

Adams County Legal Journal

Vol. 39

July 4, 1997

No. 6, pp.31-36

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-259 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of July, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT tract of land situate, lying and being in the Borough of McSherrystown, Adams County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING for a point on the cul-de-sac of Cricket Lane at Lot No. 20-A; thence along and with said Lot No. 20-A, North seventy-eight (78) degrees, forty-nine (49) minutes, fifty-three (53) seconds West one hundred nineteen and seventeen hundredths (119.17) feet to a point at lands now or formerly of L.O.O.M.; thence along said last mentioned lands, North twenty-two (22) degrees, fifty-nine (59) minutes, zero (0) seconds West, twenty and eleven hundredths (20.11) feet, more or less to a point, at lands now or formerly of Urban F. Staub; thence along said last mentioned lands North fifty-seven (57) degrees, forty-six (46) minutes, zero (0) seconds East sixty (60) feet to a point at Lot No. 21-A; thence along and with said Lot No. 21-A south fifty-five (55) degrees, fifty-four (54) minutes, forty (40) seconds East ninety-eight (98.6) feet to a point at the above mentioned cul-de-sac by a curve to the left, the long chord of which is nineteen and eighty-seven hundredths (19.87) feet, South twenty-two (22) degrees, thirty-seven (37) minutes, forty-two (42) seconds West an arc distance of twenty (20) feet to the point and place of beginning.

CONTAINING 4,990 square feet and being known as Lot No. 20-B, as per survey of Donald E. Worley, Professional Land Surveyor, bearing date of May 8, 1985 and recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Plan Book 41 page 103 and being known as Delone Development.

UNDER AND SUBJECT nevertheless, to the covenants, restrictions and conditions as set forth in the Declaration of Protective Covenants and Restrictions dated March 18, 1985 and recorded in the Adams County Recorder of Deeds Office in Record Book 399 page 779 and the Amendment to Declaration of Covenants and Restrictions dated May 14,

1985 and recorded in the Adams County Recorder of Deeds Office in Record Book 400 page 428.

TAX PARCEL NUMBER: #6-117
PREMISES: 603 CRICKET LANE,
MCSHERRYSTOWN, PA 17344

TITLE TO SAID PREMISES IS VESTED IN Michael E. Reindollar and Violet L. Reindollar, husband and wife, by Deed from Douglas S. Duvail and Lisa M. Duvail, husband and wife dated 9/8/89 recorded 9/12/89 in Deed Book 533 page 258.

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

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
May 21, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 18, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/20, 27 & 7/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-265 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 25th day of July, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING for a point in the right-of-way line of Lingg Road, (TR-480) a fifty (50) foot wide street, at corner of Lot No. 544, on the hereinafter referred to plan of lots, thence along said lot North thirty-eight (38) degrees forty-nine (49) minutes fifty-eight (58) seconds East, one hundred nine and ninety-three hun-

dredths (109.93) feet to a point at Lot No. 551, thence along said Lot Nos. 551 and 550 South fifty-one (51) degrees ten (10) minutes two (02) seconds East, seventy-five (75.00) feet to a point at Lot No. 546, thence by said lot South thirty-eight (38) degrees forty-nine (49) minutes fifty-eight (58) seconds West, one hundred nine and eighty-six hundredths (109.86) feet to a point at the right-of-way line of Lingg Road, aforesaid, thence in and along said road North fifty-one (51) degrees thirteen (13) minutes nine (09) seconds West, seventy-five (75.00) feet to a point at Lot No. 544, the point and place of BEGINNING.

IT BEING the same tract of land which Oxford Estates, a General Partnership, by deed bearing even date herewith and about to be recorded in the Office of the Recorder of Deeds for Adams County, Pennsylvania, granted and conveyed unto Arthur R. Cockrell and Tabitha D. Cockrell, MORTGAGORS HEREIN.

BEING KNOWN AS 472 LINGG ROAD,
NEW OXFORD, PA 17350.

TAX PARCEL NUMBER: #10-58

TITLE TO SAID PREMISES IS VESTED IN Arthur R. Cockrell and Tabitha D. Cockrell, his wife by Deed from Oxford Estates, a General Partnership by Mark Lee Kuhn, its attorney-in-fact specially made and constituted by Power of Attorney dated 10/9/85 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 410 page 761, dated 10/15/92 recorded 10/19/92 in Record Book 645 page 745.

SEIZED and taken into execution as the property of **Arthur R. Cockrell and Tabitha D. Cockrell** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
May 21, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on August 18, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/20, 27 & 7/4

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-133 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT certain tract of land, together with the improvements thereon, situate in the Borough of Littlestown, Adams County, Pennsylvania, as shown on the subdivision plan for "Lakeview Village-Phase Two," prepared by Donald E. Worley, Registered Surveyor, of Worley Surveying, dated April 21, 1989, revised September 11, 1989, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 54, page 65 (2 pages), more particularly bounded and described as follows:

LOT NO. 20: BEGINNING at a steel pin on the southern right-of-way line of Starlite Drive at corner of Lot No. 21 on the plan of lots hereinabove identified; thence by said Lot No. 21, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, one hundred and zero hundredths (100.00) feet to a steel pin at corner of Lot No. 11 of Lakeview Village-Phase One; thence by said Lot No. 11, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, thirty-six and zero hundredths (36.00) feet to a steel pin at corner of Lot No. 19; thence by said Lot No. 19, North Forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, one hundred and zero hundredths (100.00) feet to a steel pin on the southern right-of-way line of Starlite Drive; thence by said southern right-of-way line of Starlite Drive, North forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds East, thirty-six and zero hundredths (36.00) feet to the above described place of BEGINNING. CONTAINING 3,600 square feet.

SUBJECT TO CONDITIONS AND RESTRICTIONS, easements and rights of way and/or set back lines filed with Plan in Book 54, Page 65 and Declaration of Restrictions recorded in Book 559, Page 653.

BEING THE SAME PREMISES WHICH Willow Oak Builders, Inc. by deed dated 9/28/94 and recorded 9/30/94 in Adams County Record Book 945 Page 83 granted and conveyed unto Ronnie R. Spencer.

TO BE SOLD AS THE PROPERTY OF RONNIE R. SPENCER UNDER ADAMS COUNTY JUDGMENT NO. 97-S-133.

PARCEL: 27-12-73

SEIZED and taken into execution as the property of **Ronnie R. Spencer** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
June 11, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 8, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/27, 7/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-N-335 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground situate on West Middle Street in the Borough of Gettysburg, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a corner on said West Middle Street at property formerly of Elizabeth Johns; thence along property formerly of Elizabeth Johns, North one hundred eighty (180) feet, more or less, to a public alley; thence along said alley, East thirty (30) feet, more or less, to property now or formerly of John Irwin; thence along said property now or formerly of John Irwin, South one hundred eighty (180) feet, more or less, to West Middle Street aforesaid; thence along said West Middle Street, West thirty (30) feet to the place of BEGINNING.

BEING THE SAME LOT of land which Lida E. Carbaugh, widow, of the Borough of Gettysburg, Adams County, Pennsylvania, by his Deed dated June 7, 1974, recorded June 10, 1974, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book

313, Page 934, granted and convey unto Joseph G. Patti, single man, of the Borough of Gettysburg, Adams County, Pennsylvania.

Under and subject to any and all restrictions, objections, etc., as they appear of record.

SEIZED and taken into execution as the property of **Joseph J. Patti, a/k/a/ Joseph G. Patti** and to be sold by me

Bernard V. Miller
Sheriff

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 8, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/27, 7/4 & 11

IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY,
PENNSYLVANIA
CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on the 12th day of June, 1997, the petition of Jeanette Crista Wilson filed in the Court of Common Pleas of Adams County, Pennsylvania, praying for a decree to change her name from Jeanette Crista Wilson to Jeanette Crista Savage.

The Court has fixed the 4th day of August, 1997, at 9:00 A.M. in Courtroom No. 1 of the Adams County Courthouse, at Gettysburg, Pennsylvania, as the time and place for hearing of said petition when and where all persons interested may appear and show cause, if any they have, why the prayer of said petition should not be granted.

Bigham & Puhl
By Edward G. Puhl, Esquire
Attorney for Petitioner
16 Lincoln Square
Gettysburg, PA 17325

7/4

RAMSAY VS. RAMSAY

1. Notwithstanding the fact that the Master observes and hears witnesses, the Court is not bound by recommendations.
2. In deferred distribution plans, risk of non receipt is shared by the parties.
3. While a large disparity in income will justify an award of attorney's fees, a generous share of equitable distribution justifies denial of such fees.
4. The purpose of alimony is neither to reward nor punish, but to insure that the reasonable needs of a person are met when that spouse is unable to support herself through appropriate employment.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 93-S-483, RICHARD F. RAMSAY VS. TAUN J. RAMSAY.

Roy A. Keefer, Esq., for Plaintiff
Barbara Jo Entwistle, Esq., for Defendant

OPINION ON EXCEPTIONS TO MASTER'S REPORT

Spicer, P.J., September 27, 1996.

Both parties have filed exceptions to the master's report, which was filed July 2, 1996. We have had the benefit of briefs and argument.

Although a master's report is entitled to great weight, final determination of equitable distribution and other issues lies with the Court. Notwithstanding the fact that the master observes and hears witnesses, the Court is not bound by recommendations. *Tagnani v. Tagnani*, 439 Pa.Super. 596, 654 A.2d 1136 (1995).

In her report, the master discussed facts as they related to factors affecting equitable distribution (35 Pa. C.S.A. §3502), alimony [§3701(b)] alimony and counsel fees. Although various items of marital and non marital property were mentioned, we can find no definitive valuations for some. Husband argues that the report distributes sixty three (63%) percent of the marital estate to wife, a figure with which wife's counsel neither agrees nor disputes. The master recommended rehabilitative alimony in the amount of three hundred (\$300.00) dollars per month, for three years, and award of twenty five hundred (\$2500.00) dollars to wife as counsel fees.

Husband complains that facts do not warrant such a large disparity in distributive shares, nor do they support any alimony or counsel fees. Wife, on the other hand, contends that the master overlooked her serious medical condition, that alimony should be higher and continue indefinitely and that her marital share should be increased to at least sixty (65%) percent. She also argues that the master did not give proper weight to her contributions to the marital estate.

The master recommended the following property distributions:

(a) Husband receives Duncan Phyfe furniture, with no value established, which he owned prior to the marriage and which is non-marital. In her testimony, wife said the furniture was worth at least \$1,000.00.

(b) Husband receives his personal tools, which were valued differently by each. Husband's value was \$1500.00, wife's \$5000.00. We can find no resolution by the master, but wife's brief sets value at \$3500.00, which would indicate an informal resolution of the credibility issue. Neither party has made value an issue.

(c) Wife receives a boat, trailer and motor valued at \$3538.77.

(d) Each spouse receives the vehicle he or she presently possesses. In the case of husband, this is a 1992 Ford Ranger and a 1991 Ford Escort to wife. The master gave no values for either of these two vehicles. In her brief, wife represents that the Ranger is worth \$5150.00, but includes no value for her Escort.

(e) Real estate was sold independently by the parties and proceeds were amicably divided. The master recited sales prices as \$56,989.96 and a bank account of \$583.97. Husband previously received \$20,498.75 and wife got \$22,998.75. At the time of the report, \$9725.60 was held in escrow, which wife is to receive.

(f) At the time of their marriage, husband was on active duty in the United States Coast Guard. He has since retired and his military pension was valued at \$465,310.60. Applying a coverture fraction of .2326, the master obtained a marital value of \$108,231.19. The master recommended deferred disposition, with wife to receive \$230.00 per month. Husband presently receives \$1765.00 per month and, applying the same coverture fraction, marital income amounts to \$410.54. Wife's share would represent 56% of this subtotal.

The master recommended that wife's interest be secured by insurance in the amount of \$100,000.00. The Court has no idea how this figure was calculated, but it is unreasonable. Applying a factor of .56 to the marital value, wife's

share would be \$60,609.36. Under the deferred method, wife would receive income and, if husband died, be entitled to \$100,000.00 in insurance proceeds.

Furthermore, in deferred distribution plans, risk of non receipt is shared by the parties. *Paulone v. Paulone*, 437 Pa.Super. 130, 649 A.2d 691 (1994).

A brief summary of evidence will indicate that the parties were married May 21, 1983, and separated June 1, 1993. Thus, the duration of the marital relationship was almost exactly ten years. This was wife's third marriage and husband's second. Each party have children to previous marriages, but no children were born of this marriage. Each party worked during the marriage. Husband supplemented his retirement with carpentry work (\$10.00 per hour) and a part time position in a local restaurant (\$50.00 per week, plus free meals and drinks, apparently during the period he works). Wife has worked at various jobs, but because of serious health problems, has enjoyed only minimal earnings for the last several years. She made \$954.00 in 1994. She suffers from chronic fatigue, sinusitis, bronchitis, kidney infections and problems with her right leg. She underwent surgery and described severe pain, which she contends affects her earning capacity. One of the sources of income has been waitressing.

Husband suffered a mild heart attack several years ago, but currently displays no medical problems. Husband was 51 years old and wife 47, at the time of the hearing.

The master found that husband's economic horizons were considerably brighter than wife's and recommended alimony for a period of three years. Husband complains that he has been paying several debts, including mortgage payments on the residence until it was sold and alimony pendente lite of \$470.00 per month. Wife argues that the master failed to consider her future medical problems and the diminishment they cause to her earnings.

Husband also complains that the master's recommendation of attorney's fees in the sum of \$2,500.00 is unjustified.

The purpose of awarding attorney's fees to is to put the parties on a par in the divorce proceedings. It has been held that a large disparity in income will justify an award. *Harasym v. Harasym*, 418 Pa.Super. 486, 614 A.2d 742 (1992). It has also been decided that a generous share of equitable distribution justifies denial of such fees. *Tagnani v. Tagnani*, supra, (marital share was \$55,694.12).

There has been, and will continue to be, a substantial disparity in income in this case, even considering the grant of alimony. Wife will receive \$32,723.12 in liquid assets and alimony. However, her

earnings have been minimal and expectations modest for the immediate future. Outstanding counsel fees at the time of hearing totaled \$3,115.22. Wife said that she had \$3,000.00 in the bank, which remained from her portion of property sold by the parties. She also said she used the balance for medical and living expenses.

Ordinarily, we would not grant counsel fees, under the circumstances of this case. Husband paid alimony pendente lite, which was designed to level the playing field. He has had his own expenses to pay and paid mortgage payments. However, in view of wife's past economic straits, we find that an award is justified. It may be a case where the right hand takes away while the left hand restores, but we must keep in mind the purpose for which each award is given. Wife should be responsible for one half of her counsel fees, in our opinion, and we reduce the award to \$1558.00.

Each party has advanced various arguments to support exceptions to equitable distribution. Wife contends the master overlooked her significant contributions to the marital estate. After receiving an award of \$32,000.00 in 1986, in connection with a workmen's compensation claim, wife contributed the money to the marriage. She also brought to the union a house from a prior marriage which she valued at \$64,000.00. The master acknowledged these contributions but determined they were offset by husband's contributions. We find her disposition reasonable, with one exception, which will be discussed in connection with alimony.

Both parties have debts and obligations. Husband, as has been mentioned, paid substantial amounts on marital debts while also paying alimony pendente lite. Wife described medical bills which she says are still owing, apparently even after a military health insurance plan paid some of her obligations.

Most of the marital assets were disposed of by private arrangement and the master recommended that the remaining sums held in escrow be distributed to wife. The master considered all relevant factors and we see no need to interfere with the recommendations.

Wife argues that the master should have considered all factors with regard to alimony and failed to do so. On page 22 of the report, the master said:

k) Property brought to the marriage by either party -

As noted under equitable distribution above, Wife contributed a home she obtained as a result of a previous marriage and divorce. This factor was considered under equitable distribution and has little or no impact in regard to the Master's consideration of any award in alimony.

Thus, the master considered the factor, but did not accord it any weight. She was permitted to consider the circumstances in this manner. *Litmans v. Litmans*, 449 Pa.Super. 209, 673 A.2d 382 (1996). (Debt was considered in determining APL, but not elsewhere).

The master concluded that wife's medical problems would not permanently affect her earning capacity. In light of wife's failure to produce expert medical testimony, we cannot disagree. *Tagnani v. Tagnani*, supra. *O'Callaghan v. O'Callaghan*, 530 Pa. 176, 607 A.2d 735 (1992).

However, facts clearly justify rehabilitative alimony and continuation of physical impairment is relevant. Husband did not dispute wife's physical condition. She suffered an injury at work prior to 1986 and received compensation. She underwent surgery in 1992. There is no reason to disbelieve her testimony that earnings were substantially impaired because of pain and inability to stand for long periods of time.

She also said she had no time to take educational or job training courses because of the press of divorce.

In light of the considerable period of time which expired from the date of her leg injury to the time of hearing, it would be unreasonable to assume that wife will heal and regain the ability to work in former pursuits. There remains only for determination the amount and duration of the award.

Husband correctly points out that alimony is a secondary remedy, to be granted where a spouse's reasonable needs cannot be achieved through equitable distribution. As we have pointed out, wife's advance distributive share has diminished to \$3,000.00. She will receive a little more than an additional \$9,000.000. Her share of husband's pension is hardly enough to allow her to subsist. Necessity is the only requirement for alimony. Divorce Code factors are to be applied in a compassionate and reasonable manner to achieve economic justice. The purpose of alimony is neither to reward nor punish, but to ensure that the reasonable needs of a person are met, when that spouse is unable to support herself through appropriate employment. *Baker v. Baker*, 425 Pa.Super. 237, 624 A.2d 655 (1993); *Barrett v. Barrett*, 418 Pa.Super. 334, 614 A.2d 299 (1992); *Tagnani v. Tagnani*, supra.; *Twilla v. Twilla* 445 Pa.Super. 86, 664 A.2d 1020 (1995); *Nemoto v. Nemoto*, 423 Pa.Super. 269, 620 A.2d 1216 (1993).

We have discussed most factors we consider important, but there is one more. Wife's workmen's compensation recovery can be traced and is related to the condition which still impairs her earning capacity. In contributing this to the marriage, she gave up money which was designed to restore her economically.

We realize that the duration of alimony is mainly a judgment call, but we find five years more reasonable than three. In making this determination, we consider wife's age, background and physical history. In our opinion, three years is too brief a time to enable her to regain her economic feet.

In conclusion, we reject the recommendation that husband should be required to maintain insurance, decrease the amount of attorney's fees for which husband is liable to \$1558.00 and increase the time of alimony to five years. With those adjustments, we adopt the master's recommendations.

ORDER

AND NOW, this 27th day of September, 1996, exceptions are sustained in part and dismissed in part, as indicated in the attached opinion. The master's recommendations are modified as follows:

- 1) Husband shall not be required to provide insurance
- 2) Wife's award of counsel fees is reduced to \$1,558.00
- 3) The duration of alimony is increased to five years

As modified, the recommendations are adopted and incorporated within this order.

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 REBA I. ALBRIGHT, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania
 Executor: Gene McCrae Albright, 232 North High Street Arendtsville, Biglerville, PA 17307
 Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ISABEL H. KAEHLER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
 Executors: Angela K. Hunter, 929 East Walnut St., Hanover, PA 17331; Judith K. Sterner, 1104 West Elm Avenue, Hanover, PA 17331
 Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, PA 17331

STATE OF CHARLES A. KNIGHT, SR., DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania
 Administrators, c.t.a.: Mr. Charlie W. Knight, 3443 Hanover Road, Gettysburg, PA 17325; Ms. Sandra K. Knight, 1056 Centennial Avenue, Hanover, PA 17331; Mr. Charles A. Knight, Jr., 1046 Centennial Avenue, Hanover, PA 17331
 Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF REBECCA E. MILLER, a/k/a REBECCA ELIZABETH MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executor: James A. Miller
 Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF ALLEN W. PLANK, JR., DEC'D

Late of Freedom Township, Adams County, Pennsylvania
 Executor: Michael Allen Plank, 35 Fox Run Circle, Cabot, AR 72023
 Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF CORNELIUS P. REGAN, JR., DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania
 Administrator: John V. Scott, 401 Brickcrafters Road, New Oxford, PA 17350
 Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EVELYN S. SCHWARTZ, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
 Executrix: Heien L. Crouse, 125 Woodcrest Drive, Gettysburg, PA 17325
 Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MAURICE V. WOLFE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
 Executor: Vernon C. Wolfe, 1618 Bachman Valley Road, Westminster, MD 21158
 Attorney: Catherine J. Gault, Esq., 31 South Washington St., Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF MARY ELIZABETH SMITH, DEC'D

Late of 235 Pegram St., Cumberland Township, Gettysburg, Adams County, Pennsylvania
 Executor: Frederic C. Smith, 339 Buchanan Valley Road, Ortanna, PA 17353
 Attorney: Gary E. Hartman, Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EUGENE V. SNYDER, DEC'D

Late of Germany Township, Adams County, Pennsylvania
 Executor: Stephen D. Snyder, 902 Long Lane, Gettysburg, PA 17325
 Attorney: Teeter, Teeter, & Teeter, 108 West Middle Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF EDGAR L. GROFT, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania
 Executors: Ellen R. Brown, 401 Main St., Apt. 2, McSherrystown, PA 17344; Daniel G. Groft, 76 Thomas Drive, McSherrystown, PA 17344
 Attorney: Ronald J. Hagarman, Esquire, 110 Baltimore Street, Gettysburg, PA 17325

ESTATE OF JANET LOUISE MYERS, DEC'D

Late of 500 South Street, McSherrystown, Adams County, Pennsylvania
 Executors: Ronald L. Myers; Christine L. Willheim, c/o R. L. Myers, 1340 Valley View Road, York, PA 17403-4265

ESTATE OF COLUMBUS G. SCHNEIDER, DEC'D

Late of 254 South Jefferson Street, Hanover, Adams County, Pennsylvania
 Executor: C. Michael Gladhill, 901 Fish & Game Road, Littlestown, PA 17340
 Attorney: Alison H. Peterson, Esquire, Peterson & Peterson, 515 Carlisle Street, Hanover, PA 17331

ESTATE OF DOROTHY M. WHISLER, DEC'D

Late of Latimore Township, Adams County, Pennsylvania
 Executor: Richard E. Whisler, 112 Baltimore Road, York Springs, PA 17372
 Attorney: John C. Zepp, III, Esquire, P. O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

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 June 4, 1997.

The name of the corporation is GETTYSBURG REFERRAL ASSOCIATES, INC.

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

Robert E. Campbell
 Campbell & White
 122 Baltimore Street
 Gettysburg, PA 17325
 Attorneys

7/4

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that on May 14, 1997 a certificate will be filed under the Fictitious Name Act approved December 21, 1988, P.L. 1444, in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that W. Scott Coyle, 38 Howard Drive, East Berlin, PA 17316 is/are the only person(s) owning or interested in a business, the character of which is Manufacturing of Jewelry and that the name, style and designation under which said business is and will be conducted is GEMTONES DESIGNS and the location where said business is and will be located is 38 Howard Drive, East Berlin, PA 17316.

7/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-1 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that lot of ground along the public road leading from the Hanover-Carlisle State Highway to the Hanover-Abbottstown State Highway, in Berwick Township, Adams County, Pennsylvania, which is bounded and described as follows:

BEGINNING at an iron stake on the North side of the public road aforesaid at land now or formerly of George Wolf; thence by the same North 29 degrees West 49.5 feet to an iron pin at lands now or formerly of Emory Laughman; thence by the same North 50 degrees 27 minutes East 244 feet to an iron pin near a walnut tree at the other land now or formerly of Charles H. Bittinger; thence by the same South 37 degrees East 67 feet to an iron pin at the public road aforesaid; thence by the same South 54 degrees 48 minutes West 260 feet to an iron pin, the place of BEGINNING.

EXCEPTING AND RESERVING, however unto C. H. Bittinger, his heirs and assigns, the perpetual right of way and privilege irrevocably, in, over and under the lot hereby conveyed for the purpose of maintaining, operating and replacing the water pipe line which now exists and extends upon the lot of ground hereby conveyed.

This conveyance does not include or intend to include any water right or privilege to obtain water from the pipe line of C. H. Bittinger, as now existing over the lot of ground hereby conveyed.

IT BEING the same tract of land which Earl D. Anthony and Joyce M. Anthony, husband and wife, by their deed dated August 6, 1982, recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania in Book 364, at page 38, granted and conveyed unto Frank W. Beadle, Jr. and Kathi L. Beadle, husband and wife.

Tax Map L-12, Parcel 57

SEIZED and taken into execution as the property of **Frank W. Beadle, Jr. and Kathi L. Beadle** and to be sold by me

Bernard V. Miller
Sheriff

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 1, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/20, 27 & 7/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-247 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at a point in the center of State Highway Route No. 34 leading from Gettysburg to Carlisle; thence running in the center of same, North one-half (1/2) degree East, one hundred and eight (108) feet to another point in the center of said highway; thence running by land now or formerly of Ray Edwin Unger, North eighty-eight and one-fourth (88-1/4) degrees East, three hundred and eighty-two (382) feet to a stake and stones; thence running by land now or formerly of Sara Rife, South three-fourths (3/4) degree West, one hundred and twenty (120) feet to a stake and stones; thence running by land now or formerly of Frank Thomas, South eighty-nine and one-half (89-1/2) degrees West, three hundred and seventy-eight (378) feet to a point in said highway, the place of beginning. CONTAINING 1 Acre and 20 square feet.

PARCEL 70 MAP F10

SEIZED and taken into execution as the property of **Richard S. Fancovic and Mary A. Fancovic** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
June 3, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 1, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/20, 27 & 7/4

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-101 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 8th day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin on the north side of the State Highway leading from Fairfield to Greenstone at line of land now or formerly of Susan J. Bupp and land now or formerly of Edward Richardson and extending thence along said Richardson land, North 82 degrees 30 minutes East 256 feet to a point in center of said highway at land now or formerly of Clarence Wright; thence along said Wright land, South 20 degrees East 120 feet through a pine tree and across Tom's Creek to a stone at said land now or formerly of Susan J. Bupp; thence along said Bupp land, South 73 degrees West 278 feet to stones; thence North 8 degrees 30 minutes West 160 feet re-crossing Tom's Creek and through another pine tree to the place of BEGINNING.

CONTAINING 136 square rods, more or less.

BEING THE SAME PREMISE WHICH became vested in John E. Myers, Sr. and Wanda J. Myers by virtue of deed dated July 2, 1993 and recorded July 6, 1993 in Adams County Records Book 748, page 109.

TO BE SOLD AS THE PROPERTY OF JOHN E. MYERS, SR. AND WANDA J. MYERS UNDER ADAMS COUNTY JUDGMENT NO. 97-S-101.

TAX PARCEL: 18-B16-79

SEIZED and taken into execution as the property of **John E. Myers, Sr. and Wanda J. Myers** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
June 6, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 1, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/20, 27 & 7/4

Adams County Legal Journal

Vol. 39

July 11, 1997

No. 7, pp.37-40

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-473 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground with the improvements thereon erected, situate in Menallen Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an existing iron pipe at stones at corner of land of The Peters Orchard Company, which iron pipe is located along land of Carl E. Hess and wife, designated as Lot No. 9 on a plan of lots recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 39 at page 8; thence by said land of Carl E. Hess and wife, South thirty-six (36) degrees twenty-eight (28) minutes twenty (20) seconds West, fifty-five (55) feet to an iron pipe; thence by land of Carl E. Hess and land of Francis T. Carberry and by land of William Eugene Rudisill and wife and running through an iron pipe located twenty-five (25) feet from the end of this line, South fifty-six (56) degrees forty-three (43) minutes fifty (50) seconds West, four hundred thirty-two and thirty-

nine hundredths (432.39) feet to a point in the center of a fifty (50) foot private drive; thence in the center of said fifty (50) foot private drive and by other land of Dale J. Showers and wife, designated as Lot No. 10 on the plan of lots referred to below, North twenty-nine (29) degrees thirty-seven (37) minutes twelve (12) seconds West, one hundred (100) feet to a steel pin; thence continuing in the center of said fifty (50) foot private drive and by said Lot No. 10, North thirty-seven (37) degrees twenty-one (21) minutes thirty-three (33) seconds East, one hundred sixty-nine and thirty-two hundredths (169.32) feet to a steel pin; thence continuing by said Lot No. 10 and running through a steel pin located twenty-five (25) feet from the beginning of this line, North forty-six (46) degrees thirty-nine (39) minutes twenty (20) seconds West, one hundred fifty-seven and seventy-seven hundredths (157.77) feet to a steel pin along land of The Peters Orchard Company; thence by land of The Peters Orchard Company, North fifty (50) degrees forty-nine (49) minutes thirty-nine (39) seconds East, two hundred sixteen and forty-seven hundredths (216.47) feet to an existing iron pipe at stones; thence by the same, South fifty-seven (57) degrees fifteen (15) minutes eight (08) seconds East, three hundred forty-two and twenty-one hundredths (342.21) feet to an existing iron pipe at stones, the place

of BEGINNING. Containing 2.415 acres, more or less.

IT BEING the same premises which Alice C. LaTray, widow, by her Deed dated January 29, 1985, and which said Deed is recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania, in Deed Book 394, Page 336, granted and conveyed unto Ricky A. Hansford and Kelly L. Hansford, his wife.

SEIZED and taken into execution as the property of **Ricky A. Hansford and Kelly L. Hansford** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
June 27, 1997.

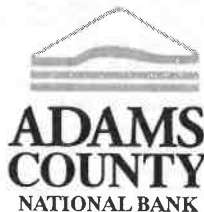
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 15, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/11, 18 & 25

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ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-133 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT certain tract of land, together with the improvements thereon, situate in the Borough of Littlestown, Adams County, Pennsylvania, as shown on the subdivision plan for "Lakeview Village-Phase Two," prepared by Donald E. Worley, Registered Surveyor, of Worley Surveying, dated April 21, 1989, revised September 11, 1989, recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 54, page 65 (2 pages), more particularly bounded and described as follows:

LOT NO. 20: BEGINNING at a steel pin on the southern right-of-way line of Starlite Drive at corner of Lot No. 21 on the plan of lots hereinabove identified; thence by said Lot No. 21, South forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds East, one hundred and zero hundredths (100.00) feet to a steel pin at corner of Lot No. 11 of Lakeview Village-Phase One; thence by said Lot No. 11, South forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds West, thirty-six and zero hundredths (36.00) feet to a steel pin at corner of Lot No. 19; thence by said Lot No. 19, North Forty-four (44) degrees twenty-two (22) minutes thirty-two (32) seconds West, one hundred and zero hundredths (100.00) feet to a steel pin on the southern right-of-way line of Starlite Drive; thence by said southern right-of-way line of Starlite Drive, North forty-five (45) degrees thirty-seven (37) minutes twenty-eight (28) seconds East, thirty-six and zero hundredths (36.00) feet to the above described place of BEGINNING. CONTAINING 3,600 square feet.

SUBJECT TO CONDITIONS AND RESTRICTIONS, easements and rights of way and/or set back lines filed with Plan in Book 54, Page 65 and Declaration of Restrictions recorded in Book 559, Page 653.

BEING THE SAME PREMISES WHICH Willow Oak Builders, Inc. by deed dated 9/28/94 and recorded 9/30/94 in Adams County Record Book 945 Page 83 granted and conveyed unto Ronnie R. Spencer.

TO BE SOLD AS THE PROPERTY OF RONNIE R. SPENCER UNDER ADAMS COUNTY JUDGMENT NO. 97-S-133.

PARCEL: 27-12-73

SEIZED and taken into execution as the property of **Ronnie R. Spencer** and to be sold by me

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
June 11, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 8, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/27, 7/4 & 11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 96-N-335 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT lot of ground situate on West Middle Street in the Borough of Gettysburg, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a corner on said West Middle Street at property formerly of Elizabeth Johns; thence along property formerly of Elizabeth Johns, North one hundred eighty (180) feet, more or less, to a public alley; thence along said alley, East thirty (30) feet, more or less, to property now or formerly of John Irwin; thence along said property now or formerly of John Irwin, South one hundred eighty (180) feet, more or less, to West Middle Street aforesaid; thence along said West Middle Street, West thirty (30) feet to the place of BEGINNING.

BEING THE SAME LOT of land which Lida E. Carbaugh, widow, of the Borough of Gettysburg, Adams County, Pennsylvania, by his Deed dated June 7, 1974, recorded June 10, 1974, in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book

313, Page 934, granted and conveyed unto Joseph G. Patti, single man, of the Borough of Gettysburg, Adams County, Pennsylvania.

Under and subject to any and all restrictions, objections, etc., as they appear of record.

SEIZED and taken into execution as the property of **Joseph J. Patti, a/k/a/ Joseph G. Patti** and to be sold by me

Bernard V. Miller
Sheriff

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 8, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

6/27, 7/4 & 11

NOTICE

NOTICE IS HEREBY GIVEN to all heirs-at-law of Helen T. Walker and other interested persons that Adams County National Bank, Plenary Guardian of the Estate of Helen T. Walker, an incapacitated person, has filed its first and final account and statement of proposed distribution, together with a petition for discharge as plenary guardian, in the Office of the Clerk of the Orphans' Court of Adams County, Pennsylvania in OC-119-94 and that the same will be presented to the Orphans' Court of the Court of Common Pleas of Adams County in Gettysburg, Pennsylvania for confirmation, approval and entry of an order of discharge on July 28, 1997 at 9:00 a.m. in Courtroom 1.

Teeter, Teeter & Teetl
108 West Middle Street
Gettysburg, PA 17325
Attorney for Guardianship Estate

7/11, 18

VALORA VS. VALORA

1. In a Protection From Abuse case under 23 Pa.C.S.A. §6108(a), counsel fees may be awarded in the absence of Plaintiff's obligation to pay for legal services.
2. Attorneys' fees are recoverable from an adverse party to a cause only when provided for by statute, or when clearly agreed to by the parties.
3. Statements by legislators during the enactment of a statute, while not dispositive of legislative intent, may be considered as part of the legislative history.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil NO. 96-S-264, FRANCES VALORA VS. WILLIAM VALORA, JR.

Carolyn L. Carter, Esq., for Plaintiff
John M. Crabbs, Esq., for Defendant

OPINION ON PETITION FOR COUNSEL FEES

Spicer, P.J., September 30, 1996.

Plaintiff seeks an award of counsel fees pursuant to 23 Pa. C.S.A. §6108(a)(8), which reads:

(a) General rule - The court may grant any protection order or approve any consent agreement to bring about cessation of abuse of the plaintiff or minor children. The order or agreement may include:

(8) Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the defendant to pay reasonable attorney fees.

Defendant asks the court to rule that he is not required to pay counsel fees because plaintiff incurred none. She was represented in this case by Legal Services, Inc.

Defendant compares this case to one in divorce where counsel fees are awarded to put the parties on a par while the case is proceeding. *Harasym v. Harasym*, 418 Pa. Super. 486, 614 A.2d 742 (1992). He argues that plaintiff never suffered disadvantage and that she has paid no fees, nor is she required to do so.

Thus, the issue is whether counsel fees may be awarded in the absence of plaintiff's obligation to pay for legal services.

The rule in this area has been described by Supreme Court as follows:

As this court stated in *Fidelity-Philadelphia Trust Company v. Philadelphia Transportation Company*, 404 Pa.

541, 173 A.2d 109 (1961): “the settled law of this Commonwealth is that attorneys’ fees are recoverable from an adverse party to a cause only when provided for by statute, or when clearly agreed to by the parties.” *Id.* at 548, 173 A.2d at 113.

Department of Transportation v. Manor Mines, Inc., 523 Pa. 112, 565 A.2d 428, 433 (1989).

The statute with which we deal clearly authorizes the imposition of such fees. The question is whether the right is limited to those instances where a prevailing party is personally liable for the fees. Plaintiff calls attention to an unreported Philadelphia County case in which fees were awarded. *Portley v. Portley*, April Term 1990, No. 3757, Family Court Division, Domestic Relations Branch, January 13, 1993. The decision was affirmed on appeal, but Superior Court’s memorandum opinion (636 A.2d 1222) indicates that the exact issue before us was not preserved on appeal and was not, therefore, considered. Plaintiff also cites various federal cases, which we have read and find inapposite. She also cites *Holbein v. Holbein*, 14 D. & C. 3d 209 (Butler County 1980), where fees were awarded a legal services agency in a divorce case.

Other than *Portley*, we do not find the cases helpful because, in this court’s opinion, we deal strictly with construction of particular statutory language. Issues were also somewhat different than those presently being argued.

It may be instructive however to consider that (a) statutes differ with respect to attorney fees and, (b) courts have awarded fees when it is unlikely that the rewarded party has suffered an added expense. We hasten to explain that we do not know the arrangements between the State Board of Probation and Parole and its counsel, and it may be that the board was charged for services in *Smith v. Commonwealth of Pennsylvania, Board of Probation and Parole*, 524 Pa. 500, 574 A.2d 558 (1990). In that case, a hapless court appointed attorney, described as pestering the court, was directed to pay the board reasonable attorney fees.

Superior Court has extensively described the process of ascertaining legislative meaning in *Commonwealth v. Berryman*, 437 Pa. Super 258, 649 A.2d 961 (1994) alloc dn 541 Pa. 632, 663 A.2d 685 (1994). See also *Pennsylvania Assigned Claims Plan v. English*, 541 Pa. 424, 664 A.2d 84 (1995). We summarize the discussion as follows:

1. Interpretation is subject to rules of statutory construction enacted in 1 Pa. C.S.A. 1901 et. seq.

2. The court's obligation is to seek the legislature's intent and to give effect to that intent.

3. Statutory language is read according to plain and ordinary meaning.

4. Interpretation of language should remain consistent throughout the statute.

5. Where a section contains a given word, omission in a similar section shows a different legislative intent. A court may not add an omitted word unless it is necessary to the construction of the statute.

6. The statute should be considered as a whole, but every word, sentence or provision is deemed to be intended for some purpose and must be given effect.

7. A court may consider the practical consequences of a particular interpretation and should presume that the legislature did not intend a result that is absurd or unreasonable. Statutes should receive the most sensible construction possible.

8. If official comments were published or available to legislators prior to enactment, they may be considered. Statements by legislators during the enactment, while not dispositive of legislative intent, may be considered as part of the legislative history.

Plaintiff has attached to her brief a letter written by Senator Stewart J. Greenleaf, dated March 30, 1988. Senator Greenleaf proposed an amendment to pending legislation and stated the following:

The first amendment clarifies that legal fees may be directed and paid to Legal Services which represents many plaintiffs in domestic violence cases. As presently drafted, it appears that only the plaintiff is eligible for reimbursement.

Exhibit A to plaintiff's brief indicates that the bill was amended by taking "attorney fees" from general provision relating to reimbursable items and inserting the sentence which now appears in the act, *supra*.

The language differs from other legislative enactments. For example, it is provided in 41 P.S. 502:

(a) If a borrower or debtor, including but not limited to a residential mortgage debtor, prevails in an action arising under this act, he shall recover the aggregate amount of

costs and expenses determined by the court to have been reasonably incurred on his behalf in connection with the prosecution of such action, together with a reasonable amount for attorney's fee.

Although Senator Greenleaf's letter may not qualify as legislative history, since it was not spoken during debate and its circulation is unknown, it certainly emphasizes that final legislation treats attorney fees differently than out-of-pocket expenses.

It is also true in Adams County, as the Senator suggests for the state, that almost all of protection from abuse proceedings are prosecuted by legal services. If we restrict awards to cases presented by privately retained counsel, we would effectively be reducing the impact of the legislation almost to zero.

We find the statute clearly authorizes assessments and awards to legal services. Section 6108(a)(8) distinguishes between out-of-pocket expenses and legal fees, clearly indicating that there is no requirement that attorney fees be actually incurred by plaintiff.

The attached order is entered.

ORDER

AND NOW, September 30, 1996, based upon stipulated facts and in accordance with the attached opinion, defendant is directed to pay counsel fees in the amount of \$1267.50 to Legal Services, Inc.

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 REBA R. DARR, DEC'D
Late of Huntington Township, Adams County, Pennsylvania
Executrix: Darlene I. Heebner, 98 Quaker Church Road, York Springs, PA 17372
Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF IVA R. PETRY, DEC'D
Late of Oxford Township, Adams County, Pennsylvania
Executrix: Jeanne M. Lookingbill, 127 Littleton Drive, Hanover, PA 17331
Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, PA 17331

ESTATE OF ALMA C. SMITH, DEC'D
Late of the Borough of McSherrystown, Adams County, Pennsylvania
Executors: Pauline Brunner, 425 Main St., McSherrystown, PA 17344; Ronald Smith, 622 Bletner Ave., Hanover, PA 17331
Attorney: Bigham & Puhl, Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF REBA I. ALBRIGHT, DEC'D
Late of the Borough of Arendtsville, Adams County, Pennsylvania
Executrix: Gene McCrae Albright, 232 North High Street Arendtsville, Biglerville, PA 17307
Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ISABEL H. KAEHLER, DEC'D
Late of Conewago Township, Adams County, Pennsylvania
Executors: Angela K. Hunter, 929 East Walnut St., Hanover, PA 17331; Judith K. Sterner, 1104 West Elm Avenue, Hanover, PA 17331
Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, PA 17331

ESTATE OF CHARLES A. KNIGHT, SR., DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania
Administrators, c.t.a.: Mr. Charlie W. Knight, 3443 Hanover Road, Gettysburg, PA 17325; Ms. Sandra K. Knight, 1056 Centennial Avenue, Hanover, PA 17331; Mr. Charles A. Knight, Jr., 1046 Centennial Avenue, Hanover, PA 17331
Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF REBECCA E. MILLER, a/k/a REBECCA ELIZABETH MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
Executor: James A. Miller
Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF ALLEN W. PLANK, JR., DEC'D

Late of Freedom Township, Adams County, Pennsylvania
Executor: Michael Allen Plank, 35 Fox Run Circle, Cabot, AR 72023
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF CORNELIUS P. REGAN, JR., DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania
Administrator: John V. Scott, 401 Brickcrafters Road, New Oxford, PA 17350
Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EVELYN S. SCHWARTZ, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executrix: Helen L. Crouse, 125 Woodcrest Drive, Gettysburg, PA 17325
Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MAURICE V. WOLFE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
Executor: Vernon C. Wolfe, 1618 Bachman Valley Road, Westminster, MD 21158
Attorney: Catherine J. Gault, Esq., 31 South Washington St., Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF MARY ELIZABETH SMITH, DEC'D

Late of 235 Pegram St., Cumberland Township, Gettysburg, Adams County, Pennsylvania
Executor: Frederic C. Smith, 339 Buchanan Valley Road, Orrtanna, PA 17353
Attorney: Gary E. Hartman, Esquire, Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EUGENE V. SNYDER, DEC'D

Late of Germany Township, Adams County, Pennsylvania
Executor: Stephen D. Snyder, 902 Long Lane, Gettysburg, PA 17325
Attorney: Teeter, Teeter, & Teeter, 108 West Middle Street, Gettysburg, PA 17325

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on February 21, 1997, pursuant to the Fictitious Name Act, setting forth that Nancie Gudmestad is the only person interested in a business, the character of which is the publication and production of printed material, and that the designation under which the business is and will be conducted is NAN-YING ENTERPRISES and that the location where said business is and will be conducted is 1360 Baltimore Pike, Gettysburg, PA 17325.

Bernard A. Yannetti, Jr., Esq.
Solicitor

7/11

NOTICE

NOTICE IS HEREBY GIVEN that the shareholders and directors of G. J. SEYMORE ELECTRIC, INC., a Pennsylvania corporation, with an address at 10 Bolton Street, New Oxford, Pennsylvania 17350, have approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

Donald G. Oyler, Esq.

7/11

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-326 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the 60 foot right-of-way line of West Myrtle Street at Lot No. 7, as shown on the hereinafter described subdivision plan; thence along said Lot No. 7, North 64 degrees 49 minutes 18 seconds West, 148.07 feet to a point at land now or formerly of Nancy A. Beimler and Richard Ronner; thence along said lands now or formerly of Nancy A. Beimler and Richard Ronner North 33 degrees 25 minutes 15 seconds East, 96.63 feet (erroneously stated as 482.36 feet in prior deeds) to a point at Lot No. 9 as shown on the hereinafter described subdivision plan; thence along said Lot No. 9, South 47 degrees 53 minutes 36 seconds East, 148.44 feet to a point on the 60 foot right-of-way line of West Myrtle Street; thence by a curve to the left, the radius of which is 180 feet, with an arc distance of 53.18 feet and a long chord bearing and distance of South 33 degrees 38 minutes 33 seconds West, 52.99 feet to a point at Lot No. 7 aforesaid, the point and place of BEGINNING. CONTAINING 10,901 square feet.

BEING Lot #8 on the Final Plan of West Side Terrace, dated June 14, 1991 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 59 at Page 19.

SUBJECT to the "West Side" Subdivision Approval Agreement dated June 25, 1991 and recorded in the Adams County Recorder of Deeds Office in Record Book 600 at Page 367.

SUBJECT to Declaration of Protective Covenants and Restrictions as recorded in the Adams County Recorder of Deeds Office in Record Book 600 at page 375.

TAX PARCEL #7-124.

TITLE TO SAID PREMISES IS VESTED IN Larry L. Herren, a single man by Deed from Slade S. McCalip and Pamela J. McCalip, husband and wife dated 6/30/94, recorded 7/5/94, in Record Book 907 page 307.

SEIZED and taken into execution as the property of Larry L. Herren and to be sold by me

Bernard V. Miller Sheriff

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

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 15, 1997 and distribution will be made in accordance with said schedule, unless ex-

ceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-333 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin at the West side of State Highway, Route 234, for a corner; thence running along said highway North 31-1/2 degrees East, 20.8 perches to a point in said highway; thence along lands now or formerly of the heirs of David McKendrick South 32-3/4 degrees East, 11.8 perches to a stake and stones; thence running by land of the same South 4-1/2 degrees East, 12 perches to a stake and stone; thence running by land of the same South 31 degrees East, 12.8 perches to an iron pin; thence running by land now or formerly of Edgar Showers North 58 degrees West, 29.9 perches to an iron pin at the West side of said highway, the place of BEGINNING. CONTAINING 1 Acre of 147 perches.

TITLE TO SAID PREMISES IS VESTED IN Mary C. Locke by Deed from Stephanie Newman dated 12/1/87, recorded 12/1/87, in Deed Book 474 page 785.

SEIZED and taken into execution as the property of Mary C. Locke a/k/a Charlene M. Locke and to be sold by me Bernard V. Miller Sheriff Sheriff's Office, Gettysburg, PA June 18, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 8, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/11, 18 & 25

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

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

John W. Bennett and Shirley J. Bennett, husband and wife, Plaintiffs

vs.

Sharon Rosenberg, Defendant NOTICE

TO: Sharon Rosenberg:

By Order of Court, dated June 19, 1997, you shall be barred from asserting any right, lien, title or interest in lot 108RD of the Charnita Subdivision (Carroll Valley Borough, Adams County, Pennsylvania) unless you enter an appearance and file an Answer to this law suit within thirty (30) days of this notice.

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

COUNTY REFERRAL OFFICE Adams County Courthouse 111 Baltimore Street Gettysburg, PA 17325 (717) 334-6781

Walton V. Davis Attorney for Plaintiffs 116 Baltimore St Gettysburg, PA 1732 (717) 337-1600

7/11, 18 & 25

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the filing with the Department of State of the Commonwealth of Pennsylvania, on May 23, 1997, of applications for certificates of conducting business under the assumed or fictitious names of MASON-DIXON GOLF COURSE, MASON-DIXON LIMITED, MASON-DIXON GOLF CLUB, MASON-DIXON RETIREMENT COMMUNITY and MASON-DIXON ESTATES, the principal place of such businesses being at 4086 Emmitsburg Road, Fairfield, PA 17320. The entity owning or interested in said businesses is Mason-Dixon Country Club, Inc., 2501 S. Front St., Philadelphia, PA 19148.

Stephen E. Patterson Patterson, Kiersz & Ganley, P.C. 239-B East Main St. Waynesboro, PA 17268

7/11

Adams County Legal Journal

Vol. 39

July 18, 1997

No. 8, pp. 41-46

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-473 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground with the improvements thereon erected, situate in Menallen Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an existing iron pipe at stones at corner of land of The Peters Orchard Company, which iron pipe is located along land of Carl E. Hess and wife, designated as Lot No. 9 on a plan of lots recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 39 at page 8; thence by said land of Carl E. Hess and wife, South thirty-six (36) degrees twenty-eight (28) minutes twenty (20) seconds West, fifty-five (55) feet to an iron pipe; thence by land of Carl E. Hess and land of Francis T. Carberry and by land of William Eugene Rudisill and wife and running through an iron pipe located twenty-five (25) feet from the end of this line, South fifty-six (56) degrees forty-three (43) minutes fifty (50) seconds West, four hundred thirty-two and thirty-

nine hundredths (432.39) feet to a point in the center of a fifty (50) foot private drive; thence in the center of said fifty (50) foot private drive and by other land of Dale J. Showers and wife, designated as Lot No. 10 on the plan of lots referred to below, North twenty-nine (29) degrees thirty-seven (37) minutes twelve (12) seconds West, one hundred (100) feet to a steel pin; thence continuing in the center of said fifty (50) foot private drive and by said Lot No. 10, North thirty-seven (37) degrees twenty-one (21) minutes thirty-three (33) seconds East, one hundred sixty-nine and thirty-two hundredths (169.32) feet to a steel pin; thence continuing by said Lot No. 10 and running through a steel pin located twenty-five (25) feet from the beginning of this line, North forty-six (46) degrees thirty-nine (39) minutes twenty (20) seconds West, one hundred fifty-seven and seventy-seven hundredths (157.77) feet to a steel pin along land of The Peters Orchard Company; thence by land of The Peters Orchard Company, North fifty (50) degrees forty-nine (49) minutes thirty-nine (39) seconds East, two hundred sixteen and forty-seven hundredths (216.47) feet to an existing iron pipe at stones; thence by the same, South fifty-seven (57) degrees fifteen (15) minutes eight (08) seconds East, three hundred forty-two and twenty-one hundredths (342.21) feet to an existing iron pipe at stones, the place

of BEGINNING. Containing 2.415 acres, more or less.

IT BEING the same premises which Alice C. LaTray, widow, by her Deed dated January 29, 1985, and which said Deed is recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania, in Deed Book 394, Page 336, granted and conveyed unto Ricky A. Hansford and Kelly L. Hansford, his wife.

SEIZED and taken into execution as the property of **Ricky A. Hansford and Kelly L. Hansford** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
June 27, 1997.

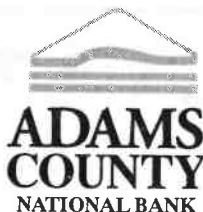
TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 15, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/11, 18 & 25

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



Member FDIC

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IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO. 97-S-177
Action to Quiet Title

JAMIE M. ESPY, a/k/a JAMIE M. McGLAUGHIN, Plaintiff

vs.

VINCENT POSKUS and SARA J. POSKUS, husband and wife, their heirs, administrators, successors and assigns, Defendants

TO: VINCENT POSKUS and SARA J. POSKUS, husband and wife, their heirs, administrators, successors and assigns

YOU ARE NOTIFIED that an Order has been entered on June 13, 1997, directing that within thirty (30) days after this publication, you shall commence an Action in Ejectment or other appropriate action against the Plaintiff above to assert any claim you may have in and to the lands herein described or be forever barred from asserting any right, lien, title or interest inconsistent with the interest or claim set forth in Plaintiff's Complaint with respect to the land herein described:

ALL that certain tract of land situate, lying and being in the Borough of Carroll Valley, Adams County, Pennsylvania, being more particularly described as Charnita Area Section I, Lot No. 80, as shown on records in the Adams County Mapping Department and recorded in the Office of Recorder of Deeds of Adams County, Pennsylvania in Plat Book No. 1 at Page 57, and subject to all legal highways, easements, rights of way and restrictions of record.

BEING THE SAME WHICH Charnita, Inc., by deed dated December 5, 1969 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Deed Book 280 at Page 268, sold and conveyed unto Vincent Poskus and Sara J. Poskus, husband and wife; and BEING THE SAME which the Adams County Tax Claim Bureau, by their deed dated March 10, 1976, and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 323 at Page 283, sold and conveyed unto Fred A. Stem and Linda L. Stem; and BEING THE SAME which Fred A. Stem and Linda L. Stem, by deed dated September 3, 1976, and recorded in the Office of the Recorder of Deeds of

Adams County, Pennsylvania, in Record Book 326 at Page 1122, sold and conveyed unto Charles R. Sterling and Cheryl L. Sterling; and BEING THE SAME WHICH Charles R. Sterling and Cheryl L. Sterling, by deed dated June 24, 1995 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, at Record Book 1048 at Page 340, sold and conveyed unto Jamie M. Espy, a/k/a Jamie M. McGlaughlin, Plaintiff herein.

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

7/18

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, July 28, 1997, at 9:00 o'clock a.m.

MILLER—Orphans' Court Action Number OC-66-97. The First and Final Account of Mary M. Myers, Executrix of the Last Will and Testament of the Estate of Jacqueline M. Miller, deceased, late of Franklin Township, Adams County, Pennsylvania.

WEAVER—Orphans' Court Action Number OC-71-97. The First and Final Account of Victor B. Smith, Executor of the Last Will and Testament of the Estate of Ione M. Weaver a/k/a Ione Mary Weaver, deceased, late of Oxford Township, Adams County, Pennsylvania.

SANDERS—Orphans' Court Action Number OC-102-96. The First and Final Account of Theresa A. Tudor, Administratrix, c.t.a. of the Estate of Anna Z. Sanders, deceased, late of the Borough of Gettysburg, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

7/18 & 25

NOTICE

NOTICE IS HEREBY GIVEN to all heirs-at-law of Helen T. Walker and other interested persons that Adams County National Bank, Plenary Guardian of the Estate of Helen T. Walker, an incapacitated person, has filed its first and final account and statement of proposed distribution, together with a petition for discharge as plenary guardian, in the Office of the Clerk of the Orphans' Court of Adams County, Pennsylvania in OC-119-94 and that the same will be presented to the Orphans' Court of the Court of Common Pleas of Adams County in Gettysburg, Pennsylvania for confirmation, approval and entry of an order of discharge on July 28, 1997 at 9:00 a.m. in Courtroom 1.

Teeter, Teeter & Teeter
108 West Middle Street
Gettysburg, PA 17325
Attorney for Guardianship Estate

7/11, 18

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

In re: The First and Final Account of Christopher J. Cresswell, Successor Trustee under Deed of Trust of IRVIN A. KARAM, late of Mt. Joy Township, Adams County, Pennsylvania.

TO ALL BENEFICIARIES, HEIRS AND OTHER PERSONS CONCERNED:

NOTICE IS HEREBY GIVEN that the First and Final Account and Statement of Proposed Distribution of Christopher J. Cresswell, Successor Trustee under Deed of Trust of Irvin A. Karam, dated August 6, 1982, have been filed in the Office of the Clerk of the Orphans' Court, and will be presented to the Court of Common Pleas of Adams County, Pennsylvania, at Gettysburg, Pennsylvania, for confirmation and approval on July 28, 1997, at 9:00 a.m.

Peggy J. Breighner, Clerk
Brian R. Price, Esquire
Attorney for the Trust

7/18 & 25

DAVIS VS. READING TOWNSHIP ZONING
HEARING BOARD

1. In zoning appeals, where the trial court takes no additional evidence the scope of review is limited to determining whether the zoning hearing board committed an error of law or manifestly abused its discretion.

2. A special exception in a zoning ordinance is not an exception to the ordinance but rather is a use to which the applicant is expressly entitled unless the board determines, in accordance with the standard set forth in the ordinance, that the proposed use would adversely affect the community.

3. On an application for the grant or denial of a special exception, the applicant initially bears the burden of presenting evidence which will persuade the Board that the applicant has complied with all the objective requirements contained in the zoning ordinance and once the applicant has met this burden, a presumption arises that his proposed use is consistent with the health, safety and welfare of the community.

4. On an application for the grant or denial of a special exception, once the applicant has met his burden of persuading the board that the applicant has complied with all the objective requirements contained in the zoning ordinance, the burden then shifts to the objectors to present evidence and persuade the Board that the proposed use would have a generally detrimental effect thereon or will conflict with the expressions of general policy contained in the ordinance.

5. The burden on the objectors to the grant of a special exception to persuade the zoning hearing board that the proposed use will have a generally detrimental effect is a heavy one which cannot be met by merely speculating as to possible harm, but instead must show a high degree of probability that the proposed use will substantially affect the health and safety of the community.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 95-S-975, J. KENNETH DAVIS AND ANN DAVIS VS. READING TOWNSHIP ZONING HEARING BOARD.

Daniel L. Carn, Esq. for Appellants

David C. Keiter, Esq., for Appellee

Catherine J. Gault, Esq., Solicitor for Reading Township

Victor A. Neubaum, Esq., for Citizens Against Exception

OPINION ON APPELLANTS' APPLICATION
FOR SPECIAL EXCEPTION

Kuhn, J., October 1, 1996.

Appellants, J. Kenneth Davis and Ann Davis, are fee simple owners of a 54 acre tract of real estate fronting on Rife Road in Reading Township, Adams County, and identified at Tax Map L-7, Parcel 4A. On April 25, 1995, they applied to the Reading Township Zoning Hearing Board for a special exception to con-

struct a mobile home park on the tract. The Board denied Appellants' application on October 5, 1995. Specifically, the Board determined that the subject premises lies within two zoning districts, A-2 and C-2, one of which (A-2) allows mobile home parks by special exception while the other (C-2) prohibits such development altogether. The Board held that the township zoning ordinance required development of the entire tract to be restricted by the parameters for a C-2 zone. The instant appeal followed.

In zoning appeals where, as here, the trial court takes no additional evidence the scope of review is limited to determining whether the zoning hearing board committed an error of law or manifestly abused its discretion. *Borough of Fleetwood v. Zoning Hearing Board*, 538 Pa. 536, 540, 649 A.2d 651, 653 (1994). Abuse of discretion is found only if the board's findings are not supported by substantial evidence, meaning such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Valley View Civic Association v. Zoning Board of Adjustment*, 501 Pa. 550, 555, 462 A.2d 637, 639-40 (1983). This Court may not substitute its judgment for that of the board unless the board manifestly abused its discretion. *Cullison v. McSherrystown Borough Zoning Hearing Board*, 31 Ad. Co. L.J. 258, 259 (1990).

The law recognizes that a special exception in a zoning ordinance is not an exception to that ordinance but rather is a use to which the applicant is expressly entitled unless the board determines, in accordance with the standards set forth in the ordinance, that the proposed use would adversely affect the community. *East Manchester Township Zoning Hearing Board v. Dallmeyer*, 147 Pa. Comlth. Ct. 671, 682, 609 A.2d 604, 610 (1992); *Manor Healthcare Corp.*, supra. In order to properly analyze an appeal from the grant or denial of a special exception, the Court must be cognizant of the burdens placed on the various parties.

Initially, the applicant bears the burden of presenting evidence which will persuade the board that the applicant has complied with all the objective requirements contained in the zoning ordinance. *Hogan, Lepore & Hogan*, 162 Pa. Comlth. Ct. at 292, 638 A.2d at 469. Once the applicant has met this burden a presumption arises that his proposed use is consistent with the health, safety and welfare of the community. *Manor Health Care Corp.*, 139 Pa. Comlth. Ct. at 216, 590 A.2d 70.

The burden then shifts to the objectors of the application to present evidence and persuade the zoning board that the proposed use would have a generally detrimental effect on public health, safety and welfare or will conflict with the expressions of general policy contained in the ordinance. . . This shift occurs because it is presumed that in considering a particular use for a particular zoning district, such general matters as health, safety and general welfare and the general intent of the zoning ordinance have been considered by the Township when it provided for a special exception for the proposed use . . .

The burden placed on the objectors is a heavy one. They cannot meet their burden by merely speculating as to possible harm, but instead must show a high degree of probability that the proposed use will substantially affect the health and safety of the community. East Manchester Township, 147 Pa. Comlth. Ct. at 683, 609 A.2d at 610 (citations omitted).

The first issue raised on appeal is whether the Board properly identified a portion of Appellants' property as being in a C-2 district. The township zoning ordinance has several pertinent provisions which address this question. Reading Township has been divided into seven zoning districts, two of which are C-2 (General Conservation District) and A-2 (Secondary Agriculture District). The ordinance sets forth the criteria for determining the boundary line between the various districts. The C-2 district generally includes areas within 100 feet of the center of any stream, areas having severe soil limitations, and naturally wooded areas. §202.2. The A-2 district is to include all land not designated for other districts. Additionally, the A-2 boundaries on the zoning map "are intended to be concurrent with property lines, the center line of dedicated roadways, the center line of streams, or by a specific identification inscribed thereon." §302.2 (emphasis added.) Furthermore, under §105 (Zoning District Map) the ordinance provides

2. District Boundary Lines - The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of roadway and streams, the corporate

boundary of the Township or as identified on the Map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Zoning Hearing Board as provided in Part 10 shall prevail.

3. Boundary Tolerances - Where a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the use regulations applicable to the more restrictive district shall apply. (emphasis added.)

There is no disagreement that a small portion of the southern end of Appellants' real estate is designated to be in the C-2 district on the township's zoning map. Appellants contend that the delineation is in error. They argue that §302.2 specifically provides that A-2 boundaries are required to follow property lines. That conclusion, however, is in error. As noted above lot lines are only one of the criteria to be used. Roadway and streams are also considered. More importantly, §302.2 also provides that the district boundary line could be delineated "by a specific identification inscribed" on the zoning map. That appears to be the delineation used with respect to Appellants' tract. Furthermore, reading §105 as a whole it becomes obvious that if lot lines were the sole criteria to be used for determining zoning boundaries then §105.3 would become irrelevant. That subsection was put in the Ordinance for a purpose and it recognizes that lots may be divided by zoning district boundaries.

Appellants also argue that the C-2 district boundary provisions are more general and therefore must yield to the more specific provisions of the A-2 district boundary criteria. Interestingly, however, A-2 districts "include all land that has not been designated for other districts." §302.2. Obviously, the boundaries of other districts must be delineated in order to determine what land is remaining to be included in the A-2 district. Thus, Appellants' argument does not logically follow.

Appellants further argue that their land is more suitable for A-2 use and, therefore, the entire tract should be considered part of the A-2 district. Initially we note that Appellants have not applied for a zoning change so it would be inappropriate in this appeal to enter any ruling that would have the same effect. Nevertheless, there is

ample reason to accept the Board's conclusion that the southern portion of Appellants tract is properly in the C-2 district.

Appellants contend that the southern end of their land does not include areas designated by §202.2 to be in a C-2 district. Although the land may not be within 100 feet of a stream, may not increase water catchment or filtration, and may not contain naturally wooded areas the Board did find severely limiting soils. Appellants try to circumvent that problem by noting that the proposed mobile home park will include a sewage treatment facility rather than on-lot sewage systems. While that argument has some basic appeal it does not overcome the fact that the soil type is an appropriate criteria for a zoning district. *Henley v. Zoning Hearing Board of West Fallowfield Township*, 155 Pa. Comlth. Ct. 306, 625 A.2d 132 (1993). Again, this is not a rezoning case. Rather the analysis must focus on whether the land at issue is within the C-2 district. If the soils suggest that the area meets the C-2 criteria and the zoning map shows that the area lies within the C-2 it would be difficult to conclude that the Board erred in finding that it did belong within the C-2 district. Therefore, it does not appear that the Board abused its discretion in finding that the disputed area is in the C-2 district. The ordinance empowers the Board to determine the location of district boundary lines where a dispute arises. §105.2. The Board acted within the scope of its authority in this dispute.

Having concluded that a portion of the land lies in the C-2 district then §105.3 comes into play and directs that the more restrictive regulations for that district apply to the entire parcel.

Finally, Appellants argue that they are entitled to a deemed decision as to the merits of their mobile home park plan by contending that the Board never addressed the merits in its decision. We disagree. The Board's written decision was rendered in a timely fashion. That decision held that Appellants' tract lies in both the C-2 and A-2 districts and therefore, by virtue of §105.3, the C-2 restrictions apply. Having concluded that Appellants' land is in the C-2 district the Board held "There is no need to further consider applicants' request for a special exception." It is clear that the Board made a decision regarding the mobile home park that it was not a permitted use on Appellants' property. To require the Board to go further and itemize each deficiency in a plan that could not be used in the district is illogical and overly technical.

Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 1st day of October, 1996, the zoning appeal filed in the above captioned matter is denied.

ESTATE NOTICES

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

FIRST PUBLICATION

ESTATE OF DOROTHY R. MADDOX, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
Co-Executors: Joseph H. Maddox, 99 Park Heights, Hanover, PA 17331; Judith Ann Saylor, 1426 Shore Road, Linwood, NJ 08221

SECOND PUBLICATION

ESTATE OF REBA R. DARR, DEC'D

Late of Huntingdon Township, Adams County, Pennsylvania
Executrix: Darlene I. Heebner, 98 Quaker Church Road, York Springs, PA 17372
Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF IVA R. PETRY, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
Executrix: Jeanne M. Lookingbill, 127 Littleton Drive, Hanover, PA 17331
Attorney: Stonesifer & Kelley, 209 Broadway, Hanover, PA 17331

ESTATE OF ALMA C. SMITH, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania
Executors: Pauline Brunner, 425 Main St., McSherrystown, PA 17344; Ronald Smith, 622 Blettner Ave., Hanover, PA 17331
Attorney: Bigham & Puhl, Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF REBA I. ALBRIGHT, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania
Executor: Gene McCrae Albright, 232 North High Street Arendtsville, Biglerville, PA 17307
Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ISABEL H. KAEHLER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania
Executors: Angela K. Hunter, 929 East Walnut St., Hanover, PA 17331; Judith K. Sterner, 1104 West Elm Avenue, Hanover, PA 17331
Attorney: Stonesifer and Kelley, 209 Broadway, Hanover, PA 17331

ESTATE OF CHARLES A. KNIGHT, SR., DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania
Administrators, c.t.a.: Mr. Charlie W. Knight, 3443 Hanover Road, Gettysburg, PA 17325; Ms. Sandra K. Knight, 1056 Centennial Avenue, Hanover, PA 17331; Mr. Charles A. Knight, Jr., 1046 Centennial Avenue, Hanover, PA 17331
Attorney: David K. James, III, Esquire, 234 Baltimore St., Gettysburg, PA 17325

ESTATE OF REBECCA E. MILLER, a/k/a REBECCA ELIZABETH MILLER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
Executor: James A. Miller
Attorney: David C. Smith, Esquire, 334 Main Street, McSherrystown, PA 17344

ESTATE OF ALLEN W. PLANK, JR., DEC'D

Late of Freedom Township, Adams County, Pennsylvania
Executor: Michael Allen Plank, 35 Fox Run Circle, Cabot, AR 72023
Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

ESTATE OF CORNELIUS P. REGAN, JR., DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania
Administrator: John V. Scott, 401 Brickcrafters Road, New Oxford, PA 17350
Attorney: Charles W. Wolf, Esq., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF EVELYN S. SCHWARTZ, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
Executrix: Helen L. Crouse, 125 Woodcrest Drive, Gettysburg, PA 17325
Attorney: Donald G. Oyler, 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MAURICE V. WOLFE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania
Executor: Vernon C. Wolfe, 1618 Bachman Valley Road, Westminster, MD 21158
Attorney: Catherine J. Gault, Esq., 31 South Washington St., Gettysburg, PA 17325

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-326 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the 60 foot right-of-way line of West Myrtle Street at Lot No. 7, as shown on the hereinafter described subdivision plan; thence along said Lot No. 7, North 64 degrees 49 minutes 18 seconds West, 148.07 feet to a point at land now or formerly of Nancy A. Beimler and Richard Ronner; thence along said lands now or formerly of Nancy A. Beimler and Richard Ronner North 33 degrees 25 minutes 15 seconds East, 96.63 feet (erroneously stated as 482.36 feet in prior deeds) to a point at Lot No. 9 as shown on the hereinafter described subdivision plan; thence along said Lot No. 9, South 47 degrees 53 minutes 36 seconds East, 148.44 feet to a point on the 60 foot right-of-way line of West Myrtle Street; thence by a curve to the left, the radius of which is 180 feet, with an arc distance of 53.18 feet and a long chord bearing and distance of South 33 degrees 38 minutes 33 seconds West, 52.99 feet to a point at Lot No. 7 aforesaid, the point and place of BEGINNING. CONTAINING 10,901 square feet.

BEING Lot #8 on the Final Plan of West Side Terrace, dated June 14, 1991 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 59 at Page 19.

SUBJECT to the "West Side" Subdivision Approval Agreement dated June 25, 1991 and recorded in the Adams County Recorder of Deeds Office in Record Book 600 at Page 367.

SUBJECT to Declaration of Protective Covenants and Restrictions as recorded in the Adams County Recorder of Deeds Office in Record Book 600 at page 375.

TAX PARCEL #7-124.

TITLE TO SAID PREMISES IS VESTED IN Larry L. Herren, a single man by Deed from Slade S. McCalip and Pamela J. McCalip, husband and wife dated 6/30/94, recorded 7/5/94, in Record Book 907 page 307.

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

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
June 27, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 15, 1997, and distribution will be made in accordance with said schedule, unless ex-

ceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-333 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin at the West side of State Highway, Route 234, for a corner; thence running along said highway North 31-1/2 degrees East, 20.8 perches to a point in said highway; thence along lands now or formerly of the heirs of David McKendrick South 32-3/4 degrees East, 11.8 perches to a stake and stones; thence running by land of the same South 4-1/2 degrees East, 12 perches to a stake and stone; thence running by land of the same South 31 degrees East, 12.8 perches to an iron pin; thence running by land now or formerly of Edgar Showers North 58 degrees West, 29.9 perches to an iron pin at the West side of said highway, the place of BEGINNING. CONTAINING 1 Acre of 147 perches.

TITLE TO SAID PREMISES IS VESTED IN Mary C. Locke by Deed from Stephanie Newman dated 12/1/87, recorded 12/1/87, in Deed Book 474 page 785.

SEIZED and taken into execution as the property of **Mary C. Locke a/k/a Charlene M. Locke** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
June 18, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 8, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/11, 18 & 25

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

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

John W. Bennett and Shirley J. Bennett,
husband and wife, Plaintiffs

vs.

Sharon Rosenberg, Defendant
NOTICE

TO: Sharon Rosenberg:

By Order of Court, dated June 19, 1997, you shall be barred from asserting any right, lien, title or interest in lot 108RD of the Charnita Subdivision (Carroll Valley Borough, Adams County, Pennsylvania) unless you enter an appearance and file an Answer to this law suit within thirty (30) days of this notice.

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

COUNTY REFERRAL OFFICE
Adams County Courthouse
111 Baltimore Street
Gettysburg, PA 17325
(717) 334-6781

Walton V. Davis
Attorney for Plaintiffs
116 Baltimore St
Gettysburg, PA 17325
(717) 337-1600

7/11, 18 & 25

Adams County Legal Journal

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No. 9, pp. 47-50

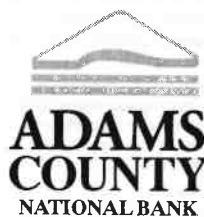
IN THIS ISSUE

**GETTYSBURG INN LIMITED VS. STRABAN TOWNSHIP,
BOARD OF ASSESSMENT APPEALS**

and

JOY VS. KINGSDALE VOLUNTEER FIRE COMPANY

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



Member FDIC

ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Pennsylvania "Fictitious Names Act," 54 Pa. C.S.A. Sections 301 et seq., of the filing of an Application for Registration for Fictitious Name under the said Act. The fictitious name is THE CROSSROADS EMPORIUM. The address of the principal office or place of business to be carried on under or through the fictitious name is 141 Steinwehr Avenue, Gettysburg, Adams County, Pennsylvania 17325. The name and address of the individual or entity interested in the business is Strickland Enterprises, Inc., 531 Baltimore Street, Gettysburg, Adams County, Pennsylvania 17325. An Application for Registration of the said Fictitious Name was filed in the Office of the Secretary of the Commonwealth of Pennsylvania on or about July 11, 1997.

Wolfe & Rice
47 West High Street
Gettysburg, PA 17325
Attorneys for Applicant

7/25

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

In re: The First and Final Account of Christopher J. Cresswell, Successor Trustee under Deed of Trust of IRVIN A. KARAM, late of Mt. Joy Township, Adams County, Pennsylvania.

TO ALL BENEFICIARIES, HEIRS AND OTHER PERSONS CONCERNED:

NOTICE IS HEREBY GIVEN that the First and Final Account and Statement of Proposed Distribution of Christopher J. Cresswell, Successor Trustee under Deed of Trust of Irvin A. Karam, dated August 6, 1982, have been filed in the Office of the Clerk of the Orphans' Court, and will be presented to the Court of Common Pleas of Adams County, Pennsylvania, at Gettysburg, Pennsylvania, for confirmation and approval on July 28, 1997, at 9:00 a.m.

Peggy J. Breighner, Clerk
Brian R. Price, Esquire
Attorney for the Trust

7/18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-333 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 15th day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

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

BEGINNING at an iron pin at the West side of State Highway, Route 234, for a corner; thence running along said highway North 31-1/2 degrees East, 20.8 perches to a point in said highway; thence along lands now or formerly of the heirs of David McKendrick South 32-3/4 degrees East, 11.8 perches to a stake and stones; thence running by land of the same South 4-1/2 degrees East, 12 perches to a stake and stone; thence running by land of the same South 31 degrees East, 12.8 perches to an iron pin; thence running by land now or formerly of Edgar Showers North 58 degrees West, 29.9 perches to an iron pin at the West side of said highway, the place of BEGINNING. CONTAINING 1 Acre of 147 perches.

TITLE TO SAID PREMISES IS VESTED IN Mary C. Locke by Deed from Stephanie Newman dated 12/1/87, recorded 12/1/87, in Deed Book 474 page 785.

SEIZED and taken into execution as the property of **Mary C. Locke a/k/a Charlene M. Locke** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
June 18, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 8, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/11, 18 & 25

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statement of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County - Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts and entering decrees of distribution on Monday, July 28, 1997, at 9:00 o'clock a.m.

MILLER—Orphans' Court Action Number OC-66-97. The First and Final Account of Mary M. Myers, Executrix of the Last Will and Testament of the Estate of Jacqueline M. Miller, deceased, late of Franklin Township, Adams County, Pennsylvania.

WEAVER—Orphans' Court Action Number OC-71-97. The First and Final Account of Victor B. Smith, Executor of the Last Will and Testament of the Estate of ~~lone M. Weaver a/k/a lone Mary Weaver~~ deceased, late of Oxford Township, Adams County, Pennsylvania.

SANDERS—Orphans' Court Action Number OC-102-96. The First and Final Account of Theresa A. Tudor, Administratrix, c.t.a. of the Estate of Anna Z. Sanders, deceased, late of the Borough of Gettysburg, Adams County, Pennsylvania.

Peggy J. Breighner
Clerk of Courts

7/18 & 25

LEGAL NOTICE
ADAMS COUNTY TAX CLAIM BUREAU

Pursuant to Court Orders 97-S-434 through 97-S-443, the following real property will be offered for sale September 12, 1997 at 1:00 P.M. E.D.S.T., at the Adams County Courthouse, 111-117 Baltimore Street, 4th floor, Gettysburg, Pennsylvania. The purpose of this sale is to dispose at public sale the following parcels of real estate:

SALE NO.	OWNER(S) OR REPUTED OWNER(S)	TOWNSHIP/ BOROUGH	DESCRIPTION MAP/PARCEL
4	Miller, Joseph A., Jr., & Loretta P.	Berwick	1985 Commodore Mobile Home
15	Richter, Denton E. & Tiffany E.	Berwick	1987 Parkway Mobile Home
23	Clapsaddle, Lee & Couchman, Julie	Butler	1974 Buddy Mobile Home
27	Hufnagle, Scott A. & Theresa	Butler	1985 Rosebrook Mobile Home
144	Swope, Charles	Huntington	1973 Princess Mobile Home
350	Krill, Richard III	Straban	1971 (known as an Apollo) Mobile Home
416	Multi Investment Corporation	Carroll Valley Borough	6 77 K284

TERMS OF SALE: Cash in the form of currency of the United States if the purchase price is \$50.00 or less. For properties selling for more than \$50.00, \$50.00 in the form of currency of the United States and a check or other satisfactory payment of the balance. All properties shall be paid for at the time the property is struck down. The purchaser(s) shall be required to pay, in addition to the bid price, the fee for recording a deed and any applicable transfer taxes due (the assessed value x 2.45%).

The above properties were previously advertised for sale in the Adams County Legal Journal and The Gettysburg Times on August 4, 1996 and The Hanover Evening Sun on July 28, 1996.
7/25

ADAMS COUNTY TAX CLAIM SALES
TAX CLAIM BUREAU—TAX SALES NOTICE

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

Notice is hereby given by the Tax Claim Bureau in and for the County of Adams under the Act of 1947, P.L. 1368, as amended, that the Bureau will expose at public sale in the Adams County Courthouse, fourth floor, Jury Assembly Room, 111-117 Baltimore Street, in the Borough of Gettysburg, Pennsylvania at 9:00 a.m. E.D.S.T. on September 12, 1997, or any date to which the sale may be adjourned, re-journed or continued, for the purpose of collecting unpaid 1995 and any prior real estate taxes, prior liens, municipal claims, and all costs hereto, the following described set forth.

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

There will be no Redemption Period after the date of the sale, but these taxes and costs can be paid up to the date of sale, September 12, 1997.

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

The property so struck down will be settled for before the next property is offered for sale. Deeds for the premises will be prepared by the Tax Claim Bureau and recorded. Buyer(s) will be required to pay, in addition to their bid, at the time the property is struck down to them, the basic sum for recording the deed, and the costs of such realty transfer stamps as required (assessed value x 2.45%). The Recorder of Deeds will mail the deeds to the address given by the purchaser.

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

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

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

David K. James, III
Solicitor, Tax Claim Bureau

Danielle Asper
Director, Tax Claim Bureau

SALE #	OWNER(S) OR REPUTED OWNER(S)	DESCRIPTION	UPSET PRICE
ABBOTTSTOWN BOROUGH			
3	Speelman, Joseph & Myra	Map # L10-0040---136 1990 Skyline	\$1,757.57
ARENDSVILLE BOROUGH			
4	Schweitzer, Glenn S. & Lynne	Map # 006-0059---	\$28,777.1
5	Hays, Lawrence Walter & Bessie D.	Map # 004-0008---000	\$3,692.9
BENDERSVILLE BOROUGH			
6	Carbaugh, George	Map # 001-0042---	\$1,463.70
7	Keithley, David C.	Map # 004-0006---	\$720.81
BERWICK TOWNSHIP			
9	Feeser, Sterling F. & Kathy M. Feeser Marsh	Map # L10-0029B---000	\$5,866.27
10	Hauck, Clarence	Map # L10-0040---427 1988 Fleetwood	\$1,710.92
11	Luckenbaugh, Albert Lee & Vondalee	Map # L12-0094---000	\$3,965.25
12	McAbee, Curtis R. & Little, Linda	Map # L10-0040---247 1979 Dupont	\$487.39
16	Wentz, Dennis E. & Null, Rosella L.	Map # K11-0155---000	\$3,564.59
17	Bankert, Alvin F. & Theresa I.	Map # K11-0048---	\$581.32
18	Staub, Eugene C. & Margarethe J.	Map # K11-0208---000	\$6,479.52
19	Turner, Gale G.	Map # K10-0086---000	\$5,129.54
22	Pope, Dwayne	Map # L10-0040---263 1980 Hallmark	\$431.51
23	Wolf, Stephen L. & Hope M.	Map # L12-0066---000	\$2,334.75
24	Wolf, Stephen L. & Hope M.	Map # L12-0065---000	\$447.55
BIGLERVILLE BOROUGH			
25	Petrosky, David A. & Angela K.	Map # 003-0097---000	\$4,052.4
27	Warlick, John K. & Dorinda R.	Map # 004-0053---000	\$4,038.90
BONNEAUVILLE BOROUGH			
31	Brown Meadows Limited, Inc.	Map # 001-0003---000	\$1,238.27
32	Brown Meadows Limited, Inc.	Map # 001-0004---000	\$8,625.43
BUTLER TOWNSHIP			
36	Carroll, Michael & Lisa	Map # F10-0038---084 1992 Imperial	\$1,410.18
37	Darrell, Jeffrey	Map # F10-0038---083 1991 Colony/Keystone	\$620.69
38	Gorse, George E. & Carol	Map # E08-0026B---	\$7,959.40
39	Harding, Blaine	Map # F10-0038---036 1973 Hall	\$198.51
40	Kauffman, David & Debbie	Map # F09-0039---001 1968 Swiss Chalet	\$211.77
41	Investment Management IMS	Map # F10-0038---081 1989 Forest Park	\$1,425.84
42	Loubier, John R. & Donna	Map # F09-0092---000	\$10,954.49
43	Martin, John C.	Map # F10-0038---037 1990 Redman	\$1,788.86
44	Mitson, Betty E.	Map # F08-0071---	\$290.99
45	McIntyre, Michelle	Map # F10-0038---022 1987 Redman Mobile Home	\$1,962.4
46	Myers, Ronald & Judith	Map # F10-0038---048 1989 Fleetwood	\$2,248.63
47	Greentree Financial Corp.	Map # F10-0038---006 1991 Fleetwood	\$943.41
48	Ridinger, Ervin L.	Map # E08-0081---000	\$8,443.40
49	Shultz, Kenneth W. & Lisa D.	Map # F08-0056---000	\$1,855.42

SALE #	OWNER(S) OR REPUTED OWNER(S)	DESCRIPTION	UPSET PRICE
50	Stone, Don Marshall	Map # G06-0031---000	\$5,607.31
51	Strawsburg, Gordon Leroy & Tina L.	Map # F10-00380---016 1983 Homette	\$678.56
53	Walker, Melvin	Map # F10-0038---059 1988 Fleetwood	\$1,363.13
	Weible, Leslie O. & Margaret N.	Map # F08-0081A---000	\$4,471.36
55	Potent, Gail	Map # F10-0038---028 1972 Richardson	\$278.40
56	Carmichael, William L. & Amy L.	Map # F09-0079---000	\$16,406.86
57	Heckendorn, James, Jr.	Map # F10-0038---044 1985 Heritage	\$1,190.06
58	Smelsor, Carol	Map # F10-0030---003 1981 Liberty Oakbrook	\$486.08
59	Sauble, Margaret E.	Map # F10-0038---042 1989 Imperial	\$925.03
60	Hayes, Roy A., Jr. & Patty Jo	Map # E08-0103---000	\$2,734.89
61	Mays, Donald E.	Map # G07-0046---000	\$3,097.52
62	Speelman, Dorothy A.	Map # G06-0045A---000	\$1,157.66
63	Walls, Thomas Lee, Sr. & Charles R.	Map # E08-0043---000	\$4,757.31
CONEWAGO TOWNSHIP			
64	Brendle, Terry Lee & Rosalind	Map # K13-0023---	\$3,292.68
65	Hershey, C. A.	Map # L13-0020---000	\$1,236.92
66	Rang, Burnell H. & Hall, Gloria	Map # 008-0214---	\$6,027.53
67	Rohrbaugh, Bradley D.	Map # K14-0116A---	\$2,569.01
68	Stotsky, Timothy A. & Laurie A.	Map # 009-0166---	\$4,104.45
69	Wildasin, Donald Lee & Patricia Ann	Map # 008-0056-000	\$2,831.12
70	Riley, Jr., Robert J. & Wilson, Barbara A.	Map # L16-0004---000	\$2,121.06
71	Stottlemeyer, Nancy L. & Herring, Mildred	Map # 011-0036---000	\$5,112.05
72	Norwest Mortgage	Map # 009-0303---000	\$1,745.61
73	Fuhrman, Jerry F. & Judith M.	Map # 002-0022-000	\$5,542.59
74	Mundell, Dennis & Rebecca J.	Map # 008-0141A---000	\$1,178.82
75	Wildasin, Lee A. & Margaret A.	Map # L14-0009-000	\$5,548.10
80	Carson, Constance Louise	Map # F16-0022B---000	\$5,781.24
81	Delaney, James H., Jr.	Map # E13-0056-000	\$3,886.76
83	Eckert, Duane D.	Map # F14-0023---000	\$8,303.89
84	Grumbine, Paul C. A.	Map # F14-0018-000	\$9,828.75
85	Kirkham, Barbara & Doris Lee	Map # F17-0022C-000	\$3,352.13
87	Oak Lawn Memorial Gardens, Inc.	Map # E12-0079---000	\$15,901.64
CUMBERLAND TOWNSHIP			
90	Sheppard, Warren H.	Map # E13-0072-000	\$6,093.80
94	Verdier, Thomas, & Smith, Tammy	Map # E12-0082---305 1982 Homette	\$636.83
96	Delaney, James H., Jr.	Map # E12-0079A-000	\$626.76
98	Hipple, Francis J. & Spencer, Alice G.	Map # E12-0082---214 1988 Redman	\$320.90
99	Baker, Edwin J. & Allen, Patsy	Map # E12-0082---350 1987 Redman	\$1,478.18
100	Gettysburg Foundry Specialties	Map # E16-0072---	\$1,907.28
101	Gettysburg Foundry Specialties	Map # E16-0073---	\$3,073.77
102	Gettysburg Foundry Specialties	Map # E16-0075A---	\$664.03
103	Gettysburg Foundry Specialties	Map # E16-0075---901	\$48,243.88
104	Gettysburg Foundry Specialties	Map # E16-0075---902	\$5,861.90
105	Haulsee, Michael W.	Map # E12-0082---060 1973 Vindale	\$270.98
EAST BERLIN BOROUGH			
106	Eichelberger, Robert & Marjorie	Map # 004-0119---	\$8,702.49

SALE #	OWNER(S) OR REPUTED OWNER(S)	DESCRIPTION	UPSET PRICE
109	East Berlin Manor Assocs.	Map # 006-0087---000	\$6,577.59
FRANKLIN TOWNSHIP			
114	Denike, Brenda A.	Map # C10-0009A---000	\$1,023.32
115	Dorsey, Howard R. & Janie L.	Map # D12-0040---000	\$2,877.34
116	Fackler, Joey	Map # B08-0013---049 1970 (Cabin?)	\$566.2
117	Forsythe, Dan R.	Map # C10-0039A---000	\$1,001.48
118	Fournier, Robert R. & Parr, Cathy A.	Map # B09-0133---000	\$3,751.27
119	Gorse, George E. & Carol	Map # C09-0045---000	\$7,522.46
120	Graham, Douglas	Map # B07-0001---071 1995 Doublewide	\$2,331.92
124	Miller, Joseph D. & Dorris P.	Map # C10-0010A---000	\$3,754.03
125	Murdoch, Jon P. & Judith A.	Map # C10-0048F---000	\$4,308.83
126	Painter, William	Map # B08-0013---060	\$347.42
127	Parr, Cathy Ann	Map # C07-0046---000	\$3,198.72
128	Rodriguez, Monica S.	Map # C10-0027A---000	\$792.52
129	Runkle, Daniel H. & Barb Forsythe	Map # C10-0054---000	\$2,023.60
130	Schindel, Philip B.	Map # C12-0007D---000	6,436.59
132	Slusser, Thomas E. & Doris J.	Map # E10-0039A---000	\$4,703.85
133	Stouter, Rosalee	Map # B09-0150---000	\$543.29
135	Strausbaugh, Charles W. & Alverda	Map # B09-0038G---000	\$817.69
136	Tenney, Thomas J. & Maxine M.	Map # D12-0007---000	\$8,116.50
137	Tracey, Charles E. & Helen A.	Map # D10-0020A---000	\$43,928.91
138	Verdier, Linwood R. & Karan S.	Map # B09-0038E---000	\$1,736.77
139	Wetzel, Carl E. & Linda L.	Map # D11-0121---000	\$2,728.07
140	Wolff, Ruth A.	Map # B08-0033---000	\$1,361.59
143	Robbins, Janice M. & Fritz, Jamie	Map # 002-0081-000	\$239.8
144	Schindel, Philip B.	Map # B11-0034---000	\$1,595.65
145	Schindel, Philip B.	Map # B12-0001A---000	\$1,972.72
146	Schindel, Philip B. & Patricia	Map # B12-0001B---000	\$1,246.53
149	Slee, John A. & Carol S.	Map # A09-0047---000	\$8,285.01
FREEDOM TOWNSHIP			
150	Miller, Gerald S.	Map # E17-0041---000	\$1,154.97
152	Harner, Guy W., Jr.	Map # E17-0068---	\$7,419.91
153	Koontz, James O.	Map # E18-0038---	\$3,671.75
154	Misner, Keller E. & Anna Mae & Edna V.	Map # E18-0007A---000	\$7,266.02
GERMANY TOWNSHIP			
156	Baumgardner, Leroy A. & Phyllis	Map # I18-0060---000	\$3,569.83
159	Harbaugh, Delephine E.	Map # J18-0071D---000	\$1,508.28
160	Hatter, Brian Robert & Lisa	Map # J17-0112---000	\$4,814.50
GETTYSBURG BOROUGH			
162	Carmichael, William L. & Amy L.	Map # 007-0010---000	\$21,001.25
163	Harner, Guy W. & Juanita M.	Map # 007-0097---000	\$6,972.55
164	Harner, Guy W. & Juanita M.	Map # 008-0006---000	\$6,148.85
165	Harner, Guy W. & Juanita M.	Map # 008-0008---000	\$1,051.36
166	Harris, Richard A. & Ronda L.	Map # 011-0002---000	\$6,566.67
167	Harris, Richard A. & Rhonda L.	Map # 011-0001---000	\$1,847.6
168	Jones, William H. & Cindy R.	Map # 010-0346---000	\$2,145.52
169	King, Olia S.	Map # 010-0332---000	\$2,810.67
170	Knox, Edwin S. & Misner, Mary L. & Edna V.	Map # 009-0132---000	\$2,596.54
171	Mitchell, Kathleen L.	Map # 010-0317---000	\$2,287.41
172	Mitchell, Kathleen	Map # 010-0318---000	\$3,473.31
173	Parksville Properties & Cullison, Marina F. & Verber, Shelly M.	Map # 007-0125---000	\$53,969.38

SALE #	OWNER(S) OR REPUTED OWNER(S)	DESCRIPTION	UPSET PRICE
175	Shears, Marian M.	Map # 005-0007---000	\$3,337.74
176	Sheppard, Warren H.	Map # 013-0053---000	\$14,104.90
179	Wagaman, Eddie R. & Sherry	Map # 007-0102---000	\$4,898.59
181	Williams, Patricia Sarah	Map # 010-0228---000	\$528.65
182	Hicks, Samuel C. & Joanna V.	Map # 008-0005---000	\$974.10
183	Lancaster, Lewis H. & Holly R. J.	Map # 010-0240---000	\$887.97
HAMILTON TOWNSHIP			
184	Bullock, Frank R. & Connie	Map # L09-0015D---002 1987 Mobile Home	\$1,855.76
186	Jones, Patricia A. a/k/a/ Patricia Bortner	Map # J09-0032---000	\$2,135.01
191	White Oak Equipment & Leasing	Map # K10-0048---000	\$1,372.02
192	White Oak Equipment & Leasing	Map # J10-0043L---000	\$2,447.10
193	White Oak Equipment & Leasing	Map # J10-0043S---000	\$1,690.03
194	Frost, Uble M. & Anne H.	Map # K10-0102---000	\$2,131.75
HAMILTONBAN TOWNSHIP			
197	Brown, Thomas A. & Henrietta M.	Map # C14-0030---000	\$1,901.39
198	Eveland, Judith A. & Curtin, Cornelius B.	Map # B14-0057---000	\$1,922.92
199	Higginbotham, Jerry & Linda K.	Map # BB0-0117---000	\$4,717.15
200	Kline, Raymond Walter	Map # C12-0130---000	\$1,361.61
201	Krape, David J. & Barbara A.	Map # B14-0049---000	\$292.61
202	Nolan, Charles E. & Rebecca J.	Map # A17-0028---000	\$3,649.99
203	Reecher, Barry W. & Peggy M.	Map # B14-0066A---000	\$13,555.55
204	Sprinkle, Lawrence K. & Sharon	Map # A15-0010---000	\$1,029.91
205	Mort, John & Catherine	Map # BB0-0017---000	\$430.56
207	Vonbernewitz, David A.	Map # BB0-0066---000	\$336.60
207A	Babylon, Bradley J. & Christina	Map # BB0-0084---000	\$5,078.94
208	Gladhill, Kristy L.	Map # B17-0002---000	\$516.54
210	Johnson, John H. & Barbara L.	Map # C15-0038---000	\$1,799.97
211	McBee, Emma M.	Map # C15-0031---000	\$722.85
212	Shultz, Gregory A., Kermit C. & Regina M.	Map # B13-0042A---001 1963 Buddy	\$180.18
216	Mort, John D.	Map # BB0-0136---000	\$390.66
218	Myers, John E. & Wanda J., Sr.	Map # B16-0079---000	\$3,858.81
HIGHLAND TOWNSHIP			
219	Brooks, Jack B. & Delpha	Map # D14-0012---000	\$947.19
222	Trostle, Rondale A. & Karen S.	Map # E12-0121---000	\$3,289.54
HUNTINGTON TOWNSHIP			
224	Baker, Tony	Map # H04-0012---010 1977 Mobile Home	\$364.70
226	Crowl, Albert J., Sr.	Map # I04-0066---000	\$3,453.17
227	Felts, William G.	Map # I07-0008A---002 1993 Fleetwood	\$1,641.88
228	Melton, Jimmy & Kuykendall, Pam	Map # G03-0107---001 1981 Halmak	\$457.98
229	Warehime, Ricky & Melissa	Map # I07-0008A---006 1990 Sandpointe	\$1,700.62
230	Black, Kenneth D. & Barbara A.	Map # I04-0105---000	\$686.48
231	Davis, Charles F. & Violet R.	Map # I05-0024B---000	\$1,172.15
232	Davis, Charles F. & Violet R.	Map # J05-0016---000	\$2,500.19
233	Davis, Charles F. & Violet R.	Map # J05-0016B---000	\$419.38
LATIMORE TOWNSHIP			
236	Beil, Robert E. & Justine O. c/o Robert Conley	Map # I03-0049---000	\$9,621.27
237	Brown, Janet L.	Map # I03-0024B---000	\$1,479.97

SALE #	OWNER(S) OR REPUTED OWNER(S)	DESCRIPTION	UPSET PRICE
238	Conley, Robert H. & Anna Mae	Map # 103-0038---000	\$3,742.77
239	Golden, Doralyn S.	Map # 104-0015---000	\$3,984.63
240	Golden, Doralyn S.	Map # 104-0002---000	\$2,600.64
241	Golden Ridge Farms	Map # 104-0065---000	\$2,174.05
244	Kropp, Lawrence C.	Map # K04-0006A---000	\$1,706.1
247	McGinty, Charles E.	Map # 102-0070---001 1982 Poloron Mobile Home	\$630.90
248	Shade, Sandra Lee	Map # 006-0015---000 M-1205	\$8,089.81
249	Zoeller, R. Bruce	Map # 003-0015---000 M-1249	\$666.03
250	Barrett, Robert H.	Map # 101-0019---000	\$1,188.69
251	Golden, G. Lynn	Map # 104-0009-000	\$3,819.29
252	Golden, G. Lynn & Sandra L.	Map # 104-0016---000	\$1,097.46
253	Knaub, Terry	Map # 101-00311---001 1977 Hillcrest	\$393.20
254	Heem, Arlene I.	Map # 101-0031C---000	\$1,322.63
255	Sweigart, Alan	Map # 101-0031C---001 1964 Fleetwood	\$265.20
256	Jumper, Richard L. & Linda L.	Map # 009-0048---000 M-1152	\$3,328.40
260	Collare, Donald R.	Map # 102-0004---001 1967 Richardson	\$265.14
261	Latimore Township	Map # 101-0033A---000 Seneca Drive (roads)	\$487.96
262	Ash, Jerry L. & Glenna L., Sr.	Map # 103-0002B---000	\$1,257.64
263	Fridinger, James C. & Tenley A.	Map # 102-0063---000	\$5,168.78
264	Golden, G. Lynn & Sandra L.	Map # 104-0009A---000	\$360.35
265	Golden Ridge Farms Golden, Lynn & Emory C.	Map # 104-0015A---000	\$2,286.20
266	York Springs Municipal Authority	Map # 104-0008L---	\$150.37
LIBERTY TOWNSHIP			
270	Bebout, Jesse D.	Map # 000-0084---000	\$240.32
271	Gladhill, Richard L. & Deborah	Map # A18-0044---000	\$5,161.59
272	Miller, Doris L.	Map # B18-0011---000	\$1,786.15
273	Hurley, Gary A. & Susan S.	Map # D17-0027---001 1973 Atlantic	\$352.98
274	Marsh, Clyde J. & Margaret V.	Map # B18-0001A---000	\$4,415.17
275	Moore, Kendell E. & Janet L.	Map # QQ0-0053---000	\$814.01
276	Schmidt, Marsha E. a/k/a Marsha Hummelbaugh	Map # 000-0003---000	\$348.15
277	Sheldon, William Robert & Cheryl Ann	Map # 000-0064---000	\$381.44
278	Sheldon, William Robert & Cheryl Ann	Map # 000-0061---000	\$431.63
280	Snoke, Herman R. & Sharon J.	Map # A18-0021---000	\$3,425.64
284	Crum, Roy W. & Edith Gail, Jr.	Map # D18-0015C---000	\$1,434.39
285	Justice, Phillip E.	Map # D16-0014A---000	\$4,468.62
290	Lee, Robert C.	Map # AA0-0188---000	\$268.49
291	Miller, Gerald S.	Map # AA0-0124---000	\$290.45
292	Miller, Gerald S.	Map # AB0-0046---000	\$290.45
293	Miller, Gerald S.	Map # AB0-0084---000	\$286.4
294	Miller, Gerald S.	Map # AB0-0085---000	\$292.78
295	Miller, Gerald S. & Ott, Beverly J.	Map # AA0-0025---000	\$151.28
296	Miller, Gerald S. & Ott, Beverly J.	Map # AA0-0187---000	\$165.21
297	Resh, Harold C.	Map # AA0-0117---000	\$525.37
298	Schmuck, Larry A. & Louise E.	Map # AA0-0054---000	\$422.37
310	Zimmerman, Thomas W. & Deborah	Map # AB0-0048---000	\$6,876.56
311	Crum, Roy W. & Edith Gail, Jr.	Map # D17-0026---000	\$1,780.86

**GETTYSBURG INN LIMITED VS. STRABAN TOWNSHIP
BOARD OF ASSESSMENT APPEALS**

Since the law generally is that an appeal from a decision of a Tax Assessment Board must be filed within 30 days after the entry of the Board's order, Petitioner's attempt to circumvent its failure to file a timely appeal by averring that assurances made by a Respondent's representative caused it not to file the appeal need not be considered.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 95-S-621, GETTYSBURG INN LIMITED C/O NUTALL PEARSON, INCORPORATED VS. STRABAN TOWNSHIP, BOARD OF ASSESSMENT APPEALS.

Gregory G. Lotz, Esq., for Petitioner
John R. White, Esq., for Respondent

**MEMORANDUM OPINION ON MOTION TO QUASH
FILED BY ADAMS COUNTY BOARD OF
ASSESSMENT APPEALS**

Kuhn, J., September 20, 1996.

On July 10, 1995, Petitioner, Gettysburg Inn Limited, c/o Nutall Pearson, Inc., filed a Petition For Review of Real Estate Assessments. Therein Petitioner avers that it owns premises in Straban Township identified as Tax Map 38 Parcel G 12-0143-000. Upon being advised in 1994 that the real estate tax assessment for the premises had been set at \$1,806,093 Petitioner filed an appeal with Respondent, Adams County Board of Assessment Appeals. By notice dated November 3, 1994, Petitioner was advised that the real estate assessment had been increased to \$1,948,829 for 1995. The notice also advised Petitioner to appeal Respondent's decision to the Court of Common Pleas within 30 days if it was aggrieved by the decision. Instead, on November 10, 1994, Petitioner wrote to David Barr, 21st Century Appraisal Company of Port Matilda, Pennsylvania, confirming a conversation of November 8, 1994, and asking whether Respondent had intended to increase the assessment. Again, on December 19, 1994, Petitioner wrote to Barr to confirm that Barr indicated in a conversation that the 1995 assessment would be reduced to the 1994 level. Petitioner also requested a notice of the reduced assessment.

Petitioner claims that as a result of the assurances from Mr. Barr it did not file an appeal. Having received no verification of the reduced assessment Petitioner contacted Respondent in writing on April 28, 1995, setting forth some of the history with Mr. Barr and again asked that the assessment be reduced to the 1994 level.

Petitioner's petition for review challenges the propriety of the 1995 assessment.

In response, on September 6, 1995, Respondent filed a Motion to Quash contending that the appeal was not timely filed. Both parties briefed the timeliness of the appeal. Each brief contains unverified allegations of the factual background which must be ignored. On the very limited record before the Court we will grant the motion.

On this subject it has been said that,

The law generally is that an appeal from a decision of a tax assessment board must be filed within thirty days after the entry of the board's order. Section 5571(b) of the Judicial Code, 42 Pa. C.S. §5571(b); Chartiers Valley School District Appeal, 501 Pa. 620, 462 A.2d 673 (1983). If the order is served by mail, the date of mailing is deemed to be the date of entry of the order. Section 5572 of the Judicial Code, 42 Pa. C.S. §5572 . . .

Wilson Townhouses, Sections I & II v. Berks County Board of Assessment Appeals, 112 Pa. Comlth. Ct. 498, 500 535 A.2d 1226, 1227 (1988), Alloc. den. 548 A.2d 259 (1988).

In the instant case, Respondent's decision was mailed on November 3, 1994, however, Petitioner did not file its appeal until July 10, 1995, in excess of eight months later. Petitioner's attempt to circumvent its failure to file a timely appeal by averring that "assurances" made by Respondent's "representative" caused it not to file the appeal need not be considered.

The appeal should have been filed on or before December 3, 1994. It appears that it was not until on or about December 19, 1994, that any alleged "assurances" were made by Mr. Barr. Thus, Petitioner fails to allege that any representations were made until after the appeal period had expired. Without a timely appeal this court lacks jurisdiction to review this matter further. Accordingly, the attached Order is entered.

ORDER OF COURT

AND NOW, this 20th day of September, the Motion To Quash filed by Respondent, Adams County Board of Assessment Appeals, is granted and the Petition For Review filed by Gettysburg Inn Limited c/o Nutall Pearson, Inc. is dismissed.

JOY VS. KINGSDALE VOLUNTEER FIRE COMPANY

1. On a motion for Summary Judgment, if Plaintiff has adduced sufficient evidence on an issue in which he bears the burden of proof so that the jury could return a verdict in his favor, then it is not the Court's role to resolve issues of fact, only to determine if there are issues for a jury to decide.
2. On a motion for Summary Judgment, the Court may not grant judgment on the basis of Defendant's deposition nor those of his witnesses, but must give Plaintiff the

benefit of all well pleaded facts which have been bolstered by affidavit, deposition or otherwise.

In the Court of Common Pleas, Adams County, Pennsylvania, Civil No. 95-S-624, ALAN BRUCE JOY VS. KINGSDALE VOLUNTEER FIRE COMPANY.

William P. Douglas, Esq., for Plaintiff
Kenneth A. Rapp, Esq., for Defendant

OPINION ON MOTION FOR SUMMARY JUDGMENT

Spicer, P.J., October 2, 1996.

Plaintiff filed a complaint on July 11, 1995, alleging that he had been injured when his 1979 Jeep Wrangler skidded on ice and overturned. The accident occurred in Hamilton Township on S.R. 194 in front of defendant's property. Plaintiff alleged in his complaint, testified in a deposition and included in his answers to interrogatories that defendant's agents drained water from a tanker at the firehouse, then drove the truck and continued to discharge water on the road. Plaintiff said that the nature of the spill indicated that water was discharged up a hill on the road and drained down. The water froze, causing the condition which resulted in the accident.

Defendant has presented the deposition testimony of Kenneth Hommerbocker, who said that he drained all the water at the fire station, that none of it went on the road and that the condition was caused by neighbors who have sump pumps which discharge water on route 194. Relying on its status as a local agency and entitlement to governmental immunity, *Guinn v. Alburdis Fire Co.*, 531 Pa. 500, 614 A.2d 218 (1992), defendant has moved for summary judgment.

Rule 1035.2 allows a court to enter summary judgment when a party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense and which would require the case to be submitted to the jury at trial. Supreme Court has ruled that plaintiff must adduce sufficient evidence on an issue on which he bears the burden of proof such that a jury could return a verdict in his favor. *Ertel v. Patriot-News Co.*, ___ Pa. ___, 674 A.2d 1038 (1996).

If such evidence has been produced, it is not the Court's role to resolve issues of fact, only to determine if there are issues for a jury to resolve. *Troy v. Kampgrounds of America, Inc.*, 399 Pa.Super. 41, 581 A.2d 665 (1990). Furthermore, we may not grant judgment on the basis of defendant's deposition nor those of his witnesses. *Garcia v. Savage*, 402 Pa.Super. 324, 586 A.2d 1375 (1991); *RTC v. Urban Redevelopment Authority*, 536 Pa. 219, 638 A.2d 972 (1994). We must give plaintiff the benefit of all well pleaded facts which have been bolstered by affidavit, deposition or otherwise. *Id.*

Plaintiff relies on 42 Pa.C.S.A. §8542(b)(1), which reads:

b) Acts which may impose liability.—

The following acts by a local agency or any of its employees may result in the imposition of liability on a local agency:

(1) Vehicle liability.— The operation of any motor vehicle in the possession or control of the local agency. As used in this paragraph, “motor vehicle” means any vehicle which is self-propelled and any attachment thereto, including vehicles operated by rail, through water or in the air.

Supreme Court has ruled that these provisions may not be interpreted using cases decided under insurance laws. Rather, the term “operation” must be given its ordinary meaning, which is to actually put a vehicle into motion. *Love v. City of Philadelphia*, 518 Pa. 370, 543 A.2d 531 (1988); see also *Speece v. Borough of North Braddock*, 145 Pa. Cmwlth. 568, 604 A.2d 760 (1992). Thus, if all that facts showed was that Mr. Hommerbocker drained the tanker at the station, causing the water to wash over the highway and freeze, defendant would be entitled to judgment.

Plaintiff, however, alleges that Mr. Hommerbocker also drove the tanker and allowed water to spill on the road and freeze. This type of conduct may be subject to the Vehicle Code, 75 Pa.C.S.A. §4903(a), which reads:

(a) General Rule. — No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping.

We have not found any cases on point. Facts present in *People v. Bunton*, 128 Misc. 2d 162, 488 N.Y.S.2d 988 (1985) were somewhat analogous (a slippery mud-like substance dripped from a truck and contributed to an accident involving two vehicles following the truck) but the decision turned on a New York statute which prohibited throwing dangerous objects onto a highway. Nonetheless, we hold that 1) any conflicts in facts must be resolved in favor of plaintiff, at this stage; 2) plaintiff has presented evidence which would entitle him to have the issue resolved by a jury and; 3) it would be premature to dismiss the case at this time.

ORDER

AND NOW, October 2, 1996, the Court denies defendant’s motion for summary judgment.

SALE #	OWNER(S) OR REPUTED OWNER(S)	DESCRIPTION	UPSET PRICE
312	Crum, Roy W. & Edith Gail, Jr.	Map # D17-0026C---	\$490.24
313	Johnson, William B. & Crum, Edith Gail	Map # D17-0026B---000	\$855.90
LITTLESTOWN BOROUGH			
314	Borough of Littlestown	Map # 009-0048---000	\$2,523.48
315	Collins, Anthony G. & Tracy A.	Map # 006-0065---000	\$7,035.55
316	Littlestown Activity Center Foundation	Map # 009-0071---000	\$72,395.19
317	Ogburn, Ronald L. & Barbara J.	Map # 005-0052---000	\$3,215.72
318	Sheets, Martha C., trustee	Map # 008-0196---000	\$14,564.96
319	Trone, Victor A. & Trina Paul V. Van Noord & Daisy R. Van Nord	Map # 007-0121---000	\$5,110.23
320	Wagaman, Eddie R. & Sheri B.	Map # 008-0255---000	\$5,838.05
321	Borough of Littlestown	Map # 007-0001B---000	\$337.83
322	Zebec, Joseph D. & Susan E.	Map # 011-0163---	\$507.05
323	Dennis, Edward F. & June E.	Map # 006-0011---000	\$7,354.90
325	Rote, Edward Ridgely	Map # 008-0282---000	\$3,388.42
326	Spencer, Ronnie R.	Map # 012-0073---000	\$2,059.67
MCSHERRYSTOWN BOROUGH			
330	Ramsey, Philip A.	Map # 004-0008---000	\$3,218.75
MENALLEN TOWNSHIP			
333	Koser, Richard & Diane	Map # B05-0055---000	\$1,112.00
334	Martens, Bette J. a/k/a Bette J. Tanner	Map # E05-0100R---000	\$3,505.94
336	Showers, Jack D.	Map # F05-0019A---000	\$1,712.79
337	Showers, Leon E. & Ruth C.	Map # D05-0032A---000	\$3,773.72
339	Strine, Kenneth L.	Map # F05-0078---001 1977 Liberty MH	\$412.59
340	Altoff, Margaret	Map # D07-0052---000	\$243.19
343B	McCauslin, Tim	Map # D05-0039---001 1971 Derose MH	\$292.09
346	Taylor, Donald J. & Linda Kane	Map # D06-0021E---	\$1,442.42
MT. JOY TOWNSHIP			
347	Delaney, James H., Jr.	Map # 011-0002---000	\$5,774.35
348	Gladfelter, Ronald E. & Shirley	Map # G14-0017D---000	\$2,203.75
350	Higgs, Gilbert & Mary C.	Map # G14-0011---002 1972 Flamingo MH	\$258.94
353	Poole, Barry N. & Kelly A.	Map # H15-0047---000	\$10,060.32
354	Reaver, Thomas H.	Map # H17-0025---000	\$3,561.30
355	Reaver, Thomas H.	Map # H17-0014E---000	\$1,552.89
356	Sexton, David F.	Map # 006-0033---000 H-0241	\$372.84
358	Strausbaugh, William J. & Diane	Map # 009-0071---000 H-0833	\$2,108.00
360	West Edge II, Inc.	Map # H17-0020---000	\$7,875.63
361	Justice, Phillip E.	Map # G14-0047---000	\$1,614.80
362	Scott, Hurman & Beatrice A.	Map # H16-0005A---000	\$4,478.29
364	Reaver, Thomas H.	Map # H17-0024---	\$3,568.72
MT. PLEASANT TOWNSHIP			
366	Barnes, Willie & Jones, Rose Marie	Map # J11-0052---053 1987 Commodore	\$1,079.83
367	Bunty, Helen	Map # J12-0061---140 1980 Liberty	\$468.64
369	Collins, Duane & Sheila	Map # J12-0061---037 1993 Liberty	\$1,925.45
370	Cyryca, Jeffrey & Ania J.	Map # I14-0052---000	\$4,610.28
371	Glatfelter, Jay & Doris	Map # J12-0061---143 1981 Liberty	\$891.64

SALE #	OWNER(S) OR REPUTED OWNER(S)	DESCRIPTION	UPSET PRICE
374	Jacoby, David & Hoover, Janet	Map # I11-0030---002 1989 Brigadier	\$2,116.87
375	Lawrence, William & Pam	Map # J12-0061---013 1990 Fleetwood	\$3,191.68
377	Lupp, John W. L. & Eleanora P.	Map # H13-0029---006 1987 Skyline	\$490.10
378B	Chronister, George & Karen	Map # J11-0052---005	\$1,220.06
379	McKinney, Joseph O. & Kim H.	Map # J12-0061---106 1981 Windsor	\$805.97
380	Russell, Thomas A. III	Map # J12-0061---145 1993 Fleetwood	\$2,812.53
381	Smith, Roger & Jane	Map # J12-0061---060 1985 Liberty	\$825.51
382	Staub, Gary J. & Helen D., Sr.	Map # J12-0061---094 1988 Imperial	\$1,599.52
383	Widdowson, Fred G.	Map # 002-0033---000	\$1,893.78
384	Wilson, Bonnie & Portner, Harry	Map # J12-0061---096 1982 Liberty	\$463.47
388	Basehoar, Charles D. & Robin L.	Map # I13-0013---000	\$704.70
389	Beach, Carl L.	Map # J12-0061---141 1981 Derose	\$792.47
390	Corbin, Kevin L. & Cline, Edith	Map # I12-0022---000	\$1,230.87
391	Grothe, Stephen A.	Map # J12-0061---014 1994 White Rose	\$1,474.26
392	Norman, Luanne	Map # J12-0061---009 1979 Flamingo	\$341.99
393	Shafer, Sandra D.	Map # H14-0032---110 1989 Parkway	\$1,868.79
394	Mills, Dwayne A. & Teresa A.	Map # 002-0063---000	\$5,318.60
396	Lavezza, Douglas N. & Kathy L.	Map # J12-0061---056 1995 Imperial	\$2,275.61
397	Fridinger, Geraldine	Map # J11-0052---094 1970 Hillcrest	\$247.75
OXFORD TOWNSHIP			
400	Baker, Kevin	Map # K11-0105F---010 1970 Rembrandt	\$189.21
401	Galanopoulos, John, & Teddy Petropoulos	Map # K11-0057---000	\$3,492.79
403	Kamot, Sana E.	Map # J11-0131M---000	\$1,152.77
404	Lawrence, Brian J.	Map # J11-0130---000	\$1,391.34
405	Mummert, Sandra A. & William L.	Map # K11-0175---000	\$3,546.53
406	Neiderer, Steven A.	Map # J13-0027---000	\$1,074.58
407	Rodriguez, Irene	Map # K11-0105F---028 1974 Kirkwood	\$264.50
408	Rohrbaugh, Eugene & Garrett, Ruth	Map # K11-0105F--007 1970 Skyline	\$202.68
411	Zoeller, R. Bruce	Map # K11-0057B--000	\$1,114.97
414	Hershey, Charles A.	Map # K11-0103B--000	\$1,353.81
415	Mathews, Harry S. & Jamie L.	Map # 002-0098---000	\$5,170.19
416	Scarff, Dean & Laura	Map # K11-0105F---019 1973 Shultz	\$264.50
417	Poist, Jack	Map # K11-0105F--006 1958 Buddy	\$178.40
418	Garrett, Bonnie	Map # K11-0105F--020 1989 Fleetwood	\$762.40
419	Helmer, Nancy A.	Map # 009-0053---000	\$3,048.32
420	Oxford Estates	Map # J11-0169---000	\$1,472.64
READING TOWNSHIP			
421	Arahovas, Andrea M. Gnall	Map # J07-0059---000	\$8,790.93

SALE #	OWNER(S) OR REPUTED OWNER(S)	DESCRIPTION	UPSET PRICE
422	Ash-Mel, Inc. (Hampton Condo Land)	Map # J08-0120---000	\$14,700.29
423	Ash-Mel, Inc. (14 Hampton Drive)	Map # J08-0120C---000	\$3,235.52
424	Ash-Mel, Inc. (30 Hampton Drive)	Map # J08-0120---001 Condo	\$4,249.56
425	Ash-Mel, Inc. (32 Hampton Drive)	Map # J08-0120---002 Condo	\$4,095.34
426	Ash-Mel, Inc. (34 Hampton Drive)	Map # J08-0120---003 Condo	\$4,249.56
427	Ash-Mel, Inc. (36 Hampton Drive)	Map # J08-0120---004 Condo	\$4,249.56
432	Brashears, Charles	Map # L07-0005---017 1988 Brigadier	\$1,271.10
433	Chesapeake Mobile Home Sales	Map # L07-0005---036 1969 Skyline	\$155.47
434	Copenhaver, Ronald E.	Map # L08-0019---000	\$1,562.04
435	Cousler Jr., James R. & Margaret	Map # L07-0023C---000	\$5,327.80
436	Crone, Denise	Map # J08-0045---135 1979 Hillcrest	\$447.91
437	Slonaker, Robert A. & Stacey N.	Map # 002-0019---000 M-0400	\$2,378.60
439	Eichelberger, David M. & Susan	Map # 010-0100---000 M-0807	\$589.18
441	Groft, Michael & Brown, Hilda	Map # J08-0045---032 1991 Skyline	\$1,475.93
444	Harris, Paul & Priscilla	Map # L07-0005---057 1987 Forest Park	\$1,143.15
445	Hertz, Thomas L. & Mary Lou	Map # J07-0040---000	\$4,481.29
446	Hulse Family Properties, Inc.	Map # J08-0057---000	\$511.96
447	Jarrett, Edward & Diane	Map # J08-0045---117 1976 Metamora	\$307.16
449	Livelsberger, Douglas W. & Betsy	Map # K07-0033A---000	\$5,276.19
450	Myers, Kenneth E.	Map # J08-0045---008 1985 Skyline MH	\$765.47
451	Pennabaker, Gerald A. & Sabina	Map # 014-0047---000 M-0290+	\$4,366.36
456	Gay, Gerald & Robin	Map # L07-0014---000	\$1,537.93
459	Stockham, Charles E. & Arlene D.	Map # J09--0012A---000	\$3,738.03
460	Sullivan, Ronald W.	Map # J09-0070F---000	\$3,089.87
461	Hertz, Crystal D. & Starnner, Cornelius & Pearl	Map # J08-0045---133 1992 Colony	\$803.85
464	Golden, G. Lynn & Sandra	Map # 013-0054---000 M-0784	\$324.95
466	Ingle, William L., Jr.	Map # 001-0039---	\$2,890.95
469	Wildasin, Malinda & Crane, Rockie A.	Map # K07-0006B---	\$3,273.36
470A	Gayman, Douglas & Deborah	Map # 008-0087---000 M-0092	\$601.68
470 B	Miller, Morgan A. & Georgian R.	Map # K07-0006---003 1986 Liberty MH	\$380.35
STRABAN TOWNSHIP			
71	Ashley, Rebecca S. a/k/a Rebecca S. Ashley Shealer	Map # 004-0052---000 H-0271	\$4,335.62
472	Boyers, Howard & Prout, Candy	Map # G12-0124---078 1973 Anthony MH	\$378.12
473	Bratic, Dusan & Kathleen M.	Map # G12-0107---000	\$17,694.27
474	Chapman, Samuel	Map # G12-0124---025 1977 Homette	\$352.98
475	Dubbs, Donald L., Sr.	Map # H12-0095B---000	\$1,643.18
481	Goulet, Jack J. & Andree M.	Map # H10-0105---000	\$6,985.11
482	Eckenrode, Sam & Vicki Slick	Map # G12-0124---095 1974 Schultz MH	\$357.32
483	Grumbine, Paul C. A.	Map # G12-0089---000	\$6,165.50

SALE #	OWNER(S) OR REPUTED OWNER(S)	DESCRIPTION	UPSET PRICE
484	Grumbine, Paul C. A.	Map # G12-0137---000	\$1,253.66
485	Grumbine, Paul C. A.	Map # G12-0140---000	\$2,300.47
487	Keeney, William	Map # H12-0021---003 1970 Burlington MH	\$237.71
489	Lefler, Lisa	Map # G10-0016B---002 1972 Stylecraft MH	\$197.98
491	Mickley, David L.	Map # 032-0022---000	\$3,443.70
492	McKenna, Edward J. & Patricia E.	Map # G10-0013---000	\$23,756.84
493	Plank, Donna J.	Map # H12-0021---004 1974 Redman MH	\$253.69
495	Poist, Karen S.	Map # G12-0124---104 1973 Kirkwood MH 12x56	\$226.26
496	Rutters, Ronald B. & Lorna K.	Map # I09-0032---000	\$3,535.25
498	Shealer, Frederick M.	Map # G12-0010---000	\$4,938.02
500	Shipley, Dorothy	Map # G12-0124---054 1973 Zimmer SN	\$275.59
501	Spangler, Robert C. & Jean M.	Map # G10-0008A---000	\$4,281.37
502	Spangler, Robert C. & Jean M.	Map # G10-0008B---000	\$14,818.35
503	Taughinbaugh, Jere W. & Sue E.	Map # H10-0062---000	\$496.39
504	Vazquez, Liliana	Map # G12-0125---001 1973 Mark IV MH	\$237.71
506	West Edge, Inc.	Map # G12-0049A---000	\$31,261.16
507	West Edge, Inc.	Map # G12-0054---000	\$2,328.95
508	Riddle, Thomas E.	Map # H10-0017---147 1988 Sunliner MH	\$1,093.33
512	Green Tree Financial	Map # G12-0124---088 1981 Oakbrook	\$178.37
513	Toot, Richard G.	Map # H11-0041---001 1969 Homemaker	\$275.59
514	Goulden, Cecil	Map # G12-0125---00A 1965 Marlette	\$215.68
519	Greentree Financial Services	Map # G12-0124---69A	\$774.65
520	Lawver, Tammy	Map # G12-0124---042 1977 Liberty	\$313.51
524	Spangler, Levi J. & Spangler, Robert C. & Jean M.	Map # G10-0008---000	\$5,679.98
525	Zaitman, Gerald J.	Map # H11-0014---001 1975 Newport	\$273.60
525A	Taughinbaugh, Jere	Map # H10-61	\$800.00
TYRONE TOWNSHIP			
526	Lener, William S.	Map # G05-0023D---000	\$1,342.72
530	Sterner, A. Linwood	Map # F03-0011B---000	\$678.60
531	Sterner, A. Linwood & Judith E.	Map # F03-0012---000	\$4,170.02
533	Wyatt, Michael W. & Linda Kay	Map # G06-0007---000	\$402.14
534	Wyatt, Michael Wayne & Linda K.	Map # G06-0008---000	\$1,976.39
535	Wyatt, Michael Wayne & Linda K.	Map # G06-0008A---000	\$1,453.04
536	Trivitt, Mitch	Map # I07-0041---001 1970 Hillcrest	\$282.70
537	Degroft, Donald F.	Map # H05-0015D---	\$1,550.39
UNION TOWNSHIP			
539	Barrick, Marilyn R.	Map # J15-0037---000	\$3,248.9
540	Kelley, Donald W. & Annette L.	Map # K17-0037B---000	\$1,330.16
541	Wright, William Dean, Jr.	Map # K18-0033---000	\$2,680.47
543	Dahlen, Douglas R. & Linda L.	Map # K17-0172---000	\$206.06
545	Hayes, Robert M. & Connie M.	Map # K17-0036---	\$4,402.08
YORK SPRINGS BOROUGH			
550	Harter, Forrest J.	Map # 005-0040---000	\$1,237.97
551	Kelley, Tammy J.	Map # 005-0026---000	\$691.71

SALE #	OWNER(S) OR REPUTED OWNER(S)	DESCRIPTION	UPSET PRICE
CARROLL VALLEY BOROUGH			
552	Golden, Gerald & Mary G.	Map # 047-0112---000 R-0029	\$573.42
553	Boothe, Louise M. c/o Nancy K. Beavers	Map # 022-0119---000	\$593.85
555	Cahn, Frank B. & Shirley E., II	Map # 035-0080---000	\$347.82
557	Edmonds, John R.	Map # 044-0060---000	\$635.09
558	Givings, Dorothy F.	Map # 041-0087---000	\$438.29
559	Hefner, Alan Andrew & Lori Scott	Map # 004-0022---000	\$694.74
560	Lawder, V. Arthur & Irene A.	Map # 004-0029---000	\$590.19
562	Miller, Ricky L. & Patricia A.	Map # 008-0009---000 H-0038	\$4,338.75
563	Moore, Kendall E.	Map # 025-0076---000	\$296.21
564	Moore, Kendall E. & Janet L.	Map # 024-0021---000	\$528.08
565	Moore, Kendall E. & Janet L.	Map # 025-0111---000	\$236.83
566	Moore, Kendall E. & Janet L.	Map # 045-0094---000	\$983.31
570	McClellan, John B.	Map # 019-0063---000 D-0032	\$290.34
571	McKean, William L. & Cynthia L.	Map # 025-0110---000	\$274.08
572	McKean, William L. & Cynthia L.	Map # 025-0109---000	\$274.08
573	JMPL Investments & Pheil, L. V. & Musselman, John E.	Map # 007-0019---000	\$679.62
574	Prichard, Todd D.	Map # 011-0007-000	\$285.07
576	Reecher, Barry W. & Peggy M.	Map # 024-0055---000	\$3,244.71
578	Reecher, Barry W. & Peggy M.	Map # 007-0031---000	\$1,720.05
579	Reecher, Barry W. & Peggy M.	Map # 007-0030---000	\$1,684.94
580	Reida, John R. & Helen E.	Map # 043-0005---000	\$7,745.08
581	Rinehart, Michael J. & Michele	Map # 043-0074---000 RD-0056	\$329.52
582	Schaffner, John C. & Lorena A.	Map # 034-0052---000 E-0019	\$200.56
583	Sedr, William W. & Dolores C.	Map # 018-0049---000	\$255.93
589	Unger, Michel J. & Carole A.	Map # 043-0004---000	\$6,829.49
590	Virostek, Geraldine	Map # 018-0017---000	\$648.76
591	Wachter, Edward Ray	Map # 035-0090---000	\$860.30
592	Wallen, Philip M.	Map # 038-0029---000 P-0061	\$1,580.90
593	Widdowson, Fred G.	Map # 022-0214---000	\$1,434.92
595	Barrett, John W. & Marilyn L.	Map # 034-0071---000 B-0322	\$527.27
596	Boschulte, Joseph W.	Map # 035-0085---000 B-0061CR	\$421.76
597	Brownworth, Steven H. & Shirley	Map # 016-0110---000 WA-0114	\$1,097.45
598	Burke, William P. & Constance	Map # 030-0085---000 B-0220	\$382.94
599	Cottrell, Joseph & Philomena	Map # 027-0139---000 I-0077	\$682.49
600	Dunn, Peter M.	Map # 032-0046---000 I-0004	\$580.42
601	Fry, Patricia C. a/k/a Patricia Meyers	Map # 025-0032---000 D-0160	\$255.14
602	Galloway, Joseph H. & Mildred O.	Map # 043-0104---000 RD-0086	\$406.64
603	Guisse, Randy	Map # 043-0008---000 RD-0121	\$595.80
607	Reed, William K. & Valerie L.	Map # 024-0046---000 A-0001CR	\$590.96
609	Beale, William G.	Map # 040-0077---000	\$524.84
610	Bogan, H. S., Jr.	Map # 029-0001---000	\$524.84

SALE #	OWNER(S) OR REPUTED OWNER(S)	DESCRIPTION	UPSET PRICE
611	Boone, Sheldon G. & Margaret D.	Map # 002-0124---000 J-0038	\$490.77
612	Delaney, Charles G. & Mildred M.	Map # 022-0076---000 WA-0201	\$336.52
613	Hawkins, William H. & A. Patricia	Map # 046-0015---000	\$524.84
614	Kaplan, Phillip, Et Al.	Map # 003-0058---000	\$471.1
615	Kaplan, Phillip, Et Al.	Map # 038-0003---000 P-0067	\$549.50
617	Musselman, John E. & Betty E.	Map # 003-0045---000 K-0057	\$5,243.20
620	Walley, Ralph B. & Herretta V.	Map # 045-0064---000 RA-0021	\$714.09
621	Whitmore, Wallace E., trustee	Map # 035-0082---000 B-0058CR	\$167.27
622	Hewitt, Dennis F. & Marcia E.	Map # 027-0137---000 I-0079	\$5,265.36

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 AGNES CATHERINE BARNES, DEC'D

Late of Germany Township, Adams County, Pennsylvania
Co-executors: Paul Robert Barnes, 4600 Muncaster Mill Road, Rockville, MD 20853; Lester Lee Barnes, 701 Littlestown Road, Littlestown, PA 17340; James Franklin Barnes, 12814 Sagamore Forest Drive, Reisterstown, MD 21136; Arthur Lou Barnes, 605 Prince Street, Littlestown, PA 17340; Darlene Agnes Guise, 675 Littlestown Road, Littlestown, PA 17340

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

STATE OF GRACE E. MYERS, JEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
Administratrix c.t.a.: Mary Clare Russomanno, 517 Nye Avenue, Irvington, NJ 07111-3510
Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GENEVA MAE ROTH, DEC'D

Late of Biglerville, Adams County, Pennsylvania
Executor: James William Riley, 2921 Telican Avenue, Anchorage, Alaska 99515

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

ESTATE OF CLAIR E. SHERMEYER, a/k/a CLAIR EUGENE SHERMEYER, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania
Executors: Richard E. Shermeyer, 20 Cherry Lane, Abbottstown, PA 17301; Norma J. Woerner, 1380 Black Horse Tavern Road, Gettysburg, PA 17325

Attorney: James T. Yingst, Esquire, Rudisill, Guthrie, Nonemaker, Guthrie & Yingst, 40 York Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF DOROTHY R. MADDOX, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania
Co-Executors: Joseph H. Maddox, 99 Park Heights, Hanover, PA 17331; Judith Ann Saylor, 1426 Shore Road, Linwood, NJ 08221

THIRD PUBLICATION

ESTATE OF REBA R. DARR, DEC'D
Late of Huntington Township, Adams County, Pennsylvania

Executrix: Darlene I. Heebner, 98 Quaker Church Road, York Springs, PA 17372
Attorney: Swope, Heiser & McQuaide, 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF IVA R. PETRY, DEC'D
Late of Oxford Township, Adams County, Pennsylvania

Executrix: Jeanne M. Lookingbill, 127 Littleton Drive, Hanover, PA 17331
Attorney: Stonesifer & Kelley, 209 Broadway, Hanover, PA 17331

ESTATE OF ALMA C. SMITH, DEC'D
Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: Pauline Brunner, 425 Main St., McSherrystown, PA 17344; Ronald Smith, 622 Blettner Ave., Hanover, PA 17331

Attorney: Bigham & Puhl, Attorneys at Law, 16 Lincoln Square, Gettysburg, PA 17325

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Fictitious Name Act, 54 Pa. C.S.A. §§301, et seq., that an Application to conduct business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of THE OLDE HARDING HOUSE INN was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, in Harrisburg, Pennsylvania, on June 25, 1997. The business is located at 2133 Hilltown Road, Biglerville, Pennsylvania. The name and address of the person who is party to the registration is Brian T. Kopac, 56 Buttonwood Place, Blauvelt, New York.

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

7/25

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

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

John W. Bennett and Shirley J. Bennett,
husband and wife, Plaintiffs

vs.

Sharon Rosenberg, Defendant
NOTICE

TO: Sharon Rosenberg:

By Order of Court, dated June 19, 1997, you shall be barred from asserting any right, lien, title or interest in lot 108RD of the Charnita Subdivision (Carroll Valley Borough, Adams County, Pennsylvania) unless you enter an appearance and file an Answer to this law suit within thirty (30) days of this notice.

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

COUNTY REFERRAL OFFICE
Adams County Courthouse
111 Baltimore Street
Gettysburg, PA 17325
(717) 334-6781

Walton V. Davis
Attorney for Plaintiffs
116 Baltimore St.
Gettysburg, PA 17325
(717) 337-1600

7/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-326 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land situated, lying and being in the Borough of Littlestown, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING for a point on the 60 foot right-of-way line of West Myrtle Street at Lot No. 7, as shown on the hereinafter described subdivision plan; thence along said Lot No. 7, North 64 degrees 49 minutes 18 seconds West, 148.07 feet to a point at land now or formerly of Nancy A. Beimler and Richard Ronner; thence along said lands now or formerly of Nancy A. Beimler and Richard Ronner North 33 degrees 25 minutes 15 seconds East, 96.63 feet (erroneously stated as 482.36 feet in prior deeds) to a point at Lot No. 9 as shown on the hereinafter described subdivision plan; thence along said Lot No. 9, South 47 degrees 53 minutes 36 seconds East, 148.44 feet to a point on the 60 foot right-of-way line of West Myrtle Street; thence by a curve to the left, the radius of which is 180 feet, with an arc distance of 53.18 feet and a long chord bearing and distance of South 33 degrees 38 minutes 33 seconds West, 52.99 feet to a point at Lot No. 7 aforesaid, the point and place of BEGINNING. CONTAINING 10,901 square feet.

BEING Lot #8 on the Final Plan of West Side Terrace, dated June 14, 1991 and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Plan Book 59 at Page 19.

SUBJECT to the "West Side" Subdivision Approval Agreement dated June 25, 1991 and recorded in the Adams County Recorder of Deeds Office in Record Book 600 at Page 367.

SUBJECT to Declaration of Protective Covenants and Restrictions as recorded in the Adams County Recorder of Deeds Office in Record Book 600 at page 375.

TAX PARCEL #7-124.

TITLE TO SAID PREMISES IS VESTED IN Larry L. Herren, a single man by Deed from Slade S. McCalip and Pamela J. McCalip, husband and wife dated 6/30/94, recorded 7/5/94, in Record Book 907 page 307.

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

Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
June 27, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 15, 1997, and distribution will be made in accordance with said schedule, unless ex-

ceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 97-S-473 issuing out of the Court of Common Pleas of Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of August, 1997, at 10:00 o'clock in the forenoon at the Courthouse in the Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL that certain lot of ground with the improvements thereon erected, situate in Menallen Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at an existing iron pipe at stones at corner of land of The Peters Orchard Company, which iron pipe is located along land of Carl E. Hess and wife, designated as Lot No. 9 on a plan of lots recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, in Plat Book 39 at page 8; thence by said land of Carl E. Hess and wife, South thirty-six (36) degrees twenty-eight (28) minutes twenty (20) seconds West, fifty-five (55) feet to an iron pipe; thence by land of Carl E. Hess and land of Francis T. Carberry and by land of William Eugene Rudisill and wife and running through an iron pipe located twenty-five (25) feet from the end of this line, South fifty-six (56) degrees forty-three (43) minutes fifty (50) seconds West, four hundred thirty-two and thirty-nine hundredths (432.39) feet to a point in the center of a fifty (50) foot private drive; thence in the center of said fifty (50) foot private drive and by other land of Dale J. Showers and wife, designated as Lot No. 10 on the plan of lots referred to below, North twenty-nine (29) degrees thirty-seven (37) minutes twelve (12) seconds West, one hundred (100) feet to a steel pin; thence continuing in the center of said fifty (50) foot private drive and by said Lot No. 10, North thirty-seven (37) degrees twenty-one (21) minutes thirty-three (33) seconds East, one hundred sixty-nine and thirty-two hundredths (169.32) feet to a steel pin; thence continuing by said Lot No. 10 and running through a steel pin located twenty-five (25) feet from the beginning of this line, North forty-six (46) degrees thirty-nine (39) minutes twenty (20) seconds West, one hundred fifty-seven and seventy-seven hundredths (157.77) feet to a steel pin along land of The Peters Orchard Company; thence by land of The Peters Orchard Company, North fifty (50) degrees forty-nine (49) minutes thirty-nine

(39) seconds East, two hundred sixteen and forty-seven hundredths (216.47) feet to an existing iron pipe at stones; thence by the same, South fifty-seven (57) degrees fifteen (15) minutes eight (08) seconds East, three hundred forty-two and twenty-one hundredths (342.21) feet to an existing iron pipe at stones, the place of BEGINNING. Containing 2.415 acres, more or less.

IT BEING the same premises with Alice C. LaTray, widow, by her Deed dated January 29, 1985, and which said Deed is recorded in the Office of the Recorder of Deeds, in and for Adams County, Pennsylvania, in Deed Book 394, Page 336, granted and conveyed unto Ricky A. Hansford and Kelly L. Hansford, his wife.

SEIZED and taken into execution as the property of **Ricky A. Hansford and Kelly L. Hansford** and to be sold by me
Bernard V. Miller
Sheriff

Sheriff's Office, Gettysburg, PA
June 27, 1997.

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on September 15, 1997, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 10 days after the filing thereof. Purchaser must settle for property on or before filing date.

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

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

7/11, 18 & 25