

# Adams County Legal Journal

Vol. 42

October 6, 2000

No. 19, pp. 104-108

## CONTINUING LEGAL EDUCATION PROGRAM

### *E-Commerce: Legal and Practical Issues*

January 17, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 6, Ethics – 0

### *Representing Residential Landlords and Tenants*

January 18, 2001 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

### *Bad Faith Claims in Pennsylvania 2000*

January 24, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

### *Tax Consequences in Divorce: Avoiding the Pitfalls!*

February 21, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

## REGISTRATION THROUGH P.B.I. 800-247-4724

### SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-58 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 27th day of October, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the right, title, interest and claim of Donald S. Archer and Valerie A. Archer of in and to:

ALL THE FOLLOWING described real estate situated in the Township of Reading, County of Adams, Commonwealth of Pennsylvania. Having erected thereon a dwelling known and numbered as 515 Peepytown Road, East Berlin, PA 17316. Deed Book Volume 529, Page 1039, Parcel ID No. K8-120.

CIVIL ACTION NO: 00-S-58

SEIZED and taken into execution as the property of **Donald S. Archer & Valerie A. Archer** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 20, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever

may be the higher, shall be paid forthwith to the Sheriff.

9/22, 29 & 10/6

### NOTICE

NOTICE IS HEREBY GIVEN that John Matthew Hartzell intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 20th day of October, 2000, and that he intends to practice law as the Solicitor for the County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

Office of the Adams County Solicitor  
111-117 Baltimore Street  
Gettysburg, PA 17325

10/6, 13 & 20

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. 00-S-348

ALLFIRST BANK, f/k/a FARMERS BANK  
AND TRUST COMPANY OF HANOVER,  
Plaintiff,

vs.

LEROY A. BOLTON and ROSE B.  
BOLTON, Defendants.

NOTICE PURSUANT TO PA. R.C.P.  
3129.2 - CONTINUED SALE

NOTICE IS HEREBY GIVEN to the fol-  
lowing parties who hold one or more mort-  
gage, judgment or tax lien against the real  
estate of LEROY A. BOLTON and ROSE B.  
BOLTON, situate at:

410 Seven Stars Road, Gettysburg,  
Franklin and Highland Townships, Adams  
County, Pennsylvania 17325

(LIST OF LIEN HOLDERS AND  
ADDRESSES):

Mercedes P. Hamilton  
3611 East Chelsea Avenue  
Tampa, Florida 33505

You are hereby notified that on November  
3, 2000, at 10:00 A.M., Prevailing Time, by  
virtue of a Writ of Execution issued out of  
the Court of Common Pleas of Adams  
County, Pennsylvania, on the judgment of  
ALLFIRST BANK, f/k/a FARMERS BANK  
AND TRUST COMPANY OF HANOVER,  
Plaintiff, vs. LEROY A. BOLTON and  
ROSE B. BOLTON, Defendants, No. 00-S-  
348, the Sheriff of Adams County,  
Pennsylvania, will expose at Public Sale in  
the Sheriff's Office in the Adams County  
Courthouse, 111 Baltimore Street,  
Gettysburg, Pennsylvania, real estate of  
Defendants, LEROY A. BOLTON and  
ROSE B. BOLTON, known and numbered  
as 410 Seven Stars Road, Gettysburg,  
Franklin and Highland Townships, Adams  
County, Pennsylvania 17325. A description  
of said real estate is hereto attached.

You are further notified that a Schedule  
of Proposed Distribution will be filed by the  
Sheriff of Adams County on November 27,  
2000, and distribution will be made in  
accordance with the Schedule unless  
exceptions are filed thereto within ten (10)  
days thereafter.

You are further notified that the lien you  
hold against said real estate will be divested  
by the sale and that you have an  
opportunity to protect your interest, if any,  
by being notified of said Sheriff Sale.

Date: August 7, 2000  
KAIN, BROWN & ROBERTS LLP  
By: /s/Jack F. Ream, Esquire  
119 East Market Street  
York, PA 17401

Telephone: 1-717-843-8968

Fax: 1-717-846-6676

Attorney I.D. #10241

Attorney for Plaintiff

Allfirst Bank, f/k/a Farmers Bank and  
Trust Company of Hanover

ALL THAT CERTAIN tract of land situ-  
ate, lying and being partly in Franklin  
Township and partly in Highland Township,  
Adams County, Pennsylvania, known and  
numbered as 410 Seven Stars Road,  
Gettysburg, PA.

BEGINNING at an iron pin at public road  
and land now or formerly of Harry E.  
Cluck; thence along land now or formerly  
of Harry E. Cluck, North 29½ degrees  
West, 39 perches to a post at road leading  
from McKnightstown Station to Seven  
Stars; thence in and along said road,  
North 58½ degrees East, 43.2 perches to  
a post at public road; thence in and along  
said last mentioned public road and  
adjoining lands now or formerly of Pern  
Rebert, South 15½ degrees West, 44.62  
perches to an iron pin; thence in and along  
said last mentioned public road and land  
now or formerly of Pern Rebert, South  
24½ degrees West, 14.84 perches to an  
iron pin at lands now or formerly of Harry  
E. Cluck, the place of BEGINNING. CON-  
TAINING 5 acres and 75 perches more or  
less.

Tax Map D12-19.

9/29, 10/6 & 13

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that  
Articles of Incorporation were filed with the  
Department of State of the  
Commonwealth of Pennsylvania at  
Harrisburg, Pennsylvania, on or about  
August 16, 2000, for the incorporation of  
ROOSTER CAFÉ, INC., under the  
Pennsylvania Business Corporation Law  
of 1988. The corporation shall engage in  
the business of food service to the gen-  
eral public, together with any legal function  
of a corporation under PA law. The initial  
registered office of the corporation is 126  
Baltimore Street, Gettysburg,  
Pennsylvania.

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

10/6

NOTICE

TO: Mark A. Dailey, Defendant in Civil  
Action No. 00-S-695;

RE: Gettysburg Hunting & Camping  
Club, Inc., vs. Mark A. Dailey.

TAKE NOTICE that on July 10, 2000,  
Plaintiff filed its Complaint against the  
above-named Defendant, Mark A. Dailey,  
No. 00-S-695.

On September 14, 2000, the Court of  
Common Pleas of Adams County, entered an  
Order permitting service of the  
Complaint upon you by publication, which  
will be effected by publishing this Notice  
one time in the Gettysburg Times and one  
time in the Adams County Legal Journal.

NOTICE

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

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

Court Administrator  
Adams County Courthouse  
111-117 Baltimore Street  
Gettysburg, PA 17325  
Telephone No. (717) 334-6781

10/6

## KRUG VS. SULLIVAN

1. To succeed in a cause of action for wrongful use of civil proceedings, a claimant must allege and prove the following three elements: (1) that the underlying proceedings were terminated in their favor; (2) that defendants caused those proceedings to be instituted without probable cause; and (3) that the proceedings were instituted for an improper purpose.

2. To establish a claim for abuse of process it must be shown that the defendant (1) used a legal process against the claimant, (2) primarily to accomplish a purpose for which the process was not designed; and (3) harm has been caused to the claimant.

3. An action for wrongful use of civil proceedings differs from an action for abuse of process. The gist of an action for abuse of process is the improper use of process after it has been issued, that is, a perversion of it. Malicious use of civil process has to do with the wrongful initiation of such process. Wrongful use of civil proceedings is a tort which arises when a person institutes civil proceedings with a malicious motive and lacking probable cause.

In the Court of Common Pleas of Adams County, Pennsylvania, Civil, No. 98-S-667. MAURICE H. KRUG VS. RITA J. SULLIVAN.

Mark David Frankel, Esq., for Plaintiff

Anthony E. Miley, Esq., for Defendant

Kuhn, J., June 8, 1999

### OPINION ON PLAINTIFF'S PRELIMINARY OBJECTION TO DEFENDANT'S COUNTERCLAIM

Plaintiff Maurice H. Krug ("Plaintiff") filed a Complaint alleging breach of contract by Defendant Rita J. Sullivan ("Defendant") on June 30, 1998. Defendant filed an Answer and Counter-Claim to Plaintiff's Complaint, and Plaintiff filed a Preliminary Objection to this Counter-Claim. After a number of procedural maneuverings, this Preliminary Objection and briefs on behalf of each party are now before this Court for disposition.

### STATEMENT OF FACTS

The earlier history of this lawsuit is set out in this Court's Opinion on Defendant's Preliminary Objections, dated October 12, 1998, and is made a part of this Opinion by reference. That Order dismissed Defendant's Preliminary Objections to Plaintiff's Amended Complaint, and directed Defendant to file an Answer within twenty (20) days after the mailing date of the Order.

On November 12, 1998, Defendant filed an Answer as well as a Counter-Claim alleging Abuse of Civil Process. Specifically, Defendant alleges that Plaintiff initiated this lawsuit to recover the amount that he paid to Defendant on the contract, where he knows that Defendant has been and continues to perform the contracted services. Defendant asks for counsel fees pursuant to 42 Pa.C.S. §2503(9), and compensation for damages to her reputation and for emotional distress, as well as litigation expenses, pursuant to 42 Pa.C.S. §8353. Last, Defendant includes punitive damages in her prayer for relief.

On December 7, 1998, Plaintiff filed a Preliminary Objection to Defendant's Counter-Claim in the nature of a demurrer pursuant to Pa.R.C.P. §1028(a)(4). Plaintiff asks that the Court dismiss Defendant's Counter-Claim.<sup>1</sup> On April 26, 1999, Defendant filed her Memorandum in Support of her Motion to Dismiss Plaintiff's Preliminary Objections.

#### LEGAL DISCUSSION

Plaintiff argues that Defendant's Counter-Claim fails to plead a cause of action for abuse of process; Plaintiff argues that Defendant's Counter-Claim more properly argues malicious prosecution. In response, Defendant argues that paragraphs 13 and 14, alleging that Plaintiff's purpose behind the breach of contract case is to extract money paid on the contract from Defendant when Plaintiff knows that Defendant is and has been performing under the contract, are sufficient to demonstrate the required state of mind for the tort of abuse of process. Defendant offers, if allowed, to amend her Counter-Claim to specifically allege that "every use of the legal process, *after the filing of the Complaint*, constitutes an abuse of process." *Emphasis added.*

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<sup>1</sup> On January 25, 1999, Plaintiff filed his Brief in Support of his Preliminary Objections. On January 28, 1999, Plaintiff also filed a Praecipe to List for Argument. On February 3, 1999, Defendant filed a Motion to Dismiss Plaintiff's Preliminary Objections and Oral Argument. On February 15, 1999, the Court issued a Rule on Plaintiff to Show Cause why Defendant's Motion to Dismiss should not be granted. On April 5, 1999, the Court denied Defendant's Motion to Dismiss Plaintiff's Preliminary Objections, but granted Defendant's Motion as far as it requested that the Preliminary Objections be determined on briefs without oral argument.

“To succeed in a cause of action for wrongful use of civil proceedings, 42 Pa.C.S. § 8351(a), a [claimant] must allege and prove the following three elements: (1) that the underlying proceedings were terminated in their favor; (2) that defendants caused those proceedings to be instituted without probable cause; and (3) that the proceedings were instituted for an improper purpose.” *Bannar v. Miller*, 701 A.2d 232, 238 (Pa.Super. 1997), *rearg. den’d* (Nov 07, 1997), *app. denied*, 723 A.2d 1024 (Pa. Apr 22, 1998). In contrast, “[t]o establish a claim for abuse of process it must be shown that the defendant (1) used a legal process against the [claimant], (2) primarily to accomplish a purpose for which the process was not designed; and (3) harm has been caused to the [claimant].” *Shiner v. Moriarty*, \_\_\_ Pa.Super. \_\_\_ (Jan. 12, 1998), 706 A.2d 1228, 1236, *rearg. den’d* March 19, 1998, *app. den’d*, \_\_\_ Pa. \_\_\_ (Oct. 22, 1998).

“An action for wrongful use of civil proceedings differs from an action for abuse of process. The gist of an action for abuse of process is the improper use of process after it has been issued, that is, a perversion of it. Malicious use of civil process has to do with the wrongful initiation of such process. Wrongful use of civil proceedings is a tort which arises when a person institutes civil proceedings with a malicious motive and lacking probable cause.” *Hart v. O’Malley*, 436 Pa.Super. 151, 160 (1994), *citations omitted, app. granted*, 540 Pa. 583, *affirmed*, 544 Pa. 315.

This Court is persuaded that Defendant has not properly pled a cause of action for Abuse of Civil Process or for Malicious Use of Process. In *St. Paul Fire and Marine Insurance Company v. O’Malley, et al.*, 40 ACLJ 101 (1997), this Court sustained Plaintiff’s Preliminary Objection in the nature of a demurrer. The Court recited the law and applicable facts as follows:

Defendant Rizzo’s counterclaim for malicious use of process is premature. 42 Pa.C.S.A. § 8351 states that the proceedings must have “terminated in favor of the person against whom they are brought” in order to bring an action for wrongful use of civil proceedings.

The case at hand has not terminated because no judgment has been rendered for or against Plaintiff. Thus, Defendant Rizzo may not bring a claim for wrongful use of process at this time.

Abuse of process is a common law action. A party must prove the opposing party has acted in perversion of legal process after it has begun in order to achieve a result for which the process was not intended. Our Supreme Court said that the “gist of an action for abuse of process is the improper use of process *after it has been issued*, that is, perversion of it...”

Therefore, Defendant Rizzo would have to allege some improper action by Plaintiff after the issuance of the process. However, in Defendant Rizzo’s Counterclaim, she has merely alleged that “Plaintiff has instituted suit in the instant action in an attempt to utilize the legal process for an unlawful purpose, other than that for which it was intended so as to coerce the payment of a claim which Plaintiff knows to be meritless.” There has been no allegation of improper use of the legal process after the initiation of the suit. Therefore, there is not yet an abuse of process. *Citations omitted.*

Much like that of the *St. Paul* defendant, Defendant’s Counterclaim avers that “Plaintiff... has commenced his civil action against Defendant primarily to accomplish an improper purpose, principally to misuse the civil process to extract from Defendant a sum of money ... paid to Defendant by Plaintiff under a lawfully executed contract and for which services the Plaintiff knows have been and continue to be performed by Defendant....” Defendant’s Counterclaim, ¶ 13. In Paragraph 14, Defendant also avers that “Plaintiff... has commenced his civil action against Defendant primarily to accomplish an improper purpose, principally to use the civil process to avoid a legally enforceable contract voluntarily, knowingly and intelligently entered into by Plaintiff, and which Plaintiff knows Defendant has not breached and Plaintiff has not suffered any damages.” Defendant’s Counterclaim, ¶ 14.

As with the facts of the *St. Paul* case, Defendant here cannot bring a claim for wrongful use of civil process at this time because the case has not terminated and no judgment has been rendered for either party. Likewise, Defendant here cannot yet bring a claim for abuse of process because there has been no allegation of improper use of the legal process after the initiation of the suit. Plaintiff’s first

Preliminary Objection in the nature of a demurrer is sustained, and as a result of this disposition, the Court need not address Plaintiff's subsequent Preliminary Objections.

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 8th day of June, 1999, Plaintiff's Preliminary Objection in the nature of a demurrer to Defendant's Counterclaim is sustained. Defendant is given twenty (20) days from the date of mailing of this Order to amend her Counterclaim. The parties are otherwise directed to proceed in accordance with the Pennsylvania Rules of Civil Procedure.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-378 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, 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 situated, lying, and being in the Borough of Carroll Valley, Adams County, Pennsylvania, known as LOT NO. 75, in Section R1, more particularly bounded and described as follows:

BEGINNING at a point in the center of Fruitwood Trail at corner land of Alfred E. Coffey; thence land of the said Alfred E. Coffey and running through a pipe located 25 feet from the place of beginning South 2 degrees 37 minutes 20 seconds West 225 feet to a pipe set on an iron pin thence by land of Thomas Golatz and by land now or formerly of Charnita, Inc., North 87 degrees 22 minutes 40 seconds West 184.80 feet to a one inch pipe; thence by land of Barrick and running through a pipe located 27.36 feet from the end of this line North 26 degrees 37 minutes East 246.28 feet to a point in the center of Fruitwood Trail; thence in the center of Fruitwood Trail South 87 degrees 22 minutes 40 seconds East 84.65 feet to a point in the center of Fruitwood Trail to the point and place of BEGINNING. CONTAINING 30,313 square feet or 0.696 acre.

TITLE TO SAID PREMISES IS VESTED IN Michael J. Chesner, Married by Deed from Donald J. Cunningham and Sherilyn Keaton dated 7/8/97 recorded 7/16/97 in Record Book 1407 Page 245.

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

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/29, 10/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-478 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground Situate in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin located 13 feet Southeastwardly from the Southeastern curb line of East King Street at corner of land of Helen L. Hiltterbrick; thence by said land of Helen L. Hiltterbrick, South 29 degrees 37 minutes East, 166 feet to a post at a proposed 16 foot alley; thence along said proposed foot alley, South 60 degrees West, 50 feet to a post at land now or formerly of William J. Feeser; thence by said land now or formerly of William J. Feeser and by land of Wintrade Buick-Chevrolet-Olds, Inc., North 36 degrees 30 minutes West, 167.1 feet to an iron pin located 13 feet to an iron pin located 13 feet Southeastwardly from the curb line of East King Street; thence along East King Street, North 60 degrees East, 70.07 feet to an iron pin at corner of land of Helen L. Hiltterbrick, the place of BEGINNING.

THE foregoing description was obtained from a draft of survey dated September 8, 1944, prepared by LeRoy H. Winebrenner, Registered Surveyor.

Tax Parcel # 9-8

TITLE TO SAID PREMISES IS VESTED IN Mark T. Justice and Melanie M. Justice, his wife by Deed from Jeffery E. Smith and Stephanye D. Smith, his wife dated 2/11/99, recorded 2/12/99 in Record Book 1764 page 29.

SEIZED and taken into execution as the property of **Mark T. Justice & Melanie M. Justice** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/29, 10/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-N-262 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, 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 Bendersville, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a stone for a corner on line of land now or formerly of Susan Crum; thence by said line, North 30 1/2 degrees West, 8 perches to a stone at a 20 foot alley; thence along said alley, North 40 3/4 degrees East, 5 perches to a stone at corner of a 10 foot alley; thence along said alley, South 30 1/2 degrees East, 8 perches to a stone; thence by the Whitestown Road, South 40 3/4 degrees West, 5 perches to the place of BEGINNING. CONTAINING 40 perches, neat measure.

BEING the same which Nancy L. Southerly and Frances L. Orner, Administratrices d.b.n.c.t.a. of the Estate of Arnold A. Southerly, deceased, by their deed dated September 8, 1988, which said deed is recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 500 at page 487, sold and conveyed unto Steven W. Poland and Debora K. Poland, husband and wife.

SEIZED and taken into execution as the property of **Steven W. Poland & Debora K. Poland** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/22, 29 & 10/6



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-440 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 20th day of October, 2000, 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 located in Mt. Joy Township, Adams County, Pennsylvania, as described in a survey by Group Hanover, Inc., dated August 18, 1994, known as No. 942140, more particularly bounded and described as follows, to-wit:

BEGINNING at a point marked by an existing steel pin in stone at corner of lands now or formerly of David O. Erb and corner of lands now or formerly of David E. Reed; thence along last mentioned lands now or formerly of David O. Erb, North 37° 03' 07" West, 874.50 feet to a point marked by an existing iron pipe; thence along last mentioned lands North 47° 05' 00" East, 722.41 feet to a point marked by an existing iron pipe at corner of other lands of the Grantor herein; thence along last mentioned other lands of the Grantor herein South 54° 21' 12" East, 378.17 feet to a point in an existing driveway; thence along other lands of the Grantor herein, South 44° 17' 14" East, 445.94 feet to a point at an existing iron pipe at corner of other lands of the Grantor herein and at lands now or formerly of David E. Reed; thence along last mentioned lands now or formerly of David E. Reed South 43° 46' 57" West, 500.07 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 39' 07" West, 134.11 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 42' 07" West, 132.83 feet to a point marked by an existing stone; thence along last mentioned lands South 43° 15' 47" West, 132.00 feet to a point marked by an existing steel pin in stone, being the point and place of BEGINNING.

CONTAINING 16.002 acres, more or less.

The said Grantor also grants unto the Grantees, their heirs, successors and assigns a perpetual right-of-way running with the land for ingress, egress and regress from Two Taverns Road (S.R. 2001) to the property described above as also shown on the survey by Group Hanover, Inc., No. 942140, dated August 18, 1994, described as follows:

BEGINNING at Two Taverns Road (S.R. 2001) thence North 55° 17' 57" West, 625.60 feet to a point, thence South 45° 18' 03" West, 394.17 feet to a steel pin set at a point at the property conveyed to the Grantees as described above. Having a uniform width throughout of 16.5 feet along the entire length from Two Taverns Road to the lands of the Grantees.

BEING the same premises which Green Hill Structures, Inc., by its deed dated September 6, 1994, and recorded in Adams County Deed Book 935, Page 258, granted and conveyed to Ronald F. Downing and Ruth B. Stevenson, as joint tenants with rights of survivorship.

SEIZED and taken into execution as the property of **Ronald F. Downing & Ruth B. Stevenson** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 14, 2000, 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.

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

9/22, 29 & 10/6

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1066 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the easterly right of way line of Kenneman Road in the Borough of Abbotstown, Adams County, Pennsylvania known and numbered as Lot NO. 31 on a final plan of Abbots Manor Phase 1 recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the easterly right of way line of Kenneman Rd. at a corner of Lot NO. 32 on said plan; thence extending along the said right to way line North 1 degrees 23 minutes 20 seconds East 150 feet to a point; thence extending along a line curving to the right having a radius of 25 feet with an arc of 23° 20" E 35.36' arc distance of 39.27 feet as shown on said plan; thence continuing along a line curving to the left having a radius of 25 feet with an arc distance of 6 feet as shown on said plan; thence continuing along a line curving to the left having a radius of 25 feet with an arc distance of 6 feet as shown on said plan; thence extending along the said Lot No. 54 on said S 37° 25' 50E 5' plan; thence extending along the said Lot No. 54 South 23 degrees 10

minutes 10 seconds East 192.49 feet to a point at a corner of Lot NO. 32 on said plan; thence extending along the said Lot No. 32 North 88 degrees 36 minutes 40 seconds West 110 feet to the point and place of BEGINNING.

CONTAINING 12,119 Sq. Ft.

Tax Parcel #5-35

TITLE TO SAID PREMISES IS VESTED IN Shane L. Reynold and Holly M. Reynold, his wife by Deed from Garland Construction, Inc. dated 12/19/97 recorded 2/6/98 in Deed Book Volume 1517 Page 303.

SEIZED and taken into execution as the property of **Shane L. Reynold & Holly M. Reynold** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/29, 10/6 & 13

## INCORPORATION NOTICE

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

This name of the corporation is ADAMS COUNTY VOLUNTEER EMERGENCY SERVICES ASSOCIATION, INC. with its principal office or place of business at 25 Grasshopper Lane, Fairfield, PA 17320. The names and addresses of all persons owning, or interested, in said business are the twenty-seven fire companies of Adams County, Pennsylvania.

10/6

NOTICE BY THE ADAMS COUNTY  
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County — Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Friday, October 20, 2000, at 9:00 o'clock a.m.

**WILSON**—Orphans' Court Action Number OC-43-00. The First and Final Account of Richard W. Geisendaffer, Executor of the Estate of Beverly C. Wilson, deceased, late of Cumberland Township, Adams County, Pennsylvania.

**MILLER**—Orphans' Court Action Number OC-90-00. The First and Final Account of Charles H. Kemper, Sr. and Diane M. Kemper, Executors of the Estate of Doris E. Miller, deceased, late of Cumberland Township, Adams County, Pennsylvania.

**GROSS**—Orphans' Court Action Number OC-94-00. The First and Final Account of Stephen W. Gross and Peter M. Gross, Executors of the Estate of Samuel B. Gross, deceased, late of Oxford Township, Adams County, Pennsylvania.

**LAWRENCE**—Orphans' Court Action Number OC-95-00. The First and Final Account of Catherine F. Lawrence and Anthony L. Lawrence, Co-Executors, of the Estate of Mildred S. Lawrence a/k/a Mildred C. Lawrence, deceased, late of Borough of McSherrystown, Adams County, Pennsylvania.

**NEIDERER**—Orphans' Court Action Number OC-96-00. The First and Final Account of Richard P. Neiderer and Charles W. Neiderer, Personal Representatives of the Estate of Merle E. Neiderer, Deceased, late of Conewago Township, Adams County, Pennsylvania.

**WHISLER**—Orphans' Court Action Number OC-97-00. The First and Final Account of Lois E. Whisler, Personal Representative, of the Estate of Walter A. Whisler, deceased, late of Conewago Township, Adams County, Pennsylvania.

**GASS**—Orphans' Court Action Number OC-98-00. The First and Final Account of John W. Gass, Personal Representative, of the Estate of Betty C. Gass, deceased, late of Oxford Township, Adams County, Pennsylvania.

Peggy J. Breighner  
Clerk of Courts

10/6 & 13

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Names Act 1982-295, approved December 16, 1982, of the filing on September 14, 2000, in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, PA, of a certificate for the conduct of a business under the fictitious name of BLUE ORCHARD STUDIO, with its principal place of business at 1013 Old Route 30, P.O. Box 93, Cashtown, Pennsylvania 17310. The name and address of the person owning or interested in said business is Geoffrey C. Thulin, of the same address.

Teeter, Teeter & Teeter

10/6

## FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of §311 of the Act of Assembly of December 16, 1982, (54 Pa. C.S.A. §311) that an Application for Registration of a Fictitious Name under the Fictitious Name Act was filed on July 31, 2000 with the Department of State of the Commonwealth of Pennsylvania, to conduct a business under the fictitious name of DICO with its principal office or place of business at 1008 Heritage Drive, Gettysburg, PA 17325. The name and address of the sole party to the registration is Thomas D. Guinther, 1008 Heritage Drive, Gettysburg, PA 17325.

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

10/6

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-41 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

BEGINNING at a p.k. nail West of the center line of Feeser Road (T-442) at the Northeast corner of Lot No. 4 on a plan of lots mentioned hereinafter; thence by said Lot No. 4 and through a steel rod set 25.0 feet from the beginning of this course North 55 degrees 51 minutes 30 seconds West, 216.57 feet to a steel rod; thence continuing by the same North 74 degrees 39 minutes 55 seconds West, 70.00 feet to a steel rod; thence continuing by the same South 11 degrees 13 minutes 40 seconds West, 270.00 feet to a steel rod on line of Lot No. 3 on the plan of lots mentioned hereinafter; thence by said Lot No. 3 and by Lot No.

2 on the plan of lots mentioned hereinafter North 74 degrees 39 minutes 55 seconds West, 942.74 feet to a steel rod at line of other land now or formerly of Thomas L. Greiber; thence by said Greiber land North 23 degrees 39 minutes 20 seconds East, 614.60 feet to an existing steel rod at post; thence continuing by the same and through a steel rod set 25.0 feet from the end of this course North 44 degrees 08 minutes 10 seconds East, 296.38 feet to a point near the center line of Roberts Road (T-441); thence running in and along said Roberts Road South 33 degrees 48 minutes 10 seconds East, 477.96 feet to a p.k. nail in the center line; thence continuing in the center of said road by a curve to the left, the radius of which is 461.12 feet, having an arc distance of 299.66 feet, the long chord of which is South 61 degrees 23 minutes 40 seconds East, 294.41 feet to a p.k. nail in the center line of said road; thence continuing to run in and along said road by a curve to the right, the radius of which is 550.50 feet, having an arc distance of 323.28 feet, the long chord of which is South 57 degrees 38 minutes 30 seconds East, 318.65 feet to an existing p.k. nail at the intersection of the center lines of Roberts Road and Feeser Road; thence continuing in Feeser Road South 11 degrees 13 minutes 40 seconds West, 195.28 feet to a p.k. nail West of the center line of Feeser Road (T-442), the place of BEGINNING. CONTAINING 14.083 Acres.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 335 Roberts Road, Littlestown, PA 17340

SOLD as the property of GARY L. COLE and PHYLIS KATHLEEN COLE

TAX PARCEL #1 16 13

SEIZED and taken into execution as the property of **Gary L. Cole & Phylis K. Cole** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, 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.

10/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-453 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the state highway leading to Fairfield; thence by land now or formerly of Pauline Naugle, South 38 degrees 30 minutes East, 222 feet to an iron pin at the corner of lands now or formerly of the said Pauline Naugle and Frank Newell; thence by land now or formerly of Frank Newell, South 51 degrees 30 minutes West, 120 feet to an iron pin at the Northeastern edge of a private alley; thence by said private alley, North 38 degrees 30 minutes West, 222 feet to a spike in the aforesaid state highway; thence in said state highway, North 51 degrees 30 minutes East, 120 feet to a spike, the place of BEGINNING. CONTAINING 97.9 perches.

The tract of land hereby conveyed being the same which Charles L. Murdorf III and Mary Jo Murdorf, husband and wife, as tenants of an estate by the entireties, by deed dated December 14, 1987 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 475 at page 611, granted and conveyed unto Wayne B. Stottliemyer and Dani L. Stottliemyer, husband and wife, as tenants of an estate by the entireties, the Grantors herein.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 1645 Carrolls Tract Road, Orrtanna, PA 17353

SOLD as the property of KARL D. LEDFORD and REBECCA A. LEDFORD TAX PARCEL #C12-83

SEIZED and taken into execution as the property of **Rebecca & Karl Ledford** and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, 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 pur-

chase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-975 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, 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 Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point on the Westerly side of Valley Drive at Lot No. 32 of the hereinafter mentioned subdivision plan; thence along said Lot No. 32 North forty-three (43) degrees one (01) minute forty (40) seconds West, one hundred twenty-six and eighty hundredths (126.80) feet to a point at Lot No. 36; thence along said Lot No. 36, North forty-seven (47) degrees twenty-three (23) minutes thirty-seven (37) seconds East eighty-four and seventy-five hundredths (84.75) feet to a point at Lot No. 30; thence along said Lot No. 30, South forty-three (43) degrees one (01) minute thirty-nine (39) seconds East one hundred twenty-six and eighteen hundredths (126.18) feet to a point along the Western side of Valley Drive; thence along said Valley Drive South forty-six (46) degrees fifty-eight (58) minutes twenty-one (21) seconds West eighty-four and seventy-five hundredths (84.75) feet to a point, the place of BEGINNING. CONTAINING 10,719 square feet and being identified as Lot No. 31 on the Final Plan of Country Estates which plan is recorded in the Adams County Recorder of Deeds Office in Plan Book 48, page 43.

BEING known as 60 Valley Drive, Hanover, Pennsylvania.

Tax Parcel # 10-43

TITLE TO SAID PREMISES IS VESTED IN Bryan J. Crawford and Vicki L. Crawford, his wife by Deed from Marlyn K. Bixler and Margaret L. Bixler, his wife dated 7/25/88, recorded 8/17/88, in Record Book 498, Page 225.

SEIZED and taken into execution as the property of **Bryan J. Crawford & Vicki L. Crawford** and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, 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.

10/6, 13 & 20

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW NO. 00-S-781

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN, that on 1st day of August, 2000, the Petition of Lauren Michelle Cohen was filed in the above-named Court, requesting an Order to Change her Name from Lauren Michelle Cohen to Lauren Michelle Camac.

The Court has fixed the 20th day of October, 2000, at 9:00 a.m. in Courtrooms 1, 2 or 3 of the Adams County Courthouse, Gettysburg, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

Robert E. Campbell Campbell & White Attorneys for Petitioner 112 Baltimore Street Gettysburg, PA 17325

10/6

**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 HILDA G. ANDREW, DEC'D**  
Late of Franklin Township, Adams County, Pennsylvania

Executrix: Gertrude Bohn, 819 Old Route 30, Orrtanna, PA 17353

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

**ESTATE OF PAULINE G. FAIR, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Executrix: Ann Elizabeth Walton, 9245 Marydell Road, Ellicott City, MD 21042

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

**ESTATE OF FAITH E. HARTZEL, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Glenn R. Hartzel, 2444 Chambersburg Road, Biglerville, PA 17307

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

**ESTATE OF SYLVIA I. HERMAN, DEC'D**

Late of the Borough of East Berlin, Adams County, Pennsylvania

Co-Executors: Edward C. Herman and Delores I. Wagner, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews, 29 North Duke Street, York, PA 17401

**ESTATE OF A. TOM MACHEMER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: John E. Machemer, 45 Woodcrest Drive, Gettysburg, PA 17325

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

**ESTATE OF LAWTON G. MALONEY, JR., DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Eleanor A. Maloney, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

Attorney: Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

**ESTATE OF J. ARTHUR WOLFE a/k/a JOHN ARTHUR WOLFE, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Susan J. Hassinger and Richard J. Wolfe, 225 Antique Lane, New Oxford, PA 17350

Attorney: William F. Hoffmeyer, Esq., Hoffmeyer & Semmelman

**ESTATE OF FRANCIS A. YEATES, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Vernon H. Clapper

Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

**SECOND PUBLICATION**

**ESTATE OF MARTHA L. LESSLY, DEC'D**  
Late of Cumberland Township, Adams County, Pennsylvania

Executor: Roger Lessly, 400 Rim Rock Road, Spearfish, SD 57783

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF ROGER L. ROHRBAUGH a/k/a ROGER LARRY ROHRBAUGH, SR., DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Audrey A. Geib, 127 North Laurel Street, Manheim, PA 17545

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF BESSIE C. WENTZ, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Virginia F. Dusman, Rear 1506 Almond Street, Williamsport, PA 17701

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

**THIRD PUBLICATION**

**ESTATE OF EDITH V. BAKER, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Larry Weikert, 328 Baltimore Street, Gettysburg, PA 17325

Attorney: Tracy M. Sheffer, Esq., 20 W. Main St., P.O. Box 215, Fairfield, PA 17320

**ESTATE OF CLYDE D. BRICKER, DEC'D**

Late of Butler Township, Adams County, Pennsylvania

Co-Administrators: Donald L. Bricker, 856 Center Mills Road, Aspers, PA 17304

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

**ESTATE OF THURSTON W. BUCHER, DEC'D**

Late of Tyrone Township, Adams County, Pennsylvania

Co-Executors: Tom K. Bucher and Ginger L. Bucher, c/o Geoffrey S. Shuff, Esq., Saidis, Shuff, Flower & Lindsay, 2109 Market Street, Camp Hill, PA 17011

Attorney: Geoffrey S. Shuff, Esq., Saidis, Shuff, Flower & Lindsay, 2109 Market Street, Camp Hill, PA 17011

**ESTATE OF ALICE K. FOUST, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Darlene G. Graybill, 442 Breneman Road, Willow Street, PA 17584

Attorney: Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF EDWARD R. RAF-FENSPERGER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executor: William P. Graham, III, 309 Al-Pat Drive, Dillsburg, PA 17019

Attorney: William R. Kaufman, Esq., 207 House Avenue, Suite 106, Camp Hill, PA 17011

**ESTATE OF DORIS P. REAVER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Bette R. Light, 658 Nighthawk Circle, Winter Springs, FL 32708

Attorney: Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF VINCENT J. SWEENEY, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Norman L. Lippy, 125 Yankee Camp Road, Telford, TN 37690

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

**ESTATE OF HAZEL V. VALENTINE, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Shirley A. Cluck, 460 Hoffacker Road, Littlestown, PA 17340

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

**ESTATE OF TERESA R. WYATT a/k/a TERESA CATHERINE WYATT, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executors: David Alvin Wyatt, N34 W23 177 Apt. 101, Pewaukee, WI 53072; Dwight Daniel Wyatt, 939 New Chester Road, New Oxford, PA 17350

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

NOTICE OF ACTION  
IN MORTGAGE FORECLOSURE  
IN THE COURT OF COMMON PLEAS  
OF ADAMS COUNTY, PENNSYLVANIA  
NO. 99-S-159

Nationsbanc Mortgage Corporation,  
Plaintiff  
vs.  
Loren Dale Sines and Darlene Sines,  
Defendants

NOTICE

TO: LOREN DALE SINES & DARLENE SINES

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TAKE NOTICE that the real estate located at a stake at West King Street at a Lot No. 9; thence by said lands North ten (10) degrees East, one hundred eighty (180.00) feet East to a stake at a Twenty (20.00) foot alley, thence by said alley South eighty (80) degrees East, sixty-seven (67.00) feet to a stake in Lot No. 7A; thence in and through Lot No. 7A South ten (10) degrees West, one hundred eighty (180.00) feet to a stake at West King Street, aforesaid; thence by the same North eighty (80) degrees West, sixty-seven (67.00) feet to a stake, the place of BEGINNING, is scheduled to be sold on December 8, 2000, at 10:00 a.m., at the Adams County Courthouse, 111 Baltimore Street, Gettysburg, PA, to enforce the Court Judgment of \$105,971.51 obtained by NATIONSBANC MORTGAGE CORPORATION, (the mortgagee), against you.

Prop. sit. in the City of Littlestown, County of Adams, and State of Pennsylvania.

Being Premises: 325 West King Street, Littlestown, PA 17340

Improvements consist of residential property.

Sold as the property of LOREN DALE SINES & DARLENE SINES

TERMS OF SALE:

THE HIGHEST AND BEST BIDDER SHALL BE THE BUYER.

The purchaser at the sale must take ten (10%) percent down payment of the bid price or of the Sheriff's cost, whichever is higher, at the time of the sale in the form of cash, money order or bank check. The balance must be paid within ten (10) days of the sale or the purchaser will lose the down money.

Frank Federman, Esq.  
2 Penn Center, Suite 900  
Philadelphia, PA 19102  
(215) 563-7000  
Attorney for Plaintiff

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW  
NO. 00-S-386  
Action in Divorce

ANTONIO LUA HERNANDEZ,  
Plaintiff,

vs.

ANNA MARIA LIPEZ ILDEFONSO,  
Defendant.

NOTICE

If you wish to deny any of the statements set forth in this affidavit, you must file a counter-affidavit within twenty days after this affidavit has been served on you or the statements will be admitted.

AMENDED AFFIDAVIT UNDER SECTION 3301(d) OF THE DIVORCE CODE

- 1. The parties to this action separated on or about January 1, 1998 and have continued to live separate and apart for a period of at least two years.
- 2. The marriage is irretrievably broken.
- 3. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

/s/Antonio Lua Hernandez, Plaintiff  
September 8, 2000

Sworn to and subscribed before me, the day and year aforesaid.

/s/Sharon L. Gossman  
Notary Public

My Commission Expires:

Notarial Seal  
Sharon L. Gossman, Notary Public  
Penn Twp., York County  
My Commission Expires Nov. 3, 2003

10/6

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW  
NO. 00-S-386  
Action in Divorce

ANTONIO LUA HERNANDEZ,  
Plaintiff,

vs.

ANNA MARIA LIPEZ ILDEFONSO,  
Defendant.

COUNTER-AFFIDAVIT UNDER § 3301 (d) OF THE DIVORCE CODE (COMPLETE THE FOLLOWING AND FILE WITH THE PROTHONOTARY)

- 1. Check either (a) or (b):
  - (a) I do not oppose the entry of a divorce decree.
  - (b) I oppose the entry of a divorce decree because (Check (i), (ii) or both):
    - (i) The parties to this action have not lived separate and apart for a period of at least two years.
    - (ii) The marriage is not irretrievably broken.
- 2. Check either (a) or (b):
  - (a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.
  - (b) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or other important rights.

I understand that in addition to checking (b) above, I must also file all of my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date Anna Maria Lipez Ildefonso,  
Defendant

10/6

# Adams County Legal Journal

Vol. 42

October 13, 2000

No. 20, pp. 109-116

## CONTINUING LEGAL EDUCATION PROGRAM

### *E-Commerce: Legal and Practical Issues*

January 17, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 6, Ethics – 0

### *Representing Residential Landlords and Tenants*

January 18, 2001 – 9:00 a.m. - 1:30 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 4, Ethics – 0

### *Bad Faith Claims in Pennsylvania 2000*

January 24, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

### *Tax Consequences in Divorce: Avoiding the Pitfalls!*

February 21, 2001 – 9:00 a.m. - 5:00 p.m.

Room 307, Adams County Courthouse

Credits: Substantive Law – 5, Ethics – 1

## REGISTRATION THROUGH P.B.I. 800-247-4724

### INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on or about September 13, 2000, for the incorporation of BATTLEFIELD CHAPTER H.O.G., INC., under the Pennsylvania Business Corporation Law of 1988. The corporation shall engage in the business of the promotion of motorcycling as a sporting, social and athletic event, together with any legal function of a corporation under PA law. The initial registered office of the corporation is 21 Cavalry Field Road, Gettysburg, Pennsylvania.

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

10/13

### CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that an application has been made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA., by MUZZY'S FRANCHISING, INC., a foreign corporation formed under the laws of the State of Texas, where its principal office is located at 6505 Halsey Court, Austin, Texas 78739, for a Certificate of Authority to do business within Pennsylvania under the provisions of the Business Corporation Law of 1988. The registered office of the said corporation in Pennsylvania will be located at 1863 Gettysburg Village Drive, Bldg. F, Gettysburg, Adams County, PA 17325.

Robert G. Teeter, Esq.  
Teeter, Teeter & Teeter

10/13

### FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN of the filing in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, PA of an application for registration under the Fictitious Names Act. The name of the business is BRANDING IRON BBQ with its principal place of business at 1863 Gettysburg Village Drive, Bldg. F, Gettysburg, PA 17325. The owner of the business is Muzzy's Franchising, Inc., of 6505 Halsey Court, Austin, Texas 78739.

Robert G. Teeter, Esq.  
Teeter, Teeter & Teeter

10/13

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-453 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the state highway leading to Fairfield; thence by land now or formerly of Pauline Naugle, South 38 degrees 30 minutes East, 222 feet to an iron pin at the corner of lands now or formerly of the said Pauline Naugle and Frank Newell; thence by land now or formerly of Frank Newell, South 51 degrees 30 minutes West, 120 feet to an iron pin at the Northeastern edge of a private alley; thence by said private alley, North 38 degrees 30 minutes West, 222 feet to a spike in the aforesaid state highway; thence in said state highway, North 51 degrees 30 minutes East, 120 feet to a spike, the place of BEGINNING. CONTAINING 97.9 perches.

The tract of land hereby conveyed being the same which Charles L. Murdorf III and Mary Jo Murdorf, husband and wife, as tenants of an estate by the entireties, by deed dated December 14, 1987 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 475 at page 611, granted and conveyed unto Wayne B. Stottlemyer and Dani L. Stottlemyer, husband and wife, as tenants of an estate by the entireties, the Grantors herein.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 1645 Carrolls Tract Road, Orrtanna, PA 17353

SOLD as the property of KARL D. LEDFORD and REBECCA A. LEDFORD

TAX PARCEL #C12-83

SEIZED and taken into execution as the property of **Rebecca & Karl Ledford** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, and distribution will be made in accor-

dance 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.

10/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-975 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, 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 Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point on the Westerly side of Valley Drive at Lot No. 32 of the hereinafter mentioned subdivision plan; thence along said Lot No. 32 North forty-three (43) degrees one (01) minute forty (40) seconds West, one hundred twenty-six and eighty hundredths (126.80) feet to a point at Lot No. 36; thence along said Lot No. 36, North forty-seven (47) degrees twenty-three (23) minutes thirty-seven (37) seconds East eighty-four and seventy-five hundredths (84.75) feet to a point at Lot No. 30; thence along said Lot No. 30, South forty-three (43) degrees one (01) minute thirty-nine (39) seconds East one hundred twenty-six and eighteen hundredths (126.18) feet to a point along the Western side of Valley Drive; thence along said Valley Drive South forty-six (46) degrees fifty-eight (58) minutes twenty-one (21) seconds West eighty-four and seventy-five hundredths (84.75) feet to a point, the place of BEGINNING. CONTAINING 10,719 square feet and being identified as Lot No. 31 on the Final Plan of Country Estates which plan is recorded in the Adams County Recorder of Deeds Office in Plan Book 48, page 43.

BEING known as 60 Valley Drive, Hanover, Pennsylvania.

Tax Parcel # 10-43

TITLE TO SAID PREMISES IS VESTED IN Bryan J. Crawford and Vicki L.

Crawford, his wife by Deed from Marlyn K. Bixler and Margaret L. Bixler, his wife dated 7/25/88, recorded 8/17/88, in Record Book 498, Page 225.

SEIZED and taken into execution as the property of **Bryan J. Crawford & Vicki L. Crawford** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, 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.

10/6, 13 & 20

## COMMONWEALTH VS. LYNCH ET AL

1. When a defendant applies to the court for an order dismissing the charge for violation of Rule 1100 the Court is directed to "determine whether the Commonwealth has exercised due diligence and that the circumstances occasioning the postponement were beyond the control of the Commonwealth.

2. Due diligence does not require the Commonwealth to exercise every conceivable effort but it does require the Commonwealth to make reasonable efforts.

3. The burden is placed upon the Commonwealth of proving by a preponderance of the evidence that it acted with due diligence and was still unable to bring the defendant to trial within the parameters of the Rule.

4. In determining whether due diligence has been exercised in apprehending a defendant a "balancing test must be employed where the court, using a common sense approach, examines the activities of the police and balances this against the interest of the accused in receiving a fair trial."

5. The Court must consider the information available to the police in determining whether they acted with due diligence rather than whether they had available all the information that might have been available. Police are not required to exhaust every conceivable method of locating a defendant.

6. We conclude that the delay at the district justice level is includable for Rule 1100 purposes.

7. If the district attorney had warned the district justice that the Rule 1100 time deadlines were expiring and offered assistance in locating and serving the warrant or suggested that a fugitive warrant be placed in the NCIC then the Commonwealth would be deemed to have made reasonable efforts and failure of the district justice to respond would not have been attributable to the Commonwealth.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Criminal, Nos. CC-748-98 and CC-749-98. COMMONWEALTH  
VS. THOMAS V. LYNCH and COMMONWEALTH VS. CATHY  
A. LYNCH.

Christine Simpson, Esq., for Commonwealth

Jean Arena, Esq., for Defendants

Kuhn, J., June 24, 1999



MEMORANDUM OPINION PURSUANT TO  
DEFENDANTS' MOTION TO DISMISS

Defendants filed a Motion to Dismiss Criminal Charges Pursuant to Pa. R.Crim.P. 1100 on June 7, 1999, and a hearing was held on the Motion. The Court enters the following:

FINDINGS OF FACT

1. At the end of February or beginning of March 1996, Dennis Lauer, Claims Investigation Agent of the Office of Inspector General was assigned to investigate an overpayment referral from the Department of Public Welfare (hereinafter "DPW") regarding the defendants.
2. A caseworker at the Gettysburg office of the Department of Public Welfare advised Agent Lauer that the defendants' address was 13 Paradise Court, New Oxford, Adams County, Pennsylvania 17350.
3. On May 9, 1996, Defendant, Thomas Lynch, was issued his current driver's license which shows an address of 426 Lincolnway West, New Oxford, Pennsylvania.
4. On May 21, 1996, Agent Lauer filed a criminal complaint against each of the defendants in the office of District Justice Thomas R. Carr.
5. Warrants were issued by the District Justice on May 23, 1996.
6. Constable James L. Sterling attempted on 2-3 occasions to serve the warrants at the 13 Paradise Court address but found no one present.
7. Constable Sterling made an unsuccessful inquiry at a local 7-11 store about the defendants.
8. On August 7, 1996, Agent Lauer learned that the warrants had not been served. He made further inquiry with the DPW office in Gettysburg and learned that on or shortly after March 11, 1996, the defendants had notified that office they had moved to 426 Lincolnway West, New Oxford.
9. On August 7, 1996, Agent Lauer advised District Justice Carr's office of the correct address for the defendants.
10. In turn, Constable Sterling became aware of the correct address and approximately 7 days later went to 426

- Lincolnway West but did not have contact with the defendants.
11. Over the next 35-40 days Constable Sterling visited 426 Lincolnway West on 2-3 occasions but had no contact with the defendants.
  12. During September, October and November 1996, Agent Lauer checked with the District Justice's office regarding the status of the cases and was advised on each occasion that the warrants had not been served.
  13. In November 1996 Constable Sterling filed a fugitive notice with the District Justice.
  14. Constable Sterling did not elicit the aid of any other constable or law enforcement agency to locate the defendants.
  15. On November 13, 1996, the Adams County District Attorney wrote to Agent Lauer inquiring as to the status of the case and requesting whether the defendants should be listed as fugitives. Agent Lauer responded but his response was not presented.
  16. On or about December 20, 1996, Defendant, Thomas Lynch, filed a request for a criminal records check with the Pennsylvania State Police in order to obtain a salesman's license, listed 426 Lincolnway West as his address, and received a response that "no record found".
  17. On or about April 14, 1997, Defendant, Thomas Lynch, applied for a gun permit with the Sheriff of Adams County and gave his address as 426 Lincolnway West. On April 17, 1997, said Defendant received his permit.
  18. In May 1997, Agent Anthony Lo Piccolo became involved in the case.
  19. On May 23, 1997, Agent Lo Piccolo obtained copies of the warrants at the District Justice office, visited the Gettysburg DPW office, learned that the defendants' file showed an active medical assistance account with the address at 426 Lincolnway West, notified the District Justice what he found and sent copies of the warrants to the Department of Public Welfare in Harrisburg.

20. On or about May 25, 1998, Defendants learned for the first time that warrants were out for their arrest.
21. On May 26, 1998, Defendants went to the District Justice's office and they were given unsecured bail.
22. Defendants' preliminary hearing was originally scheduled for June 3, 1998.
23. The preliminary hearing was rescheduled to July 1, 1998, by the District Justice for reasons unknown to the Court.
24. Defendants' counsel requested that the preliminary hearing be continued to August 10, 1998.
25. On August 10, 1998, Agent Lo Piccolo appeared at the preliminary hearing as the prosecutor. Defendants' objection to the agent prosecuting the case was sustained; however, the district justice granted the agent's request for a continuance rather than granting a dismissal.
26. The preliminary hearing was held on October 5, 1998, and all charges were bound over for court.
27. Arraignment was scheduled for November 23, 1998. On that date Defendant, Cathy Lynch, was arraigned and trial set for the week of January 11, 1999. Arraignment for Defendant, Thomas Lynch, was continued to January 7, 1999 at his request.
28. On January 4, 1999, the trial set for Defendant, Cathy Lynch, was continued at her request, to the term beginning March 22, 1999.
29. On January 7, 1999, Defendant, Thomas Lynch, was arraigned and trial was set for the week of March 22, 1999.
30. On March 4, 1999, at the request of the defendants, trial was continued through the trial term beginning April 26, 1999.
31. On April 26, 1999, at the request of the defendants, trial was continued through the trial term beginning May 17, 1999.
32. On May 10, 1999, at the request of the defendants, trial was continued through the trial term beginning June 21, 1999.
33. The defendants' telephone number at their current address was unlisted.

## CONCLUSIONS OF LAW

1. This Court has jurisdiction.
2. The period August 8, 1996 to May 26, 1998 is clearly included for Rule 1100 calculations due to lack of due diligence in apprehending the defendants.
3. That period consists of 655 days and exceeds the time to bring the defendants to trial under Rule 1100 without needing to determine whether other periods of time are included or excluded for purposes of the Rule.
4. The defendants are entitled to discharge.

## DISCUSSION

It is well known that Pa. R.Crim.P. 1100(a)(3) requires trial to commence within 365 days from the date on which the complaint is filed. Here, by the time both defendants were scheduled for formal arraignment on November 23, 1998, a period of 909 days had passed since the criminal complaint had been filed. Of course, the rule excludes those periods when (1) “the defendant could not be apprehended because his or her whereabouts were unknown and could not be determined by due diligence”, (2) when the defendant or his attorney is unavailable, and (3) a continuance has been granted at the request of the defendant or his attorney. Pa. R.Crim.P. 1100(c).

When a defendant applies to the court for an order dismissing the charge for violation of Rule 1100 the Court is directed to “determine whether the Commonwealth has exercised due diligence and that the circumstances occasioning the postponement were beyond the control of the Commonwealth”. Rule 1100(g). Due diligence does not require the Commonwealth to exercise every conceivable effort but it does require the Commonwealth to make reasonable efforts. *Commonwealth v. Wentzel*, 434 Pa. Super. 76, 80, 641 A.2d 1207, 1209 (1994), Alloc. den. 652 A.2d 838 (1994). The burden is placed upon the Commonwealth of proving by a preponderance of the evidence that it acted with due diligence and was still unable to bring the defendant to trial within the parameters of the Rule. *Commonwealth v. Leib*, 403 Pa. Super. 223, 233, 588 A.2d 922, 927 (1991), Alloc. den. 600 A.2d 194 (1991).

In determining whether due diligence has been exercised in apprehending a defendant a “balancing test must be employed where the

court, using a common sense approach, examines the activities of the police and balances this against the interest of the accused in receiving a fair trial". *Commonwealth v. Newman*, 382 Pa. Super. 220, 229, 555 A.2d 151, 155 (1989), Alloc. den. 655 A.2d 512 (1995). The Court must consider the information available to the police in determining whether they acted with due diligence rather than whether they had available all the information that might have been available. Police are not required to exhaust every conceivable method of locating a defendant. *Commonwealth v. Laurie*, 334 Pa. Super. 580, 583-4, 483 A.2d 890, 892 (1984).

Here, a private criminal complaint was approved by the District Attorney's Office. Pa. R.Crim.P. 106. The district justice issued a warrant of arrest because the offense charged is graded as a felony punishable by more than 5 years of imprisonment. Pa. R.Crim.P. 109(b)(1). Arrest warrants are to be executed by a police officer. Pa. R.Crim.P. 122(b). A police officer is any person who by law is given the power to arrest when acting within the scope of that person's employment. Pa. R.Crim.P. 3.

Two questions are raised by this background. First, did the constable act with due diligence in seeking to apprehend the defendants? Second, is the delay at the district justice level attributable to the Commonwealth?

Initially, we must conclude that there was a lack of due diligence. From August 7, 1996, when the correct address for the defendants was clearly known until sometime in November 1996, when the constable returned the warrant to the district justice, the only effort made by the constable to serve the warrants consisted of 2-3 visits to the premises on unknown days and at unknown times. This effort is reminiscent of the efforts made by the police in *Commonwealth v. Webb*, 278 Pa. Super. 599, 420 A.2d 703 (1980). There, the police went to the defendant's residence on two occasions when he was not home and checked at a shopping mall several times which they knew he frequented. Superior Court held that, having no reason to believe the defendant was not living at his residence, the two visits to his home during a 10-day period together with the visits to the mall did not constitute reasonable efforts to apprehend the defendant. The 10-day period was included for Rule 1100 purposes and the defendant was discharged. For a like ruling, see *Commonwealth v. Robertson*, 39 D & C3rd 521 (Del. Co. 1986).

Although we must determine due diligence by what was done rather than what was not done or simply because other options were available a comparison of the instant case with several others is illustrative. In *Commonwealth v. Ingram*, 404 Pa. Super. 560, 591 A.2d 734 (1991), Alloc. den. 606 A.2d 901 (1992), the police attempted to serve an arrest warrant at the defendant's last known address but received information which led them to believe he left town. The police then entered a wanted message into the PCIC and continued to daily patrol the area where the defendant had been previously seen. This effort was considered reasonable. By contrast, in the case sub judice, the constable had no reason to believe that the defendants were not residing at 426 Lincolnway West, he made minimal contact with that residence, and there is no evidence that the defendants' names were entered into the PCIC or the NCIC.

In *Commonwealth v. Bomboy*, 357 Pa. Super. 265, 515 A.2d 969 (1986) the defendant clearly attempted to elude the constable who was attempting to serve a summons upon him. On numerous occasions the constable "staked out" the defendant's residence, he questioned relatives, neighbors, merchants and bankers, tried to locate the defendant's car, and enlisted the aid of other law enforcement agencies including the state police. The defendant was eventually found hiding in a closet. These efforts were considered reasonable. By contrast, in the instant case, the constable made none of these types of efforts. He did not even contact the DPW office to determine if the defendants reported there when requested. At the very least, he would have learned that Mr. Lynch was still receiving medical assistance benefits at the 426 Lincolnway West address.

Finally, in *Commonwealth v. Laurie*, 334 Pa. Super. 580, 483 A.2d 890 (1984) after the police obtained an arrest warrant they contacted numerous of the defendant's relatives, were told that he may have returned to Wisconsin, contacted utility companies and the DPW office, learned that he might be in Northeast Philadelphia and placed an advertisement with a photograph, physical description and a request to contact the police in a local newspaper, and placed the defendant's name in the NCIC and the PCIC. These efforts were considered reasonable. By contrast, there is no evidence of similar efforts in the instant case.

The next issue is whether the Commonwealth can be held accountable for the delay at the district justice level. Based upon the holdings in *Commonwealth v. Browne*, 526 Pa. 83, 584 A.2d 902 (1990) and *Commonwealth v. Payton*, 449 Pa. Super. 168, 673 A.2d 361 (1996) we conclude that the delay at the district justice level is includable for Rule 1100 purposes. From these cases we extract a philosophy under the Rule that the district attorney, as part of the requirement of due diligence, has a duty to monitor cases at the district justice level. If the district attorney had warned the district justice that the Rule 1100 time deadlines were expiring and offered assistance in locating and serving the warrant or suggested that a fugitive warrant be placed in the NCIC then the Commonwealth would be deemed to have made reasonable efforts and failure of the district justice to respond would not have been attributable to the Commonwealth. However, the record presents no such contact in this case. At most, the district attorney on November 13, 1996, requested Agent Lauer to advise the district justice whether to list the defendants as fugitives. However, in this case, Agent Lauer sits in the same position as any other private complainant. The Commonwealth does not act with due diligence when it requests the private complainant to make prosecutorial decisions.

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 24th day of June 1999, the Motion to Dismiss Criminal Charges Pursuant to Pa. R.Crim.P. 1100, filed by each defendant on June 7, 1999, is granted and the charges are dismissed.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-378 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, 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 situated, lying, and being in the Borough of Carroll Valley, Adams County, Pennsylvania, known as LOT NO. 75, in Section R1, more particularly bounded and described as follows:

BEGINNING at a point in the center of Fruitwood Trail at corner land of Alfred E. Coffey, thence land of the said Alfred E. Coffey and running through a pipe located 25 feet from the place of beginning South 2 degrees 37 minutes 20 seconds West 225 feet to a pipe set on an iron pin thence by land of Thomas Golatz and by land now or formerly of Charnita, Inc., North 87 degrees 22 minutes 40 seconds West 184.80 feet to a one inch pipe; thence by land of Barrick and running through a pipe located 27.36 feet from the end of this line North 26 degrees 37 minutes East 246.28 feet to a point in the center of Fruitwood Trail; thence in the center of Fruitwood Trail South 87 degrees 22 minutes 40 seconds East 84.65 feet to a point in the center of Fruitwood Trail to the point and place of BEGINNING. CONTAINING 30,313 square feet or 0.696 acre.

TITLE TO SAID PREMISES IS VESTED IN Michael J. Chesner, Married by Deed from Donald J. Cunningham and Sherilyn Keaton dated 7/8/97 recorded 7/16/97 in Record Book 1407 Page 245.

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

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/29, 10/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-478 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground Situate in the Borough of Littlestown, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at an iron pin located 13 feet Southeastwardly from the Southeastern curb line of East King Street at corner of land of Helen L. Hiltbrick; thence by said land of Helen L. Hiltbrick, South 29 degrees 37 minutes East, 166 feet to a post at a proposed 16 foot alley; thence along said proposed foot alley, South 60 degrees West, 50 feet to a post at land now or formerly of William J. Feeser; thence by said land now or formerly of William J. Feeser and by land of Wintrode Buick-Chevrolet-Olds, Inc., North 36 degrees 30 minutes West, 167.1 feet to an iron pin located 13 feet to an iron pin located 13 feet Southeastwardly from the curb line of East King Street; thence along East King Street, North 60 degrees East, 70.07 feet to an iron pin at corner of land of Helen L. Hiltbrick, the place of BEGINNING.

THE foregoing description was obtained from a draft of survey dated September 8, 1944, prepared by LeRoy H. Winebrenner, Registered Surveyor.

Tax Parcel # 9-8

TITLE TO SAID PREMISES IS VESTED IN Mark T. Justice and Melanie M. Justice, his wife by Deed from Jeffery E. Smith and Stephanye D. Smith, his wife dated 2/11/99, recorded 2/12/99 in Record Book 1764 page 29.

SEIZED and taken into execution as the property of **Mark T. Justice & Melanie M. Justice** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/29, 10/6 & 13

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-91 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, 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 Germany Township and Adams County which is bounded and limited as follows:

BEGINNING at an iron pin planted for a corner at land now or formerly of James D. Spalding and Creamery Road; thence Southeast along said land 272 feet, more or less, to lands now or formerly of William Messinger; thence southwest along lands now or formerly of said Messinger fifty-five feet to lands now or formerly of Daniel Leppo; thence along lands now or formerly of said Leppo Northwest 272 feet, more or less, to the public (Creamery) Road; thence along said road Northeast fifty-five feet to the place of BEGINNING. Iron pins having been planted at each of the aforementioned corners.

Being known as 27 Kindig Road

Property ID No. J-17-112

TITLE TO SAID PREMISES IS VESTED IN Brian Robert Hatter and Lisa Scott Hatter, husband and wife as tenants by the entireties by deed from Shirley M. Griffith, dated 11/21/1987 and recorded 12/7/1987 in Deed Book 474 Page 1150.

SEIZED and taken into execution as the property of **Brian Robert Hatter & Lisa Scott Hatter** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, 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.

10/13, 20 & 27



SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-1066 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot or tract of land situate on the easterly right of way line of Kenneman Road in the Borough of Abbottstown, Adams County, Pennsylvania known and numbered as Lot NO. 31 on a final plan of Abbots Manor Phase 1 recorded in the Office of the Recorder of Deeds in and for Adams County, PA in Subdivision Plan Book 69, page 95, more fully bounded and described as follows, to wit:

BEGINNING at a point on the easterly right of way line of Kinneman Rd. at a corner of Lot NO. 32 on said plan; thence extending along the said right to way line North 1 degrees 23 minutes 20 seconds East 150 feet to a point; thence extending along a line curving to the right having a radius of 25 feet with an arc distance of 35.36' arc distance of 39.27 feet as shown on said plan; thence continuing along a line curving to the left having a radius of 25 feet with an arc distance of 6 feet as shown on said plan; thence continuing along a line curving to the left having a radius of 25 feet with an arc distance of 6 feet as shown on said plan to a corner of Lot No. 54 on said S 37° 25' 50E 5' plan; thence extending along the said Lot No. 54 South 23 degrees 10 minutes 10 seconds East 192.49 feet to a point at a corner of Lot NO. 32 on said plan; thence extending along the said Lot No. 32 North 88 degrees 36 minutes 40 seconds West 110 feet to the point and place of BEGINNING.

CONTAINING 12,119 Sq. Ft. Tax Parcel #5-35

TITLE TO SAID PREMISES IS VESTED IN Shane L. Reynold and Holly M. Reynold, his wife by Deed from Garland Construction, Inc. dated 12/19/97 recorded 2/6/98 in Deed Book Volume 1517 Page 303.

SEIZED and taken into execution as the property of Shane L. Reynold & Holly M. Reynold and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

9/29, 10/6 & 13

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW NO. 00-S-348

ALLFIRST BANK, f/k/a FARMERS BANK AND TRUST COMPANY OF HANOVER, Plaintiff,

vs.

LEROY A. BOLTON and ROSE B. BOLTON, Defendants.

NOTICE PURSUANT TO PA. R.C.P. 3129.2 - CONTINUED SALE

NOTICE IS HEREBY GIVEN to the following parties who hold one or more mortgage, judgment or tax lien against the real estate of LEROY A. BOLTON and ROSE B. BOLTON, situate at:

410 Seven Stars Road, Gettysburg, Franklin and Highland Townships, Adams County, Pennsylvania 17325

(LIST OF LIEN HOLDERS AND ADDRESSES):

Mercedes P. Hamilton 3611 East Chelsea Avenue Tampa, Florida 33505

You are hereby notified that on November 3, 2000, at 10:00 A.M., Prevailing Time, by virtue of a Writ of Execution issued out of the Court of Common Pleas of Adams County, Pennsylvania, on the judgment of ALLFIRST BANK, f/k/a FARMERS BANK AND TRUST COMPANY OF HANOVER, Plaintiff, vs. LEROY A. BOLTON and ROSE B. BOLTON, Defendants, No. 00-S-348, the Sheriff of Adams County, Pennsylvania, will expose at Public Sale in the Sheriff's Office in the Adams County Courthouse, 111 Baltimore Street, Gettysburg, Pennsylvania, real estate of Defendants, LEROY A. BOLTON and ROSE B. BOLTON, known and numbered as 410 Seven Stars Road, Gettysburg, Franklin and Highland Townships, Adams County, Pennsylvania 17325. A description of said real estate is hereto attached.

You are further notified that a Schedule of Proposed Distribution will be filed by the Sheriff of Adams County on November 27, 2000, and distribution will be made in accordance with the Schedule unless exceptions are filed thereto within ten (10) days thereafter.

You are further notified that the lien you hold against said real estate will be divested by the sale and that you have an opportunity to protect your interest, if any, by being notified of said Sheriff Sale.

Date: August 7, 2000 KAIN, BROWN & ROBERTS LLP By: /s/Jack F. Ream, Esquire 119 East Market Street York, PA 17401 Telephone: 1-717-843-8968 Fax: 1-717-846-6676 Attorney I.D. #10241 Attorney for Plaintiff Allfirst Bank, f/k/a Farmers Bank and Trust Company of Hanover

ALL THAT CERTAIN tract of land situate, lying and being partly in Franklin Township and partly in Highland Township, Adams County, Pennsylvania, known and numbered as 410 Seven Stars Road, Gettysburg, PA.

BEGINNING at an iron pin at public road and land now or formerly of Harry E. Cluck; thence along land now or formerly of Harry E. Cluck, North 29 3/4 degrees West, 39 perches to a post at road leading from McKnightstown Station to Seven Stars; thence in and along said road, North 58 1/2 degrees East, 43.2 perches to a post at public road; thence in and along said last mentioned public road and adjoining lands now or formerly of Pern Rebert, South 15 1/2 degrees West, 44.62 perches to an iron pin; thence in and along said last mentioned public road and land now or formerly of Pern Rebert, South 24 1/2 degrees West, 14.84 perches to an iron pin at lands now or formerly of Harry E. Cluck, the place of BEGINNING CONTAINING 5 acres and 75 perches more or less.

Tax Map D12-19.

9/29, 10/6 & 13

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that LIFEWORKS FITNESS CONSULTING, INC. filed on or about the 21st day of August, 2000, Articles of Dissolution with the Department of State of the Commonwealth, Harrisburg, Pennsylvania, for the purpose of voluntary dissolution. Any persons with claims against the corporation must be presented in writing and contain sufficient information to identify the claimant and substance of claim. All claims may be mailed to 430 Carlisle Street, Gettysburg, Adams County, Pennsylvania, 17325. All claims must be received no later than the 30th day of December, 2000. The corporation may make distribution to other claimants, shareholders or interested persons without further notice to claimants.

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

10/13 & 20

**NOTICE BY THE ADAMS COUNTY CLERK OF COURTS**

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County — Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Friday, October 20, 2000, at 9:00 o'clock a.m.

**WILSON**—Orphans' Court Action Number OC-43-00. The First and Final Account of Richard W. Geisendaffer, Executor of the Estate of Beverly C. Wilson, deceased, late of Cumberland Township, Adams County, Pennsylvania.

**MILLER**—Orphans' Court Action Number OC-90-00. The First and Final Account of Charles H. Kemper, Sr. and Diane M. Kemper, Executors of the Estate of Doris E. Miller, deceased, late of Cumberland Township, Adams County, Pennsylvania.

**GROSS**—Orphans' Court Action Number OC-94-00. The First and Final Account of Stephen W. Gross and Peter M. Gross, Executors of the Estate of Samuel B. Gross, deceased, late of Oxford Township, Adams County, Pennsylvania.

**LAWRENCE**—Orphans' Court Action Number OC-95-00. The First and Final Account of Catherine F. Lawrence and Anthony L. Lawrence, Co-Executors, of the Estate of Mildred S. Lawrence a/k/a Mildred C. Lawrence, deceased, late of Borough of McSherrystown, Adams County, Pennsylvania.

**NEIDERER**—Orphans' Court Action Number OC-96-00. The First and Final Account of Richard P. Neiderer and Charles W. Neiderer, Personal Representatives of the Estate of Merle E. Neiderer, Deceased, late of Conewago Township, Adams County, Pennsylvania.

**WHISLER**—Orphans' Court Action Number OC-97-00. The First and Final Account of Lois E. Whisler, Personal Representative, of the Estate of Walter A. Whisler, deceased, late of Conewago Township, Adams County, Pennsylvania.

**GASS**—Orphans' Court Action Number OC-98-00. The First and Final Account of John W. Gass, Personal Representative, of the Estate of Betty C. Gass, deceased, late of Oxford Township, Adams County, Pennsylvania.

Peggy J. Breighner  
Clerk of Courts

10/6 & 13

**SHERIFF'S SALE**

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-41 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

BEGINNING at a p.k. nail West of the center line of Feeser Road (T-442) at the Northeast corner of Lot No. 4 on a plan of lots mentioned hereinafter; thence by said Lot No. 4 and through a steel rod set 25.0 feet from the beginning of this course North 55 degrees 51 minutes 30 seconds West, 216.57 feet to a steel rod; thence continuing by the same North 74 degrees 39 minutes 55 seconds West, 70.00 feet to a steel rod; thence continuing by the same South 11 degrees 13 minutes 40 seconds West, 270.00 feet to a steel rod on line of Lot No. 3 on the plan of lots mentioned hereinafter; thence by said Lot No. 3 and by Lot No. 2 on the plan of lots mentioned hereinafter North 74 degrees 39 minutes 55 seconds West, 942.74 feet to a steel rod at line of other land now or formerly of Thomas L. Greiber; thence by said Greiber land North 23 degrees 39 minutes 20 seconds East, 614.60 feet to an existing steel rod at post; thence continuing by the same and through a steel rod set 25.0 feet from the end of this course North 44 degrees 08 minutes 10 seconds East, 296.38 feet to a point near the center line of Roberts Road (T-441); thence running in and along said Roberts Road South 33 degrees 48 minutes 10 seconds East, 477.96 feet to a p.k. nail in the center line; thence continuing in the center of said road by a curve to the left, the radius of which is 461.12 feet, having an arc distance of 299.66 feet, the long chord of which is South 61 degrees 23 minutes 40 seconds East, 294.41 feet to a p.k. nail in the center line of said road; thence continuing to run in and along said road by a curve to the right, the radius of which is 550.50 feet, having an arc distance of 323.28 feet, the long chord of which is South 57 degrees 38 minutes 30 seconds East, 318.65 feet to an existing p.k. nail at the intersection of the center lines of Roberts Road and Feeser Road; thence continuing in Feeser Road South 11 degrees 13 minutes 40 seconds West, 195.28 feet to a p.k. nail West of the center line of Feeser Road (T-442), the place of BEGINNING. CONTAINING 14.083 Acres.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 335 Roberts Road, Littlestown, PA 17340

SOLD as the property of GARY L. COLE and PHYLIS KATHLEEN COLE

**TAX PARCEL #1 16 13**

SEIZED and taken into execution as the property of **Gary L. Cole & Phylis K. Cole** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, 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.

10/6, 13 & 20

**NOTICE**

NOTICE IS HEREBY GIVEN that John Matthew Hartzell intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 20th day of October, 2000, and that he intends to practice law as the Solicitor for the County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

Office of the Adams County Solicitor  
111-117 Baltimore Street  
Gettysburg, PA 17325

10/6, 13 & 20

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Names Act 1982-295, approved December 16, 1982, of the filing on September 28, 2000, in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, PA, of a certificate for the conduct of a business under the fictitious name of COMPLETE FAMILY FOOT CARE CENTER, with its principal place of business at 340 Lumber Street, Suite B, Littlestown, Pennsylvania 17340. The name and address of the person owning or interested in said business is Todd J. Goldberg, D.P.M., of 5220 Mussetter Road, Jjamsville, Maryland 21754.

Samuel E. Teeter, Esq.  
Teeter, Teeter & Teeter

10/13

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-294 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those three (3) tracts of land situated on the east side of Ridge Road (Township Road T-404) in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

## TRACT NO. 1:

BEGINNING at a point in the center of Ridge Road at other lands now or formerly of Joseph Andrew Eyler; thence in and along the center line of Ridge Road (Township Road T-404) North 31 degrees 49 minutes 3 seconds East, 167.32 feet to a point in the center of said Ridge Road (Township Road T-404); thence leaving said Ridge Road (Township Road T-404) and through a steel pin set back 22 feet from the beginning hereof and by lands now or formerly of Clarence E. Eyler and Lucy V. Eyler South 59 degrees 7 minutes 28 seconds East, 237.49 feet to a steel pin; thence continuing by other lands now or formerly of Clarence E. Eyler and Lucy V. Eyler South 15 degrees 7 minutes 52 seconds West, 253.82 feet to a steel pin at lands now or formerly of Joseph Andrew Eyler; thence by lands now or formerly of Joseph Andrew Eyler and through a steel pin set back 30 feet from the end hereof North 45 degrees 8 minutes 13 seconds West, 318.56 feet to a point in the center of Ridge Road (Township Road T-404), the point and place of BEGINNING. CONTAINING 1.2620 Acres.

The foregoing description was taken from a draft of survey prepared for Clarence E. Eyler by Donald E. Worley, Registered Surveyor, dated May 16, 1974.

## TRACT NO. 2:

BEGINNING at point marked by a steel pin on line of lands now or formerly of Clarence E. Eyler and Lucy V. Eyler on the boundary line of Lot No. 2 as identified on the subdivision plan hereinafter referred to; thence by said Lot No. 2, lands now or formerly of Clarence E. Eyler and Lucy V. Eyler, South 59 degrees 7 minutes 28 seconds East, 55 feet to a steel pin; thence continuing by lands now or formerly of Clarence E. Eyler and Lucy V. Eyler and through an iron pin set back 92.19 feet from the end hereof, South 13 degrees 42 minutes 41 seconds East, 487.53 feet to a point at the southbound lane of U.S. Route 15 and at lands now or formerly of Joseph Andrew Eyler and Beverly Ann Eyler; thence by lands now or formerly of Joseph Andrew Eyler and Beverly Ann Eyler and through an iron pin set back

88.19 feet from the beginning hereof, North 36 degrees 2 minutes 20 seconds West, 436.55 feet to a steel pin at lands now or formerly of Clarence E. Eyler, Jr. heretofore acquired in Deed Book 372 at page 154; thence by lands now or formerly of Clarence E. Eyler, Jr., North 32 degrees 17 minutes 22 seconds East, 176.10 feet to an iron pin, the point and place of BEGINNING. CONTAINING 1.0392 Acres.

The foregoing description was taken from a draft of survey prepared for Clarence E. Eyler by Donald E. Worley, Registered Surveyor, dated December 20, 1985, as revised February 7, 1986, said subdivision being duly approved by the various municipal subdivisions and commission of Adams County and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 43 page 75, and identified thereon as Lot No. 1.

## TRACT NO. 3:

BEGINNING at a point marked by a steel pin on line of lands now or formerly of Clarence E. Eyler and Lucy V. Eyler; thence by lands now or formerly of Clarence E. Eyler and Lucy V. Eyler, South 59 degrees 7 minutes 28 seconds East, 53.98 feet to a steel pin; thence continuing by lands of same and originally a part hereof, South 32 degrees 17 minutes 22 seconds West, 176.10 feet to a steel pin at lands now or formerly of Clarence E. Eyler, Jr.; thence by lands now or formerly of Clarence E. Eyler, Jr., North 15 degrees 7 minutes 52 seconds East, 182.91 feet to a steel pin, the point and place of BEGINNING. CONTAINING 4,751 square feet.

The foregoing description was taken from a draft survey prepared for Clarence E. Eyler by Donald E. Worley, Surveyor, dated October 13, 1983, and as approved by the various subdivisions of Adams County, and duly recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 39 at page 38, and identified on the plot plan as Lot No. 1.

Said tract of land is known as Tax Map No. F-16 and Parcel No. 31D.

SUBJECT TO the restrictions and covenants as recorded in the above recited deeds.

The address of these tracts of land is 490 Ridge Road, Gettysburg, Adams County, Pennsylvania.

SEIZED and taken into execution as the property of **Joseph B. Smith & Margaret A.L. Smith** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA  
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, 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.

10/13, 20 & 27

## ESTATE NOTICES

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

## FIRST PUBLICATION

## ESTATE OF DORIS F. LEONARD, DEC'D

Late of the Borough of Hanover, Adams County, Pennsylvania

Executrixes: Anne L. Sheileman, 3005 Centennial Road, Hanover, PA 17331; Kerry E. Lawver, 1490 Mason Dixon Road, Gettysburg, PA 17325

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

## ESTATE OF BERNARD EARL RADUNSKIE, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Bernard Earl Radunske, Jr., 7363-B Camp Caves Ct., Ft. Stewart, GA 31315; James R. Radunske, 14 Violet Ct., Rochester, NH 03867

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

## ESTATE OF HOWARD E. SHULTZ, DEC'D

Late of Highland Township, Adams County, Pennsylvania

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

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

## ESTATE OF HELEN K. TIMMINS, a/k/a HELEN C. TIMMINS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Michael A. Timmins, P.O. Box 301, New Oxford, PA 17350; Delores A. Burk, 313 Second Avenue, Hanover, PA 17331

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

## ESTATE OF STEPHEN L. YELOVICH, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Bruce Yelovich, 1634 Carrolls Tract Road, Orrtanna, PA 17353

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

## SECOND PUBLICATION

## ESTATE OF HILDA G. ANDREW, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Gertrude Bohn, 819 Old Route 30, Orrtanna, PA 17353

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

## ESTATE OF PAULINE G. FAIR, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executrix: Ann Elizabeth Walton, 9245 Marydell Road, Ellicott City, MD 21042

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

## ESTATE OF FAITH E. HARTZEL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Glenn R. Hartzel, 2444 Chambersburg Road, Biglerville, PA 17307

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

## ESTATE OF SYLVIA I. HERMAN, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania

Co-Executors: Edward C. Herman and Delores I. Wagner, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews, 29 North Duke Street, York, PA 17401

## ESTATE OF A. TOM MACHEMER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: John E. Macheimer, 45 Woodcrest Drive, Gettysburg, PA 17325

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

## ESTATE OF LAWTON G. MALONEY, JR., DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Eleanor A. Maloney, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

Attorney: Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

## ESTATE OF J. ARTHUR WOLFE a/k/a JOHN ARTHUR WOLFE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Susan J. Hassinger and Richard J. Wolfe, 225 Antique Lane, New Oxford, PA 17350

Attorney: William F. Hoffmeyer, Esq., Hoffmeyer & Semmelman

## ESTATE OF FRANCIS A. YEATES, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Vernon H. Clapper

Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

## THIRD PUBLICATION

## ESTATE OF MARTHA L. LESSLY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Roger Lessly, 400 Firm Rock Road, Spearfish, SD 57783

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF ROGER L. ROHRBAUGH a/k/a ROGER LARRY ROHRBAUGH, SR., DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Audrey A. Geib, 127 North Laurel Street, Manheim, PA 17545

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF BESSIE C. WENTZ, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Virginia F. Dusman, Rear 1506 Almond Street, Williamsport, PA 17701

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

**UNITED STATES POSTAL SERVICE** Statement of Ownership, Management, and Circulation (Required by 39 USC 3685)

1. Publication Title: **ADAMS COUNTY LEGAL JOURNAL**

2. Publication Number: **5426100**

3. Filing Date: **10-13-00**

4. Issue Frequency: **weekly**

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6. Annual Subscription Price: **\$30.00**

7. Complete Mailing Address of Known Office of Publication (Street, city, county, state, and ZIP+4):  
**111-117 Baltimore Street, Room 305  
 Gettysburg, Adams County, PA 17325**

8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer):  
**111-117 Baltimore Street, Room 305  
 Gettysburg, Adams County, PA 17325**

9. Full Name and Complete Mailing Address of Publisher, Editor, and Managing Editor (Do not leave blank):  
**Adams County Bar Association, Gettysburg, PA 17325**

10. Publisher (Name and complete mailing address):  
**John W. Phillips, Esq.  
 101 West Middle Street, Gettysburg, PA 17325**

11. Managing Editor (Name and complete mailing address):  
**John W. Phillips, Esq.  
 101 West Middle Street, Gettysburg, PA 17325**

12. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all individual owners owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of all individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

13. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box  None

14. Tax Status (For completion by nonprofit organizations authorized to mail at special rates) (Check one)  
 The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes.  
 Has Not Changed During Preceding 12 Months.  
 Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

PS Form 3526, September 1995 (See Instructions on Reverse)

13. Publication Title: **Adams County Legal Journal**

14. Issue Date for Circulation Data Below: **10-06-00**

15. Extent and Nature of Circulation

Average No. Copies Each Issue During Preceding 12 Months	Actual No. Copies of Single Issue Published Nearest to Filing Date
<b>a. Total Number of Copies (Net press run)</b>	
125	125
<b>b. Paid and/or Requested Circulation</b>	
<b>(1) Sales Through Dealers and Carriers, Street Vendors, and Counter Sales (Net mailable)</b>	
39	39
<b>(2) Paid or Requested Mail Subscriptions (Include advertiser's proof matter and exchange copies)</b>	
74	74
<b>c. Total Paid and/or Requested Circulation (Sum of 15b(1) and 15b(2))</b>	
113	113
<b>d. Free Distribution by Mail (Samples, complimentary, and other free)</b>	
0	0
<b>e. Free Distribution Outside the Mail (Carriers or other means)</b>	
0	0
<b>f. Total Free Distribution (Sum of 15d and 15e)</b>	
0	0
<b>g. Total Distribution (Sum of 15c and 15f)</b>	
113	113
<b>h. Copies not Distributed</b>	
<b>(1) Office Use, Leftovers, Spoiled</b>	
12	12
<b>(2) Returns from News Agents</b>	
0	9
<b>i. Total (Sum of 15g, 15h(1), and 15h(2))</b>	
125	125
<b>Percent Paid and/or Requested Circulation (15c / 15g x 100)</b>	
90	90

16. Publication of Statement of Ownership:  
 Publication required. Will be printed in the **10-13-00** issue of this publication.  
 Publication not required.

17. Signature and Title of Editor, Publisher, Business Manager, or Owner: **Cecelia Brown, Business Manager** Date: **10-3-00**

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including multiple damages and civil penalties).

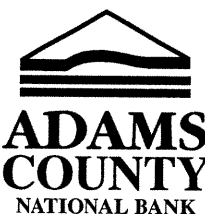
**Instructions to Publishers**

1. Complete and file one copy of this form with your postmaster annually on or before October 1. Keep a copy of the completed form for your records.
2. In cases where the stockholder or security holder is a trustee, include in items 10 and 11 the names of the person or corporation for whom the trustee is acting. Also include the names and addresses of individuals who are stockholders who own or hold 1 percent or more of the total amount of bonds, mortgages, or other securities of the publishing corporation. In item 11, if none, check the box. Use blank spaces if more space is required.
3. Be sure to furnish all circulation information called for in item 15. Free circulation must be shown in items 15d, e, and f.
4. If the publication has second-class authorization as a general or separate publication, the Statement of Ownership, Management, and Circulation must be published: it must be printed as any issue in October or, if the publication is not published during October, the last issue printed after October.
5. In item 16, indicate the date of the issue in which this Statement of Ownership will be published.
6. Item 17 must be signed.

Failure to file or publish a statement of ownership may lead to suspension of second class authorization.

PS Form 3526, September 1995 (Reverse)

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# Adams County Legal Journal

Vol. 42

October 20, 2000

No. 21, pp. 117-119

## CONTINUING LEGAL EDUCATION PROGRAM

### *E-Commerce: Legal and Practical Issues*

January 17, 2001 – 9:00 a.m. - 5:00 p.m.  
Room 307, Adams County Courthouse  
Credits: Substantive Law – 6, Ethics – 0

### *Representing Residential Landlords and Tenants*

January 18, 2001 – 9:00 a.m. - 1:30 p.m.  
Room 307, Adams County Courthouse  
Credits: Substantive Law – 4, Ethics – 0

### *Bad Faith Claims in Pennsylvania 2000*

January 24, 2001 – 9:00 a.m. - 5:00 p.m.  
Room 307, Adams County Courthouse  
Credits: Substantive Law – 5, Ethics – 1

### *Tax Consequences in Divorce: Avoiding the Pitfalls!*

February 21, 2001 – 9:00 a.m. - 5:00 p.m.  
Room 307, Adams County Courthouse  
Credits: Substantive Law – 5, Ethics – 1

## REGISTRATION THROUGH P.B.I. 800-247-4724

### SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-91 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, 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 Germany Township and Adams County which is bounded and limited as follows:

BEGINNING at an iron pin planted for a corner at land now or formerly of James D. Spalding and Creamery Road; thence Southeast along said land 272 feet, more or less, to lands now or formerly of William Messenger; thence southwest along lands now or formerly of said Messenger fifty-five feet to lands now

or formerly of Daniel Leppo; thence along lands now or formerly of said Leppo Northwest 272 feet, more or less, to the public (Creamery) Road; thence along said road Northeast fifty-five feet to the place of BEGINNING. Iron pins having been planted at each of the aforementioned corners.

Being known as 27 Kindig Road  
Property ID No. J-17-112

TITLE TO SAID PREMISES IS VESTED IN Brian Robert Hatter and Lisa Scott Hatter, husband and wife as tenants by the entireties by deed from Shirley M. Griffith, dated 11/21/1987 and recorded 12/7/1987 in Deed Book 474 Page 1150.

SEIZED and taken into execution as the property of **Brian Robert Hatter & Lisa Scott Hatter** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, 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.

10/13, 20 & 27

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-453 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a spike in the state highway leading to Fairfield; thence by land now or formerly of Pauline Naugle, South 38 degrees 30 minutes East, 222 feet to an iron pin at the corner of lands now or formerly of the said Pauline Naugle and Frank Newell; thence by land now or formerly of Frank Newell, South 51 degrees 30 minutes West, 120 feet to an iron pin at the Northeastern edge of a private alley; thence by said private alley, North 38 degrees 30 minutes West, 222 feet to a spike in the aforesaid state highway; thence in said state highway, North 51 degrees 30 minutes East, 120 feet to a spike, the place of BEGINNING. CONTAINING 97.9 perches.

The tract of land hereby conveyed being the same which Charles L. Murdorf III and Mary Jo Murdorf, husband and wife, as tenants of an estate by the entireties, by deed dated December 14, 1987 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Record Book 475 at page 611, granted and conveyed unto Wayne B. Stottlemeyer and Dani L. Stottlemeyer, husband and wife, as tenants of an estate by the entireties, the Grantors herein.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 1645 Carrolls Tract Road, Orrtanna, PA 17353

SOLD as the property of KARL D. LEDFORD and REBECCA A. LEDFORD

TAX PARCEL #C12-83

SEIZED and taken into execution as the property of Rebecca & Karl Ledford and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, 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.

10/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 99-S-975 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 3rd day of November, 2000, 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 Conewago Township, Adams County, Pennsylvania, bounded and limited as follows, to wit:

BEGINNING for a point on the Westerly side of Valley Drive at Lot No. 32 of the hereinafter mentioned subdivision plan; thence along said Lot No. 32 North forty-three (43) degrees one (01) minute forty (40) seconds West, one hundred twenty-six and eighty hundredths (126.80) feet to a point at Lot No. 36; thence along said Lot No. 36, North forty-seven (47) degrees twenty-three (23) minutes thirty-seven (37) seconds East eighty-four and seventy-five hundredths (84.75) feet to a point at Lot No. 30; thence along said Lot No. 30, South forty-three (43) degrees one (01) minute thirty-nine (39) seconds East one hundred twenty-six and eighteen hundredths (126.18) feet to a point along the Western side of Valley Drive; thence along said Valley Drive South forty-six (46) degrees fifty-eight (58) minutes twenty-one (21) seconds West eighty-four and seventy-five hundredths (84.75) feet to a point, the place of BEGINNING. CONTAINING 10,719 square feet and being identified as Lot No. 31 on the Final Plan of Country Estates which plan is recorded in the Adams County Recorder of Deeds Office in Plan Book 48, page 43.

BEING known as 60 Valley Drive, Hanover, Pennsylvania.

Tax Parcel # 10-43

TITLE TO SAID PREMISES IS VESTED IN Bryan J. Crawford and Vicki L.

Crawford, his wife by Deed from Marlyn K. Bixler and Margaret L. Bixler, his wife dated 7/25/88, recorded 8/17/88, in Record Book 498, Page 225.

SEIZED and taken into execution as the property of Bryan J. Crawford & Vicki L. Crawford and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on November 27, 2000, 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.

10/6, 13 & 20

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that LIFEWORKS FITNESS CONSULTING, INC. filed on or about the 21st day of August, 2000, Articles of Dissolution with the Department of State of the Commonwealth, Harrisburg, Pennsylvania, for the purpose of voluntary dissolution. Any persons with claims against the corporation must be presented in writing and contain sufficient information to identify the claimant and substance of claim. All claims may be mailed to 430 Carlisle Street, Gettysburg, Adams County, Pennsylvania, 17325. All claims must be received no later than the 30th day of December, 2000. The corporation may make distribution to other claimants, shareholders or interested persons without further notice to claimants.

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

10/13 & 20

## PROVIDAN NATIONAL BANK VS. CLAPSADDLE

1. Generally, a party bears his or her own attorney's fees. Exceptions to the rule must be based upon agreement or statute. If the agreement in this case had merely provided for recovery of expenses, attorney's fees would not have been included. Attorney's fees are appropriately recovered in collection cases where the parties have agreed.

2. Provisions calling for "reasonable" fees empower the court with a great deal of discretion, and in at least one case involving statutory authorization, invited consideration of factors listed in 41 P.S. §503. It is clear that courts have inherent authority to adjust the amount of fees.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 99-S-348. PROVIDAN NATIONAL BANK VS. PATRICIA D. CLAPSADDLE.

Carolyn Carter, Esq., for Plaintiff

Charles F. Bennett, Esq., for Defendant

Spicer, P.J., July 6, 1999

### OPINION ON PRELIMINARY OBJECTIONS

Plaintiff sues as an assignee of a credit card agreement between defendant and First Union Direct N.A. The agreement, attached to the complaint, provided inter alia:

**Promise to Pay:** You promise to pay us when due all accounts borrowed when you or someone else uses your Account (even if the amount charged exceeds your permission), all other transactions and charges to your Account, and collection costs we incur, including but not limited to reasonable attorney's fees and court costs. (If we sue you to collect the debt and you win the suit, we will pay your reasonable attorney's fees and court costs.)

In paragraph 12 of the complaint, plaintiff alleged that it had agreed to pay its attorney 33 1/3% of the debt due, and in ¶13, said it "believes, and therefore avers, that said attorneys' fees rate is just and reasonable compensation for the services rendered by said attorneys." The complaint ends with a demand for the amount of the debt "with appropriate interest, attorney's fees and costs."

Defendant has filed preliminary objections challenging the legal sufficiency of the complaint regarding the fees. Summarized, defendant's arguments are 1) the demand for 33 1/3% is based upon the agreement between the plaintiff and its attorneys; 2) that agreement is not attached to the complaint, and 3) the demand must therefore be



dismissed. Alternatively, defendant argues that provisions in any agreement calling for fixed fees in that amount constitutes an unenforceable penalty.

Plaintiff has not filed a brief. Nonetheless, the court finds the objections lacking in merit.

The demand for attorney's fees is based upon provisions in the agreement (the agreement) between plaintiff's assignor and defendant, quoted *supra*, and not on the agreement between plaintiff and its attorneys. Under the agreement, defendant assumed an obligation to pay collection costs, including reasonable attorney's fees. Plaintiff's actual costs of collection are certainly relevant and properly pleaded.

Defendant incorrectly characterizes the agreement as calling for a fixed rate. The agreement authorizes reasonable fees, and the complaint demands appropriate fees. Thus, preliminary objections attack allegations and provisions that are not present in the complaint and its exhibit.

Little more needs to be said. However, the court includes a brief discussion of relevant law for future guidance. Generally, a party bears his or her own attorney's fees. Exceptions to the rule must be based upon agreement or statute. If the agreement in this case had merely provided for recovery of expenses, attorney's fees would not have been included. *Merlino v. Delaware County*, Pa. , 728 A.2d 949 (1999). Attorney's fees are appropriately recovered in collection cases where the parties have agreed. *Dollar Bank, Federal Savings Bank v. Northwood Cheese Co. Inc.*, 431 Pa. Super. 541 , 637 A.2d 309 (1994); alloc. dn. 539 Pa. 692, 653 A.2d 1231 (1994).<sup>1</sup> Provisions calling for "reasonable" fees empower the court with a great deal of discretion and, in at least one case involving statutory authorization, invited consideration of factors listed in 41 P.S. §503.<sup>2</sup>

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<sup>1</sup> A fifteen-percent fee was upheld in that case, but defendant's failure to properly preserve the issue played a part in the court's decision.

<sup>2</sup> The section is part of the Loan Interest and Protection Law and allows a borrower or debtor to recover attorney's fees in certain situations. Four factors are described: (1) The time and labor required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the case. (2) The customary charges of the members of the bar for similar services. (3) The amount involved in the controversy and the benefits resulting to the client or clients from the services. (4) The contingency or the certainty of the compensation.

*Pavex, Inc. v. York Federal Savings and Loan*, Pa. Super. , 716 A.2d 640 (1998). It is clear that courts have inherent authority to adjust the amount of fees. *PNC Bank v. Bolus*, 440 Pa. Super. 372, 655 A.2d 997 (1995). (Trial court held to have properly reduced attorney's commission from \$70,647.77 to \$10,000.00.)

The attached order is entered.

#### ORDER OF COURT

AND NOW, this 6th day of July, 1999, defendant's preliminary objections are dismissed. She shall have twenty days to file an answer to the complaint.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-41 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

BEGINNING at a p.k. nail West of the center line of Feeser Road (T-442) at the Northeast corner of Lot No. 4 on a plan of lots mentioned hereinafter; thence by said Lot No. 4 and through a steel rod set 25.0 feet from the beginning of this course North 55 degrees 51 minutes 30 seconds West, 216.57 feet to a steel rod; thence continuing by the same North 74 degrees 39 minutes 55 seconds West, 70.00 feet to a steel rod; thence continuing by the same South 11 degrees 13 minutes 40 seconds West, 270.00 feet to a steel rod on line of Lot No. 3 on the plan of lots mentioned hereinafter; thence by said Lot No. 3 and by Lot No. 2 on the plan of lots mentioned hereinafter North 74 degrees 39 minutes 55 seconds West, 942.74 feet to a steel rod at line of other land now or formerly of Thomas L. Greiber; thence by said Greiber land North 23 degrees 39 minutes 20 seconds East, 614.60 feet to an existing steel rod at post; thence continuing by the same and through a steel rod set 25.0 feet from the end of this course North 44 degrees 08 minutes 10 seconds East, 296.38 feet to a point near the center line of Roberts Road (T-441); thence running in and along said Roberts Road South 33 degrees 48 minutes 10 seconds East, 477.96 feet to a p.k. nail in the center line; thence continuing in the center of said road by a curve to the left, the radius of which is 461.12 feet, having an arc distance of 299.66 feet, the long chord of which is South 61 degrees 23 minutes 40 seconds East, 294.41 feet to a p.k. nail in the center line of said road; thence continuing to run in and along said road by a curve to the right, the radius of which is 550.50 feet, having an arc distance of 323.28 feet, the long chord of which is South 57 degrees 38 minutes 30 seconds East, 318.65 feet to an existing p.k. nail at the intersection of the center lines of Roberts Road and Feeser Road; thence continuing in Feeser Road South 11 degrees 13 minutes 40 seconds West, 195.28 feet to a p.k. nail West of the center line of Feeser Road (T-442), the place of BEGINNING, CONTAINING 14.083 Acres.

IMPROVEMENTS consist of a single family residential dwelling.

BEING PREMISES: 335 Roberts Road, Littlestown, PA 17340

SOLD as the property of GARY L. COLE and PHYLIS KATHLEEN COLE

TAX PARCEL # 16 13

SEIZED and taken into execution as the property of Gary L. Cole & Phyllis K.

Cole and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, 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.

10/6, 13 & 20

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-697 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate in Mt. Joy Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the property line of Burnside Drive in the Lake Heritage Subdivision at corner of Lot No. 795 on the draft of survey hereinafter referred to: thence along the property line of Burnside Drive South 04 degrees 30 minutes West, 60.0 feet to a point at corner of Lot No. 797; thence along Lot No. 797 North 85 degrees 30 minutes 00 seconds West, 286.17 feet to a point in Lake Heritage; thence in Lake Heritage North 21 degrees 40 minutes 00 seconds East, 62.80 feet to a point at corner of Lot No. 795; thence along Lot No. 795 South 85 degrees 30 minutes 00 seconds East, 267.63 feet to a point, the place of BEGINNING.

Designated as Lot No. 796 on a Plan of Lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Docket 4 at page 778, and SUBJECT TO all legal highways, easements, rights of way and restrictions of record.

BEING the same premises which Kenneth J. Held and Maegyne P. Held, Husband and Wife by Deed dated April 18, 1997 and recorded April 22, 1997 in Adams County, Pennsylvania in Deed Book 1359, Page 97, granted and conveyed unto Steven M. Hood and Carol L. Hood, Husband and Wife.

PROPERTY ID# 10-37

SEIZED and taken into execution as the property of Steven M. Hood & Carol L. Hood and to be sold by me

Raymond W. Newman Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 11, 2000, 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.

10/20, 27 & 11/3

NOTICE

NOTICE IS HEREBY GIVEN that John Matthew Hartzell intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 20th day of October, 2000, and that he intends to practice law as the Solicitor for the County of Adams, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania.

Office of the Adams County Solicitor  
111-117 Baltimore Street  
Gettysburg, PA 17325

10/6, 13 & 20

NOTICE

Pennsylvania Classics, Inc., was a corporation organized under the laws of the State of Virginia, which merged with Classic Leather, Inc., a North Carolina corporation with its principal place of business in North Carolina at Highway 70-A East, Hickory, Catawba County, North Carolina 28601. The principal place of business of Pennsylvania Classics, Inc. in Pennsylvania was located at 41 Monarch Street, Littlestown, PA 17340. Notice is given that Pennsylvania Classics, Inc., which, on January 5, 1984, was granted a Certificate of Authority by the Secretary of State of the State of Pennsylvania to transact business in that state, has presented an application to withdraw from the state for cancellation of its certificate pursuant to the provisions of 15 Pa.C.S. §4129.

/s/Thomas H. Shores, Jr., President  
Dated: October 5, 2000

10/20

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-294 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

All those three (3) tracts of land situate on the east side of Ridge Road (Township Road T-404) in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

## TRACT NO. 1:

BEGINNING at a point in the center of Ridge Road at other lands now or formerly of Joseph Andrew Eyler, thence in and along the center line of Ridge Road (Township Road T-404) North 31 degrees 49 minutes 3 seconds East, 167.32 feet to a point in the center of said Ridge Road (Township Road T-404); thence leaving said Ridge Road (Township Road T-404) and through a steel pin set back 22 feet from the beginning hereof and by lands now or formerly of Clarence E. Eyler and Lucy V. Eyler South 59 degrees 7 minutes 28 seconds East, 237.49 feet to a steel pin; thence continuing by other lands now or formerly of Clarence E. Eyler and Lucy V. Eyler South 15 degrees 7 minutes 52 seconds West, 253.82 feet to a steel pin at lands now or formerly of Joseph Andrew Eyler; thence by lands now or formerly of Joseph Andrew Eyler and through a steel pin set back 30 feet from the end hereof North 45 degrees 8 minutes 13 seconds West, 318.56 feet to a point in the center of Ridge Road (Township Road T-404), the point and place of BEGINNING. CONTAINING 1.2620 Acres.

The foregoing description was taken from a draft of survey prepared for Clarence E. Eyler by Donald E. Worley, Registered Surveyor, dated May 16, 1974.

## TRACT NO. 2:

BEGINNING at point marked by a steel pin on line of lands now or formerly of Clarence E. Eyler and Lucy V. Eyler on the boundary line of Lot No. 2 as identified on the subdivision plan hereinafter referred to; thence by said Lot No. 2, lands now or formerly of Clarence E. Eyler and Lucy V. Eyler, South 59 degrees 7 minutes 28 seconds East, 55 feet to a steel pin; thence continuing by lands now or formerly of Clarence E. Eyler and Lucy V. Eyler and through an iron pin set back 92.19 feet from the end hereof, South 13 degrees 42 minutes 41 seconds East, 487.53 feet to a point at the southbound lane of U.S. Route 15 and at lands now or formerly of Joseph Andrew Eyler and Beverly Ann Eyler; thence by lands now or formerly of Joseph Andrew Eyler and Beverly Ann Eyler and through an iron pin set back

88.19 feet from the beginning hereof, North 36 degrees 2 minutes 20 seconds West, 436.55 feet to a steel pin at lands now or formerly of Clarence E. Eyler, Jr. heretofore acquired in Deed Book 372 at page 154; thence by lands now or formerly of Clarence E. Eyler, Jr., North 32 degrees 17 minutes 22 seconds East, 176.10 feet to an iron pin, the point and place of BEGINNING. CONTAINING 1.0392 Acres.

The foregoing description was taken from a draft of survey prepared for Clarence E. Eyler by Donald E. Worley, Registered Surveyor, dated December 20, 1985, as revised February 7, 1986, said subdivision being duly approved by the various municipal subdivisions and commission of Adams County and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 43 page 75, and identified thereon as Lot No. 1.

## TRACT NO. 3:

BEGINNING at a point marked by a steel pin on line of lands now or formerly of Clarence E. Eyler and Lucy V. Eyler; thence by lands now or formerly of Clarence E. Eyler and Lucy V. Eyler, South 59 degrees 7 minutes 28 seconds East, 53.98 feet to a steel pin; thence continuing by lands of same and originally a part hereof, South 32 degrees 17 minutes 22 seconds West, 176.10 feet to a steel pin at lands now or formerly of Clarence E. Eyler, Jr.; thence by lands now or formerly of Clarence E. Eyler, Jr., North 15 degrees 7 minutes 52 seconds East, 182.91 feet to a steel pin, the point and place of BEGINNING. CONTAINING 4,751 square feet.

The foregoing description was taken from a draft survey prepared for Clarence E. Eyler by Donald E. Worley, Surveyor, dated October 13, 1983, and as approved by the various subdivisions of Adams County, and duly recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 39 at page 38, and identified on the plot plan as Lot No. 1.

Said tract of land is known as Tax Map No. F-16 and Parcel No. 31D.

SUBJECT TO the restrictions and covenants as recorded in the above recited deeds.

The address of these tracts of land is 490 Ridge Road, Gettysburg, Adams County, Pennsylvania.

SEIZED and taken into execution as the property of **Joseph B. Smith & Margaret A.L. Smith** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, 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.

10/13, 20 & 27

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-662 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Situate in Reading Twp., Adams Cty., Crmwth. of PA. Being more particularly described as Lot #868 on Plan of Lots of Lake Meade Subdivision recorded in Miscellaneous Deed Book 1, Pg. 6. HET a dwg. k/a 369 Lake Meade Dr., E. Berlin, PA 17316. Parcel 32 & Tax Map 10. DBV 1893, Pg. 180.

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

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 11, 2000, 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.

10/20, 27 & 11/3

## ESTATE NOTICES

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

## FIRST PUBLICATION

## ESTATE OF J. RAYMOND MILLER, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Co-Executors: Frank C. Myers, III and Mary S. Miller, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews, 29 North Duke Street, York, PA 17401

## ESTATE OF IVA M. MUMPER, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executrix: Delores V. Sheffield, 3291 Horizon Drive, Lancaster, PA 17601

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

## ESTATE OF STEPHEN RICHARD REDDING, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executor: Fred Redding, 241 Shrivvers Corner Road, Gettysburg, PA 17325

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

## ESTATE OF BETTYLOU MAYE STERNER, DEC'D

Late of Highland Township, Adams County, Pennsylvania

Oscar Elwood Sterner, Jr., 585 Goldenville Road, Gettysburg, PA 17325; Flora Elizabeth (Sterner) (Gochenauer) Laughman, 72 High Rock Road, Hanover, PA 17331

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

## ESTATE OF H. DEAN STOVER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Alfred D. Stover, 5288 W. Paseo De Las Colinas, Tucson, AZ 85745

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

## SECOND PUBLICATION

## ESTATE OF DORIS F. LEONARD, DEC'D

Late of the Borough of Hanover, Adams County, Pennsylvania

Executrices: Anne L. Shelleman, 3005 Centennial Road, Hanover, PA 17331; Kerry E. Lawver, 1490 Mason Dixon Road, Gettysburg, PA 17325

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

## ESTATE OF BERNARD EARL RADUNSKIE, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Bernard Earl Radunske, Jr., 7363-B Camp Caves Ct., Ft. Stewart, GA 31315; James R. Radunske, 14 Violet Ct., Rochester, NH 03867

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

## ESTATE OF HOWARD E. SHULTZ, DEC'D

Late of Highland Township, Adams County, Pennsylvania

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

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

## ESTATE OF HELEN K. TIMMINS, a/k/a HELEN C. TIMMINS, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Michael A. Timmins, P.O. Box 301, New Oxford, PA 17350; Delores A. Burk, 313 Second Avenue, Hanover, PA 17331

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

## ESTATE OF STEPHEN L. YELOVICH, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executor: Bruce Yelovich, 1634 Carrolls Tract Road, Orrtanna, PA 17353

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

## THIRD PUBLICATION

## ESTATE OF HILDA G. ANDREW, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Gertrude Bohn, 819 Old Route 30, Orrtanna, PA 17353

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

## ESTATE OF PAULINE G. FAIR, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executrix: Ann Elizabeth Walton, 9245 Marydell Road, Ellicott City, MD 21042

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

## ESTATE OF FAITH E. HARTZEL, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Glenn R. Hartzel, 2444 Chambersburg Road, Biglerville, PA 17307

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

## ESTATE OF SYLVIA I. HERMAN, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania

Co-Executors: Edward C. Herman and Delores I. Wagner, c/o 29 North Duke Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews, 29 North Duke Street, York, PA 17401

## ESTATE OF A. TOM MACHEMER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: John E. Machermer, 45 Woodcrest Drive, Gettysburg, PA 17325

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

## ESTATE OF LAWTON G. MALONEY, JR., DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Eleanor A. Maloney, c/o Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

Attorney: Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

## ESTATE OF J. ARTHUR WOLFE a/k/a JOHN ARTHUR WOLFE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Susan J. Hassinger and Richard J. Wolfe, 225 Antique Lane, New Oxford, PA 17350

Attorney: William F. Hoffmeyer, Esq., Hoffmeyer & Semmelman

## ESTATE OF FRANCIS A. YEATES, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Vernon H. Clapper

Attorney: Alan M. Cashman, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-576 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING DESCRIBED TWO (2) TRACTS of land situate, lying and being in Latimore Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1 - BEGINNING at a steel pin situate on the North side of a thirty-three (33) foot wide right-of-way and at corner of land now or formerly of Donald L. Lehman; thence by said lands now or formerly of Donald L. Lehman, North 25 degrees 51 minutes West, two hundred sixty-three and seventy-hundredths (263.70) feet to a steel pin on line of land now or formerly of Charles Kennedy; thence by land now or formerly of Charles Kennedy, North 50 degrees 34 minutes East, one hundred twenty-four and twenty-hundredths (124.20) feet to a steel pin at corner of lands now or formerly of Virgil S. Mulkey; thence by said Mulkey lands South 8 degrees 41 minutes East, one hundred twenty-five and sixty-nine hundredths (125.69) feet to a steel pin; thence continuing along the same, South 25 degrees 51 minutes East one hundred sixty-seven and seventy-three hundredths (167.73) feet to a steel pin on the North side of said thirty-three (33) feet right-of-way; thence along

the North side thirty-three (33) feet right-of-way, South 65 degrees 02 minutes West, eighty-five (85) feet to a steel pin, the place of BEGINNING. CONTAINING 0.5795 Acres.

TRACT NO. 2 - BEGINNING at an iron pin on the North property line of a proposed thirty-three (33) feet wide street at lands now or formerly of Donald L. Lehman; thence by said lands, North 29 degrees 20 minutes West, two hundred fifty-four and sixty-hundredths (254.60) feet to an iron pin at lands now or formerly of Charles Kennedy; thence by lands now or formerly of Charles Kennedy, North 53 degrees 34 minutes East, forty-nine and thirty-three hundredths (49.33) feet to a steel pin at lands now or formerly of John R. Frey; thence by lands now or formerly of John R. Frey, South 25 degrees 51 minutes East, two hundred sixty-three and seventy-hundredths (263.70) feet to a steel pin on the North property line of a proposed thirty-three (33) feet wide street; thence along the North property line of said proposed street, South 65 degrees 02 minutes West, thirty-three (33) feet to an iron pin, the point and place of BEGINNING. CONTAINING 0.24 Acres.

Being known as 179 Harrisburg Street.  
Tax I.D. No. 14-31A

SEIZED and taken into execution as the property of **Lee D. Kerstetter & Janet L. Kerstetter** and to be sold by me  
Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA  
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a

schedule of distribution will be filed by the Sheriff in his office on December 11, 2000, 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.

10/20, 27 & 11/3

NOTICE

Adams County Tax Claim Bureau hereby gives notice that it presented a Consolidated Return of Sale to the Court of Common Pleas of Adams County, Pennsylvania on October 12, 2000, of the Sale of Real Estate for delinquent taxes made September 22, 2000. The consolidated Return of Sale was confirmed nisi on October 12, 2000. Objections or exceptions thereto may be filed by any owner or lien creditor within thirty (30) days after the Court has made a confirmation nisi of the consolidated Return or the Return will be confirmed absolutely.

Adams County Tax Claim Bureau  
By: Danielle Asper, Director

10/20

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

**ADAMS  
COUNTY**  
NATIONAL BANK

Member FDIC

# Adams County Legal Journal

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No. 22, pp. 120-125

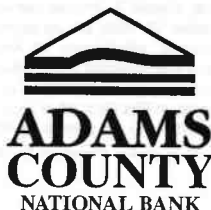
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## IN THIS ISSUE

GLATT VS. KAUFFMAN

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



Member FDIC

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

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-294 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL those three (3) tracts of land situate on the east side of Ridge Road (Township Road T-404) in Cumberland Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

## TRACT NO. 1:

BEGINNING at a point in the center of Ridge Road at other lands now or formerly of Joseph Andrew Eyler; thence in and along the center line of Ridge Road (Township Road T-404) North 31 degrees 49 minutes 3 seconds East, 167.32 feet to a point in the center of said Ridge Road (Township Road T-404); thence leaving said Ridge Road (Township Road T-404) and through a steel pin set back 22 feet from the beginning hereof and by lands now or formerly of Clarence E. Eyler and Lucy V. Eyler South 59 degrees 7 minutes 28 seconds East, 237.49 feet to a steel pin; thence continuing by other lands now or formerly of Clarence E. Eyler and Lucy V. Eyler South 15 degrees 7 minutes 52 seconds West, 253.82 feet to a steel pin at lands now or formerly of Joseph Andrew Eyler; thence by lands now or formerly of Joseph Andrew Eyler and through a steel pin set back 30 feet from the end hereof North 45 degrees 8 minutes 13 seconds West, 318.56 feet to a point in the center of Ridge Road (Township Road T-404), the point and place of BEGINNING. CONTAINING 1.2620 Acres.

The foregoing description was taken from a draft of survey prepared for Clarence E. Eyler by Donald E. Worley, Registered Surveyor, dated May 16, 1974.

## TRACT NO. 2:

BEGINNING at point marked by a steel pin on line of lands now or formerly of Clarence E. Eyler and Lucy V. Eyler on the boundary line of Lot No. 2 as identified on the subdivision plan hereinafter referred to; thence by said Lot No. 2, lands now or formerly of Clarence E. Eyler and Lucy V. Eyler, South 59 degrees 7 minutes 28 seconds East, 55 feet to a steel pin; thence continuing by lands now or formerly of

Clarence E. Eyler and Lucy V. Eyler and through an iron pin set back 92.19 feet from the end hereof, South 13 degrees 42 minutes 41 seconds East, 487.53 feet to a point at the southbound lane of U.S. Route 15 and at lands now or formerly of Joseph Andrew Eyler and Beverly Ann Eyler; thence by lands now or formerly of Joseph Andrew Eyler and Beverly Ann Eyler and through an iron pin set back 88.19 feet from the beginning hereof, North 36 degrees 2 minutes 20 seconds West, 436.55 feet to a steel pin at lands now or formerly of Clarence E. Eyler, Jr. heretofore acquired in Deed Book 372 at page 154; thence by lands now or formerly of Clarence E. Eyler, Jr., North 32 degrees 17 minutes 22 seconds East, 176.10 feet to an iron pin, the point and place of BEGINNING. CONTAINING 1.0392 Acres.

The foregoing description was taken from a draft of survey prepared for Clarence E. Eyler by Donald E. Worley, Registered Surveyor, dated December 20, 1985, as revised February 7, 1986, said subdivision being duly approved by the various municipal subdivisions and commission of Adams County and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 43 page 75, and identified thereon as Lot No. 1.

## TRACT NO. 3:

BEGINNING at a point marked by a steel pin on line of lands now or formerly of Clarence E. Eyler and Lucy V. Eyler; thence by lands now or formerly of Clarence E. Eyler and Lucy V. Eyler, South 59 degrees 7 minutes 28 seconds East, 53.98 feet to a steel pin; thence continuing by lands of same and originally a part hereof, South 32 degrees 17 minutes 22 seconds West, 176.10 feet to a steel pin at lands now or formerly of Clarence E. Eyler, Jr.; thence by lands now or formerly of Clarence E. Eyler, Jr., North 15 degrees 7 minutes 52 seconds East, 182.91 feet to a steel pin, the point and place of BEGINNING. CONTAINING 4.751 square feet.

The foregoing description was taken from a draft survey prepared for Clarence E. Eyler by Donald E. Worley, Surveyor, dated October 13, 1983, and as approved by the various subdivisions of Adams County, and duly recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 39 at page 38, and identified on the plot plan as Lot No. 1.

Said tract of land is known as Tax Map

No. F-16 and Parcel No. 31D.

SUBJECT TO the restrictions and covenants as recorded in the above recited deeds.

The address of these tracts of land is 490 Ridge Road, Gettysburg, Adams County, Pennsylvania.

SEIZED and taken into execution as the property of **Joseph B. Smith & Margaret A.L. Smith** and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, 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.

10/13, 20 & 27



## GLATT VS. KAUFFMAN

1. Reinstatement of the appeal by the court is permitted "upon good cause shown." The appellate courts have interpreted "good cause" to require the appellant to proffer a legally sufficient reason for reinstating the appeal." Nevertheless, the decision to reinstate an appeal is discretionary with the trial court and will not be reversed absent an abuse of discretion.

2. The essential purposes of Rule 1005 is to prevent parties from appealing from an adverse judgment of a district justice and then delaying the case by failing to timely notify the non-appealing party ... The rule also ensures that the district justice will be notified as the notice of appeal may act as a supersedeas, and thus, may affect the prevailing party's attempt to execute on the judgment.

3. Consequently, the mere failure to file the proofs of service in a timely manner will be disregarded where it is clear that the opposing party has received notice of the appeal and the purpose of the rules has been satisfied.

4. Rule 126 does not require the trial court to disregard procedural defects; rather it permits the trial court, in the exercise of its discretion, to do so where the substantive rights of the opposing party have not been prejudiced.

5. It is well settled that an individual who chooses to proceed pro se is not entitled to any particular advantage because of his or her lack of legal training ... As our Supreme Court has explained, an individual choosing to represent himself or herself must, to some reasonable extent, assume the risk that the lack of expertise and legal training will prove his or her undoing ... Appellant's pro se status, without more, thus does not establish good cause.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Civil, No. 97-S-282. TERESA L. GLATT VS. CARL R. KAUFF-  
MAN, III.

Kevin G. Robinson, Esq., for Plaintiff

John M. Crabbs, Esq., for Defendant

Kuhn, J., July 16, 1999

## MEMORANDUM OPINION

Before the Court for disposition is Defendant's Motion to Reinstate Appeal, filed April 21, 1999. A hearing on the motion was held before the undersigned on July 12, 1999, from which the following background was elicited solely from Defendant's testimony.

At one time, Plaintiff and Defendant resided together in an intimate relationship. As frequently occurs, the relationship dissolved and the parties separated. Subsequently, Plaintiff filed a civil action against Defendant in the office of District Justice John C. Zepp which resulted in the entry of judgment in Plaintiff's favor in the amount of \$5,593.00 on February 25, 1997.

At the district justice hearing Defendant was represented by counsel but decided to file an appeal pro se. Defendant obtained a Notice of Appeal form from the Prothonotary's Office, completed the upper portion thereof and filed the notice, with the proper fee, on March 26, 1997. Before filing the notice, Defendant asked a clerk whether the document was completed correctly and, properly, was told by the clerk that she could not give legal advice. Defendant alleges being told that he would "receive papers in the mail".

Defendant failed to complete that portion of the Notice of Appeal entitled "Praecipe to Enter Rule to File Complaint and Rule to File" and failed to serve the notice upon Plaintiff or the District Justice. Defendant did nothing further.

Several years later Defendant attempted to re-finance his home and was advised by the finance company that a judgment was entered against the property. Defendant contacted his attorney and understood that the attorney contacted the lender and advised them that there was not a lien against the property. The residence was then re-financed.

Defendant is employed in Maryland. Sometime in early 1999 he was advised that his wages were being attached to pay off Plaintiff's claim. Within several days, Defendant contacted new counsel who, on January 15, 1999, filed a praecipe for a rule to issue upon Plaintiff to file a complaint. The rule was sent to Plaintiff and District Justice Zepp by certified mail on January 15, 1999.

On February 18, 1999, Plaintiff filed both a complaint and a praecipe to strike the appeal for failure of Defendant to make timely service of the appeal. The parties agree that the appeal was stricken but no evidence of record appears to that effect. Furthermore, no evidence exists as to how or when Defendant was advised that the appeal was stricken. Nevertheless, on April 21, 1999, Defendant filed the instant motion which set forth a proposed answer to the complaint and requested reinstatement of the appeal.

The rules provide that an appeal from judgment entered by a district justice must be filed within 30 days. Pa. R.C.P.J.P. No. 1002. The appellant is then required to serve both the notice of appeal upon both the appellee and the district justice and where, as here, the appellant was the defendant below, he shall serve the appellee with the rule to file a complaint. Pa. R.C.P.J.P. No. 1005A. Within 10

days after filing the appeal the appellant must file with the Prothonotary proof of service of the appeal and rule. Pa. R.C.P.J.P. No. 1005B. Clearly, Defendant failed to comply with these rules.

Pa. R.C.P.J.P. No. 1006 provides that the Prothonotary shall, upon praecipe of the appellee, mark the appeal stricken if the appellant fails to comply with Rule 1005B. Reinstatement of the appeal by the court is permitted “upon good cause shown”. The appellate courts have interpreted “good cause” to “require the appellant to proffer a legally sufficient reason for reinstating the appeal.” *Howland, Hess, Guinan & Torpey v. Prerzel*, 446 Pa. Super. 648, 652, 667 A.2d 1163, 1164 (1995). Nevertheless, the decision to reinstate an appeal is discretionary with the trial court and will not be reversed absent an abuse of discretion. Adhering to the rules is not considered an abuse of discretion, despite the modern trend toward liberalization (see Pa. R.C.P. 126). *Hanni v. Penn Warranty Corp.*, 442 Pa. Super. 160, 658 A.2d 1349 (1995).

We turn to *Slaughter v. Allied Heating*, 431 Pa. Super. 348, 636 A.2d 1121 (1993) for guidance in our disposition of this matter. In that case, Allied Heating, the appellant, acting pro se, filed a timely appeal from a judgment entered November 4, 1992, and alleged that it sent the notice of appeal to the appellee and the district justice by regular mail. No proofs of service were filed within the 10-day period. In January 1993, the appellant retained counsel who discovered the absence of the proof of service. On January 15, 1993, 58 days after the notice of appeal was filed, counsel served the notice of appeal on the appellee and the district justice and filed the proof of service with the Prothonotary. On January 19, 1993, the appellee filed a praecipe to strike the appeal for failure to comply with Rule 1005B. The appeal was struck and on January 28, 1993, the appellant filed a petition to reinstate the appeal. Both the appellee and the district justice denied receiving the notice of appeal prior to service by appellant’s counsel. The trial court’s denial of the petition was affirmed on appeal.

The appellant argued that non-compliance with the rules should be disregarded pursuant to Pa. R.C.P. 126 and cases which have reinstated appeals where technical rules were not strictly followed. Our Superior Court observed

Nearly all of the cases cited by appellant indicate that the appealing party timely served the notice of appeal upon both the opposing party and the district justice and had merely failed to timely file their proofs of service or their complaint...This distinction is significant when it is considered in light of the essential purposes of Rule 1005, which is to prevent parties from appealing from an adverse judgment of a district justice and then delaying the case by failing to timely notify the non-appealing party...The rule also ensures that the district justice will be notified as the notice of appeal may act as a super-seedeas, and thus, may affect the prevailing party's attempt to execute on the judgment...The requirements of Rule 1005 further promote the speedy, orderly and just determination of the appeal and eliminate any dispute as to whether service was actually made...Where the notice of appeal is timely filed and served upon the non-appealing party and the district justice, the intent underlying the rule has been fulfilled and no further purpose remains to be served by penalizing the appealing party for failing to timely file the proofs of service...Consequently, the mere failure to file the proofs of service in a timely manner will be disregarded where it is clear that the opposing party has received notice of the appeal and the purpose of the rules has been satisfied...

431 Pa. Super. at 353-4; 636 A.2d at 1124 (citations omitted)

Appellant nevertheless contends that Pa. R.C.P. 126, 42 Pa. C.S.A. compelled the trial court to disregard the procedural defects. Notwithstanding appellant's assessment, Rule 126 does not require the trial court to disregard procedural defects; rather it permits the trial court, in the exercise of its discretion, to do so where the substantive rights of the opposing party have not been prejudiced...In the context of this particular case, however, the trial court must additionally consider whether appellant has demonstrated good cause for reinstating the appeal in

determining whether to disregard appellant's failure to comply with the rules...

431 Pa. Super. at 355; 636 A.2d at 1125 (citations omitted).

There the appellant claimed the failure to file the proof of service was due to inadvertent error. The Superior Court found that excuse insufficient. As in the case sub judice, Allied tried to bolster its excuse by contending that it was unrepresented by counsel at the time the appeal was filed. That explanation met swift rebuke.

It is well settled that an individual who chooses to proceed pro se is not entitled to any particular advantage because of his or her lack of legal training...As our Supreme Court has explained, an individual choosing to represent him- or her- self must, to some reasonable extent, assume the risk that the lack of expertise and legal training will prove his or her undoing...Appellant's pro se status, without more, thus does not establish good cause.

431 Pa. Super. at 356; 636 A.2d at 1125 (citations omitted).

In our opinion, Defendant has not shown good cause for his failure to comply with the rules. Defendant had counsel at the district justice proceeding but decided to represent himself in filing the appeal. The Prothonotary's clerk told Defendant she could not give him legal advice. She did not tell him that he need not do anything further. The front of the notice of appeal form contains the provision for entry of a rule to file a complaint. That section states "(This section of form to be used ONLY when appellant was DEFENDANT...in action before District Justice. IF NOT USED, detach from copy of appeal to be served upon appellee)." The back side of the form contains the proof of service and reads, in part, "(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal...)" These portions of the form should have alerted Defendant that service was required by someone and he made no inquiry about that responsibility. Not until nearly two years later when Plaintiff is attempting to execute on the judgment does Defendant retain counsel and file the appeal. This case does not

demonstrate minor deviation from the rules but rather a prolonged delay which could dramatically affect Plaintiff's substantive rights.

While the Court would prefer that disputes not resolved amicably be resolved on their merits rather than by rigid procedural compliance, we are mindful that Defendant did have his day in court before the district justice. He certainly knew this was a serious matter and proceeded on his own. The door has been closed to further delay.

Accordingly, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 16th day of July 1999, Defendant's Motion to Reinstate Appeal, filed April 21, 1999, is denied.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-576 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THE FOLLOWING DESCRIBED TWO (2) TRACTS of land situate, lying and being in Laitmore Township, Adams County, Pennsylvania, bounded and described as follows:

TRACT NO. 1 - BEGINNING at a steel pin situate on the North side of a thirty-three (33) foot wide right-of-way and at corner of land now or formerly of Donald L. Lehman; thence by said lands now or formerly of Donald L. Lehman, North 25 degrees 51 minutes West, two hundred sixty-three and seventy-hundredths (263.70) feet to a steel pin on line of land now or formerly of Charles Kennedy; thence by land now or formerly of Charles Kennedy, North 50 degrees 34 minutes East, one hundred twenty-four and twenty-hundredths (124.20) feet to a steel pin at corner of lands now or formerly of Virgil S. Mulkey; thence by said Mulkey lands South 8 degrees 41 minutes East, one hundred twenty-five and sixty-nine hundredths (125.69) feet to a steel pin; thence continuing along the same, South 25 degrees 51 minutes East one hundred sixty-seven and seventy-three hundredths (167.73) feet to a steel pin on the North side of said thirty-three (33) feet right-of-way; thence along the North side thirty-three (33) feet right-of-way, South 65 degrees 02 minutes West, eighty-five (85) feet to a steel pin, the place of BEGINNING. CONTAINING 0.5795 Acres.

TRACT NO. 2 - BEGINNING at an iron pin on the North property line of a proposed thirty-three (33) feet wide street at lands now or formerly of Donald L. Lehman; thence by said lands, North 29 degrees 20 minutes West, two hundred fifty-four and sixty-hundredths (254.60) feet to an iron pin at lands now or formerly of Charles Kennedy; thence by lands now or formerly of Charles Kennedy, North 53 degrees 34 minutes East, forty-nine and thirty-three hundredths (49.33) feet to a steel pin at lands now or formerly of John R. Frey; thence by lands now or formerly of John R. Frey, South 25 degrees 51 minutes East, two hundred sixty-three and seventy-hundredths (263.70) feet to a steel pin on the North property line of a proposed thirty-three (33) feet wide street; thence along the North property line of said proposed street, South 65 degrees 02 minutes West, thirty-three (33) feet to an iron pin, the point and place of BEGINNING. CONTAINING 0.24 Acres.

Being known as 179 Harrisburg Street.

Tax I.D. No. 14-31A

SEIZED and taken into execution as the property of **Lee D. Kerstetter & Janet L. Kerstetter** and to be sold by me

Raymond W. Newnam  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 11, 2000, 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.

10/20, 27 & 11/3

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed by RS AUTOMATION, 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.

By: John D. Flinchbaugh, Esq.  
Countess Gilbert Andrews  
Solicitors

10/27

CERTIFICATE OF AUTHORITY

NOTICE IS HEREBY GIVEN that an application has been made to the Department of the Commonwealth of Pennsylvania, at Harrisburg, PA by T & M CRANE RENTALS, INC., a foreign corporation formed under the laws of the State of Maryland, where its principal office is located at 140A South Seton Avenue, Emmitsburg, MD 21727 County of Frederick, for a Certificate of Authority to do business within the Commonwealth of Pennsylvania under the provisions of the Business Corporation Law of 1988. The proposed registered office of said corporation in the Commonwealth of Pennsylvania will be located at 681 Boyle Road, Fairfield, PA, 17320 County of Adams.

10/27

IN THE COURT  
OF COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW  
NO. 99-S-594

TERESA E. KEEFER, Plaintiff,

vs.

RAYMOND E. STEFAN, JR., Defendant.

NOTICE PURSUANT TO  
COURT ORDER

TO: Raymond E. Stefan, Jr., Defendant  
in Civil Action No. 99-S-594.

TAKE NOTICE that on June 28, 1999, the Plaintiff filed her Complaint against the above named Defendant, Raymond E. Stefan, Jr., No. 99-S-594.

On October 17, 2000, the Court of Common Pleas of Adams County, entered an Order permitting service of the Complaint upon you by publication, which will be effected by publishing this Notice one time in the Gettysburg Times and the Adams County Legal Journal.

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice of any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator  
Adams County Courthouse  
111-117 Baltimore Street  
Gettysburg, PA 17325  
Telephone number 717 337-9846 or  
717-334-6781

Chester G. Schultz, Esq.  
Attorney Plaintiff

10/27

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-697 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN lot of ground situate in Mt. Joy Township, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the property line of Burnside Drive in the Lake Heritage Subdivision at corner of Lot No. 795 on the draft of survey hereinafter referred to: thence along the property line of Burnside Drive South 04 degrees 30 minutes West, 60.0 feet to a point at corner of Lot No. 797; thence along Lot No. 797 North 85 degrees 30 minutes 00 seconds West, 286.17 feet to a point in Lake Heritage; thence in Lake Heritage North 21 degrees 40 minutes 00 seconds East, 62.80 feet to a point at corner of Lot No. 795; thence along Lot No. 795 South 85 degrees 30 minutes 00 seconds East, 267.63 feet to a point, the place of BEGINNING.

Designated as Lot No. 796 on a Plan of Lots of Lake Heritage Subdivision, duly entered and appearing of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Miscellaneous Docket 4 at page 778, and SUBJECT TO all legal highways, easements, rights of way and restrictions of record.

BEING the same premises which Kenneth J. Held and Maegyne P. Held, Husband and Wife by Deed dated April 18, 1997 and recorded April 22, 1997 in Adams County, Pennsylvania in Deed Book 1359, Page 97, granted and conveyed unto Steven M. Hood and Carol L. Hood, Husband and Wife.

PROPERTY ID# 10-37

SEIZED and taken into execution as the property of Steven M. Hood & Carol L. Hood and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 11, 2000, 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.

10/20, 27 & 11/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-662 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 17th day of November, 2000, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

Situate in Reading Twp., Adams Cty., Cmwth. of PA. Being more particularly described as Lot #868 on Plan of Lots of Lake Meade Subdivision recorded in Miscellaneous Deed Book 1, Pg. 6. HET a dwg. k/a 369 Lake Meade Dr., E. Berlin, PA 17316. Parcel 32 & Tax Map 10. DBV 1893, Pg. 180.

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

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 11, 2000, 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.

10/20, 27 & 11/3

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 00-S-91 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 10th day of November, 2000, 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 Germany Township and Adams County which is bounded and limited as follows:

BEGINNING at an iron pin planted for a corner at land now or formerly of James D. Spalding and Creamery Road; thence Southeast along said land 272 feet, more or less, to lands now or formerly of William Messinger; thence southwest along lands now or formerly of said Messinger fifty-five feet to lands now or formerly of Daniel Leppo; thence along lands now or formerly of said Leppo Northwest 272 feet, more or less, to the public (Creamery) Road; thence along said road Northeast fifty-five feet to the place of BEGINNING. Iron pins having been planted at each of the aforementioned corners.

Being known as 27 Kindig Road  
Property ID No. J-17-112

TITLE TO SAID PREMISES IS VESTED IN Brian Robert Hatter and Lisa Scott Hatter, husband and wife as tenants by the entireties by deed from Shirley M. Griffith, dated 11/21/1987 and recorded 12/7/1987 in Deed Book 474 Page 1150.

SEIZED and taken into execution as the property of Brian Robert Hatter & Lisa Scott Hatter and to be sold by me

Raymond W. Newman  
Sheriff

Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 4, 2000, 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.

10/13, 20 & 27



## ESTATE NOTICES

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

## FIRST PUBLICATION

- ESTATE OF LENA M. REDDEN, DEC'D**  
Late of Cumberland Township, Adams County, Pennsylvania  
Executor: Wayne B. Ogburn, Jr., P.O. Box 388, Biglerville, PA 17037  
Attorney: Robert E. Campbell, Esq., Campbell & White, 112 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF CHARLES L. WUEGER, DEC'D**  
Late of Oxford Township, Adams County, Pennsylvania  
Executor: John I. Mowery, 401-C Peace Circle, New Oxford, PA 17350  
Attorney: Leavens & Roberts, 29 East Independence Street, Post Office Box 518, Shamokin, PA 17872

## SECOND PUBLICATION

- ESTATE OF J. RAYMOND MILLER, DEC'D**  
Late of Hamilton Township, Adams County, Pennsylvania  
Co-Executors: Frank C. Myers, III and Mary S. Miller, c/o 29 North Duke Street, York, PA 17401  
Attorney: Sharon E. Myers, Esq., Countess Gilbert Andrews, 29 North Duke Street, York, PA 17401
- ESTATE OF IVA M. MUMPER, DEC'D**  
Late of Latimore Township, Adams County, Pennsylvania  
Executrix: Delores V. Sheffield, 3291 Horizon Drive, Lancaster, PA 17601  
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325
- ESTATE OF STEPHEN RICHARD REDDING, DEC'D**  
Late of Butler Township, Adams County, Pennsylvania  
Executor: Fred Redding, 241 Shivers Corner Road, Gettysburg, PA 17325  
Attorney: Clayton R. Wilcox, Esq., 234 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF BETTYLOU MAYE STERNER, DEC'D**  
Late of Highland Township, Adams County, Pennsylvania  
Oscar Elwood Sterner, Jr., 585 Goldenville Road, Gettysburg, PA 17325; Flora Elizabeth (Sterner) (Gochenauer) Laughman, 72 High Rock Road, Hanover, PA 17331  
Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF H. DEAN STOVER, DEC'D**  
Late of Oxford Township, Adams County, Pennsylvania  
Executor: Alfred D. Stover, 5288 W. Paseo De Las Colinas, Tucson, AZ 85745  
Attorney: Catherine J. Gault, Esq., 31 S. Washington Street, Gettysburg, PA 17325

## THIRD PUBLICATION

- ESTATE OF DORIS F. LEONARD, DEC'D**  
Late of the Borough of Hanover, Adams County, Pennsylvania  
Executrices: Anne L. Shelleman, 3005 Centennial Road, Hanover, PA 17331; Kerry E. Lawver, 1490 Mason Dixon Road, Gettysburg, PA 17325  
Attorney: Wendy Weikal-Beauchat, Esq., 63 West High Street, Gettysburg, PA 17325
- ESTATE OF BERNARD EARL RADUNSKIE, DEC'D**  
Late of the Borough of Carroll Valley, Adams County, Pennsylvania  
Bernard Earl Radunske, Jr., 7363-B Camp Caves Ct., Ft. Stewart, GA 31315; James R. Radunske, 14 Violet Ct., Rochester, NH 03867  
Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF HOWARD E. SHULTZ, DEC'D**  
Late of Highland Township, Adams County, Pennsylvania  
Executor: Edward Shultz, 129 Zeigler Mill Road, Gettysburg, PA 17325  
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325
- ESTATE OF HELEN K. TIMMINS, a/k/a HELEN C. TIMMINS, DEC'D**  
Late of Conewago Township, Adams County, Pennsylvania  
Michael A. Timmins, P.O. Box 301, New Oxford, PA 17350; Delores A. Burk, 313 Second Avenue, Hanover, PA 17331  
Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325
- ESTATE OF STEPHEN L. YELOVICH, DEC'D**  
Late of Hamiltonban Township, Adams County, Pennsylvania  
Executor: Bruce Yelovich, 1634 Carrolls Tract Road, Orrtanna, PA 17353  
Attorney: Wendy Weikal-Beauchat, Esq., 63 West High Street, Gettysburg, PA 17325

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE

IN THE COURT  
OF COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW  
NO. 00-S-679

FIRST UNION NATIONAL BANK, AS  
TRUSTEE FOR THE REGISTERED  
HOLDERS OF EMERGENT HOME  
EQUITY LOAN PASS-THROUGH CER-  
TIFICATES, SERIES 1998-01, Plaintiff,

vs.

KENNETH A. PEARE and CHERYL A.  
PEARE, Defendants.

NOTICE

TO: Kenneth A. Peare and Cheryl A.  
Peare:

You are hereby notified that on July 6,  
2000, Plaintiff, First Union National Bank,  
as Trustee for the Registered Holders of  
Emergent Home Equity Loan Pass-  
Through Certificates, Series 1998-01,  
filed a Mortgage Foreclosure Complaint  
endorsed with a Notice to Defend,  
against you in the Court of Common  
Pleas of Adams County, Pennsylvania,  
docketed to No. 00-S-679. Wherein  
Plaintiff seeks to foreclose on the mort-  
gage secured on your property located at  
10 Eagles Trail, Fairfield, PA 17320,  
whereupon your property would be sold  
by the Sheriff of Adams County.

You are hereby notified to plead to the  
above referenced Complaint on or before  
20 days from the date of this publication  
or a Judgment will be entered against  
you.

NOTICE

You have been sued in Court. If you  
wish to defend, you must enter a written  
appearance personally or by attorney,  
and file your defenses or objections in  
writing with the court. You are warned  
that if you fail to do so, the case may pro-  
ceed without you and Judgment may be  
entered against you without further  
notice for the relief requested by the  
Plaintiff. You may lose money, the prop-  
erty or other rights important to you.

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

Adams County Court Administrator  
Adams County Courthouse  
Gettysburg, PA 17325  
(717) 337-6781, Ext. 213

Lisa D. Blankenburg  
Attorney for Plaintiff  
Federman and Phelan  
900 Two Penn Center Plaza  
Philadelphia, PA 19102  
(215) 563-7000

10/27

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that  
Articles of Incorporation were filed with  
the Department of State, of the  
Commonwealth of Pennsylvania, at  
Harrisburg, Pennsylvania, on September  
22, 2000, for the purpose of obtaining a  
Certificate of Incorporation of a business  
Corporation organized under the  
Business Corporation Law of the  
Commonwealth of Pennsylvania, Act of  
December 21, 1988, P.L. 1444, No. 177.

The name of the corporation is J.R.  
LEHIGH TRUCKIN, INC.

The purpose for which the corporation  
has been organized is: The corporation  
shall have unlimited power to engage in  
and do any law act concerning any or all  
lawful business for which corporations  
may be organized under the  
Pennsylvania Business Corporation Law.

J.R. LEHIGH TRUCKIN, INC.  
1446 Abbottstown Pike  
Hanover, PA 17331

10/27