of Rule 1065.

Rule 1019 require plaintiff to plead the material facts upon which her cause of action is based in a concise and summary form. Averments of fraud must be averred with particularity. The requirements of this rule are not capable of precise measurement, and it is generally a judgment call whether specific facts have been pleaded to justify the relief sought. In re Barnes Foundation, 443 Pa.Super 369, 661 A.2d 889 (1995). The test used in ruling on a motion for more specific pleading is whether the complaint is sufficiently clear to enable defendant to prepare a response, or whether the complaint informs defendant with accuracy and completeness of the specific basis on which recovery is sought, so that he may know without question upon what grounds to make his defense. 2 Goodrich Amram 2d §1017(b):21. We find the allegations sufficient.

Superficially, a more difficult question is whether the deed description meets the requirements of Rule 1065. The rule states, "The Plaintiff shall describe the land in his complaint."

An authority we have been citing, with approval, states, "A complaint should specifically describe the land or easement by metes and bounds." 4 Goodrich Amram 2d §1065:1.

We can find no fault with this statement, as a matter of general principle. It might be preferable (should) to describe property in this manner, even though it will not, in many instances be mandatory (shall).

The case cited as authority for the statement is interesting. In *MacKubbin v Rosedale Memorial Park, Inc.*, 413 Pa 637, 198 A.2d 856 (1964), a plaintiff had been granted undescribed burial lots in a nonexistent section of a memorial burial park, by a company that was bankrupt. Defendant, which owned the park when the suit was brought, argued that the lots were not located within any land it owned. Supreme Court said plaintiff brought an action in quiet title as much to ascertain the identity of the lots as to remove a cloud. Supreme Court did not require a metes and bounds description, but said, "that a complaint in an action to quiet title must describe the land in question.

As noted above, appellant admits that he is unable to locate or describe the burial lots in question.” 413 Pa. at 639.

Description and identity are not issues in the case before us. It is one thing to require a precise description when defendant may not know the precise extent and location of plaintiff’s claim; quite another when there is absolutely no question as to either identity or location and defendant claims title by the very description provided by plaintiff.

In short, we find defendant’s preliminary objections lacking in merit and, therefore, overrule them.

ORDER

AND NOW, this 9th day of July, 1996, the Court overrules defendant’s preliminary objections and gives him leave to file an answer within twenty (20) days of this order.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-1059 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of May, 1997, 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 Littlestown Borough, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING for a point on the right-of-way line of South Columbus Avenue at Lot No. 9 as shown on the hereinafter referenced subdivision plan; thence along the right-of-way line of South Columbus Avenue by a curve to the right, having a radius of two hundred seventy (270.00) feet, an arc length of fifty-two and fifty-four hundredths (52.54) feet, and a long chord bearing and distance of North sixty-four (64) degrees twenty-seven (27) minutes forty-seven (47) seconds West, fifty-two and forty-six hundredths (52.46) feet to a point on the right-of-way line of South Columbus Avenue; thence along the right-of-way line of South Columbus Avenue, North fifty-eight (58) degrees fifty-three (53) minutes thirty-four (34) seconds West, five and thirty-six hundredths (5.36) feet to a point at the intersection of South Columbus Avenue and Boyer Street as shown on the hereinafter referenced subdivision plan; thence along the right-of-way line of Boyer Street by a curve to the right having a radius of twenty (20.00) feet, an arc length of thirty-four and twenty-seven hundredths (34.27) feet, and a long chord bearing and distance of North nine (09) degrees forty-eight (48) minutes thirty (30) seconds West, thirty and twenty-three hundredths (30.23) feet to a point on the right-of-way line of Boyer Street; thence along the right-of-way line of Boyer Street, North thirty-nine (39) degrees sixteen (16) minutes thirty-four (34) seconds East, ninety-seven and seventy hundredths (97.70) feet to a point at Lot No. 7 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 7, South fifty-six (56) degrees seventeen (17) minutes twenty-eight (28) seconds East, seventy-eight and ninety-six hundredths (78.96) feet to a point at Lot No. 9 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 9, South thirty-nine (39) degrees zero (00) minutes forty-three (43) seconds West, one hundred eleven and ninety-four hundredths (111.94) feet to a point on the right-of-way line of South Columbus Avenue, the point and place of BEGINNING. CONTAINING 9,174.98 square feet/0.21 acres.

The above description being Lot No. 8 on the Final Subdivision Plan of Heritage Hill—Phase 2, for New Age Associates, prepared by James R. Holley & Associates, Inc., dated January 20, 1993 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 63, page 58.

IT BEING the same premises which Harry P. McKean, single man, t/d/b/a New Age Associates, by his Deed dated April 5, 1995 and recorded in the Office of

the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1013, page 344, granted and conveyed unto Lois J. Wilson.

SEIZED and taken into execution as the property of **Lois Jan Wilson** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 2, 1997, 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.

3/14, 21 & 28

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, March 24, 1997, at 10:30 a.m.

LASH—Orphans' Court Action Number OC-167-96. The First and Final Account of Donald G. Oyler, Executor under the Will of Frederick A. Lash, deceased, late of Cumberland Township, Adams County, Pennsylvania.

WENNBERG—Orphans' Court Action Number OC-2-97. The First and Partial Account of Steven J. Wennberg, Executor of the Last Will and Testament of Isabelle G. Wennberg a/k/a Isabelle A. Wennberg, deceased, late of Straban Township, Adams County, Pennsylvania.

BAUER—Orphans' Court Action Number OC-121-96. The First and Final Account of Robert F. Bauer, Administrator of the Estate of John E. Bauer, deceased, late of Straban Township, Adams County, Pennsylvania.

DEATRICH—Orphans' Court Action Number OC-70-96. The First and Final Account of Gregory L. Kiersz, Administrator, c.t.a. of the Estate of J. Lloyd Deatrich a/k/a Jacob Lloyd Deatrich, deceased, late of Cumberland Township, Adams County, Pennsylvania.

NAYLOR—Orphans' Court Action Number OC-14-97. The First and Final Account of Harry A. Naylor, Sr., Executor of the Estate of Charles Glenn Naylor, deceased, late of Butler Township, Adams County, Pennsylvania.

NAUGLE—Orphans' Court Action Number OC-16-97. The First and Final Account of Keith Donaldson Naugle, Executor of the Last Will and Testament of Mary E. Naugle, deceased, late of the Borough of Gettysburg, Adams County, Pennsylvania.

SWISHER—Orphans' Court Action Number OC-19-97. The First and Final Account of Carlotta Strevig, Executrix of the Last Will and Testament of Donald H. Swisher, deceased, late of Cumberland Township, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

3/14 & 21

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 96-S-596
Action to Quiet Title

Hugh G. Gauch, Jr., Plaintiff,
vs.

Jonathan Wright, Thomas Wright, William Bateman, William Oyster, aka William Oister, Elizabeth Oyster, aka Elizabeth Oaster, aka Elizabeth Eyster, Jacob Eyster, Michael Newman, Samuel Eyster, aka Samuel Oaster, aka Samuel Oyster, Jonas Routsong, aka Jonas Raunzahn, aka Jonas Rautzahn, John Doe, Ben Thomas, Leroy Routsong, William O. Routsong, Jr., Alex S. Cickeskie, Dorothy R. Cickeskie, R. Daniel Ketchum, Jason L. Bowie, Sr., Alice L. Bowie, and Paul J. Kuhn, their respective heirs and/or assigns, Defendants.

ORDER OF COURT

AND NOW, this 14th day of February, 1997, upon consideration of the attached Motion for Judgment, IT IS HEREBY ORDERED that the Defendants in the above captioned action be forever barred from asserting any right, lien, title or interest in the subject real estate inconsistent with the interest or claim that the Plaintiff has set forth in his complaint, unless the Defendant or Defendants enter an appearance and file an answer to the complaint within 30 days of notice of this order. If such action is not taken within the 30-day period, the Prothonotary, on praecipe from the Plaintiff, shall enter final judgment, if appropriate.

Service of this Order of Court upon the Defendants, Jonathan Wright, Thomas Wright, William Bateman, William Oyster, aka William Oister, Elizabeth Oyster, aka Elizabeth Oaster, aka Elizabeth Eyster, Jacob Eyster, Michael Newman, Samuel Eyster, aka Samuel Oaster, aka Samuel Oyster, Jonas Routsong, aka Jonas Raunzahn, aka Jonas Rautzahn, John Doe, Ben Thomas, their respective heirs and/or assigns, shall be made by publication once in the Adams County Legal Journal and once in the Gettysburg Times newspaper, and upon the Defendants, Leroy Routsong, William O. Routsong, Jr., Alex S. Cickeskie, Dorothy R. Cickeskie, R. Daniel Ketchum, Jason L. Bowie, Sr., Alice L. Bowie and Paul J. Kuhn, their respective heirs and/or assigns, by first class mail, postage prepaid.

By the Court:
/s/ Oscar F. Spicer

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 DOROTHY A. HERTZ, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania
 Executor: Michael C. Hertz, 216 Ruth Avenue, Hanover, PA 17331
 Attorney: Clayton R. Wilcox, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF ROBERT L. LOHR, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania
 Co-executors: D. Edwin Benner, 230 Benner Road, Gettysburg, PA 17325; T. Ruth Carbaugh, 114 East Middle St., Gettysburg, PA 17325
 Attorney: John A. Wolfe, Esq., Wolfe & Rice, 47 West High Street, Gettysburg, PA 17325

ESTATE OF MARY E. K. PETERS, DEC'D

Late of Huntington Township, Adams County, Pennsylvania
 Executors: John F. Peters, 10540 Carlisle Pike, Gardeners, PA 17324; William K. Peters, 645 Excelsior Road, Biglerville, PA 17307
 Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELSIE M. STUDY, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executors: Richard K. Bish, 503 West Myrtle Street, Littlestown, PA 17340; Chester S. Byers, 30 East Myrtle Street, Littlestown, PA 17340
 Attorney: Pyle and Entwistle, 25 South Washington St., Gettysburg, PA 17325

ESTATE OF FRED H. WILHELM, DEC'D

Late of Berwick Township, Adams County, Pennsylvania
 Executrix: Peggy J. Sheaffer, 304 Abbottstown Pike, Abbottstown, PA 17301
 Attorney: Donald E. Albright, Esquire, 515 Carlisle Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF JOHN H. LILLICH, DEC'D
 Late of Oxford Township, Adams County, Pennsylvania
 Executor: Jack E. Housman, 303 Forge Court, Spring Grove, PA 17362
 Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF DORIS V. RUSSELL, DEC'D

Late of Germany Township, Adams County, Pennsylvania
 Co-Executors: Patricia P. Mills, 255 Ulricktown Road, Littlestown, PA 17340; Judith L. Blankenship, 14 Constitution Court, Littlestown, PA 17340
 Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF GLADYS L. SCHWARTZ, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
 Co-Executors: George E. Halter, Jr., 408 East King Street, Littlestown, PA 17340; Rosa Lee Russell, 508 East 6th Street, Laurel, DE 19956
 Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF JOHN J. UPTON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Executor: Robert D. Upton, 203 Hanover Street, Gettysburg, PA 17325
 Attorney: Bigham & Puhl, Esqs., 16 Lincoln Square, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF MAE V. BELL a/k/a MAE VICTORIA BELL, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania
 Executors: Daun L. Staub; William L. Bell
 Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF M. PEARL BLETNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: Michael B. Wierman, 223 Highland Avenue, Hanover, PA 17331
 Attorney: Donald W. Door, Buchen, Wise & Door, 126 Carlisle Street, Hanover, PA 17331

ESTATE OF ROBERT LEE KAUFFMAN, DEC'D

Late of Latimore Township, Adams County, Pennsylvania
 Executrix: Lou Ann Kauffman, 1555 Town Hill Road, York Springs, PA 17372
 Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF MIYAKO MATSUKI a/k/a MIYAKO KEAY, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania
 Executor: Alexander Keay, 2931 North Charles Street, Baltimore, MD 21218
 Attorney: John A. Wolfe, Esq., Wolfe & Rice, 47 West High Street, Gettysburg, PA 17325

ESTATE OF MILFORD E. ROUSE, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: PNC Bank, N.A., 10 York Street, Gettysburg, PA 17325
 Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF LLOYD V. WEIDNER, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executor: Marshall Garretson, 160 Seminary Avenue, Gettysburg, PA 17325
 Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311, of Act 1982-295 (54 Pa. C.S. 311), the undersigned entity (ies) announce their intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately March 3, 1997, a certificate for the conduct of a business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of TIMELESS TREASURES, with its principal place of business at Mel's Gettysburg Antiques & Collectibles Mall, Rear 103 Carlisle Street, Gettysburg, PA 17325. The names and addresses of the persons owning or interested in said business are William B. and Judith R. Buger, residing at 1230 Red Rock Road, Gettysburg, PA 17325. The character or nature of the business is antiques and collectibles.

Mrs. Judy Buger
 7715 Modisto Lane
 Springfield, VA 22153

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-907 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, 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 Carroll Valley, Adams County, Pennsylvania, being Lot No. 6 in Section RD, bounded and described as follows:

BEGINNING at a point in the center of Little Road at Lot No. 5; THENCE by said Lot North 87 degrees 22 minutes 40 seconds West, 225 feet to Lot No. 7; THENCE by said lot North 02 degrees 37 minutes 20 seconds East, 153.18 feet to a point in the center of Brasmer Lane; THENCE in said Brasmer Lane South 87 degrees 22 minutes 40 seconds East, 91.44 feet to a point in said Brasmer Lane; THENCE continuing in said Brasmer Lane South 77 degrees 32 minutes East, 136.56 feet to a point in the intersection of Brasmer Lane and Little Road; THENCE in said Little Road South 2 degrees 37 minutes 20 seconds West, 130 feet to the place of BEGINNING.

THE above description was taken from a plan of lots labeled "Section RD of Charnita, Inc.," dated November 18, 1968, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book No. 1 at page 36.

TOGETHER with all rights and conditions as now of record.

BEING the same premises which Daniel B. Farber and Harriette B. Farber, h/w, by Deed dated 10/23/88 and recorded 10/28/88 in the Adams County Recorder of Deeds' Office in Deed Book 505, Page 275, granted and conveyed unto James E. Norris and Cathy E. Norris, h/w, as tenants by the entireties.

SEIZED and taken into execution as the property of **James E. Norris and Cathy E. Norris** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 7, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, 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.

3/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 95-S-484 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, 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 in Menallen Township, Adams County, Pennsylvania, being more fully bounded, limited, and described as follows:

BEGINNING at a point in or near the centerline of Legislative Route 01080 (S.R. 4012), thence leaving said roadway and extending along the dividing line of Lots No. 2 and 3 of the hereinafter referred to subdivision plan, North 42 degrees 26 minutes 45 seconds West a distance of 465.07 feet to a point at other lands now or formerly of Wayne Ogburn; thence along the last mentioned lands, North 43 degrees 24 minutes 20 seconds East 100.00 feet to a point at the dividing line of Lots 1 and 2 on the hereinafter referred to subdivision plan; thence along said dividing line, South 45 degrees 15 minutes 05 seconds East 490.59 feet to a point in or near the centerline of Legislative Route 01080 (S.R. 4012); thence in, along and through said last mentioned roadway South 55 degrees 41 minutes 40 seconds West 125.00 feet to the point and place of beginning.

CONTAINING 1.224 acres and being designated as Lot No. 2 on a Final Plan of Subdivision for Wayne Ogburn, prepared by J. Riley Redding, R.S., Said Plan is recorded in Adams County Records in Plat Book 55, Page 78.

BEING NO. 1515 COON ROAD.

MAP E4 PARCEL 77

SEIZED and taken into execution as the property of **Patrick S. Dietz and Susan F. Dietz** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 10, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, 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.

3/7, 14 & 21

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 95-S-961 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, 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 Mt. Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the eastern edge of Hooker Drive at Lot No. 640; thence by said lot South 79 degrees 00 minutes 00 seconds East, 200.00 feet to a point at Lot No. 650; thence by said lot and by Lots No. 651 and 652 South 11 degrees 00 minutes 00 seconds West, 220.00 feet to a point at Lot No. 653; thence by said lot and by Lots No. 644 and 643 North 79 degrees 00 minutes 00 seconds West, 200.00 feet to a point on the eastern edge of Hooker Drive; thence along said Hooker Drive North 11 degrees 00 minutes 00 seconds East, 220.00 feet to the place of BEGINNING. CONTAINING 44,000 Square Feet.

The above description was taken from a plan of lots prepared by Donald E. Worley, dated March 12, 1986.

BEING NO. 642 HOOKER DRIVE.

PARCEL #: 5-97

SEIZED and taken into execution as the property of **Merrill A. Mummert and Barbara A. Mummert** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 19, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, 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.

3/14, 21 & 28

Adams County Legal Journal

ol. 38

March 28, 1997

No. 44, pp. 243-246

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 95-S-724 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 1997, 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 of land.

SITUATE, lying and being in the Borough of Carroll Valley, Adams County, Pennsylvania, being Lot No. 186 in Section J, Charnita Development, bounded and described as follows:

BEGINNING at a point in the cul-de-sac of Cross Land Trail; thence in said cul-de-sac and by Lot No. 185 South 82 degrees 2 minutes 20 seconds East, 196.44 feet to lands now or formerly of Columbia Gas Co.; thence by said lands South 66 degrees 15 minutes East, 5.60 feet to lands now or formerly of George F. Herring; thence by said lands South 23 degrees 45 minutes West, 135 feet to lands now or formerly of George C. Steinberger; thence by said lands North 66 degrees 15 minutes West, 75 feet to a point; thence continuing by said lands South 23 degrees 45 minutes West, 75 feet to a point; thence continuing by said lands South 23 degrees 45 minutes West, 85.51 feet to Lot. No 202; thence by said lot North 87 degrees 23 minutes 40 seconds West, 131.11 feet to Lot No. 187; thence by said lot North 3 degrees 11 minutes 40 seconds West, 200 feet to a point in the center of said Cross Land Trail; thence in said Cross Land Trails South 87 degrees 23 minutes 40 seconds East, 100 feet to the place of beginning.

THE above description was taken from plan of lots labeled "Section J. Charnita Ski area, Inc.," dated March 20, 1968, prepared by Gordon L. Brown, R.S., recorded in Adams County Plat Book No. 1 page 24.

TOGETHER with a right of way and easement over the private roads indicated on said lot plan recorded in Adams County Plat Book No. 1 at page 24, for means of ingress, egress and regress.

TAX PARCEL NUMBER: 2-21

TITLE TO SAID PREMISES IS VESTED IN Gordon M. Sachs and Lisa H. Sachs, his wife by Deed from Douglas S. Penvose and Karen M. Penvose, husband and wife dated 9/27/90 recorded 9/27/90 in Deed Book 568 Page 255.

SEIZED and taken into execution as the property of **Gordon M. Sachs and Lisa H. Sachs** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
March 13, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 1997, 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.

3/28, 4/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-1058 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 1997, 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 Bonneauville, formerly Mt. Pleasant Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the intersection of the State Highway leading from Bonneauville to Two Taverns with the State Highway leading from Bonneauville to Littlestown; thence in the center of the State Highway leading from Bonneauville to Littlestown, South 47 degrees East, 125.70 feet to a spike situated North 31 degrees 30 minutes East, 24 feet from an iron pin; thence along lands now or formerly of Bernard E. and Anna Sheeringer, South 31 degrees 30 minutes West, 160.60 feet to a post at lands now or formerly of Dennis and Edith Little; thence by the same, North 57 degrees 45 minutes West, 125 feet to a spike in the center of the State Highway leading from Bonneauville to Two Taverns, which spike is North 57 degrees 45 minutes West, 25 feet from an iron pin; thence in the center of the State Highway leading from Bonneauville to Two Taverns, North 32

degrees 15 minutes East, 183.1 feet to a point, the place of beginning.

MAP 8, PARCEL 10.

TITLE TO SAID PREMISES IS VESTED IN James W. Pursell, Jr. and Kimberly A. Pursell, his wife by Deed from Wayne W. Miller and Holly A. Miller, his wife dated 7/1/91, recorded 7/3/91, in Recorded Book 593 page 325.

SEIZED and taken into execution as the property of **James W. Pursell, a/k/a James W. Pursell, Jr. and Kimberly A. Pursell** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
March 12, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 1997, 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.

3/28, 4/4 & 11

INCORPORATION NOTICE

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

The name of the corporation is **TOTALLY STAINLESS, INC.**

Swope, Heiser & McQuaide
104 Baltimore Street
Gettysburg, PA 17325

3/28

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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

Subscribers within Adams County should send subscriptions direct to the business office. Subscribers outside of Adams County should send subscriptions to Wm. W. Gaunt & Sons, Inc., 3011 Gulf Drive, Holmes Beach, FL 34217-2199. Postmaster: Send address changes to Adams County Legal Journal, 112 Baltimore Street, Gettysburg, PA 17325.

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Second-class postage paid at Gettysburg, PA 17325.

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IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 97-S-191
Action to Quiet Title

JOHN W. BENNETT and SHIRLEY J. BENNETT, husband and wife, Plaintiffs,
vs.
SHARON ROSENBERG, Defendant.

TO: Sharon Rosenberg, or to her heirs or assigns.

NOTICE

The plaintiffs named above have brought a suit against Sharon Rosenberg, the defendant, to obtain a court order declaring that Sharon Rosenberg has no interest in that property known as lot 108 in section RD of the former Charnita subdivision, in Liberty Township, Adams County, Pennsylvania. The lot was sold by the Adams County Tax Claim Bureau on September 12, 1983, as the property of Herbert H. Rosenberg and Mae E. Rosenberg. Defendant was the alleged beneficiary of a trust of the subject lot, but was not notified of the sale of the lot.

If you wish to defend against this suit, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court of Common Pleas of Adams County. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered without further notice to you forever ending any and all claim that you or any of you may have to the said lot 108, section RD of the former Charnita subdivision. 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.

County Referral Office
Adams County Courthouse
111 Baltimore Street
Gettysburg, PA 17325
(717) 334-6781

Walton V. Davis
Attorney for Plaintiffs
116 Baltimore St.
Gettysburg, PA 17325

3/14, 21 & 28

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Pennsylvania's "Fictitious Names Act," 54 Pa. C.S.A. §§ 301 et seq., of the filing of an Application for Registration of Fictitious Name under the said Act. The fictitious name is COUNTRYSIDE CAFE. The address of the principal office or place of business to be carried on under or through the fictitious name is 674 Arendtsville Road, Biglerville, Adams County, Pennsylvania 17307. The name and address of the person who is party to the registration is Terry A. Jeffcoat, of 511-B Excelsior Road, Biglerville, Adams County, Pennsylvania 17307. An application for registration under the Fictitious Names Act of the said fictitious name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on February 24, 1997.

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

3/28

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about February 21, 1997, for the purpose of obtaining a Certificate of Incorporation to be organized under the Pennsylvania Business Corporation Law of 1988. The name of the corporation is KNIGHT BUILDERS, INC., and the purpose for which it is being organized is to purchase and sell real estate and for the construction of residential home, and the corporation shall have unlimited powers to engage in and to do any lawful act concerning any and all business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988, and for these purposes to have, possess, and enjoy all the rights, benefits and privileges of said Act of Assembly and its supplements and amendments.

The initial registered office of the corporation is 325 Knight Road, P. O. Box 3065, Gettysburg, Pennsylvania, 17325.

Wilcox, James and Cook
Attorneys at Law
234 Baltimore Street
Gettysburg, PA 17325

3/28

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that Pamela Jo Zepka a/k/a Pamela J. Plummer intends to apply in open Court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 12th day of May, 1997, and that she has established a full-time legal practice in Adams County within the guidelines established by the Supreme Court of Pennsylvania.

Pamela Jo Zepka, Esq.
a/k/a Pamela J. Plummer, Esq.
94 Dakota Drive
Hanover, Pennsylvania 17331

3/28, 4/4 & 11

NOTICE

NOTICE IS HEREBY GIVEN to all persons of interest that Sylvania Shoe Manufacturing Corporation, a Pennsylvania corporation, having its registered office at P.O. Box 97, McSherystown, Pennsylvania 17344 will be filing Articles of Dissolution with the Department of State of the Commonwealth of Pennsylvania, pursuant to and in accordance with the provisions of the Business Corporation Law of Pennsylvania of 1988, and that said corporation is winding up its affairs in the manner prescribed by law, so that its corporate existence shall be ended upon the issuance of a Certificate of Dissolution by the Department of State of the Commonwealth of Pennsylvania.

Arthur J. Becker, Jr., Esquire
Solicitor

3/21, 28

INCORPORATION NOTICE

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

The name of the corporation is TRAVELLING TOTALLY STAINLESS, INC.

Swope, Heiser & McQuaide
104 Baltimore Street
Gettysburg, PA 17325

3/28

COMMONWEALTH VS. BROOKS

1. On a motion for severance because of confession by a co-defendant, the court must consider whether the confession directly implicates someone other than the declarant by specific reference to that person and, if so, that problem may be effectively cured through redaction.

2. Even when some prejudice occurs to Defendant from a confession by his co-defendant, that prejudice is considered in light of the total amount of evidence proving guilt and only when guilt rests mainly or entirely on confessions will separate trials be required.

In the Court of Common Pleas, Adams County, Pennsylvania, Criminal No. CC-109-96, COMMONWEALTH OF PENNSYLVANIA VS. JAMES T. BROOKS.

Michael George, Esq., District Attorney
Roy Keefer, Esq., for Defendant

OPINION AND ORDER

Spicer, P.J., August 1, 1996.

Defendant has renewed his motion for severance, arguing that a recently surfaced jail house confession, made by his codefendant, will prejudice him in a consolidated trial. We have reviewed the confession and determine that it can be satisfactorily redacted, but write to briefly discuss principles which affect the decision.

Problems raised by confessions introduced against one of several defendants on trial has been the topic of much discussion since *Bruton v. United States*, 391 U.S. 123, 88 S.Ct. 1620, 20 L.Ed.2d 476 (1968). Among more recent opinions, Superior Court's decision in *Commonwealth v. Presbury*, 445 Pa. Super 362, 665 A.2d 825, (1995) contains an excellent summary. Confessions by a codefendant may require several considerations, the first of which is whether the confession directly implicates someone other than the declarant by specific reference to that person. That problem may be effectively cured through redaction, which is what occurred in *Presbury*. In that case, the court found that a codefendant's confession, as redacted, inculpated only the declarant.

However, even when direct references to defendant are expunged, or "other guy," "other individuals" and the like are substituted, contextual inculpation may occur, especially when there are interlocking confessions by both persons on trial.

There may have been a time when the possibility of guilt through context was enough to require separate trials. If there ever was a doubt concerning an automatic, or per se, rule, it has been laid to rest.

Commonwealth v. Wharton, 530 Pa. 127, 607 A.2d 710 (1992); Commonwealth v. Bond, 539 Pa. 299, 652 A.2d 308 (1995). Interests of judicial economy and verdict consistency are taken into consideration. Even when some prejudice occurs, it is considered in light of the total amount of evidence proving guilt. Only when guilt rests mainly or entirely on confessions will separate trials be required. Commonwealth v. Oliver, 431 Pa. Super 1, 635 A.2d 1042 (1993). Otherwise, the harm will be termed harmless and verdicts will be allowed to stand. Commonwealth v. Wharton, Commonwealth v. Bond, supra.

After reviewing the jail house confession, we are confident that almost all of the contents which tends to inculcate defendant can be stricken without affecting the statement. Substitution of another name where this cannot occur will properly safeguard defendant's rights.

It is our understanding that more than defendant's confession will be used against him at trial. We accepted a plea agreement, for example, from a codefendant who agreed to testify at trial.

ORDER

AND NOW, this 1st day of August, 1996, defendant's supplemental motion for severance is denied.

A.P.M., INC. VS. WILLIAMS, ET AL.

1. Where a subcontractor has provided services and chattels to an owner who had no direct contractual relationship to the subcontractor, (1) any benefit conferred must, for the purposes of recovery on an unjust enrichment theory, be measured by the value of the benefit to the owner, not by the value of the invoice submitted by the subcontractor; and (2) the owner's retention of the benefit without paying any compensation to the subcontractor would not be unjust if the owner did not contract directly with or mislead the subcontractor.

2. A mortgage lender could not be liable to a subcontractor on an unjust enrichment theory even if it had been enriched.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 96-S-363, A.P.M., INC. VS. DAVID D. WILLIAMS AND KATHY A. WILLIAMS AND BANK OF HANOVER VS. CAROL KEYS AND MARTHA SIMPSON.

John W. Phillips, Esq., for Plaintiff
Daniel M. Frey, Esq., for Defendant Bank of Hanover
Jered L. Hock, Esq., for Defendant Williams
Carol Keys, pro se
Martha Simpson, pro se

OPINION ON PRELIMINARY OBJECTIONS

Spicer, P. J., August 6, 1996.

In its complaint, filed May 14, 1996, plaintiff alleged that David D. and Kathy A. Williams (Williams) entered into an arrangement with Richard E. Simpson for the construction of a house. At Simpson's request, plaintiff provided materials and supplies which were used and incorporated in the construction. Before the house was completed, Williams discharged Simpson, who then owed plaintiff \$46,516.52. Simpson declared bankruptcy, thereafter.

Bank of Hanover (Bank) is described as a construction mortgage lender. Plaintiff alleges that it made demand upon Bank for the payment of its bill, but that Bank refused. In paragraph 23, plaintiff alleges "Defendant Bank is the current legal title owner of the funds and would be unjustly enriched if it kept the funds."

Bank filed preliminary objections. Williams join plaintiff in urging the court to overrule the objections, but have advanced no independent argument, other than that propounded by plaintiff, to support their request. All argument presented by plaintiff is based on the theory of unjust enrichment. Nothing has been said about the terms of the construction loan agreement, and nobody has contended that plaintiff enjoys third party beneficiary or creditor beneficiary status.

Supreme Court has discussed this situation and has said:

In sum, this Court has held that in a case where a subcontractor has provided services and chattels to an owner who had no direct contractual relationship to the subcontractor, (1) any benefit conferred must, for the purposes of recovery on an unjust enrichment theory, be measured by the value of the benefit to the owner, not by the value of the invoice submitted by the subcontractor; and (2) the owner's retention of the benefit without paying any compensation to the subcontractor would not be unjust if the owner did not contract directly with or mislead the subcontractor.

D.A. Hill Co. v. CleveTrust Realty, 524 Pa. 425, 432, 573 A.2d 1005,1009 (1990).

Applying those rules, Supreme Court then said that a mortgage lender could not be liable on an unjust enrichment theory, even if it had been enriched.

There is no evidence of record that CleveTrust either requested anything from the subcontractors or misled any-

one; in fact, it did nothing more than exercise its rights under the construction loan agreement to discontinue construction installment payments and foreclose on the property. The subcontractors in this case voluntarily waived their rights to mechanics' liens and went forward without being protected by a performance bond. These decisions were business calculations which carried a certain amount of risk. It would be manifestly unfair for this Court to restructure these contractual arrangements in such a way as to place all of the risk on CleveTrust, thus insulating the subcontractor from any responsibility for their own decision and making CleveTrust, in effect, the insurer of the subcontractors' interests.

573 A.2d at 1010

The factual situations are somewhat different, of course, in the case sub judice, but the principles are the same. There are factual similarities, however. In both cases, the lender discontinued construction installment payments. Therefore, the fact that Bank has not disbursed all construction funds is not controlling. In the absence of allegations that Bank requested plaintiff to do something, or misled plaintiff, there can be no liability on the part of the Bank to pay plaintiff anything.

The attached order is entered.

ORDER

AND NOW, this 6th day of August, 1996, preliminary objections of Bank of Hanover are sustained. Plaintiff may, however, file an amendment to its complaint, or an amended complaint within twenty (20) days hereof.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-1059 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of May, 1997, 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 Littlestown Borough, Adams County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING for a point on the right-of-way line of South Columbus Avenue at Lot No. 9 as shown on the hereinafter referenced subdivision plan; thence along the right-of-way line of South Columbus Avenue by a curve to the right, having a radius of two hundred seventy (270.00) feet, an arc length of fifty-two and fifty-four hundredths (52.54) feet, and a long chord bearing and distance of North sixty-four (64) degrees twenty-seven (27) minutes forty-seven (47) seconds West, fifty-two and forty-six hundredths (52.46) feet to a point on the right-of-way line of South Columbus Avenue; thence along the right-of-way line of South Columbus Avenue, North fifty-eight (58) degrees fifty-three (53) minutes thirty-four (34) seconds West, five and thirty-six hundredths (5.36) feet to a point at the intersection of South Columbus Avenue and Boyer Street as shown on the hereinafter referenced subdivision plan; thence along the right-of-way line of Boyer Street by a curve to the right having a radius of twenty (20.00) feet, an arc length of thirty-four and twenty-seven hundredths (34.27) feet, and a long chord bearing and distance of North nine (09) degrees forty-eight (48) minutes thirty (30) seconds West, thirty and twenty-three hundredths (30.23) feet to a point on the right-of-way line of Boyer Street; thence along the right-of-way line of Boyer Street, North thirty-nine (39) degrees sixteen (16) minutes thirty-four (34) seconds East, ninety-seven and seventy hundredths (97.70) feet to a point at Lot No. 7 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 7, South fifty-six (56) degrees seventeen (17) minutes twenty-eight (28) seconds East, seventy-eight and ninety-six hundredths (78.96) feet to a point at Lot No. 9 as shown on the hereinafter referenced subdivision plan; thence along said Lot No. 9, South thirty-nine (39) degrees zero (00) minutes forty-three (43) seconds West, one hundred eleven and ninety-four hundredths (111.94) feet to a point on the right-of-way line of South Columbus Avenue, the point and place of BEGINNING. CONTAINING 9,174.98 square feet/0.21 acres.

The above description being Lot No. 8 on the Final Subdivision Plan of Heritage Hill—Phase 2, for New Age Associates, prepared by James R. Holley & Associates, Inc., dated January 20, 1993 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plat Book 63, page 58.

IT BEING the same premises which Harry P. McKean, single man, t/d/b/a New Age Associates, by his Deed dated April 5, 1995 and recorded in the Office of

the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 1013, page 344, granted and conveyed unto Lois J. Wilson.

SEIZED and taken into execution as the property of **Lois Jan Wilson** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on June 2, 1997, 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.

3/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-S-1037 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 1997, 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 in Franklin Township, Adams County, Pennsylvania, being Lot No. 12 of Silver Meadows Subdivision, bounded and described as follows:

BEGINNING at an iron pin in U.S. Route 30 at Lot No. 11; thence by said lot, North 44 degrees 38 minutes 2 seconds East, 307 feet to an iron pin at Lot No. 13; thence by said lot, South 45 degrees 21 minutes 58 seconds East 152 feet to an iron pin; thence continuing by said lot, South 46 degrees 17 minutes 41 seconds West, 92.57 feet to an iron pin at lands of Philip J. and Nellie R. Miller; thence by said lands, South 44 degrees 26 minutes 32 seconds West, 214.47 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, 150.04 feet to the place of beginning. CONTAINING 1.056 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 Surveyors, and recorded in the office of the Recorder of Deeds of Adams County, Pennsylvania in Plat Book 26 at page 19C.

TAX PARCEL NO. D-10-85.

TITLE TO SAID PREMISES IS VESTED IN Joseph J. Zenitini and Monica D. Zenitini, his wife by Quit Claim Deed from Joseph J. Zenitini dated

7/29/93, recorded 7/29/93, in Deed Book 780 page 178.

BEING the same premises which Kenneth I. Kuhn and Peggy L. Kuhn, his wife by Deed dated 9/26/90 and recorded 10/1/90 in the County of Adams in Deed Book 568 page 484 conveyed unto Joseph J. Zenitini, in fee.

SEIZED and taken into execution as the property of **Joseph J. Zenitini and Monica D. Zenitini** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
March 13, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 1997, 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.

3/28, 4/4 & 11

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
CHANGE OF NAME
NO. 97-S-215

IN RE: Kayla Renee Stoner and Cody Thomas Stoner

NOTICE

NOTICE IS HEREBY GIVEN that on March 5, 1997, the Petition of L. Marie Doyle, natural mother of KAYLA RENEE STONER and CODY THOMAS STONER, was filed in the above named Court praying for a decree to change the names of said children to KAYLA RENEE DOYLE and CODY THOMAS DOYLE.

The Court has fixed Monday, May 12, 1997 at 9:00 a.m. in Courtroom Number 1 of the Adams County Courthouse as the time and place for a hearing on said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petitioner should not be granted.

Michelle R. Calvert, Esquire
Griffie & Associates
200 North Hanover Street
Carlisle, PA 17013

3/28

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

NOTICE OF HEARING

To: Daniel Camacho, Sr.

You are hereby notified that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been scheduled for April 21, 1997, at 8:30 a.m., prevailing time, at the Adams County Courthouse, Room 411, Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

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

Court Administrator
Adams County Courthouse
111 Baltimore Street
Gettysburg, PA 17325
Telephone: (717) 334-6781

3/28, 4/4 & 11

NOTICE OF FICTITIOUS NAME

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 January 31, 1997, pursuant to the Fictitious Names Act, setting forth that Delores J. Mundorff is the only person owning or interested in a business, the character of which is the sale of used furniture, and that the name, style and designation under which said business is and will be conducted is DELORES'S FURNITURE BARN, and the address of the principal office or place of business of said business is 2255 York Road, Gettysburg, PA 17325.

Delores J. Mundorff
76B Brickcrafters Road
New Oxford, PA 17350

3/28

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

NOTICE OF HEARING

To: Domingo Perez

You are hereby notified that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been scheduled for April 21, 1997, at 8:30 a.m., prevailing time, at the Adams County Courthouse, Room 411, Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to your child.

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

Court Administrator
Adams County Courthouse
111 Baltimore Street
Gettysburg, PA 17325
Telephone: (717) 334-6781

3/28, 4/4 & 11

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF WARREN C. BEARD, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Executrix: Edith I. Smith, 30 N. Franklin St., Gettysburg, PA 17325
 Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

ESTATE OF PAULINE N. MILLER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania
 Executor: Donald E. Miller, 259 N. 17th Street, Camp Hill, PA 17011
 Attorney: Bulleit, Schultz & Thrasher, 16 Lincoln Square, Gettysburg, PA 17325

ESTATE OF LOIS W. MURPHY, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania
 Executor: John T. Murphy, 1483 The Spangler Road, New Oxford, Pennsylvania 17350
 Attorney: Donald E. Albright, Esquire, 515 Carlisle Street, Hanover, Pennsylvania 17331

ESTATE OF LILLIE MAY PETRY, a/k/a LILLIE D. PETRY, DEC'D

Late of the Borough of Carlisle, formerly Borough of Littlestown, Adams County, Pennsylvania
 Co-Executrices: Ms. Doris May Petry Sherman, 1176 North Brown's Dam Drive, New Oxford, PA 17350; Ms. Mary Catherine Petry Nunemaker, 198 Wilkinson Lane, Fayetteville, PA 17222; Ms. Betty Jane Petry Kress, 160 Chester Street, Carlisle, PA 17013
 Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF GLADYS R. PLANK, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
 Executor: Charles L. Plank, 16 Meadow Lane, Gettysburg, PA 17325
 Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF RUSSELLE. POTTORFF, SR., DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
 Co-executors: Mr. Russell E. Pottorff, Jr., 74 Crouse Park, Littlestown, PA 17340; Mr. Carl Pottorff, 55 Crouse Park, Littlestown, PA 17340
 Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF IRA W. REICHART, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executrix: Dorothy Reichart Mummert, 320 Pine Street, Hanover, Pennsylvania 17331
 Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, Pennsylvania 17331

SECOND PUBLICATION

ESTATE OF DOROTHY A. HERTZ, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania
 Executor: Michael C. Hertz, 216 Ruth Avenue, Hanover, PA 17331
 Attorney: Clayton R. Wilcox, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF ROBERT L. LOHR, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania
 Co-executors: D. Edwin Benner, 230 Benner Road, Gettysburg, PA 17325; T. Ruth Carbaugh, 114 East Middle St., Gettysburg, PA 17325
 Attorney: John A. Wolfe, Esq., Wolfe & Rice, 47 West High Street, Gettysburg, PA 17325

ESTATE OF MARY E. K. PETERS, DEC'D

Late of Huntington Township, Adams County, Pennsylvania
 Executors: John F. Peters, 10540 Carlisle Pike, Gardners, PA 17324; William K. Peters, 645 Excelsior Road, Biglerville, PA 17307
 Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELSIE M. STUDY, DEC'D

Late of Straban Township, Adams County, Pennsylvania
 Executors: Richard K. Bish, 503 West Myrtle Street, Littlestown, PA 17340; Chester S. Byers, 30 East Myrtle Street, Littlestown, PA 17340
 Attorney: Pyle and Entwistle, 25 South Washington St., Gettysburg, PA 17325

ESTATE OF FRED H. WILHELM, DEC'D

Late of Berwick Township, Adams County, Pennsylvania
 Executrix: Peggy J. Sheaffer, 304 Abbottstown Pike, Abbottstown, PA 17301
 Attorney: Donald E. Albright, Esquire, 515 Carlisle Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF JOHN H. LILlich, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executor: Jack E. Housman, 303 Forge Court, Spring Grove, PA 17362
 Attorney: William W. Hafer, Esquire, 215 Baltimore Street, Hanover, PA 17331

ESTATE OF DORIS V. RUSSELL, DEC'D

Late of Germany Township, Adams County, Pennsylvania
 Co-Executors: Patricia P. Mills, 255 Ulricktown Road, Littlestown, PA 17340; Judith L. Blankenship, 14 Constitution Court, Littlestown, PA 17340
 Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF GLADYS L. SCHWARTZ, DEC'D

Late of the Borough of Littlestown, Adams County, Pennsylvania
 Co-Executors: George E. Halter, Jr., 408 East King Street, Littlestown, PA 17340; Rosa Lee Russell, 508 East 6th Street, Laurel, DE 19956
 Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF JOHN J. UPTON, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Executor: Robert D. Upton, 203 Hanover Street, Gettysburg, PA 17325
 Attorney: Bigham & Puhl, Esqs., 16 Lincoln Square, Gettysburg, PA 17325

**INCORPORATION NOTICE
 DOMESTIC NONPROFIT
 CORPORATION**

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for the purpose of incorporating ALLWOOD MANOR PLANNED COMMUNITY, INC., a Non-profit Corporation, organized under the Pennsylvania Nonprofit Corporation Law of 1988.

Crabbs & Frey, P.C.
 Solicitors

3/28

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed by TEST ENTERPRISES, INC. with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of incorporating under the Pennsylvania Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended and supplemented.

Countess Gilbert Andrews
 Jon C. Countess, Esq.
 Solicitors
 29 North Duke Street
 York, PA 17401

3/28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-75 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 1997, 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 Huntington Township, Adams County, Pennsylvania, more particularly bounded, limited and described as follows, to wit:

BEGINNING for a point on East Berlin Road (PA 234) at lands now or formerly of Randy Kuhn; thence along said lands now or formerly of Randy Kuhn, North fourteen (14) degrees one (01) minute thirteen (13) seconds East, four hundred forty-eight and ninety-five hundredths (448.95) feet to a pipe at corner of lands now or formerly of Gordon L. Rudacile, North fifty-six (56) degrees eleven (11) minutes ten (10) seconds East, three hundred and twenty-three hundredths (300.23) feet to an iron pin at Lot No. 2; thence along said Lot No. 2, South sixteen (16) degrees forty-seven (47) minutes twenty-three (23) seconds West, four hundred seventy-six and thirty-four hundredths (476.34) feet to a concrete monument at lands now or formerly of John J. Jacobs; thence along said lands now or formerly of John J. Jacobs, South sixteen (16) degrees forty-seven (47) minutes twenty-three (23) seconds West, one hundred ninety-one and seven hundredths (191.07) feet to a point on East Berlin Road; thence along said East Berlin Road, North seventy-seven (77) degrees thirty-seven (37) minutes ten (10) seconds West, one hundred sixty-nine and thirty-six hundredths (169.36) feet to a point at lands now or formerly of Randy Kuhn, the point and place of beginning.

CONTAINING 2.332 ACRES.

BEING Lot No. 1 on a Final Plan for Craig A. Laughman, dated January 13, 1987, in Plat Book 46 Page 1.

TAX PARCEL NO. I-7-15

TITLE TO SAID PREMISES IS VESTED IN Timothy A. Sterner and Lori A. Sterner, husband and wife by Deed From James F. Myers and Susan E. Myers, husband and wife dated 6/30/95 recorded 7/3/95 in Record Book 1050 Page 160.

SEIZED and taken into execution as the property of **Timothy A. Sterner and Lori A. Sterner** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
March 13, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 1997, and distribution will be made in accordance with said schedule, unless excep-

tions 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.

3/28, 4/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 95-S-961 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 18th day of April, 1997, 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 Mt. Pleasant Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the eastern edge of Hooker Drive at Lot No. 640; thence by said lot South 79 degrees 00 minutes 00 seconds East, 200.00 feet to a point at Lot No. 650; thence by said lot and by Lots No. 651 and 652 South 11 degrees 00 minutes 00 seconds West, 220.00 feet to a point at Lot No. 653; thence by said lot and by Lots No. 644 and 643 North 79 degrees 00 minutes 00 seconds West, 200.00 feet to a point on the eastern edge of Hooker Drive; thence along said Hooker Drive North 11 degrees 00 minutes 00 seconds East, 220.00 feet to the place of BEGINNING. CONTAINING 44,000 Square Feet.

The above description was taken from a plan of lots prepared by Donald E. Worley, dated March 12, 1986.

BEING NO. 642 HOOKER DRIVE.

PARCEL #: 5-97

SEIZED and taken into execution as the property of **Merrill A. Mummert and Barbara A. Mummert** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
February 19, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 12, 1997, 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.

3/14, 21 & 28

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-74 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 2nd day of May, 1997, 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 that tract of land.

SITUATE in Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a railroad spike located in Township Route T-647 at the Northeast corner of land of Kenneth G. McFeaters, known as Lot No. 1 on the plan referred to below.; thence in said Township Route T-647 North 37 degrees East, 192.38 feet to a railroad spike located at the Northwest corner of land off George B. McFeaters; thence by said land of George B. McFeaters South 51 degrees 1 minute East, 285.77 feet to an iron pin at lands of James G. Angelaras; thence by said land James G. Angelaras South 37 degrees West 192.38 feet to an iron pin located at the Southeast corner of the aforementioned land of Kenneth G. McFeaters; thence by said land of Kenneth G. McFeaters North 51 degrees 1 minute West, 285.77 feet to a railroad spike located in Township Route T-647 the place of beginning.

CONTAINING 1.260 Acres.

BEING known as Lot #2 on a subdivision plan prepared by Gettysburg Engineering Company, Inc., dated April 16, 1975, and recorded on May 5, 1975 in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 6 at page 8.

TAX PARCEL NUMBER: E9-29E

TITLE TO SAID PREMISES IS VESTED IN Jerry L. Chronister by Deed from Jerry L. Chronister and Cindy M. Chronister, husband and wife dated 6/7/85 recorded 6/13/85 in Record Book 402 Page 384.

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

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
March 13, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on May 22, 1997, 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.

3/28, 4/4 & 11